



AGENDA
MARCH 5, 2024
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING
6:30 PM

- 1. PRESIDING OFFICER TO CALL THE MEETING TO ORDER AND ANNOUNCE THAT A QUORUM IS PRESENT**
- 2. PLEDGE OF ALLEGIANCE AND INVOCATION**
- 3. ITEMS OF INTEREST/COMMUNICATIONS**
Members may identify community events, functions, and other activities.
- 4. CITIZENS COMMENTS**
Citizens may provide comments (3-minute time limit/person). The response regarding items that are not on the agenda may be to request items be placed on a future agenda or referred to city staff.
- 5. CONSENT AGENDA**
Consent items are considered routine or non-controversial and will be voted on in one motion unless a separate discussion is requested by a member.
 - A.** Approve the minutes of the February 20, 2024 meeting.
 - B.** Approve Resolution No. **2024-03-01** approving and authorizing the execution of an Economic Development Incentive Agreement with the Lavon Economic Development Corporation (LEDC) relating to the Fitness Court ® as part of the 2023 National Fitness Campaign.
 - C.** Approve the final plat of the Collier Addition consisting of two residential lots on approximately 3.167 acres of land out of the Drury Anglin Survey, Abstract No. 2, Sheet 3, Tract 121 situated southwest of the intersection of CR 483 and FM 2755/McClendon Rd., Lavon, Collin County, Texas, (CCAD Property ID 2653997).
 - D.** Approve the final plat of the Elevon West Commercial, Phase 2 Addition consisting of two lots on 29.863 acres of land out of the S. M. Rainer Survey, Abstract No. 740, including the Cottages at Elevon, situated west of Elevon Parkway and north and west of Villas Drive, Lavon, Collin County, Texas, (CCAD Property ID's 2900971 and 2868715).
 - E.** Approve the final plat of the Elevon Multifamily, Block A, Lot 1 Addition consisting of one multifamily casitas lot on 13.194 acres of land out of the S. M. Rainer Survey, Abstract No. 740, situated on the north side of Elevon Parkway east of the intersection of Elevon Parkway and Bois D' Arc, Lavon, Collin County, Texas, (CCAD Property ID 2882922).
 - F.** Approve the final plat of the Elevon Multifamily, Block A, Lot 2 Addition consisting of one multifamily apartment lot on 13.679 acres of land out of the S. M. Rainer Survey, Abstract No. 740, situated on the north side of Elevon Parkway east of the intersection of Elevon Parkway and Bois D' Arc, Lavon, Collin County, Texas, (CCAD Property ID 2882922).
 - G.** Approve the preliminary plat of the Elevon Parkway West Open Spaces Addition consisting of two lots on 11.679 acres out of the S. M. Rainer Survey, Abstract No. 740, situated adjacent to Elevon Parkway and north of Lavon Ranchettes, Lavon, Collin County, Texas, (CCAD Property ID's 2882926 and 2882923).
 - H.** Approve the final plat of the Elevon Parkway West Open Spaces Addition consisting of two lots on 11.679 acres out of the S. M. Rainer Survey, Abstract No. 740, situated in the adjacent to Elevon Parkway and north of Lavon Ranchettes, Lavon, Collin County, Texas, (CCAD Property ID's 2882926 and 2882923).

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- I. Approve the preliminary plat of the Elevon East Commercial Addition, previously referenced as Elevon Parkway West Entry Addition, consisting of four lots on 31.253 acres being two tracts out of the S. M. Rainer Survey, Abstract No. 740, situated adjacent to and east of the intersection of S. H. 78 and Elevon Parkway, Lavon, Collin County, Texas, (CCAD Property ID's 2868716 and 2542829).
- J. Approve the final plat of the Elevon East Commercial Phase 1, Addition, previously referenced as Elevon Parkway West Entry Phase 1 Addition, consisting of two lots on 1.517 acres of land being two tracts out of the S. M. Rainer Survey, Abstract No. 740, situated adjacent to and east of the intersection of S. H. 78 and Elevon Parkway, Lavon, Collin County, Texas, (CCAD Property ID's 2868716 and 2542829).
- K. Receive the City of Lavon Police Department 2023 Racial Profiling Report.

6. ITEMS FOR CONSIDERATION

- A. Public hearing, discussion, and action regarding the application of GRACO Real Estate Development for variances to Article 4.05 SIGNS of the Code of Ordinances to Section 4.05.008 Approved Signs and Standards (b)(3) Wall Signs to 1) permit four wall signs which is three signs more than permitted and 2) allow approximately 96.75 square feet in total wall sign area that is 60.75 square feet greater than permitted for Starbucks on Lot 2, Block A of the SMI Addition, Phase 2 at 875 S. SH 78, northeast of the intersection of SH 78 and Burleson Dr., Lavon, Collin County, Texas (CCAD Property ID 2898025).
 - 1) Presentation of application.
 - 2) **PUBLIC HEARING** to receive comments regarding the application.
 - 3) Discussion and action regarding the application.
- B. Public Hearing, discussion, and action regarding an application for a conditional use permit to construct an on-site temporary concrete batch plant in the Trails of Lavon, Phase 2B Addition on approximately 1 acre out of the S.A. Roberts Survey, A-773, Tract 3, southwest of the intersection of CR 485 and CR 484, Lavon, Collin County, Texas (CCAD Property ID 1291872).
 - 1) Presentation of proposed application.
 - 2) **PUBLIC HEARING** to receive comments regarding the proposed application.
 - 3) Discussion and action regarding the proposed application and Ordinance No. **2024-03-01**.
- C. Public Hearing, discussion, and action regarding an amendment to the City's Code of Ordinances Chapter 9 "Planning and Development Regulations," Article 9.03 "Zoning Ordinance", Division 2 "Districts and Zoning District Map," Section 9.03.032 "Permitted Use Table" generally to add a mobile food unit use to the permitted use table, Division 4 "Regulations Applicable to All Districts" generally to establish parkland dedication and development requirements, Division 6 "Regulations Applicable to Mixed Use and Nonresidential Districts" generally to establish design standards for dumpsters and regulations for mobile food units, Division 7 "Site Plan Requirements," Section 9.03.153 "Site Plan Requirements" generally to modify site plan drawing requirements, Division 8 "Off-Street Parking and Loading Regulations," Section 9.03.173 "Off-Street Parking Requirements" generally to establish multi-family parking and Section 9.03.174 "Off-Street Loading Site Design Requirements" generally to establish commercial loading dock requirements, and Division 9 "Landscaping Requirements," Section 9.03.191 "Purpose" generally to add parking lot landscaping requirements and modify landscape plan drawing requirements.
 - 1) Presentation of proposed amendment.
 - 2) **PUBLIC HEARING** to receive comments regarding the proposed amendment.
 - 3) Discussion and action regarding the proposed amendment and Ordinance No. **2024-03-02**.
- D. Public Hearing, discussion, and action regarding an amendment to the City's Code of Ordinances Chapter 9 "Planning and Development Regulations," Article 9.02 "Subdivision Ordinance," Division 1 "Generally," Section 9.02.005 "General Plat Requirements" to add Subsection (6) "Parkland Dedication and Development Requirements" to provide open space and recreational areas in the form of parks as a function of subdivision and site development.
 - 1) Presentation of proposed amendment.
 - 2) **PUBLIC HEARING** to receive comments regarding the proposed amendment.

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3) Discussion and action regarding the proposed amendment and Ordinance No. **2024-03-03**.

- E. Discussion and action regarding Resolution No. **2024-03-02** approving and authorizing the execution of Task Order No. 14 with Freeman-Millican, Inc. for professional engineering services associated with the Texas Pollutant Discharge Elimination System (TPDES) Permit Application to the Texas Commission on Environmental Quality (TCEQ) for the Lavon Wastewater Treatment Plant No. 3 project in an amount not to exceed \$27,790.00.

7. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may recess into Executive Session (closed meeting) pursuant to Section 551.071 (2) consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter and pursuant to Section 551.072 to deliberate the purchase, exchange, lease, or value of real property.

8. RECONVENE FROM EXECUTIVE SESSION

Consider and take any action necessary as a result of each item listed in executive session, including but not limited to the following:

9. SET FUTURE MEETINGS AND AGENDA

Requests may be made for items to be placed on a future agenda or for a special meeting.

March 19, 2024 – Regular Meeting

10. PRESIDING OFFICER TO ADJOURN THE MEETING

This is to certify that this Agenda was duly posted on the City’s website at www.cityoflavon.com and at City Hall and on or before 6:00 PM on March 1, 2024.

/ Rae Norton/

Rae Norton, City Secretary

1. Notice is hereby given that members of the City Council, Economic Development Corporation Board, Planning and Zoning Commission, and Parks and Recreation Board may attend the meeting.
2. The body reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

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**MINUTES
FEBRUARY 20, 2024
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING**

ATTENDING: VICKI SANSON, MAYOR
MIKE SHEPARD, PLACE 1
MIKE COOK, PLACE 2, MAYOR PRO TEM
KAY WRIGHT, PLACE 3
TED DILL, PLACE 4
LINDSEY HEDGE, PLACE 5

1. MAYOR SANSON CALLED THE MEETING TO ORDER AT 6:30 P.M. AND ANNOUNCED A QUORUM PRESENT.

2. MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND KAY WRIGHT DELIVERED THE INVOCATION.

3. ITEMS OF INTEREST/COMMUNICATIONS

- Education Foundation Bags for the Braves on March 21, 2024
- Breakfast with the Bunny on March 23, 2024

4. CITIZENS COMMENTS

There were no citizen comments.

5. RECOGNITION, AWARDS, AND INTRODUCTION OF EMPLOYEES-POLICE DEPARTMENT

Police Chief Mike Jones presented awards and introduced new and promoted Police Department employees.

6. RECOGNITION AND INTRODUCTION OF EMPLOYEES-FIRE DEPARTMENT

Fire Chief Danny Anthony introduced new and promoted Fire Department employees and recognized with appreciation the service and contributions of former LVFD Assistant Chief Scott Beaudette.

7. CONSENT AGENDA

- A. Approve the minutes of the February 6, 2024, meeting.**
- B. Approve Resolution No. 2024-02-06 authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.**
- C. Approve Resolution No. 2024-02-07 approving and authorizing the execution of an interlocal cooperation contract with the Department of Public Safety of the State of Texas for participation in the Failure to Appear (FTA) Program; and providing an effective date.**

MOTION: APPROVE CONSENT AGENDA.

MOTION MADE: COOK

SECONDED: WRIGHT

APPROVED: UNANIMOUS

8. ITEMS FOR CONSIDERATION

- A. Discussion, and action regarding Resolution No. 2024-02-08 approving and authorizing execution of a Right of Way Encroachment Agreement with the Elevon Homeowner's Association, Inc. for placement and maintenance of a subdivision monument sign,**

landscaping, and related improvements in the median on Elevon Parkway located in the Elevon West Commercial Phase 1 Addition.

City Manager Kim Dobbs provided information regarding the proposed agreement and location exhibits.

MOTION: APPROVE RESOLUTION NO. 2024-02-08 APPROVING AND AUTHORIZING EXECUTION OF A RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE ELEVON HOMEOWNER'S ASSOCIATION, INC. FOR PLACEMENT AND MAINTENANCE OF A SUBDIVISION MONUMENT SIGN, LANDSCAPING, AND RELATED IMPROVEMENTS IN THE MEDIAN ON ELEVON PARKWAY LOCATED IN THE ELEVON WEST COMMERCIAL PHASE 1 ADDITION.

MOTION MADE: SHEPARD

SECONDED: HEDGE

APPROVED: UNANIMOUS

- B. Discussion, and action regarding Ordinance No. 2024-02-04 amending the Capital Improvements Plan (CIP) approved and adopted by Ordinance No. 2023-08-11 for the City for the fiscal year October 1, 2023 through September 30, 2024 to amend project budgets and timelines.**

Ms. Dobbs provided information regarding the projected Capital Improvements Plan, proposed changes, and timeline of projects.

MOTION: APPROVE ORDINANCE NO. 2024-02-04 AMENDING THE CAPITAL IMPROVEMENTS PLAN (CIP) APPROVED AND ADOPTED BY ORDINANCE NO. 2023-08-11 FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2024 TO AMEND PROJECT BUDGETS AND TIMELINES.

MOTION MADE: DILL

SECONDED: COOK

APPROVED: UNANIMOUS

- C. Discussion and action regarding Resolution No. 2024-02-09 approving and authorizing the execution of Change Order No. 3 to the construction contract with Rebcon, L.L.C. for the City of Lavon Lake Road Phase 1 Paving (CIP-16) Construction Project to close out and make the final cost adjustment for actual quantities installed in an amount not to exceed \$10,239.25; and providing an effective date.**

Ms. Dobbs provided information regarding the contract and change orders with Rebcon, LLC., relating to the Lake Road Phase 1 Paving (CIP-16).

MOTION: APPROVE RESOLUTION NO 2024-02-09 APPROVING AND AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3 TO THE CONSTRUCTION CONTRACT WITH REBCON, L.L.C. FOR THE CITY OF LAVON LAKE ROAD PHASE 1 PAVING (CIP-16) CONSTRUCTION PROJECT TO CLOSE OUT AND MAKE THE FINAL COST ADJUSTMENT FOR ACTUAL QUANTITIES INSTALLED IN AN AMOUNT NOT TO EXCEED \$10,239.25; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT

SECONDED: DILL

APPROVED: UNANIMOUS

- D. Discussion and action acceptance of the Lake Road, Phase 1 Paving (CIP-16) Construction Project improvements.**

Ms. Dobbs provided information regarding the completion of the Lake Road, Phase 1 Paving (CIP-16) Construction Project. City Engineer Mark Hill, Freeman Millican, Inc. detailed the process for inspecting and maintaining the project.

MOTION: ACCEPT THE LAKE ROAD, PHASE 1 PAVING (CIP-16) CONSTRUCTION PROJECT IMPROVEMENTS.

MOTION MADE: DILL
SECONDED: COOK
APPROVED: UNANIMOUS

E. Discussion and action regarding acceptance of the Grand Heritage 78 Commercial East and West Sanitary Sewer Lines Construction Project.

Ms. Dobbs provided information regarding the completion of the Grand Heritage 78 Commercial East and West Sanitary Sewer Lines Construction Project.

MOTION: ACCEPT THE GRAND HERITAGE 78 COMMERCIAL EAST AND WEST SANITARY SEWER LINES CONSTRUCTION PROJECT.

MOTION MADE: WRIGHT
SECONDED: SHEPARD
APPROVED: UNANIMOUS

9. DEPARTMENT REPORTS

- A. Police Services** – Police Chief Mike Jones provided information regarding reports, detailed upcoming programs, and referenced information provided in the meeting packet.
- B. Fire Services** – Fire Chief Danny Anthony referenced the reports in the meeting packet and answered questions.
- C. Public Works** – Director of Public Works David Carter provided general information regarding the CIP and public works operations.
- D. Administration** – Ms. Dobbs referenced reports in the meeting packet, distributed information relating to the CWD proposed contract renewal, and provided additional information.

10. EXECUTIVE SESSION

At 7:24 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may recess into Executive Session (closed meeting) pursuant to Section 551.071 (2) consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter for the provision of municipal services in an unincorporated area and pursuant to Section 551.072 to deliberate the purchase, exchange, lease, or value of real property.

11. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551.001, et seq., Mayor Sanson reconvened the meeting at 7:43 p.m. and stated no action was taken in executive session.

12. SET FUTURE MEETINGS AND AGENDA

March 5, 2024 – Regular Meeting

12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 7:44 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 5th day of March 2024.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary



CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 5 - B

Item:

CONSENT AGENDA

Approve Resolution No. **2024-03-01** approving and authorizing the execution of an Economic Development Incentive Agreement with the Lavon Economic Development Corporation (LEDC) relating to the Fitness Court ® as part of the 2023 National Fitness Campaign.

Background:

In April 2023, National Fitness Campaign (NFC), a for-profit organization, contacted the City regarding a grant program partnering with Blue Cross Blue Shield of Texas to install outdoor fitness courts in the city parks. During budget work sessions in July and August, the city staff presented to the City Council and the Lavon Economic Development Corporation (LEDC) Board general information regarding the program and grant.

On November 21, 2023, the City Council allocated funding, in partnership with the Lavon Economic Development Corporation, for a Fitness Court. For a Fitness Court (FC) approximate costs include:

\$155,000	FC Configuration
-\$50,000	Grant for FC Configuration
\$25,000	Concrete Slab
<u>\$25,000</u>	<u>Court Installation</u>
\$155,000	TOTAL for FC only

On January 8, 2024, the LEDC Board considered and approved an Economic Development Incentive Agreement relating to their 50% participation in the project up to \$100,000.

Staff Notes:

Approval is recommended.

Attachments: Proposed Resolution and Agreement

CITY OF LAVON, TEXAS
RESOLUTION NO. 2024-03-01

LEDC Economic Development Incentive Agreement

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON,
TEXAS APPROVING AND AUTHORIZING THE EXECUTION OF
AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City owns certain real property described in Exhibit “A”, which consists of an approximately 2.3824-acre tract of land in Lavon, Collin County, Texas, generally located at 120 School Road, Lavon, Texas (the “Property”); and

WHEREAS, the City desires to develop an outdoor fitness court described in the submittals filed with the Lavon Economic Development Corporation (the “LEDC”), (hereinafter defined as the “Facility”); and

WHEREAS, LEDC has agreed to contribute to the costs of the Facility on the Property through an economic development grant and incentives as set forth herein; and

WHEREAS, the City Council has considered and determined that approving the agreement serves and is in the best interest of the general health, welfare, and safety of the citizens of Lavon.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:

SECTION 1. The City Council does hereby approve and authorize the execution of an Economic Development Incentive Agreement, attached hereto, and incorporated herein as Exhibit “A”.

SECTION 2. That this resolution shall take effect from and after the date of its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 5th day of March 2024.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2024-03-01

EXHIBIT A
AGREEMENT

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

This Economic Development Incentive Agreement (“Agreement”) is made by and among the Lavon Economic Development Corporation (the “LEDC”), and the City of Lavon, Texas (the “City”)(each a “Party” and collectively the “Parties”), acting by and through their respective authorized representatives.

W I T N E S S E T H:

WHEREAS, the City owns certain real property described in **Exhibit “A”**, which consists of an approximately 2.3824-acre tract of land in Lavon, Collin County, Texas, generally located at 120 School Road, Lavon, Texas (the “Property”); and

WHEREAS, the City desires to develop an outdoor fitness court described in the submittals filed with the LEDC and in the site plan attached as **Exhibit “B”** (hereinafter defined as the “Facility”); and

WHEREAS, LEDC has agreed to contribute to the costs of the Facility on the Property through an economic development grant and incentives as set forth herein; and

WHEREAS, on September 25, 2023, the LEDC held a public hearing to hear public comments regarding the Facility project; and

WHEREAS, LEDC intends to contribute up to One Hundred Thousand and no/100 Dollars (\$100,000.00) toward the cost of the Facility; and

WHEREAS, the promotion of new community development initiatives within the City will promote economic development, stimulate commercial activity, generate additional sales tax and will enhance the property tax base and economic vitality of the City; and

WHEREAS, the LEDC has adopted programs for promoting economic development; and

WHEREAS, the Development Corporation Act, Title 12, Subtitle C1, Chapter 501-505 of the Texas Local Government Code (the “Act” or “Development Corporation Act”), including Section 505.152, authorizes the LEDC to fund expenditures for equipment, facilities, and improvements found by the board of directors to be required or suitable for use for amateur sports, including children’s sports, athletic, and public park purposes and events, including parks and park facilities; and

WHEREAS, the LEDC has determined that the LEDC Grant (hereinafter defined) for the Facility is required or suitable to promote or develop new or expanded community development initiatives and constitutes a “project,” as that term is defined in the Act, and has complied with the notice requirements of the Act; and

WHEREAS, the LEDC has determined that making the LEDC Grant for the Facility in accordance with this Agreement will further the objectives of the LEDC, will benefit the City and the City’s inhabitants, and will promote or develop new or expanded business enterprises and stimulate business and commercial activity in the City; and

NOW THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, and other valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Article I Definitions

For purposes of this Agreement, each of the following words and phrases shall have the meaning set forth herein unless the context clearly indicates otherwise:

“Act” or “Development Corporation Act” shall have the meaning ascribed in the Recitals above.

“Agreement” shall have the meaning ascribed in the introductory paragraph above.

“City” shall have the meaning ascribed in the Recitals above.

“Effective Date” shall have the meaning in Article II below.

“Expenditure Information” shall have the meaning ascribed in Sec. 3.2(b).

“Expiration Date” shall mean the date that all Parties have fully satisfied their respective obligations herein.

“Facility” shall have the meaning ascribed in the Recitals above and is generally depicted in the Site Plan attached as **Exhibit “B”**.

“LEDC” shall have the meaning ascribed in the introductory paragraph above.

“LEDC Grant” shall mean an economic development grant of up to One Hundred Thousand and no/100 Dollars (\$100,000.00) to defray a portion of the final verified costs to conduct the construction of the Facility, to be paid as set forth herein.

“Force Majeure” shall mean any contingency or cause beyond the reasonable control of a Party including, without limitation, acts of God or the public enemy, war, terrorist act, or threat thereof, riot, civil commotion, insurrection, government action or inaction (unless caused by the intentionally wrongful acts or omissions of the Party), fires, earthquake, tornado, hurricane, explosions, floods, strikes, slowdowns, or work stoppages.

“Party” and “Parties” shall have the meaning ascribed in the introductory paragraph above.

“Property” shall have the meaning ascribed in the Recitals above.

“Site Plan” shall mean the architectural renderings and design plan attached hereto as **Exhibit “B”**.

“Term” shall have the meaning ascribed in Article II below.

Article II Term

The term of this Agreement shall begin on the last date of execution hereof (the “Effective Date”) and continue until the Expiration Date (the “Term”), unless sooner terminated as provided herein.

Article III Projects

3.1 Facility Timeframe. The City shall, subject to events of Force Majeure, cause the Facility completion to occur not later than April 30, 2024.

3.2 Facility Project.

(a) Cost Participation. The LEDC agrees to contribute to the costs of the Facility through the payment of the LEDC Grant. The LEDC Grant shall be paid to the City within thirty (30) days of the Effective Date. In the event that the Facility construction does not occur, the City shall reimburse the LEDC the full amount of the LEDC Grant.

(b) Facility Cost Verification. Following completion of the Facility, but not later than thirty (30) days after completion of the Facility, City shall submit to the LEDC receipts, records, and invoices for the payment of the costs of the Facility, and such other records as the LEDC may reasonably request to verify such that the final actual costs are at least \$155,000 on the Facility (the “Expenditure Information”).

Article IV Termination

4.1 Termination. This Agreement terminates on the Expiration Date, and may, prior to the Expiration Date, be terminated upon any one or more of the following:

- (a) by mutual written agreement of all the Parties; or
- (b) by any Party if any subsequent Federal or State legislation or any decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or unenforceable.

Article V Miscellaneous

5.1 Binding Agreement. The terms and conditions of this Agreement are binding upon the successors and permitted assigns of the Parties hereto; provided, however the right of the City to receive the LEDC Grant shall be personal to the City and shall not transfer to the City’s successors and assigns unless expressly agreed to in writing signed by the Parties and such successor/assignee.

5.2 Limitation on Liability. Except for the LEDC’s obligations to pay the LEDC Grant

as set forth in this Agreement, the LEDC, and its past, present, and future officers, employees, contractors and agents assume no responsibilities or liabilities to City, or any third parties in connection with the Facility and/or the Property. City acknowledges and agrees that there shall be no personal recourse to the directors, officers, employees, or agents of the LEDC, who shall incur or assume no liability in respect of any claims based upon or relating to this Agreement. LEDC acknowledges and agrees that there shall be no personal recourse to the officers, employees or agents of the City, who shall incur or assume no liability in respect of any claims based upon or relating to this Agreement.

5.3 No Joint Venture. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the Parties.

5.4 Authorization. Each Party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement. The undersigned officers and/or agents of the Parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

5.5 Notice. Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the Party at the address set forth below (or such other address as such Party may subsequently designate in writing), or on the day actually received if sent by courier or otherwise hand delivered.

If intended for LEDC, to:

Lavon Economic Development Corporation
Attn: Executive Director
120 School Road, PO Box 340
Lavon, Texas 75116

If intended for City, to:

City of Lavon, Texas
Attn: City Manager
120 School Road, PO Box 340
Lavon, TX 75116

5.6 Entire Agreement. This Agreement is the entire Agreement among the Parties with respect to the subject matter covered in this Agreement.

5.7 Governing Law. The Agreement shall be governed by the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction; and exclusive venue for any action concerning this Agreement shall be in the State District Court of Collin County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

5.8 Amendment. This Agreement may only be amended by the mutual written agreement of the Parties.

5.9 Legal Construction. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

5.10 Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

5.11 Successors and Assigns. This Agreement may not be assigned by any Party without the prior written consent of all other Parties.

5.12 Recitals. The recitals to this Agreement are incorporated herein.

5.13 Counterparts. This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

5.14 Survival of Covenants. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the Parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

5.15 Consents and Approvals. Unless stated otherwise in this Agreement, whenever a Party is required to consent to or approve of the action of another Party pursuant to Agreement, such consent or approval shall not be unreasonably withheld, denied, or delayed.

5.16 Employment of Undocumented Workers. During the term of this Agreement, the City agrees not to knowingly employ any undocumented workers, and if convicted of a violation under 8 U.S.C. Section 1324a (f), the City shall repay the LEDC Grant herein within 120 days after the date the City is notified by the LEDC of such violation. The City is not liable for a violation of this Section by a subsidiary, affiliate, or franchisees of the City or by a person or entity with whom the City contracts.

5.17 Statutory Provisions. Both Parties shall be in compliance with Texas Government Code Chapter 2252 (foreign terrorist organizations prohibited), Texas Government Code Chapter 2270 (boycotting Israel prohibited), and Texas Government Code Chapter 2274 (boycotting energy companies prohibited and discrimination against firearms entities or trade associations prohibited).

EXECUTED on the 5th day of March 2024.

LAVON ECONOMIC DEVELOPMENT CORP.

By: _____
Kay Wright, President

CITY OF LAVON, TEXAS

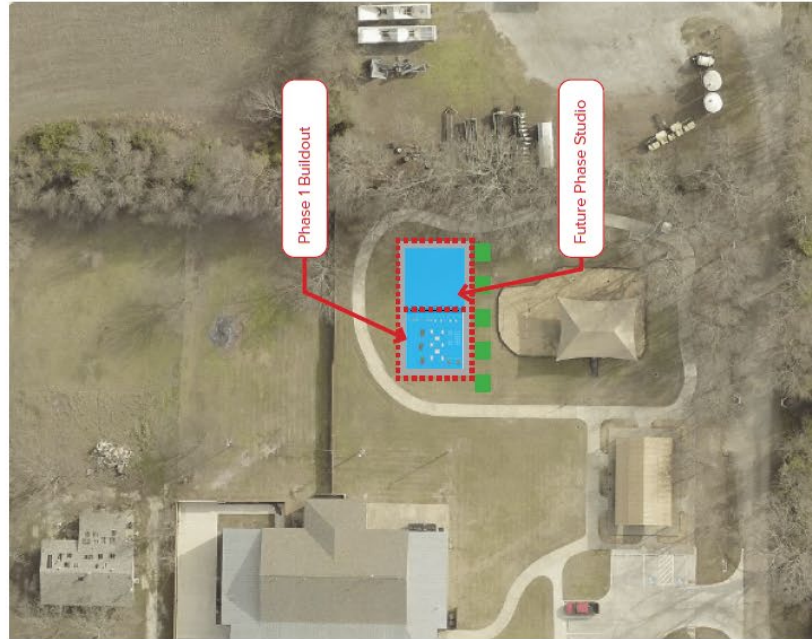
By: _____
Vicki Sanson, Mayor

EXHIBIT “A”
Property Description

City of Lavon – City Hall Park
120 School Road
Lavon, TX 75166

S. M. Rainer Survey, Abstract No. 740, Sheet 2, Tract 17

EXHIBIT "B"
Site Plan
PHASE 1





CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 5 - C

Item:

CONSENT AGENDA

Approve the final plat of the Collier Addition consisting of two residential lots on approximately 3.167 acres of land out of the Drury Anglin Survey, Abstract No. 2, Sheet 3, Tract 121 situated southwest of the intersection of CR 483 and FM 2755/McClendon Rd., Lavon, Collin County, Texas, (CCAD Property ID 2653997).

Application Information

Owner(s): Belinda Collier

Applicant: Belinda Collier and Randall Ingle

Location: Southwest of and adjacent to the intersection of CR 483 and FM 2755/McClendon Rd., Lavon, Collin County, Texas

Description: Approximately 3.167 acres of land out of the Drury Anglin Survey, Abstract No. 2, Sheet 3, Tract 121, (CCAD Property ID 2653997)

Current Zoning: Single Family 1-Acre (SF-1)

Request: Final Plat

Background

The applicant is seeking approval of a final plat for the Collier Addition. The property satisfies the requirements for a short form or combination preliminary and final plat.

Code Excerpts:

**TEXAS LOCAL GOVERNMENT CODE
§ 212.004. PLAT REQUIRED**

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under

this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Code Excerpts:

**CITY OF LAVON – ARTICLE 9.02 SUBDIVISION ORDINANCE
SECTION 9.02.004 (e) COMBINATION PRELIMINARY AND FINAL PLAT**

(1) A subdivider may submit a short form plat by combining preliminary and final plats if the city determines that the proposed subdivision of land falls within the following criteria:

- (A) Shall not exceed five (5) acres;
 - (B) Affects no more than three (3) lots;
 - (C) Has frontage upon dedicated and improved streets;
 - (D) Does not necessitate any appreciable alteration or extension of utility installations or streets;
 - (E) Conforms in use, size, and shape to the lots in the vicinity;
 - (F) The proposed subdivision and supporting documents are not otherwise in contravention with chapter 212 of the Texas Local Government Code; and
 - (G) The owner of the property to be subdivided does not have more than one (1) plat approved under this subdivision ordinance during any twelve (12) month period.
- (2) All design, engineering, improvements, submission documents and drawing information standards applicable to final plats shall be applicable to this short form plat.
- (3) The short form plat shall be submitted for approval in accordance with the procedure established for a final plat approval.

Utilities: The property will be served by Bear Creek Special Utility District (SUD) for water. The development of the property will be served by on-site sanitary sewer facilities (OSSF).

Floodplain: There is no proposal to develop, encroach into or reclaim existing floodplain.

Road Connection: The property has frontage along and both lots will take access from CR 483. The owner is dedicating right of way for the future widening.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE COLLIER ADDITION CONSISTING OF TWO RESIDENTIAL LOTS ON APPROXIMATELY 3.167 ACRES OF LAND OUT OF THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, SHEET 3, TRACT 121 SITUATED SOUTHWEST OF THE INTERSECTION OF CR 483 AND FM 2755/MCCLENDON RD., LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: NABORS

SECONDED: JACOB

APPROVED: UNANIMOUS

Staff Notes:

The proposed combination preliminary and final plat was reviewed by the staff development review committee, planner, and the City Engineer. The plat generally meets the technical requirements of the subdivision regulations. Approval is recommended.

Attachments:

- 1. Application and Final Plat
- 2. Location Exhibits
- 3. Engineer Correspondence



CITY OF LAVON

P.O. Box 340, School Rd. Lavon, TX 75166
Office 972-843-4220 – Inspection 972-853-0855

PLAT APPLICATION

Incomplete applications will not be accepted.

Company Making Submission		Property Owner			
Name:	Carroll Consulting Group, Inc	Name:	Belinda Collier		
Address:	P.O. Box 11	Address:	364 VZCR 1215		
City/State/Zip:	Lavon, TX 75166	City/State/Zip:	Canton, TX 75103		
Phone #:	469-600-2571	Phone #	972-802-0731		
Fax #:		Fax #			
Authorized Person:	Samuel Carroll, SIT	Authorized Person:	Randall Ingle		
Type of Submission		Check List of Items Submitted			
<input type="checkbox"/> Preliminary Plat		<input checked="" type="checkbox"/> (two) full size sets of plats (24x36)			
<input checked="" type="checkbox"/> Final Plat		<input type="checkbox"/> (two) full size construction sets (24x36)			
<input type="checkbox"/> Re-Submittal		<input type="checkbox"/> (one) half size sets of plats (11x17)			
<input type="checkbox"/> Construction Plans		<input checked="" type="checkbox"/> (ten) half size sets of plats with final submission (11x17)			
<input type="checkbox"/> Other		<input checked="" type="checkbox"/> (one) PDF plats (on separate CD's)			
		<input type="checkbox"/> (one) PDF construction plans (can be included on plat CD)			
Pricing					
Preliminary Plat: C* D*	Per Fee Schedule				
Final Plat: C* D*	Per Fee Schedule				
Re-Plat: C* D*	Per Fee Schedule				
Public Infrastructure Inspection	Per Fee Schedule				
C* Costs shall include the actual costs to the City plus a 10 percent administrative fee. These fees shall be in addition to the permit fee required.					
D* To complete the plat please sign up as a collaborator in the MyGov system https://public.mygov.us/lavon_tx request access to the City of Lavon. Make a new request for the plat and download these forms along with plans.					
NOTICE TO APPLICANT: Any approval will be issued based on the information furnished in this application and on any submitted plats. It is subject to the provisions and requirements of the City of Lavon Code of Ordinances and any other applicable ordinances of the City, regardless of information and/or plans submitted.					
Authorized Representative (Printed Name)	Authorized Representative (Signature)	Date:			
Samuel Carroll		1/15/24			
To be completed by the City					
In Takers Name:					
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:	P&Z Review Date:	Council Action Date:
<input type="checkbox"/> Accepted	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected
Comments:					



CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - Inspection 972-853-0855
Email: l.mcclendon@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Declaration of Ownership

Date: 1-19-24

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Belinda S. Collier, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request (s) relating to this property.

[Signature]
Signature (Owner)

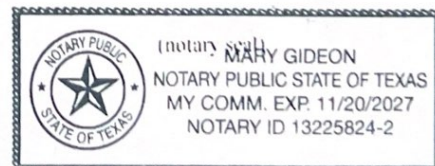
Signature (Owner)

Signature (Owner)

The State of Texas
County of Van Zandt

Before me, the undersigned authority, appeared Belinda Collier,
on this the 19 day of January, 2024.

[Signature]
Notary Public in and for Van Zandt County, Texas





CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - - Inspection 972-853-0855
Email: l.mcclelland@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Authorization of Representation

Date: 1-19-24

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Belinda S. Collier, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize CARROLL Consulting Group, Inc to represent me (us) and my (our) interests in the property described in the attached exhibits (s) for the expressed purpose of this request.

[Signature]
Signature (Owner)

Signature (Owner)

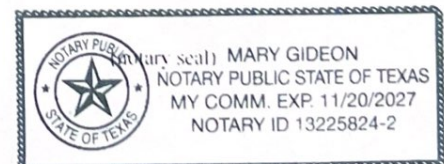
Signature (Owner)

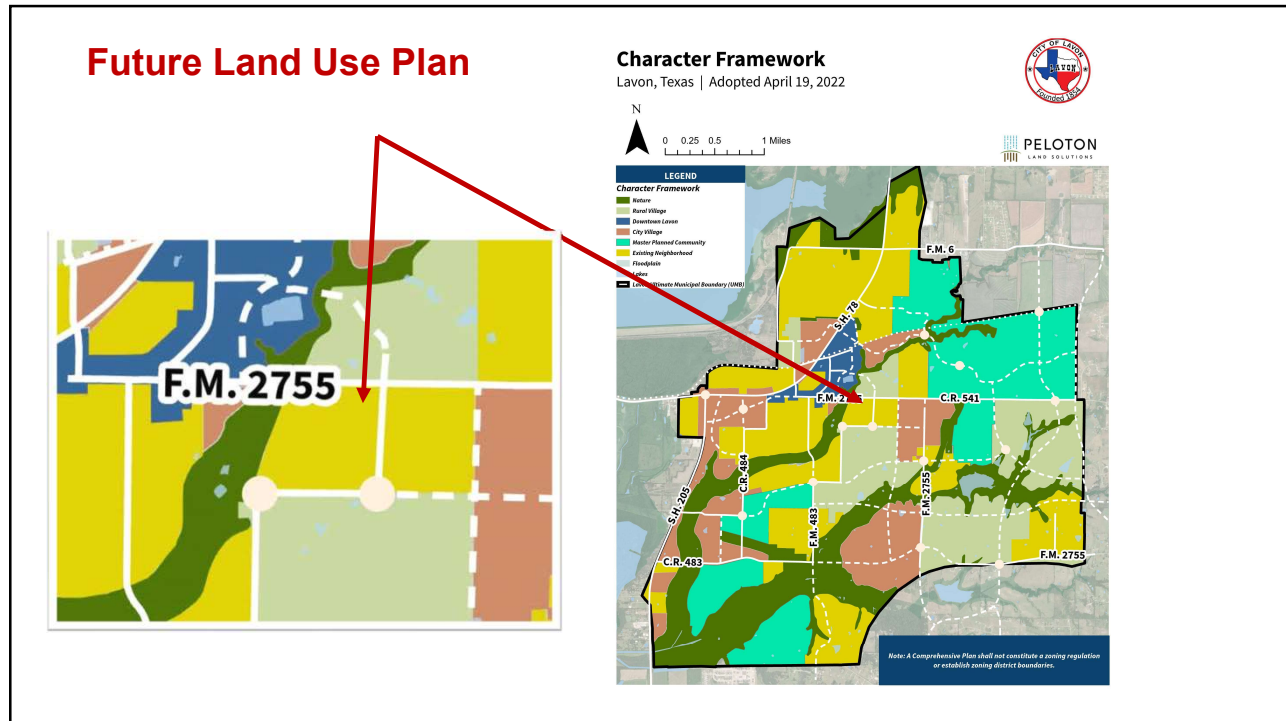
The State of Texas

County of Van Zandt

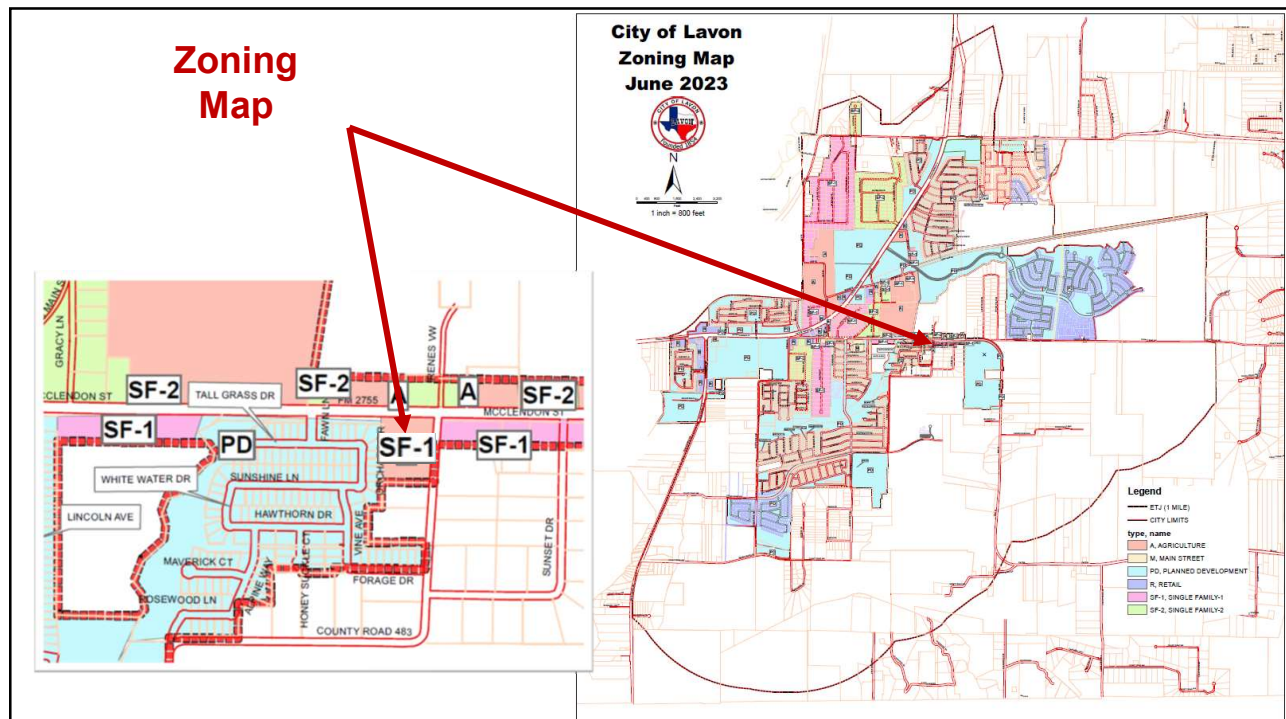
Before me, the undersigned authority, appeared Belinda Collier,
on this the 19 day of January, 2024.

[Signature]
Notary Public in and for Van Zandt County, Texas



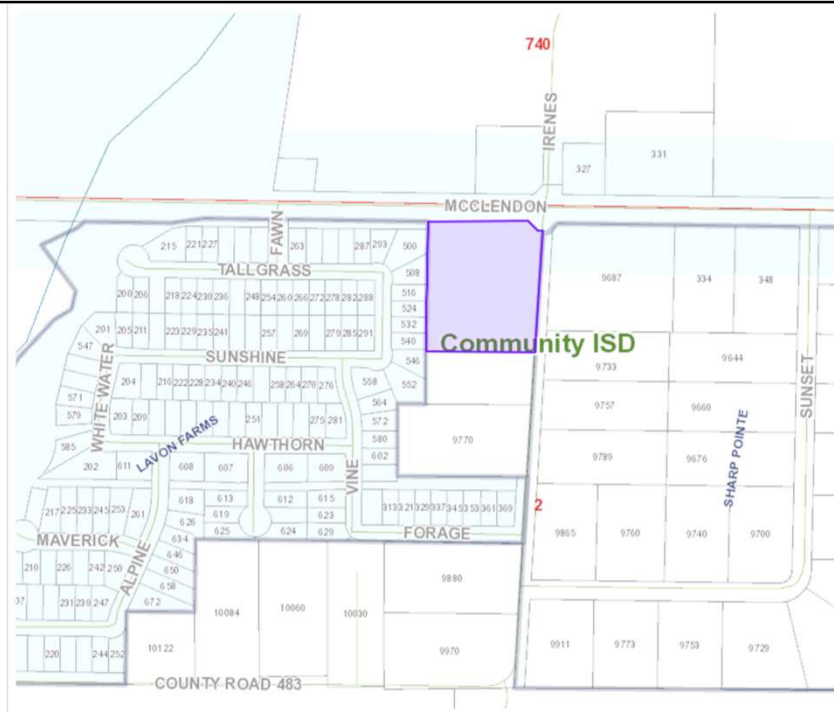


14



15

**Collier
Zoning
Change
Location
Exhibit**



16

**Collier
Zoning
Change
Location
Exhibit**



17

February 2, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Collier Addition
Short Form Plat Review
LJA Job No. NTP-40467
Email Submittal: February 1, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. We have no further comments and recommend approval. Please do not hesitate to let us know if you have any questions.

Comments prepared and compiled by:

A handwritten signature in black ink that reads "Tiffany McLeod". The script is fluid and cursive, with the first name and last name clearly distinguishable.

Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:

A handwritten signature in black ink that reads "Abra R Nusser". The signature is written in a cursive style, with the first name "Abra" being more prominent.

Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX

January 31, 2024

Ms. Kim Dobbs
City of Lavon
PO Box 340
Lavon, TX 75166

Re: Collier Addition, 2 lots, 3.167 Acres
Final Plat Review

Dear Ms. Dobbs:

As requested, we have reviewed the Final Plat dated January 15, 2024, (Received January 18, 2024) as prepared by Carroll Consulting Group, Inc., for the above referenced property. Additional comments may be provided by the City Planners. The property is located at the southwest corner of CR 483 and FM 2755 (McClelland), east of Lavon Farms. Our comments are as follows:

GENERAL

1. The Final Plat consists of 2 residential lots.
2. No public improvements are being provided for these lots.
3. A 35' ROW dedication is being provided along the CR 483 frontage.

FINAL PLAT

4. A note should be added stating that sanitary sewer service is to be provided by OSSF. This will require Collin County permitting and approval. See Note 3 on revised plat.

This concludes our review of the above-referenced Final Plat. **We recommend APPROVAL of the Final Plat, subject to addressing the comment above and any Planning comments.**

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavon. The above referenced documents were not reviewed as to their quality or for errors on the part of the surveyor or engineer.

If there are any questions, please contact me at 214-503-0555 x115 or by email at mdhill@fmi-dallas.com.

Sincerely,
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.
Consulting City Engineer

Cc: David Carter, Mike Jones, Danny Anthony

F:\17024 - LAV General Servies\9 - Review\Collier Addition\Collier Addition - Final Plat - Rev 0.docx




January 24, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Collier Addition
Short Form Plat Review
LJA Job No. NTP-40467
MyGov Submittal: January 16, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. Provided below are comments relating to planning and design. Please do not hesitate to let us know if you have any questions.

PLANNING + DESIGN COMMENTS

1. Revise the plat to label CR 483.  Labeled
2. Revise the plat to remove all building setback lines, as they will be controlled by the governing zoning district.  Removed
3. Revise the plat's title block to reflect the lot designations "Lots 1 and 2" instead of "Drury Angling Survey, Abstract No. 2." 

Added

Comments prepared and compiled by:



Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:



Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX



CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 5 – D

Item:

CONSENT AGENDA

Approve the final plat of the Elevon West Commercial, Phase 2 Addition consisting of two lots on 29.863 acres of land out of the S. M. Rainer Survey, Abstract No. 740, including the Cottages at Elevon, situated west of Elevon Parkway and north and west of Villas Drive, Lavon, Collin County, Texas, (CCAD Property ID's 2900971 and 2868715).

Application Information

Owner(s): ONM Living

Applicant: Kimley-Horn

Location: West of SH 78, north of Villas Drive, south of Bently Farms and Lakeridge Meadows

Description: Lot 1, Block B, Elevon West Commercial Addition, Phase 2
Lavon, Collin County, TX; (CCAD Property ID 2868715)

Current Zoning: Planned Development (PD)

Request: Final Plat

Request Details

The applicant is seeking approval of a final plat of the Elevon West Commercial, Phase 2 Addition, a multifamily and open space section of a mixed use planned development. The proposed addition consists of 2 lots on 29.863 acres.

Code Excerpts:

**TEXAS LOCAL GOVERNMENT CODE
§ 212.004. PLAT REQUIRED**

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be

dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Code Excerpts:

**CITY OF LAVON – ARTICLE 9.02 SUBDIVISION ORDINANCE
SECTION 9.02.004 (d) FINAL PLAT**

After approval of the preliminary plat by the planning and zoning commission and City Council, a final plat, prepared by a registered public surveyor bearing his or her seal and the construction plans prepared by a registered professional civil engineer bearing his or her seal, shall be submitted to the planning and zoning commission.

On December 5, 2023, the City Council approved the preliminary plat of the Elevon West Commercial, Phase 2 Addition. The final plat conforms to the approved zoning and preliminary plat.

The proposed development takes access from Villas Drive. A Traffic Impact Analysis (TIA) has been prepared and improvements will be constructed as prescribed by the TIA and as approved by the city engineer.

The development will provide for the extension of public infrastructure systems for water, sanitary sewer, and trails. The development agreement outlines specific public infrastructure requirements related to the development and the proposed engineering plans are consistent with the development agreement obligations.

Planning & Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF FINAL PLAT OF THE ELEVON WEST COMMERCIAL, PHASE 2 ADDITION CONSISTING OF TWO LOTS ON 29.863 ACRES OF LAND OUT OF THE S. M. RAINER SURVEY, ABSTRACT NO. 740, INCLUDING THE COTTAGES AT ELEVON, SITUATED WEST OF ELEVON PARKWAY AND NORTH AND WEST OF VILLAS DRIVE, LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: NABORS

SECONDED: COX

APPROVED: UNANIMOUS

Staff Notes:

The proposed final plat and construction plans were reviewed by the staff development review committee and the City Engineer. The final plat generally meets the technical requirements and complies with the zoning and subdivision regulations. Approval is recommended.

Attachments: 1) Application
2) Location Exhibits
3) Engineer's Correspondence



CITY OF LAVON

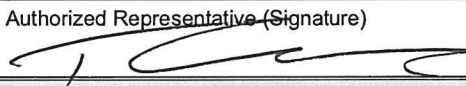
P.O. Box 340 – 120 School Rd. – Lavon, TX 75166

Office 972-843-4220 – Inspection 972-853-0855

Email: leann.mcclendon@cityoflavon.org

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Company Making Submission		Property Owner	
Name: <u>Kimley-Horn</u>		Name: <u>ONM Living</u>	
Address: <u>400 N. Oklahoma Drive, Suite 105</u>		Address: <u>1038 Texan Trail</u>	
City/State/Zip: <u>Celina, TX 75009</u>		City/State/Zip: <u>Grapevine, TX 76051</u>	
Phone #: <u>972-704-1177</u>	Fax #: _____	Phone # <u>817-614-9049</u>	Fax # _____
Authorized Person: <u>Cole Eckeberger, P.E.</u>		Authorized Person: <u>Rob McClain</u>	
Type of Submission		Check List of Items Submitted	
<input type="checkbox"/> Preliminary Plat		<input type="checkbox"/> (two) full size sets of plats (24x36)	
<input checked="" type="checkbox"/> Final Plat		<input type="checkbox"/> (two) full size construction sets (24x36)	
<input type="checkbox"/> Re-Submittal		<input type="checkbox"/> (one) half size sets of plats (11x17)	
<input type="checkbox"/> Construction Plans		<input type="checkbox"/> (ten) half size sets of plats with final submission (11x17)	
<input type="checkbox"/> Other		<input type="checkbox"/> (one) PDF plats (on separate CD's)	
		<input type="checkbox"/> (one) PDF construction plans (can be included on plat CD)	
Pricing			
Preliminary Plat: C*D*		\$500.00 plus \$5.00 per lot (Plus engineer review costs)	
Final Plat: C*D*		\$500.00 plus \$5.00 per lot plus \$50.00 filing fee (Plus engineer review costs)	
Re-Plat: C*D*		\$325.00 plus \$5.00 per lot plus \$50.00 filing fee (Plus engineer review costs)	
Public Infrastructure Inspection: C*E*		4 percent of project or Cost (whichever is greater)	
<small>C* Costs shall include the actual costs to the City plus a 10 percent administrative fee. These fees shall be in addition to the permit fee required. D* A deposit of \$500.00 shall be required to cover engineers review, with additional costs to be billed upon engineers recommendation. Any portion of the deposit not used shall be refunded after the engineer's recommendation. E* An estimate of the testing and inspection shall be made at the time of the engineers review of construction plans and a deposit equal to that amount shall be due before any construction may begin, with additional costs to be billed when the costs are incurred.</small>			
NOTICE TO APPLICANT: Any approval will be issued based on the information furnished in this application and on any submitted plats. It is subject to the provisions and requirements of the City of Lavon Code of Ordinances (# 2002-01-03) and any other applicable ordinances of the City, regardless of information and/or plans submitted.			
Authorized Representative (Printed Name) <u>Rob McClain</u>		Authorized Representative (Signature) 	Date: <u>1/16/24</u>
To be completed by the City			
In Takers Name:			
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:
<input type="checkbox"/> Accepted	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected
P&Z Review Date: <input type="checkbox"/> Approved <input type="checkbox"/> Rejected			
Council Action Date: <input type="checkbox"/> Approved <input type="checkbox"/> Rejected			
Comments:			



CITY OF LAVON

P.O. Box 340 – 120 School Rd. – Lavon, TX 75166

Office 972-843-4220 – Inspection 972-853-0855

Email: leann.mcclendon@cityoflavon.org

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Authorization of Representation

Date: January 16, 2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Ty Robinson, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize Kimley-Horn (Cole Eckeberger, P.E.) to represent me (us) and my (our) interests in the property described in the attached exhibits (s) for the expressed purpose of this request.

Ty Robinson
Signature (Owner)

Signature (Owner)

Signature (Owner)

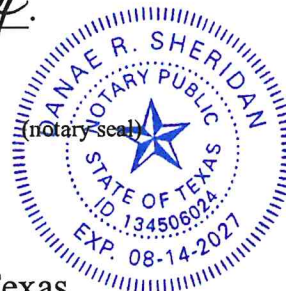
The State of Texas

County of Tarrant

Before me, the undersigned authority, appeared Ty Robinson,
on this the 16 day of January, 2024.

Danae Sheridan

Notary Public in and for Tarrant County, Texas





CITY OF LAVON

P.O. Box 340 – 120 School Rd. – Lavon, TX 75166

Office 972-843-4220 – Inspection 972-853-0855

Email: leann.mcclendon@cityoflavon.org

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Declaration of Ownership

Date: January 16, 2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Ty Robinson, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request (s) relating to this property.

Ty Robinson
Signature (Owner)

Signature (Owner)

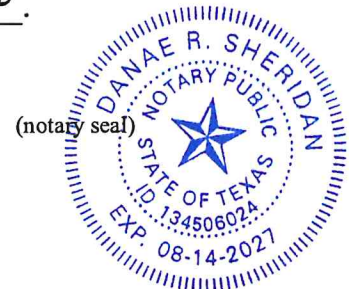
Signature (Owner)

The State of Texas
County of Tarrant

Before me, the undersigned authority, appeared Ty Robinson,
on this the 16 day of January, 2024.

Danae Sheridan

Notary Public in and for Tarrant County, Texas





PROPERTY DESCRIPTION

29.863 ACRES

BEING a tract of land situated in the Samuel M. Rainer Survey, Abstract No. 70, City of Lavon, Collin County, Texas and being all of a called 22.777-acre tract of land conveyed to ONML Cottages at Lake Lavon, LLC., according to the document filed of record in Document No. 202300046220 Official Public Records, Collin County, Texas (O.P.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for the northeast corner of said 22.777-acre tract, same being for the northwest corner of a called 28.327-acre tract of land conveyed to MA Land Holdings, LLC., according to the document filed of record in Instrument No. 2023000100199 (O.P.R.C.C.T.), in the south line of Lot 11, Block A of Bently Farms Addition, an addition to the City of Lavon, according to the Plat filed of record in Cabinet M, Slide 189 (O.P.R.C.C.T.), which a TxDOT Monument with brass cap found in the west line of State Highway 78, for the southeast corner of said Bently Farms Addition bears South 88°42'08" East, a distance of 1,256.21 feet;

THENCE with the common line of said 22.777-acre tract and said 28.327-acre tract the following bearings and distances:

South 00°51'32" West, a distance of 378.33 feet to a 1/2-inch iron rod found with plastic cap stamped "JBI" for corner at the beginning of a non-tangent curve to the left with a radius of 70.00 feet, a central angle of 137°10'56", and a chord bearing and distance of South 23°53'48" West, 130.34 feet;

With said curve to the left, an arc distance of 167.60 feet to a 1/2-inch iron rod found with plastic cap stamped "JBI" for corner at the beginning of a reverse curve to the right with a radius of 70.00 feet, a central angle of 45°33'13", and a chord bearing and distance of South 21°55'05" East, 54.20 feet;

With said curve to the right, an arc distance of 55.65 feet to a 1/2-inch iron rod found with plastic cap stamped "JBI" for corner;

South 00°51'32" West, a distance of 490.80 feet to a 1/2-inch iron rod found with plastic cap stamped "JBI" for corner at the beginning of a non-tangent curve to the right with a radius of 68.50 feet, a central angle of 45°29'29", and a chord bearing and distance of South 23°36'10" West, 52.97 feet;

With said curve to the right, an arc distance of 54.39 feet to a 1/2-inch iron rod found with plastic cap stamped "JBI" for corner at the beginning of a reverse curve to the left with a radius of 170.00 feet, a central angle of 49°11'15", and a chord bearing and distance of South 21°13'13" West, 55.85 feet;

With said curve to the left, an arc distance of 61.81 feet to a 1/2-inch iron rod found with plastic cap stamped "JBI" for corner at the beginning of a reverse curve to the right with a radius of 68.50 feet, a central angle of 48°06'52", and a chord bearing and distance of South 21°45'15" West, 59.95 feet;

With said curve to the right, an arc distance of 57.52 feet to a 1/2-inch iron rod found with plastic cap stamped "JBI" for corner at the beginning of a non-tangent curve to the right with a radius of 170.00 feet, a central angle of 45°34'49", and a chord bearing and distance of South 68°04'11" West, 131.70 feet;

With said curve to the right, an arc distance of 135.24 feet to a 1/2-inch iron rod found with plastic cap stamped "JBI" for corner;

North 89°08'28" West, a distance of 898.45 feet to a 1/2-inch iron rod found with plastic cap stamped "JBI" for corner in the southwest corner of the remainder of a called 29.863-acre tract of land described as Parcel 1, conveyed to MA Land Holdings, LLC., according to the document filed of record in Document No. 2022000152455 (O.P.R.C.C.T.), in the east line of a called 27.32-acre tract of land described as Tract 1 conveyed to Yueying Wang and Daisy Lee Lu, according to the document filed of record in Document No. 20191118001482670 (O.P.R.C.C.T.);

THENCE with the east line of said Yueying Wang tract, same being common with the west line of said 29.863-acre tract the following bearings and distances:

North 00°43'32" East, a distance of 170.23 feet to a Fence Post found for corner;

North 00°36'19" East, a distance of 659.99 feet to a 1/2-inch iron rod found for corner;

North 00°38'51" East, a distance of 362.71 feet to a 1/2-inch iron rod found for the northwest corner of said 29.863-acre tract, in the south line of Lot 7 in Lakeridge Meadows, an addition to the City of Lavon, according to the Plat filed of record in Cabinet L, Slide 641 (O.P.R.C.C.T.);

THENCE South 88°15'42" East, with the north lines of said 22.777-acre tract and said 29.863-acre tract, same being common with the south line of said Lakeridge Meadows, a distance of 802.23 feet to a 1/2-inch iron rod found for the southeast corner of said Lakeridge Meadows;

THENCE North 00°34'31" East, with the east line of said Lakeridge Meadows, same being common with the northernmost west line of said 22.777-acre tract, a distance of 69.06 feet to a 1/2-inch iron rod found with plastic cap stamped "JBI" for the southwest corner of the abovementioned Bently Farms Addition, in the east line of said Lakeridge Meadows;

THENCE South 88°42'08" East, with the south line of said Bently Farms Addition, a distance of 314.05 feet to the POINT OF BEGINNING and containing 1,300,832 square feet or 29.863 acres of land.

OWNER'S DEDICATION STATEMENT

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT MA LAND HOLDINGS LLC, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as **BLOCK B, COMMON AREA 1 ELEVON WEST COMMERCIAL, PHASE 2**, an addition to the City of Lavon, Collin County, Texas, and do hereby dedicate in fee simple, to the public use forever, the streets, alleys, and public use areas 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 across 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 using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public's and City of Lavon use thereof. The City of Lavon 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 City of Lavon 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.

All utility easements dedicated by this plat shall also include an additional area of working space for construction, reconstruction, additions, enlargements, and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb of pavement line.

- All water system is owned and operated by Bear Creek Special Utility District (BCSUD) and all construction related to water service shall be done per BCSUD's specifications and general notes.
- The easements and public use areas, as shown are dedicated for the public use, including specifically for the City of Lavon and BCSUD, forever for purposes indicated on this plat.
- The City of Lavon and BCSUD are not responsible for replacing any improvements in, under or over any easements caused by maintenance or repair.
- Utility easements may also be used for the mutual and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use be public utilities as being subordinate to the public City of Lavon and BCSUD.
- The City of Lavon, BCSUD, and public utilities shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with construction, maintenance, or efficiency of their respective systems in the easements.
- They City of Lavon, BCSUD, and public utilities shall at all times have the full right of ingress and egress to and from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling respective systems without the necessity at any time of procuring permission from anyone.
- All modifications to this document shall be by means of plat and approved by the City of Lavon unless said modifications pertain to BCSUD facilities, at which time BCSUD shall also review and approve.

That MA Land Holdings, LLC., does hereby bind itself, its successors and assigns to forever warrant and defend, all and singular, the above-described streets, alleys, easements and right unto the public, against every person whomsoever 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 Lavon.

MA LAND HOLDINGS, LLC, a Texas limited liability company

By: _____, the manager of MA LAND HOLDINGS, LLC, a Texas limited liability company, the Authorized Agent of MA LAND HOLDINGS, LLC

STATE OF _____ §

COUNTY OF _____ §

Before me, the undersigned, a notary Public in and for the said County and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

Given under my hand and seal of office, this _____ day of _____, 20____.

Notary Public, State of Texas

OWNER'S DEDICATION STATEMENT

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT ONML COTTAGES AT LAKE LAVON LLC, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as **BLOCK B, LOT 1 ELEVON WEST COMMERCIAL, PHASE 2**, an addition to the City of Lavon, Collin County, Texas, and do hereby dedicate in fee simple, to the public use forever, the streets, alleys, and public use areas 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 across 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 using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public's and City of Lavon use thereof. The City of Lavon 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 City of Lavon 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.

All utility easements dedicated by this plat shall also include an additional area of working space for construction, reconstruction, additions, enlargements, and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb of pavement line.

- All water system is owned and operated by Bear Creek Special Utility District (BCSUD) and all construction related to water service shall be done per BCSUD's specifications and general notes.
- The easements and public use areas, as shown are dedicated for the public use, including specifically for the City of Lavon and BCSUD, forever for purposes indicated on this plat.
- The City of Lavon and BCSUD are not responsible for replacing any improvements in, under or over any easements caused by maintenance or repair.
- Utility easements may also be used for the mutual and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use be public utilities as being subordinate to the public City of Lavon and BCSUD.
- The City of Lavon, BCSUD, and public utilities shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with construction, maintenance, or efficiency of their respective systems in the easements.
- They City of Lavon, BCSUD, and public utilities shall at all times have the full right of ingress and egress to and from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling respective systems without the necessity at any time of procuring permission from anyone.
- All modifications to this document shall be by means of plat and approved by the City of Lavon unless said modifications pertain to BCSUD facilities, at which time BCSUD shall also review and approve.

That ONML COTTAGES AT LAKE LAVON, LLC., does hereby bind itself, its successors and assigns to forever warrant and defend, all and singular, the above-described streets, alleys, easements and right unto the public, against every person whomsoever 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 Lavon.

ONML COTTAGES AT LAKE LAVON, LLC, a Texas limited liability company

By: _____, the manager of ONML COTTAGES AT LAKE LAVON, LLC, a Texas limited liability company, the Authorized Agent of ONML COTTAGES AT LAKE LAVON, LLC

STATE OF _____ §

COUNTY OF _____ §

Before me, the undersigned, a notary Public in and for the said County and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

Given under my hand and seal of office, this _____ day of _____, 20____.

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS

That I, Daniel Arthur, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Lavon.

Daniel Arthur
Registered Professional Land Surveyor
Texas Registration No. 5933
Kimley-Horn and Associates, Inc.
400 North Oklahoma Drive, Suite 105
Celina, TX 75009
(469) 501-2172
daniel.arthur@kimley-horn.com

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

STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Daniel Arthur, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 2024.

Notary Public in and for the State of Texas

*Recommended For Approval *

Chairman Planning and Zoning Commission Date
City of Lavon
Collin County, Texas

Mayor Date
City of Lavon
Collin County, Texas

The undersigned, the city secretary of the City of Lavon, Texas, hereby certifies that the foregoing final plat of the ELEVON WEST COMMERCIAL, PHASE 2 subdivision or addition to the City of Lavon was submitted to the city council on the _____ day of _____, 20____ and the council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places and water and sewer lines as shown and set forth in and upon said plat and said council further authorized the mayor to note the acceptance thereof by signing his or her name as hereinabove subscribed.

Witness my hand this _____ day of _____, AD, 20____.

City Secretary, City of Lavon, Texas

This plat correctly presents the required easements and certifications required by Bear Creek Special Utility District for this development.

BEAR CREEK SPECIAL UTILITY DISTRICT
16681 County Road 541
Lavon, Texas 75166

Name/Title: _____
Date: _____

FINAL PLAT
OF
ELEVON WEST COMMERCIAL,
PHASE 2

1 LOT & 1 COMMON AREA

LOT 1 & CA1, BLOCK B,

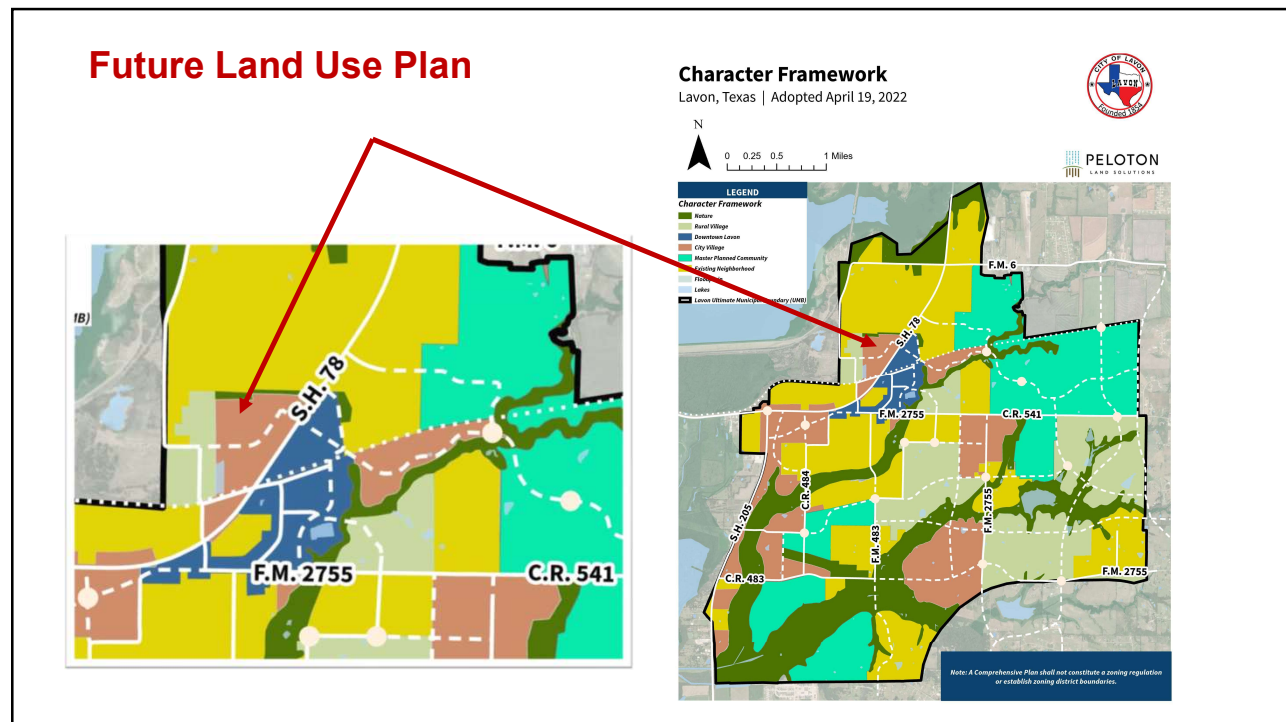
BEING 29.863 ACRES IN THE
SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740

CITY OF LAVON, COLLIN COUNTY, TEXAS

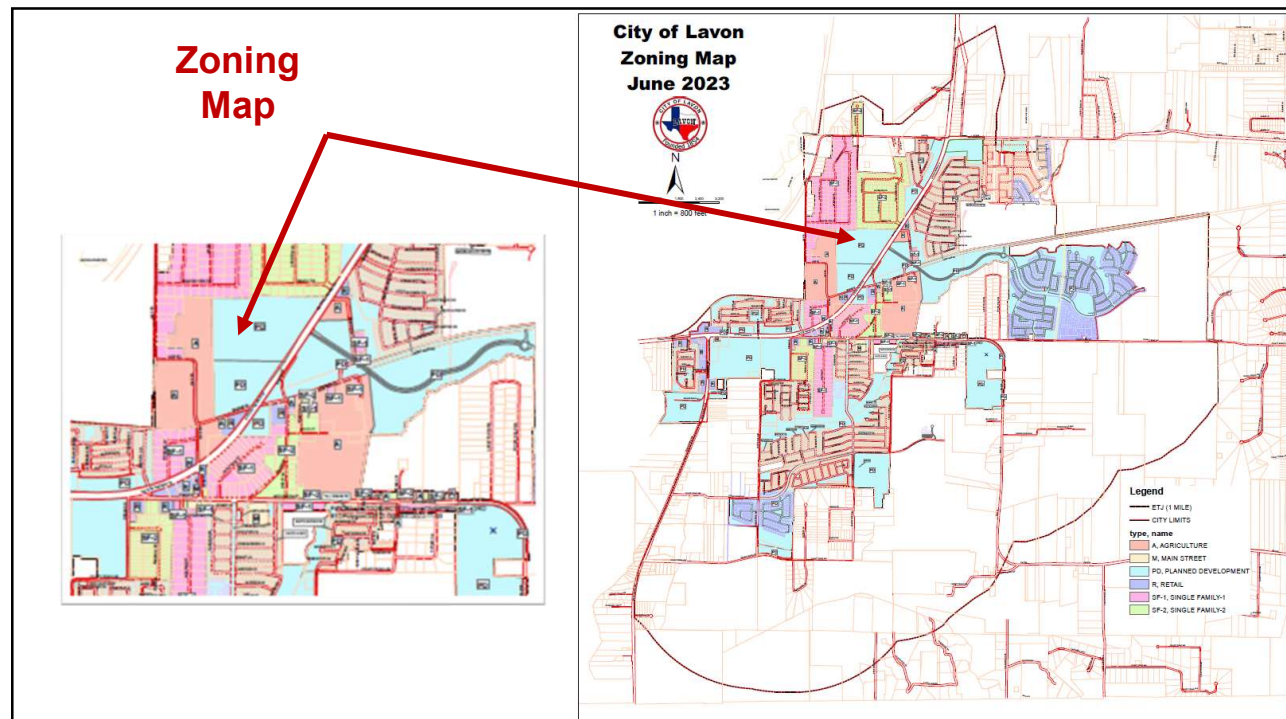
Copyright © 2024
Kimley-Horn and Associates, Inc.
All rights reserved

35

DWG NAME: K:\CBL_SURVEY\063216517-ONML COTTAGES AT ELEVON\063216517 - COTTAGES AT ELEVON FINAL PLAT.DWG PLOTTED BY: ALLEN, STEPHEN 25/02/24 5:31 AM LAST SAVED: 25/02/24 8:02 AM

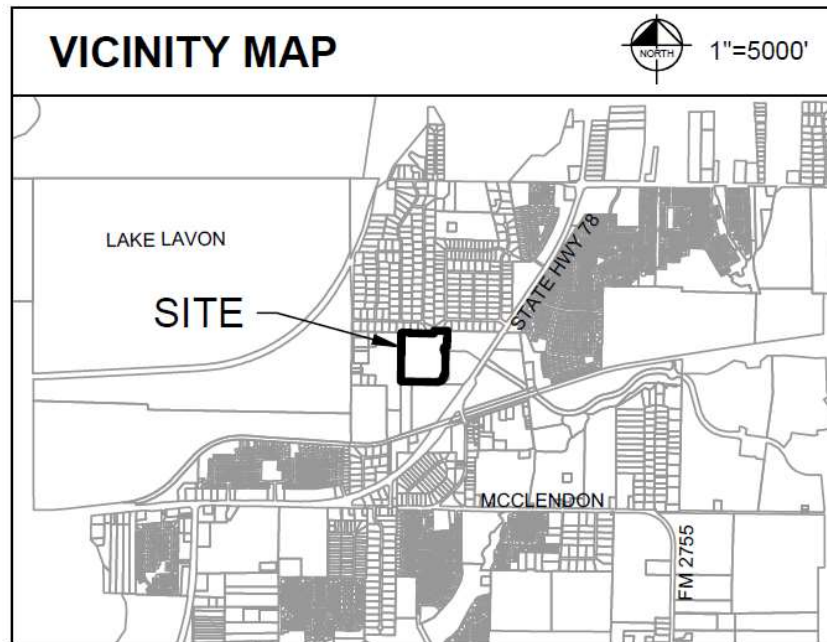


20



21

**Elevon West
Commercial;
Phase 2
Addition
Location
Exhibit**



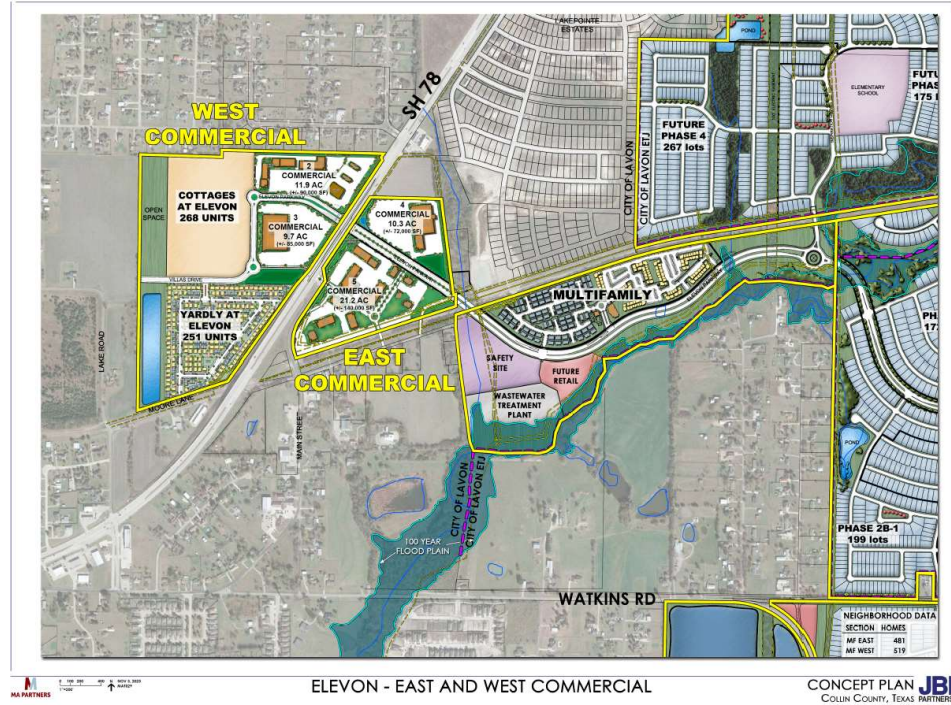
22

**Elevon
West
Commercial
Phase 2 -
Cottages at
Elevon
Location
Exhibit**



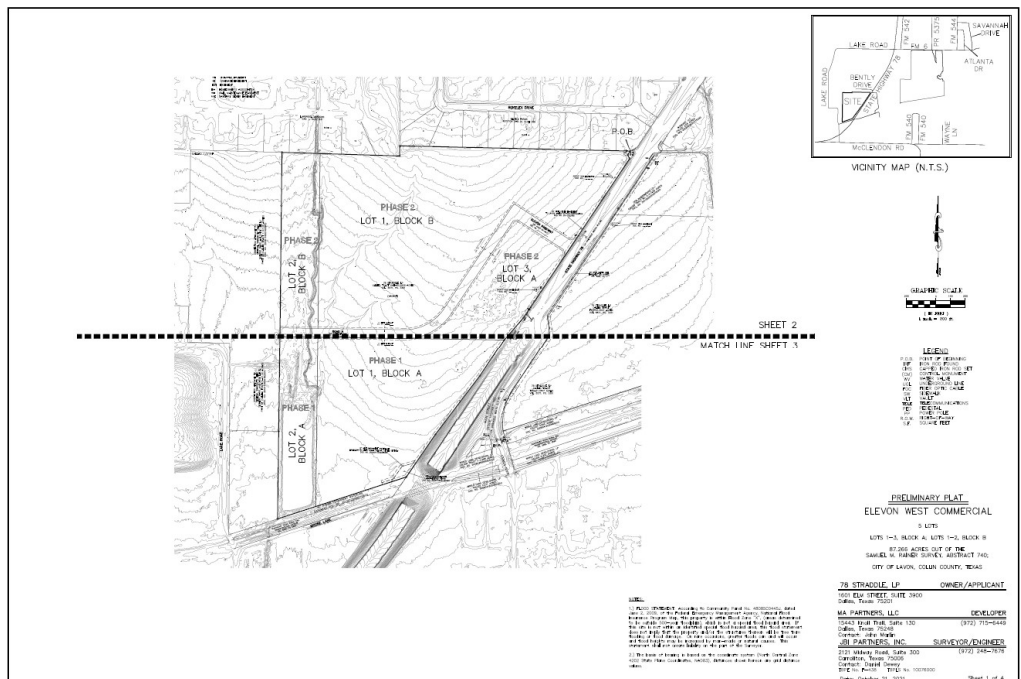
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Elevon West
Commercial
Phase 2 -
Cottages at
Elevon
Concept Plan



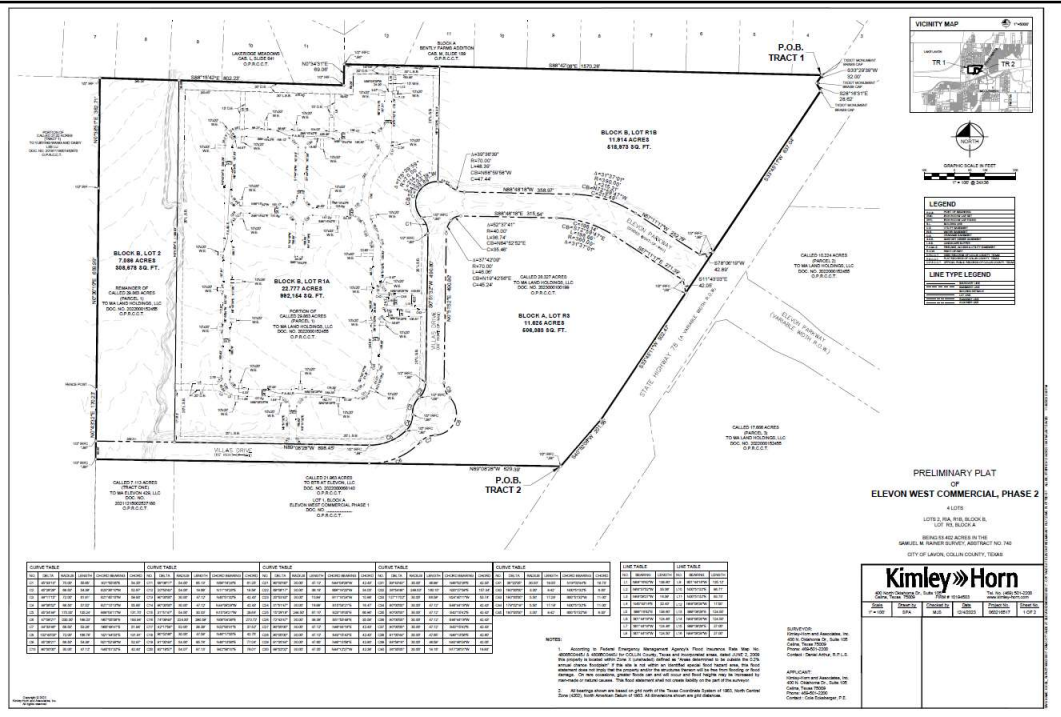
24

Elevon
West
Commercial
Overall
Preliminary
Plat



25

**Elevon
West
Commercial
Ph 2
Preliminary
Plat**



February 23, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Cottages at Elevon
Final Plat Review
LJA Job No. NTP-40467
Email Submittal: February 5, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. We have no further comments and recommend approval. Please do not hesitate to let us know if you have any questions.

Comments prepared and compiled by:

A handwritten signature in black ink that reads "Tiffany McLeod". The signature is written in a cursive, flowing style.

Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:

A handwritten signature in black ink that reads "Abra R. Nusser". The signature is written in a cursive, flowing style.

Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX



February 5, 2024

Kim Dobbs, City Manager
City of Lavon
P.O. Box 340
Lavon, TX 75166

Re: *Elevon West Commercial, Phase 2 (Cottages at Elevon)
1st Final Plat Review Comment Response*

Dear Ms. Dobbs:

This letter is in response to the comments dated January 31, 2024. Please see the responses to the comments below.

General

1. The Final Plat consists of 2 lots. One lot is a common area.

Response: We have revised the plat to show 1 lot and 1 common area as requested per comments below. We have also included two owner's dedication statements as the common area is owned by MA Land Holdings, LLC and will remain that way.

2. The extension of Villas Drive is the only public improvements associated with this project.

Response: Agreed.

Final Plat - Freeman-Millican Inc.

3. The Plat should be titled Elevon West Commercial, Phase 2.

Response: Plat revised as requested.

4. There is a typographical error in the title block on Sheet 1.

Response: Error revised and corrected.

5. The Vicinity Map should be updated to reflect the platted boundary.

Response: Plat revised as requested.

6. The linetype for the F.A. & U.E. boundary should be included in the legend.

Response: Plat revised as requested.

7. "Building Setback" can be removed from legend.

Response: Plat revised as requested.

8. The 10' Utility Easement should be extended to the west property line.

Response: Plat revised as requested.

9. The 30' Drainage Easement should be extended to the west property line.

Response: This 30' drainage easement is meant to collect and divert storm water into the two proposed wye inlets on the Cottages property (Lot 1). There is no drainage that will be crossing into Lot 2, therefore the easement limits has remained within Lot 1.

10. Distances should be shown for north and south property line of Lot 2.

Response: Plat revised as requested.

11. There are several bearings and/or distances that do not match or are missing between the drawings and written description.

Response: Plat revised as requested.

12. The development name should be changed in the Dedication.

Response: Plat revised as requested.

Final Plat - LJA

13. Revise the plat to change "Block B, Lot 2" to "CA1, Block B."

Response: Plat revised as requested.

14. Revise the plat to change “Block B, Lot R1A” as “Lot 1, Block B.”

Response: Plat revised as requested.

15. Revise the plats’ title block to reflect “one lot and one common area lot” instead of “two lots” and list “Lot 1, Block B and CA1, Block B.”

Response: Plat revised as requested.

16. Revise the plat to remove all landscape buffer lines, as they are controlled by the governing PD ordinance.

Response: Plat revised as requested.

17. Revise the plats to add the following note: “The common area to be owned and maintained by the Homeowners Association/Property Owners Association.”

Response: Plat revised as requested.

18. Revise the plat to include a not as follows: “The common area shall include pedestrian and recreation access.”

Response: Plat revised as requested.

19. The Open Space Plan in the governing Development Agreement requires an eight (8) foot wide public trail along the south side of the subject property. Revise the plat to include a pedestrian and recreation access easement for any portions of the trail that traverse the subject property along the south side of proposed Lot 1, Block B, if applicable.

Response: Plat revised as requested.

20. Add the City Secretary certification under the plat approval block. Refer to Subdivision Ordinance <https://ecode360.com/40105818#40105818> Section 9.02.004.d(14) for associated requirements.

Response: Plat revised as requested.

21. The governing Development Agreement requires the open space/pocket park (to be located on CA1, Block B) to have street frontage on at least two sides. Submit a Development Agreement amendment for the consideration accordingly as the zoning amendment did not amend the DA.

Response: An amendment to the PD was included in our Zoning and approved by the Planning and Zoning Commissions and City Council. This letter requested street frontage to only be required along the southern boundary of the park area (Villas Drive). The letter request is included in this submittal.

22. Revise the plat title block to "Elevon West Commercial, Phase 2" per the conditionally approved Preliminary Plat.

Response: Plat revised as requested.

Please contact me at (972-704-1177) or cole.eckeberger@kimley-horn.com should you have any questions or need any additional information.

Sincerely,



Cole Eckeberger, PE
Project Manager

January 31, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Cottages at Elevon
Final Plat Review
LJA Job No. NTP-40467
Email Submittal: January 16, 2024

LJA has reviewed the submittal referenced above per your request. Provided below are comments relating to planning and design. Please do not hesitate to let us know if you have any questions.

PLANNING + DESIGN COMMENTS

1. Revise the plat to change "Block B, Lot 2" to "CA1, Block B."
2. Revise the plat to change "Block B, Lot R1A" as "Lot 1, Block B."
3. Revise the plats' title block to reflect "one lot and one common area lot" instead of "two lots" and list "Lot 1, Block B and CA1, Block B."
4. Revise the plat to remove all landscape buffer lines, as they are controlled by the governing PD ordinance.
5. Revise the plats to add the following note: "The common area to be owned and maintained by the Homeowners Association/Property Owners Association."
6. Revise the plat to include a note as follows: "The common area shall include pedestrian and recreation access".
7. The Open Space Plan in the governing Development Agreement requires an eight (8) foot wide public trail along the south side of the subject property. Revise the plat to include a pedestrian and recreation access easement for any portions of the trail that traverse the subject property along the south side of proposed Lot 1, Block B, if applicable.
8. Add the City Secretary certification under the plat approval block. Refer to Subdivision Ordinance <https://ecode360.com/40105818#40105818> Section 9.02.004.d(14) for associated requirements.
9. The governing Development Agreement requires the open space/pocket park (to be located on CA1, Block B) to have street frontage on at least two sides. Submit a Development Agreement amendment for consideration accordingly as the zoning amendment did not amend the DA.
10. Revise the plat title block to "Elevon West Commercial, Phase 2" per the conditionally approved Preliminary Plat.

Comments prepared and compiled by:



Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:



Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX



CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 5 – E

Item:

CONSENT AGENDA

Approve the final plat of the Elevon Multifamily, Block A, Lot 1 Addition consisting of one multifamily casitas lot on 13.194 acres of land out of the S. M. Rainer Survey, Abstract No. 740, situated on the north side of Elevon Parkway east of the intersection of Elevon Parkway and Bois D' Arc, Lavon, Collin County, Texas, (CCAD Property ID 2882922).

Application Information

Owner(s): MA Land Holdings L.L.C.

Applicant: JBI Partners

Location: East of the intersection of Elevon Parkway and Bois D Arc, fronting on and north of Elevon Parkway and south of the NETEX right of way.

Description: Approximately 13.194 acres out of the Samuel M. Rainer Survey, Abstract No. 740, City of Lavon, Collin County, Texas, (CCAD Parcel ID 2882922)

Current Zoning: Planned Development

Request: Final Plat

Request Details

The applicant is seeking approval of a final plat of the Elevon Multifamily, Block A, Lot 1 Addition, a multifamily section of a mixed use planned development. The proposed addition consists of 1 lot on 13.194 acres.

Code Excerpts:

**TEXAS LOCAL GOVERNMENT CODE
§ 212.004. PLAT REQUIRED**

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be

dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Code Excerpts:

**CITY OF LAVON – ARTICLE 9.02 SUBDIVISION ORDINANCE
SECTION 9.02.004 (d) FINAL PLAT**

After approval of the preliminary plat by the planning and zoning commission and City Council, a final plat, prepared by a registered public surveyor bearing his or her seal and the construction plans prepared by a registered professional civil engineer bearing his or her seal, shall be submitted to the planning and zoning commission.

On December 5, 2023, the City Council approved the preliminary plat of the Elevon Multifamily Addition. The final plat conforms to the approved zoning and preliminary plat.

The proposed development takes access from Elevon Parkway. A Traffic Impact Analysis (TIA) has been prepared and improvements will be constructed as prescribed by the TIA and as approved by the city engineer.

The development will provide for the extension of public infrastructure systems for water, sanitary sewer, and trails. The development agreement outlines specific public infrastructure requirements related to the development and the proposed engineering plans are consistent with the development agreement obligations.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE ELEVON MULTIFAMILY, BLOCK A, LOT 1 ADDITION CONSISTING OF ONE MULTIFAMILY CASITAS LOT ON 13.194 ACRES OF LAND OUT OF THE S. M. RAINIER SURVEY, ABSTRACT NO. 740, SITUATED ON THE NORTH SIDE OF ELEVON PARKWAY EAST OF THE INTERSECTION OF ELEVON PARKWAY AND BOIS D' ARC, LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: NABORS
SECONDED: COX
APPROVED: UNANIMOUS

Staff Notes:

The proposed final plat and construction plans were reviewed by the staff development review committee and the City Engineer. The final plat generally meets the technical requirements and complies with the zoning and subdivision regulations. Approval is recommended.

Attachments: 1. Application
2. Location Exhibits
3. Engineer's Correspondence

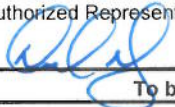


CITY OF LAVON

P.O. Box 340, School Rd. Lavon, TX 75166
Office 972-843-4220 – Inspection 972-853-0855

PLAT APPLICATION

Incomplete applications will not be accepted.

Company Making Submission		Property Owner	
Name: <u>JB PARTNERS</u>		Name: <u>MA LAND HOLDINGS LLC</u>	
Address: <u>2121 Midway Road, Suite 300</u>		Address: <u>2121 Midway Road, Suite 240</u>	
City/State/Zip: <u>Carrollton/TX/75006</u>		City/State/Zip: <u>Carrollton/TX/75006</u>	
Phone #: <u>972.738.0243</u> Fax #: _____		Phone # <u>972.715.6421</u> Fax # _____	
Authorized Person: <u>Daniel Dewey, P.E.</u>		Authorized Person: <u>Allen Jones</u>	
Type of Submission		Check List of Items Submitted	
<input type="checkbox"/> Preliminary Plat		<input type="checkbox"/> (two) full size sets of plats (24x36)	
<input checked="" type="checkbox"/> Final Plat (Elevon Multifamily Addition Lot 1) 1/29/2024		<input type="checkbox"/> (two) full size construction sets (24x36)	
<input type="checkbox"/> Re-Submittal		<input type="checkbox"/> (one) half size sets of plats (11x17)	
<input checked="" type="checkbox"/> Construction Plans (Elevon Multifamily Addition Lot 1) 1/29/2024		<input type="checkbox"/> (ten) half size sets of plats with final submission (11x17)	
<input type="checkbox"/> Other (eg. Replat, Development Plat, Short-Form Plat)		<input checked="" type="checkbox"/> (one) PDF plats (on separate CD's) ^(Via MyGov)	
		<input checked="" type="checkbox"/> (one) PDF construction plans (can be included on plat CD) ^(Via MyGov)	
Application Fees			
Preliminary Plat	Per Fee Schedule		
Final Plat	Per Fee Schedule		
Re-Plat	Per Fee Schedule		
Public Infrastructure Inspection	Per Fee Schedule		
<p>To complete the plat please sign up as a collaborator in the MyGov system https://public.mygov.us/lavon_tx request access to the City of Lavon. Make a new request for the plat and upload these forms along with plans.</p>			
<p>NOTICE TO APPLICANT: Any approval will be issued based on the information furnished in this application and on any submitted plats. It is subject to the provisions and requirements of the City of Lavon Code of Ordinances and any other applicable ordinances of the City, regardless of information and/or plans submitted.</p>			
Authorized Representative (Printed Name) <u>Daniel Dewey, P.E.</u>		Authorized Representative (Signature) 	Date: <u>1-30-2024</u>
To be completed by the City			
In Takers Name:			
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:
<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected
P&Z Review Date:		Council Action Date:	
<input type="checkbox"/> Approved <input type="checkbox"/> Rejected		<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	
Comments:			

www.cityoflavon.com



CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - - Inspection 972-853-0855
Email: l.mcclendon@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Authorization of Representation

Date: 1/30/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, MA LAND HOLDINGS LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize JB PARTNERS to represent me (us) and my (our) interests in the property described in the attached exhibits (s) for the expressed purpose of this request.

[Signature]
Signature (Owner)

Signature (Owner)

Signature (Owner)

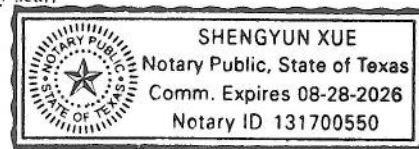
The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Allen Jones,
on this the 30th day of January, 2024.

[Signature]

Notary Public in and for Dallas County, Texas

(notary seal)





CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - Inspection 972-853-0855
Email: lmccleendon@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Declaration of Ownership

Date: 1/30/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, MA LAND HOLDINGS LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request (s) relating to this property.

Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas

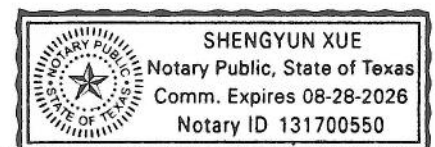
County of Dallas

Before me, the undersigned authority, appeared Allen Jones,

on this the 30th day of January, 2024.

(notary seal)

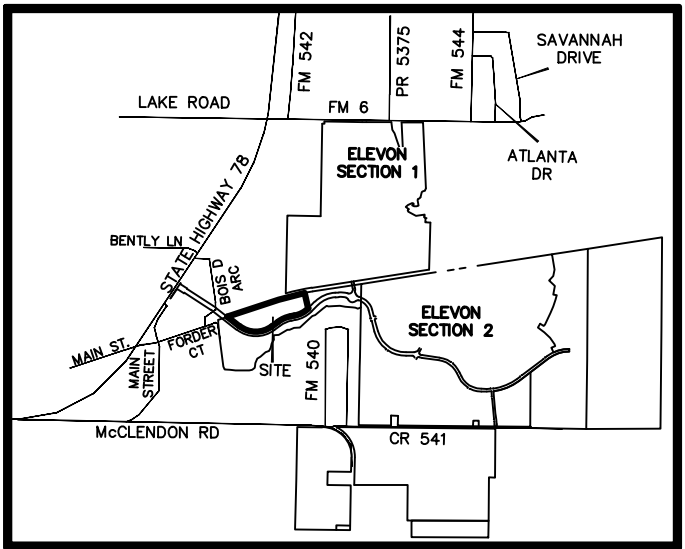
Notary Public in and for Dallas County, Texas



NOTES:

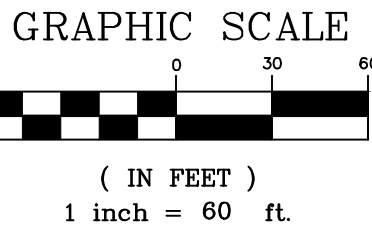
1. THE BASIS OF BEARING IS BASED ON THE COORDINATE SYSTEM (NORTH CENTRAL ZONE 4202 STATE PLANE COORDINATES, NAD83).
2. THE WATER SYSTEM IS OWNED AND OPERATED BY BEAR CREEK SPECIAL UTILITY DISTRICT (BCSUD).
3. SANITARY SEWER SYSTEM AND DRAINAGE SYSTEM ON THE LOT WILL BE PRIVATE.
4. ELECTRIC EASEMENTS WILL BE DEDICATED BY SEPARATE INSTRUMENT.
5. FLOOD STATEMENT: ACCORDING TO COMMUNITY PANEL NO. 48085C0445J, DATED JUNE 2, 2009, OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM MAP, THIS PROPERTY IS WITHIN FLOOD ZONE "X", (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN), WHICH IS NOT A SPECIAL FLOOD HAZARD AREA. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA.
6. PUBLIC PEDESTRIAN AND RECREATION ACCESS EASEMENT AREAS AND 8-FOOT TRAIL ALONG ELEVEN PARKWAY, WHETHER WITHIN OR OUTSIDE THE RIGHT-OF-WAY, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER OR PROPERTY OWNER'S ASSOCIATION.

LOT AREA TABLE		
BLOCK-LOT	SQUARE FEET	ACRES
A-1	574,738	13.194



LEGEND

- P.O.B. POINT OF BEGINNING
IPF IRON PIPE FOUND
IRF IRON ROD FOUND
CIRF CAPPED IRON ROD FOUND
CIRS CAPPED IRON ROD SET
CM CONTROL MONUMENT
ROW RIGHT-OF-WAY
AC ACRES
UE UTILITY EASEMENT



FINAL PLAT
ELEVEN MULTIFAMILY ADDITION
BLOCK A, LOT 1

1 LOT
13.194 ACRES OUT OF
THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740,
CITY OF LAVON,
COLLIN COUNTY, TEXAS

MA LAND HOLDINGS LLC CURRENT OWNER
2121 Midway Road, Suite 240 (972) 715-6449
Carrollton, Texas 75006
Contact: John Marlin

DHIC, LLC FUTURE OWNER/DEVELOPER
1341 Horton Circle 817-390-8200
Arlington, Texas 76011
Contact: Hayden Moses

JBI PARTNERS, INC. SURVEYOR/ENGINEER
2121 Midway Road, Suite 300 (972) 248-7676
Carrollton, Texas 75006
TBPE No. F-438 TBPLS No. 10076000

Date: February 20, 2024

Sheet 1 of 2

Plotted by: dbell Plot Date: 2/20/2024 11:14 AM

Drawing: H: \Projects\01004-ELEVON\Surveying\dwg\p(Lot 1).dwg Saved By: ddewey Save Time: 2/20/2024 11:00 AM

LEGAL DESCRIPTION
(13.194 ACRES)

Being a parcel of land located in the City of Lavon, Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being a part of that called Parcel 1–29.925 acre tract of land described in deed to MA Land Holdings, LLC as recorded in Document Number 2022000152456 Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one–half inch iron rod with cap stamped ‘USA INC’ found at the northwest corner of said 29.925 acre tract, said point being in the north right–of–way line of Elevon Parkway, a variable width right–of–way as recorded in Document Number 2023–925, Official Public Records of Collin County, Texas, said point also being in the south right–of–way line of Northeast Texas Rural Rail Transportation District, as recorded in Volume 5585, Page 2680, Official Public Records of Collin County, Texas;

THENCE North 71 degrees 57 minutes 09 seconds East, 1,143.51 feet along the north line of said 29.925 acre tract and along the south right–of–way line of Northeast Texas Rural Rail Transportation District line to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE South 18 degrees 02 minutes 51 seconds East, 327.70 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE North 71 degrees 57 minutes 09 seconds East, 4.53 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE South 18 degrees 02 minutes 51 seconds East, 144.54 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE Southeasterly, 66.51 feet along a curve to the left, having a central angle of 19 degrees 03 minutes 09 seconds, a radius of 200.00 feet, a tangent of 33.56 feet and whose chord bears South 27 degrees 34 minutes 26 seconds East, 66.20 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE South 37 degrees 06 minutes 01 seconds East, 30.48 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set in the south line of said 29.925 acre tract, said point also being in the north right–of–way line of said Elevon Parkway;

THENCE along the south line of said 29.925 acre tract and along the north right–of–way line of said Elevon Parkway as follows:
South 52 degrees 53 minutes 59 seconds West, 123.19 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner;

Northwesterly, 905.25 feet along a curve to the right, having a central angle of 75 degrees 10 minutes 11 seconds, a radius of 690.00 feet, a tangent of 531.08 feet and whose chord bears North 89 degrees 30 minutes 55 seconds West, 841.71 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner;

North 51 degrees 55 minutes 50 seconds West, 417.42 feet to the POINT OF BEGINNING and containing 574,738 square feet or 13.194 acres of land.

BASIS OF BEARING:

The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83), distances shown hereon are grid distance values.

DEDICATION STATEMENT

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

That **MA LAND HOLDINGS LLC**, acting herein by and through its duly–authorized officers, does hereby adopt this plat designating the herein above described property as **ELEVON MULTIFAMILY ADDITION**, an addition to the City of Lavon, Collin County, Texas, and does hereby dedicate, in 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 across 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 using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public’s and City of Lavon use thereof. The City of Lavon 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 City of Lavon 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.

All utility easements dedicated by this plat shall also include an additional area of working space for construction, reconstruction, additions, enlargements, and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb of of pavement line.

- All water system is owned and operated by Bear Creek Special Utility District (BCSUD) and all construction related to water service shall be done per BCSUD’s specifications and general notes.
- The easements and public use areas, as shown are dedicated for the public use, including specifically for the City of Lavon, or BCSUD, forever for purposes indicated on this plat.
- The City of Lavon and BCSUD are not responsible for replacing any improvements in, under or over any easements caused by maintenance or repair.
- Utility easements may also be used for the mutual and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities as being subordinate to the public, City of Lavon and BCSUD.
- The City of Lavon, BCSUD, and public utilities shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with construction, maintenance, or efficiency of their respective systems in the easements.
- City of Lavon, BCSUD, and public utilities shall at all times have the full right of ingress and egress to and from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, respective systems without the necessity at any time of procuring permission from anyone.
- All modifications to this document shall be by means of plat and approved by the City of Lavon unless said modifications pertain to BCSUD facilities, at which time BCSUD shall also review and approve.

MA LAND HOLDINGS, LLC, 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 whomsoever 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 Lavon.

WITNESS MY HAND THIS ____ DAY OF _____, 2024.

MA LAND HOLDINGS LLC, a Texas limited liability company

By: _____
John Marlin

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared John Marlin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated..

Given under my hand and seal of office, this ____ day of _____, 2024.

Notary Signature

CURVE TABLE							CURVE TABLE						
NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD	NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	46.96'	089°40'50"	30.00'	29.83'	N83°13'44"E	42.31'	C32	72.66'	019°03'09"	218.50'	36.67'	S27°34'26"E	72.32'
C2	33.12'	033°52'59"	56.00'	17.06'	S55°00'39"W	32.64'	C33	47.12'	090°00'00"	30.00'	30.00'	N63°02'51"W	42.43'
C3	47.12'	090°00'00"	30.00'	30.00'	N26°57'09"E	42.43'	C34	40.79'	077°54'42"	30.00'	24.26'	S57°00'12"E	37.72'
C4	47.12'	090°00'00"	30.00'	30.00'	S63°02'51"E	42.43'	C35	46.86'	089°29'30"	30.00'	29.73'	S26°41'53"W	42.24'
C5	47.12'	090°00'00"	30.00'	30.00'	N26°57'09"E	42.43'	C36	53.60'	102°21'32"	30.00'	37.29'	S69°36'50"E	46.75'
C6	47.12'	090°00'00"	30.00'	30.00'	S63°02'51"E	42.43'	C37	3.87'	000°25'33"	521.00'	1.94'	N53°20'51"E	3.87'
C7	47.12'	090°00'00"	30.00'	30.00'	N26°57'09"E	42.43'	C38	169.19'	017°31'32"	553.12'	85.26'	N61°53'34"E	168.53'
C8	47.12'	089°59'59"	30.00'	30.00'	S63°02'50"E	42.43'	C39	39.74'	075°53'58"	30.00'	23.40'	S22°16'12"W	36.90'
C9	36.94'	004°12'41"	502.50'	18.48'	S54°52'09"E	36.93'	C40	45.05'	086°02'35"	30.00'	28.00'	N58°04'00"W	40.94'
C11	87.47'	089°29'30"	56.00'	55.51'	S26°41'53"W	78.84'	C41	7.36'	000°46'14"	546.99'	3.68'	N79°17'48"E	7.36'
C12	67.55'	007°29'09"	517.01'	33.82'	S60°37'18"E	67.50'	C42	158.07'	016°59'26"	533.04'	79.62'	N87°56'56"E	157.49'
C13	12.57'	023°16'40"	30.95'	6.37'	N58°11'32"W	12.49'	C43	43.81'	083°40'27"	30.00'	26.86'	S51°54'05"W	40.02'
C14	28.56'	072°08'41"	22.69'	16.53'	S82°37'32"E	26.71'	C44	16.46'	031°26'42"	30.00'	8.45'	S05°20'35"E	16.26'
C15	7.46'	026°43'28"	16.00'	3.80'	N85°18'53"E	7.40'	C45	16.46'	031°26'42"	30.00'	8.45'	N26°06'07"E	16.26'
C16	88.17'	067°48'35"	74.50'	50.07'	S37°32'21"W	83.11'	C46	43.81'	083°40'38"	30.00'	26.86'	N31°08'27"W	40.02'
C17	3.82'	007°25'21"	29.50'	1.91'	N08°01'57"W	3.82'	C47	180.16'	019°13'15"	537.03'	90.93'	S66°02'36"E	179.31'
C18	2.52'	096°18'14"	1.50'	1.67'	N59°53'44"W	2.23'	C48	43.81'	083°40'34"	30.00'	26.86'	S79°03'17"W	40.02'
C19	63.87'	015°58'48"	229.00'	32.14'	S26°02'16"E	63.66'	C49	46.84'	089°27'53"	30.00'	29.72'	N07°11'54"W	42.23'
C20	17.30'	033°02'03"	30.00'	8.90'	N17°30'38"W	17.06'	C50	57.98'	110°44'01"	30.00'	43.43'	N37°39'55"E	49.37'
C21	18.91'	036°06'39"	30.00'	9.78'	S19°02'51"E	18.60'	C52	64.86'	123°52'59"	30.00'	56.28'	S10°00'39"W	52.95'
C22	305.96'	026°33'41"	660.00'	155.78'	S65°12'40"E	303.23'	C53	47.12'	090°00'00"	30.00'	30.00'	N63°02'51"W	42.43'
C23	533.93'	046°21'04"	660.00'	282.54'	N76°04'31"E	519.49'	C54	47.12'	090°00'00"	30.00'	30.00'	S26°57'09"W	42.43'
C24	75.67'	008°37'39"	502.51'	37.91'	N82°23'57"E	75.60'	C56	48.89'	093°07'18"	30.08'	31.76'	N28°34'33"E	43.68'
C25	72.90'	008°18'46"	502.50'	36.52'	S68°33'15"E	72.84'							
C26	51.33'	007°06'41"	413.59'	25.70'	N56°22'56"E	51.30'							
C27	133.68'	014°41'46"	521.17'	67.21'	N76°41'34"E	133.31'							
C28	45.76'	087°23'32"	30.00'	28.66'	N25°38'55"E	41.45'							
C29	15.13'	028°54'12"	30.00'	7.73'	N22°38'55"W	14.97'							
C30	299.36'	033°10'34"	517.01'	154.01'	S69°03'33"E	295.20'							
C31	47.12'	090°00'00"	30.00'	30.00'	N63°02'51"W	42.43'							

LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	N71°57'09"E	4.53'	L21	S71°57'09"W	26.00'	L41	N18°02'51"W	6.50'	L61	S71°57'36"W	8.42'
L2	S37°06'01"E	30.48'	L22	N71°57'09"E	26.00'	L42	S71°57'09"W	10.00'	L62	N22°58'44"E	11.27'
L3	S71°57'09"W	26.00'	L23	S52°03'46"E	15.41'	L43	N71°57'09"E	10.00'	L63	N66°59'13"W	29.39'
L4	S71°57'09"W	107.83'	L24	N33°04'20"E	18.67'	L44	N18°02'51"W	6.50'	L64	N23°00'47"E	11.00'
L5	N18°02'51"W	34.35'	L25	S25°32'42"W	18.67'	L45	S71°57'09"W	10.00'	L65	N66°59'13"W	13.27'
L6	N71°57'09"E	26.98'	L26	S03°17'15"W	4.00'	L46	S18°02'51"E	7.50'	L66	N71°57'09"E	9.86'
L7	S71°57'09"W	26.00'	L27	S18°02'51"E	33.40'	L47	S71°57'09"W	10.00'	L67	S71°57'09"W	41.98'
L8	S71°57'09"W	26.00'	L28	N18°02'51"W	4.00'	L48	S18°02'51"E	6.41'	L68	N18°02'51"W	22.20'
L9	N71°57'09"E	45.57'	L29	S71°57'09"W	17.64'	L49	N63°02'51"W	8.52'	L69	S37°06'15"E	9.01'
L10	N00°54'26"W	2.50'	L30	S18°02'51"E	3.11'	L50	S26°57'09"W	10.00'	L70	N51°55'50"W	25.55'
L11	S89°05'34"W	24.33'	L31	N18°02'51"W	29.40'	L51	N63°02'51"W	8.28'	L71	S52°53'59"W	12.95'
L12	N00°54'26"W	6.33'	L32	S86°21'56"E	5.67'	L52	S36°39'11"W	5.38'	L72	N51°55'50"W	10.55'
L13	S89°05'34"W	2.54'	L33	S71°56'59"W	63.57'	L53	S53°20'49"E	10.00'	L73	S71°57'09"W	8.50'
L14	N00°54'26"W	15.92'	L34	S00°49'01"W	4.76'	L54	S36°39'11"W	7.50'	L74	N18°02'51"W	10.00'
L15	N35°27'27"W	26.01'	L35	N71°57'09"E	16.33'	L55	N71°57'09"E	6.87'	L75	S71°57'09"W	8.50'
L16	N26°26'17"E	8.57'	L36	N18°02'51"W	2.41'	L56	N18°02'51"W	10.00'			
L17	N74°38'15"E	26.00'	L37	N50°41'29"E	11.80'	L57	N71°57'09"E	4.27'			
L18	S52°27'57"E	26.00'	L38	S71°57'09"W	8.74'	L58	S71°57'09"W	9.17'			
L19	S51°55'50"E	187.56'	L39	N18°0°28"W	24.72'	L59	N18°02'51"W	10.00'			
L20	S38°04'10"W	26.00'	L40	N71°57'09"E	10.00'	L60	N18°02'24"W	8.39'			

This plat correctly presents the required easements and certifications required by Bear Creek Special Utility District for this development.

BEAR CREEK SPECIAL UTILITY DISTRICT

NAME/TITLE: _____

Date: _____

SURVEYOR’S CERTIFICATE §

KNOW ALL MEN BY THESE PRESENTS:

That I, Mark W. Harp, RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Lavon.

Dated this the ____ day of _____, 2024.

“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.”
Mark W. Harp, R.P.L.S. No. 6425

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark W. Harp, Land Surveyor, known to me 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 considerations therein expressed.

Given under my hand and seal of office this ____ day of _____, 2024.

Notary Public in and for the State of Texas

Recommended for Approval:

Date: _____

Chairman, Planning and Zoning Commission

City of Lavon, Texas

Approved for Construction:

Date: _____

Mayor, City of Lavon, Texas

Accepted:

Date: _____

Mayor, City of Lavon, Texas

The undersigned, the city secretary of the City of Lavon, Texas, hereby certifies that the foregoing final plat of the _____ subdivision or addition to the City of Lavon was submitted to the city council on the ____ day of _____, 20____ and the council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places and water and sewer lines as shown and set forth in and upon said plat and said council further authorized the mayor to note the acceptance thereof by signing his or her name as here in above subscribed.

Witness my hand this ____ day of _____, AD, 20____.

City Secretary, City of Lavon, Texas

FINAL PLAT
ELEVON MULTIFAMILY ADDITION
BLOCK A, LOT 1

1 LOT

13.194 ACRES OUT OF
THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740,

CITY OF LAVON,
COLLIN COUNTY, TEXAS

MA LAND HOLDINGS LLC **CURRENT OWNER**

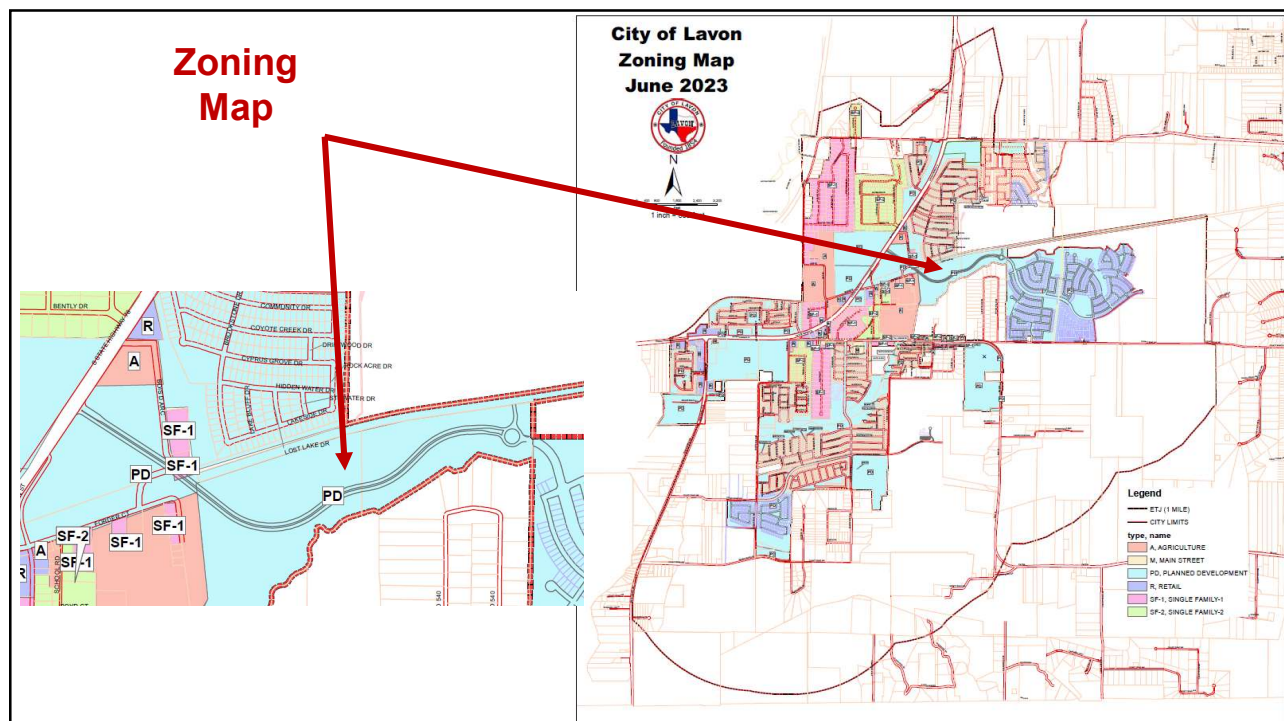
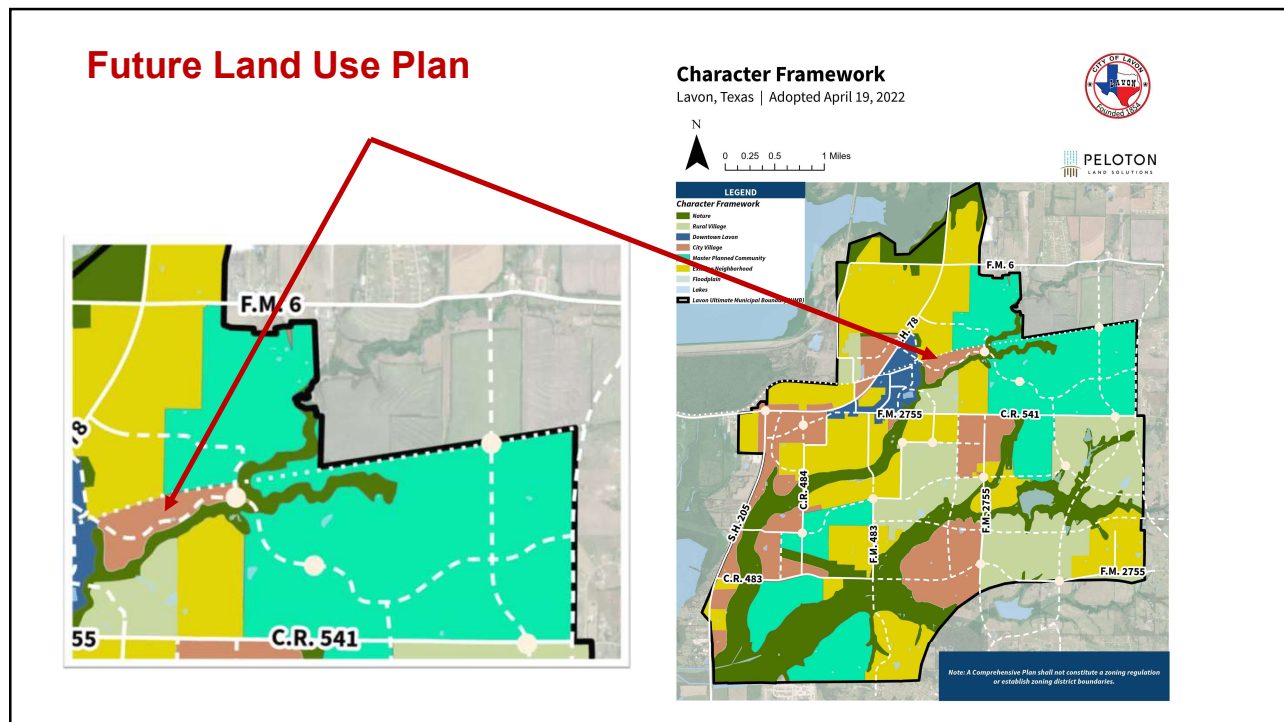
2121 Midway Road, Suite 240 (972) 715–6449
Carrollton, Texas 75006
Contact: John Marlin

DHIC, LLC **FUTURE OWNER/DEVELOPER**

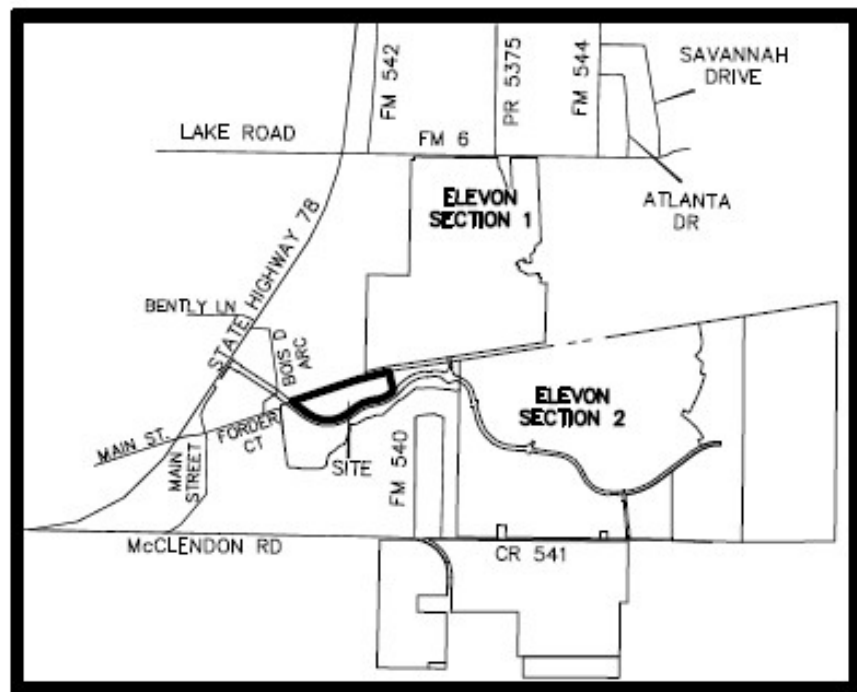
1341 Horton Circle 817–390–8200
Arlington, Texas 76011
Contact: Hayden Moses

JBI PARTNERS, INC. **SURVEYOR/ENGINEER**

2121 Midway Road, Suite 300 (972) 248–7676
Carrollton, Texas 75006
TBPE No. F–438 TBPLS No. 10076000



**Elevon
Multifamily
Block A, Lot 1
Addition
Location Exhibit**



31

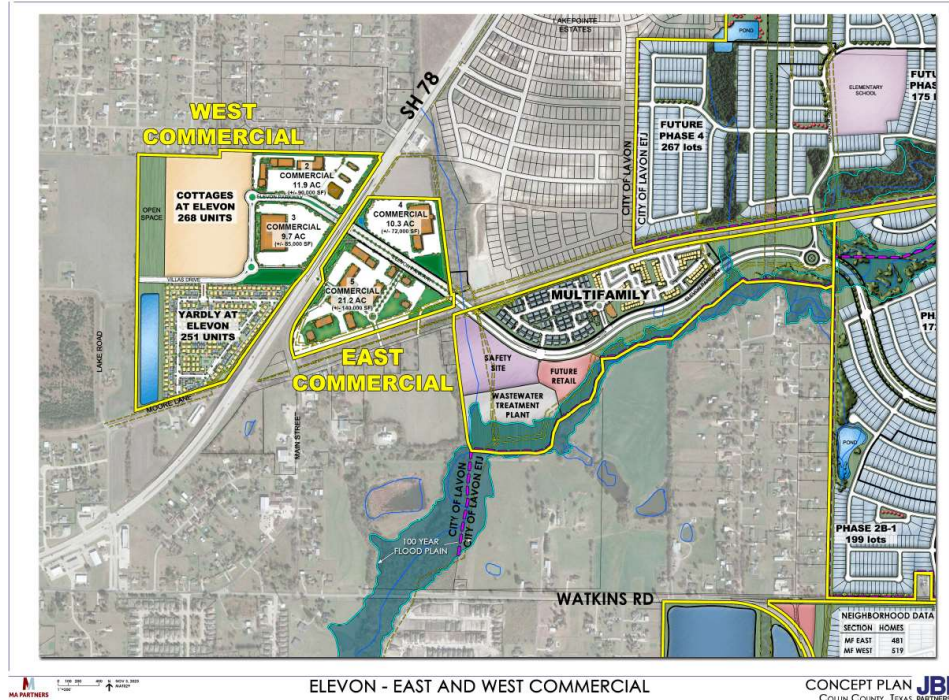
**Elevon
Multifamily
Block A, Lot 1
Addition
Location
Exhibit**



32

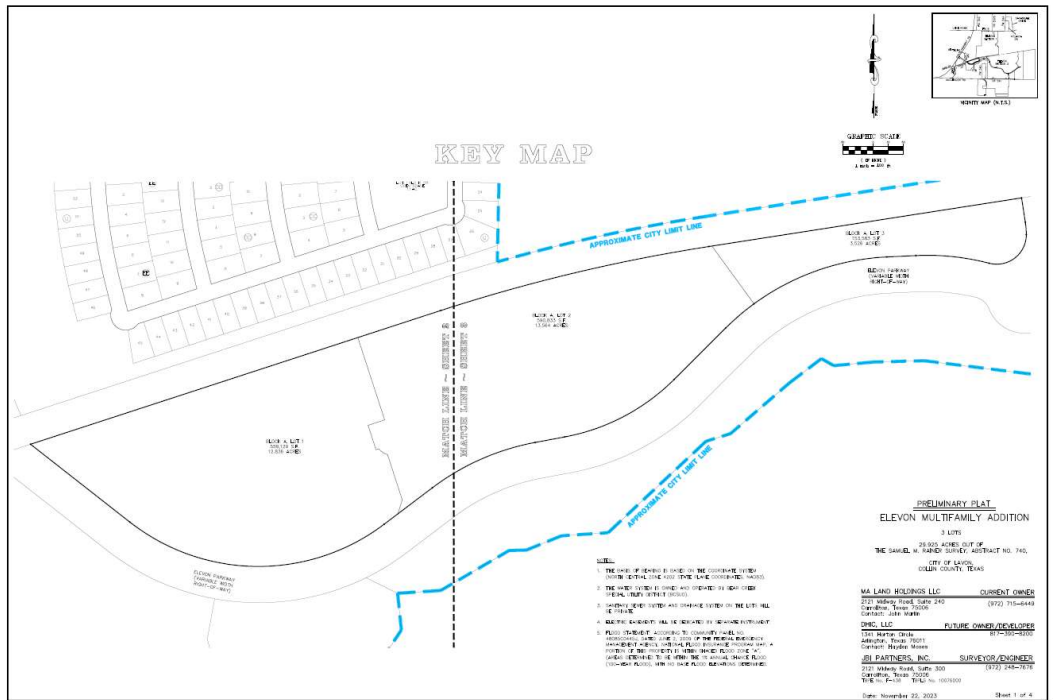
Elevon Community Concept Plan

East and West Commercial Multifamily

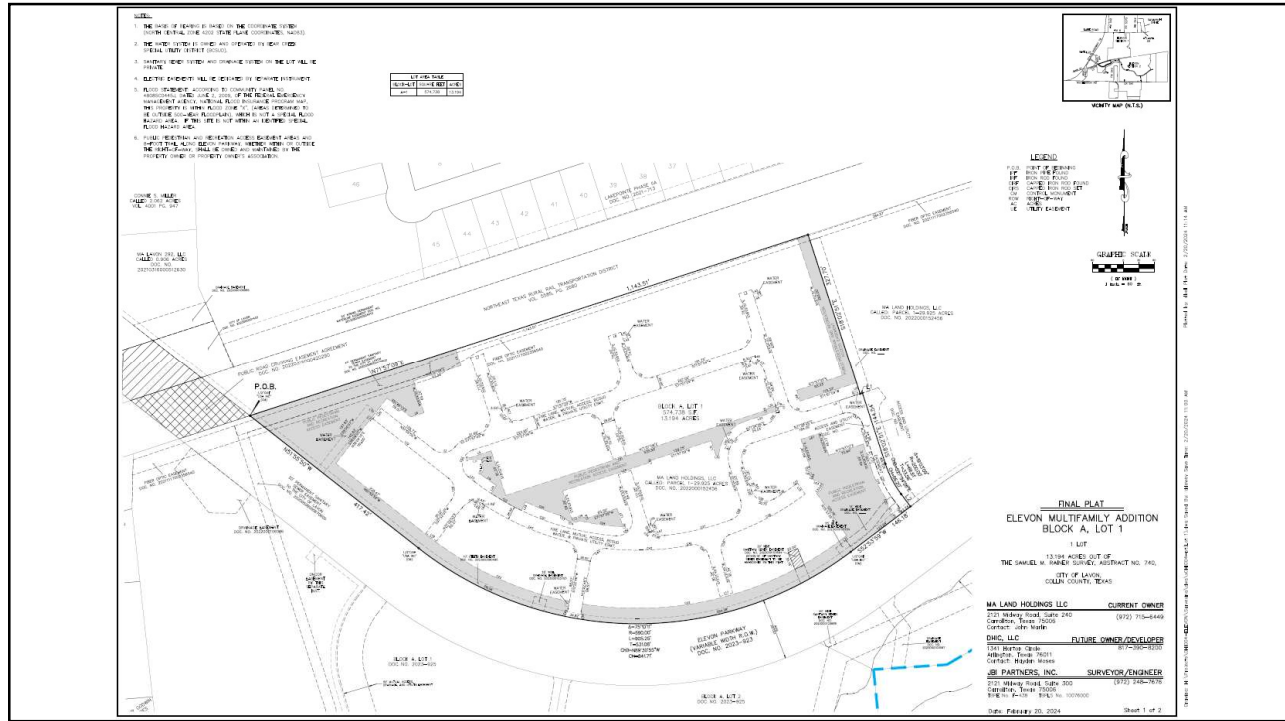


33

Elevon Multifamily Addition Preliminary Plat



34



February 21, 2024

Ms. Kim Dobbs
City of Lavon
120 School Road
Lavon, TX 75166

Re: Elevon Multifamily Addition, Block A, Lot 1 (Casitas), 1 Lot, 13.194 Acres
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Final Plat dated February 20, 2024 as prepared by JBI Partners, Inc. for the above referenced property. Revised Engineering Plans have not been provided for review. The property is generally located north of Elevon Parkway and south of NETEX property.

All Engineering and Planning Final Plat comments have been satisfactorily addressed.

This concludes our review of the above-referenced revised Final Plat. **We recommend APPROVAL of the Final Plat.** A copy of the Planner's recommendation is attached.

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavon.

If there are any questions, please contact me at 214-503-0555 x115 or by email at mdhill@fmi-dallas.com.

Sincerely,
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.
Consulting City Engineer

Attachment

Cc: David Carter, Mike Jones, Danny Anthony

F:\17024 - LAV General Servies\9 - Review\Elevon\MultiFamily\Casitas\Elevon Multifamily Lot 1 Blk A (Casitas) - Final Plat - Rev 1.docx

February 21, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Elevon – DHI Multifamily
Lot 1 Final Plat Review
LJA Job No. NTP-40467
MyGov Submittal: February 20, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. We have no further comments and recommend approval. Please do not hesitate to let us know if you have any questions.

Comments prepared and compiled by:

A handwritten signature in black ink that reads "Tiffany McLeod". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:

A handwritten signature in black ink that reads "Abra R Nusser". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX

February 21, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Elevon – DHI Multifamily
Lot 1 Final Plat Review
LJA Job No. NTP-40467
MyGov Submittal: February 20, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. We have no further comments and recommend approval. Please do not hesitate to let us know if you have any questions.

Comments prepared and compiled by:

A handwritten signature in black ink that reads "Tiffany McLeod". The signature is written in a cursive, flowing style.

Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:

A handwritten signature in black ink that reads "Abra R. Nusser". The signature is written in a cursive, flowing style.

Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX



February 20, 2024

Ms. Kim Dobbs
City of Lavon
PO Box 340
120 School Road
Lavon, TX 75166

**Re: Lot 1 and Lot 2, Multifamily Addition
Final Plat Review**

Dear Ms. Dobbs

JBI Partners received your comments on the final plat submittal via email form on February 15 from LJA. We have addressed the comments pertaining to the final plats and are resubmitting the revised final plats for review and approval.

Below is a summary of how each comment is addressed.

1. Revise the easement labels for required open space to be "Public Pedestrian and Recreation Access Easements" on both Final Plats.
The required open space easement labels have been revised per comment on both plats.
2. The Site Plan and Preliminary Plat show the property located east of proposed Lot 2 as proposed Lot 3. If there are required public improvements (associated with Lot 2) on proposed Lot 3, revise the Lot 2, Block A Final Plat to include proposed Lot 3. If there are not, no changes are required to address the comment.
There are no public improvements required on Lot 3 at this time. As discussed in the meeting at the City of Lavon, Lot 3 is currently zoned as part of Tract 5 and the developer is exploring uses for the tract.

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

Daniel Dewey

Daniel Dewey, PE
JBI Partners, Inc.



February 20, 2024

Ms. Kim Dobbs
City of Lavon
PO Box 340
120 School Road
Lavon, TX 75166

**Re: Elevon Multifamily Addition, Block A, Lot 1 (Casitas) 13.194 acres
Final Plat Review**

Dear Ms. Dobbs

JBI Partners received your comments on the final plat submittal via email form on February 16 from FMI. We have addressed the comments pertaining to the final plats and are resubmitting the revised final plats for review and approval. We will follow up with an engineering resubmittal.

Below is a summary of how each comment is addressed.

1. Per City Planning comments – "... the easement labels for required open space to "Public Pedestrian and Recreation Access Easements".
The required open space easement labels have been revised per comment.
2. A note should be added in the Dedication Statement as follows:
"Public Pedestrian and Recreation Access Easement areas and 8-foot trail along Elevon Parkway, whether within or outside right-of-way, shall be owned and maintained by the property owner or property owners' association."
Note has been added to Sheet 1 as Note 6.
3. In the written description there is reference to a 11.806 acre tract. This tract should be identified in the drawing.
The legal description has been revised now that Elevon West Parkway has been dedicated. Previously the legal referenced the 11.806 acre parcel that MA purchased for the right-of-way.

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

Daniel Dewey

Daniel Dewey, PE
JBI Partners, Inc.



CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 5 – F

Item:

CONSENT AGENDA

Approve the final plat of the Elevon Multifamily, Block A, Lot 2 Addition consisting of one multifamily apartment lot on 13.679 acres of land out of the S. M. Rainer Survey, Abstract No. 740, situated on the north side of Elevon Parkway east of the intersection of Elevon Parkway and Bois D' Arc, Lavon, Collin County, Texas, (CCAD Property ID 2882922).

Application Information

Owner(s): MA Land Holdings L.L.C.

Applicant: JBI Partners

Location: East of the intersection of Elevon Parkway and Bois D Arc, fronting on and north of Elevon Parkway and south of the NETEX right of way.

Description: Approximately 13.679 acres out of the Samuel M. Rainer Survey, Abstract No. 740, City of Lavon, Collin County, Texas, (CCAD Parcel ID 2882922)

Current Zoning: Planned Development

Request: Final Plat

Request Details

The applicant is seeking approval of a final plat of the Elevon Multifamily, Block A, Lot 2 Addition, a multifamily section of a mixed use planned development. The proposed addition consists of 1 lot on 13.679 acres.

Code Excerpts:

**TEXAS LOCAL GOVERNMENT CODE
§ 212.004. PLAT REQUIRED**

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be

dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Code Excerpts:

**CITY OF LAVON – ARTICLE 9.02 SUBDIVISION ORDINANCE
SECTION 9.02.004 (d) FINAL PLAT**

After approval of the preliminary plat by the planning and zoning commission and City Council, a final plat, prepared by a registered public surveyor bearing his or her seal and the construction plans prepared by a registered professional civil engineer bearing his or her seal, shall be submitted to the planning and zoning commission.

On December 5, 2023, the City Council approved the preliminary plat of the Elevon Multifamily Addition. The final plat conforms to the approved zoning and preliminary plat.

The proposed development takes access from Elevon Parkway. A Traffic Impact Analysis (TIA) has been prepared and improvements will be constructed as prescribed by the TIA and as approved by the city engineer.

The development will provide for the extension of public infrastructure systems for water, sanitary sewer, and trails. The development agreement outlines specific public infrastructure requirements related to the development and the proposed engineering plans are consistent with the development agreement obligations.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE ELEVON MULTIFAMILY, BLOCK A, LOT 2 ADDITION CONSISTING OF ONE MULTIFAMILY APARTMENT LOT ON 13.679 ACRES OF LAND OUT OF THE S. M. RAINER SURVEY, ABSTRACT NO. 740, SITUATED ON THE NORTH SIDE OF ELEVON PARKWAY EAST OF THE INTERSECTION OF ELEVON PARKWAY AND BOIS D' ARC, LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: NABORS
SECONDED: TIEGS
APPROVED: UNANIMOUS

Staff Notes:

The proposed final plat and construction plans were reviewed by the staff development review committee and the City Engineer. The final plat generally meets the technical requirements and complies with the zoning and subdivision regulations. Approval is recommended.

Attachments: 1. Application
2. Location Exhibits
3. Engineer's Correspondence



CITY OF LAVON

P.O. Box 340, School Rd. Lavon, TX 75166
Office 972-843-4220 – Inspection 972-853-0855

PLAT APPLICATION

Incomplete applications will not be accepted.

Company Making Submission		Property Owner			
Name: <u>JB PARTNERS</u>		Name: <u>MA LAND HOLDINGS LLC</u>			
Address: <u>2121 Midway Road, Suite 300</u>		Address: <u>2121 Midway Road, Suite 240</u>			
City/State/Zip: <u>Carrollton/TX/75006</u>		City/State/Zip: <u>Carrollton/TX/75006</u>			
Phone #: <u>972.738.0243</u> Fax #: _____		Phone # <u>972.715.6421</u> Fax # _____			
Authorized Person: <u>Daniel Dewey, P.E.</u>		Authorized Person: <u>Allen Jones</u>			
Type of Submission		Date			
<input type="checkbox"/> Preliminary Plat					
<input checked="" type="checkbox"/> Final Plat (Elevon Multifamily Addition Lot 2)		<u>1/29/2024</u>			
<input type="checkbox"/> Re-Submittal					
<input checked="" type="checkbox"/> Construction Plans (Elevon Multifamily Addition Lot 2)		<u>1/29/2024</u>			
<input type="checkbox"/> Other (eg. Replat; Development Plat; Short-Form Plat)					
Check List of Items Submitted					
<input type="checkbox"/> (two) full size sets of plats (24x36)					
<input type="checkbox"/> (two) full size construction sets (24x36)					
<input type="checkbox"/> (one) half size sets of plats (11x17)					
<input type="checkbox"/> (ten) half size sets of plats with final submission (11x17)					
<input checked="" type="checkbox"/> (one) PDF plats (on separate CD's) ^(Via MyGov)					
<input checked="" type="checkbox"/> (one) PDF construction plans (can be included on plat CD) ^(Via MyGov)					
Application Fees					
Preliminary Plat	Per Fee Schedule				
Final Plat	Per Fee Schedule				
Re-Plat	Per Fee Schedule				
Public Infrastructure Inspection	Per Fee Schedule				
<p>To complete the plat please sign up as a collaborator in the MyGov system https://public.mygov.us/lavon_tx request access to the City of Lavon. Make a new request for the plat and upload these forms along with plans.</p>					
<p>NOTICE TO APPLICANT: Any approval will be issued based on the information furnished in this application and on any submitted plats. It is subject to the provisions and requirements of the City of Lavon Code of Ordinances and any other applicable ordinances of the City, regardless of information and/or plans submitted.</p>					
Authorized Representative (Printed Name) <u>Daniel Dewey, P.E.</u>		Authorized Representative (Signature) 	Date: <u>1-30-2024</u>		
To be completed by the City					
In Takers Name:					
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:	P&Z Review Date:	Council Action Date:
<input type="checkbox"/> Accepted	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected
Comments:					

www.cityoflavon.com



CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - - Inspection 972-853-0855
Email: lmccleendon@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Authorization of Representation

Date: 1/30/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, MA LAND HOLDINGS LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize JB PARTNERS to represent me (us) and my (our) interests in the property described in the attached exhibits (s) for the expressed purpose of this request.

[Signature]
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas

County of Dallas

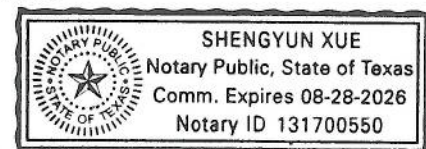
Before me, the undersigned authority, appeared Allen Jones,

on this the 30th day of January, 2024.

(notary seal)

[Signature]

Notary Public in and for Dallas County, Texas





CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - Inspection 972-853-0855
Email: l.mcclendon@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Declaration of Ownership

Date: 1/30/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, MA LAND HOLDINGS LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request (s) relating to this property.

[Signature]
Signature (Owner)

Signature (Owner)

Signature (Owner)

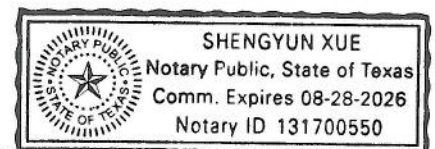
The State of Texas
County of Dallas

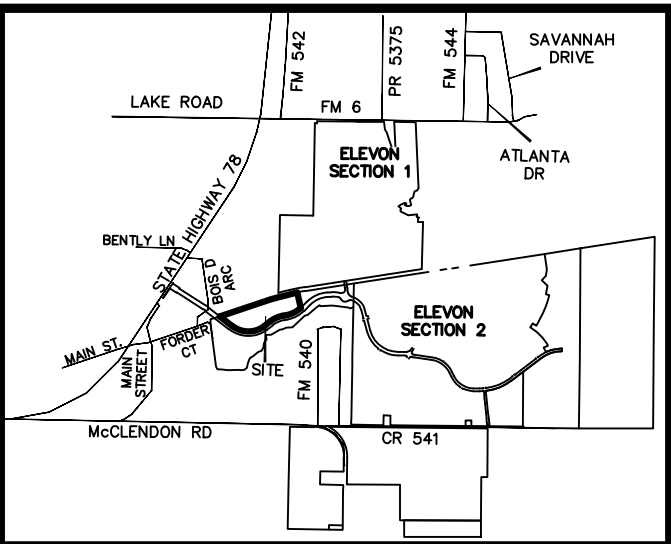
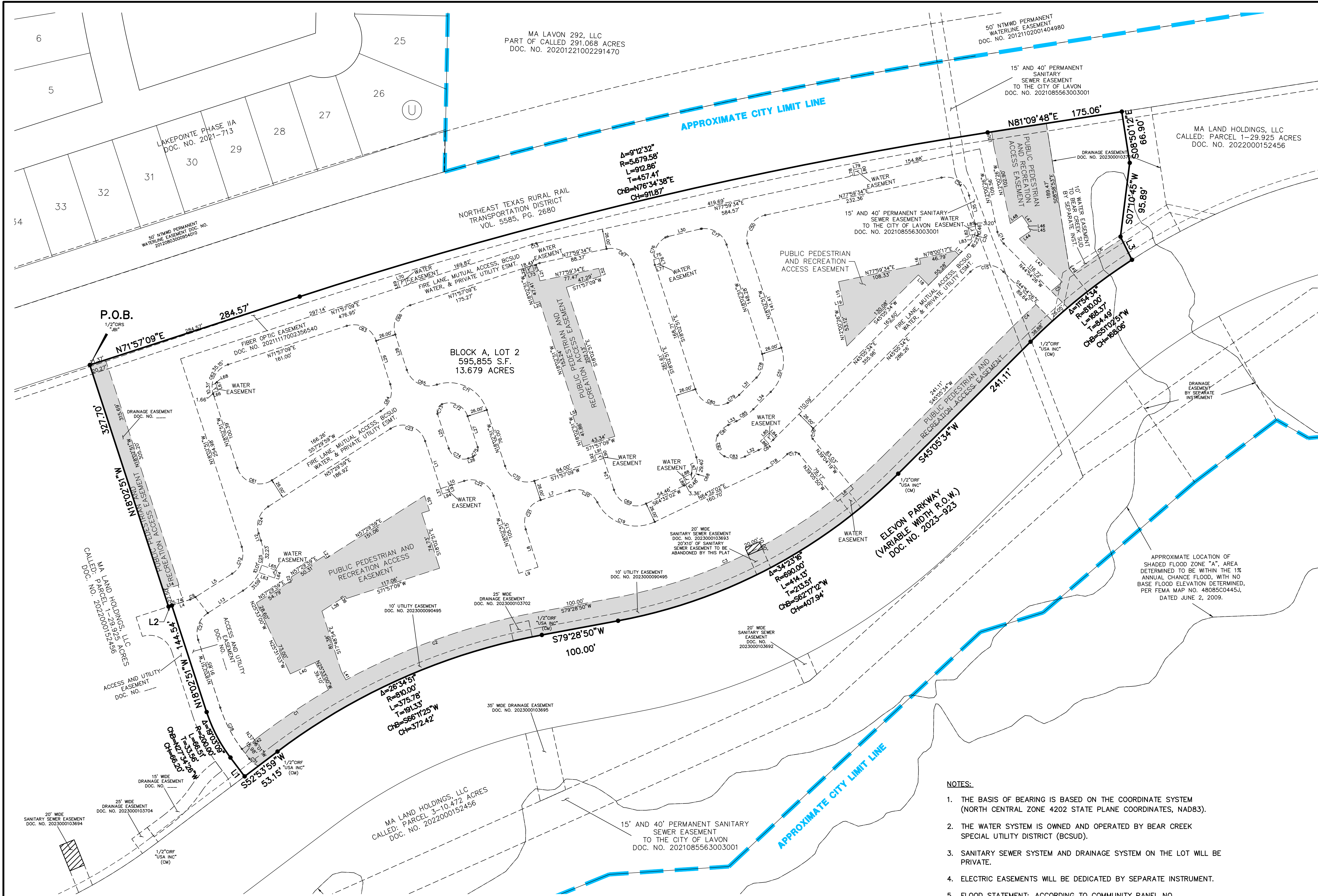
Before me, the undersigned authority, appeared Allen Jones,
on this the 30th day of January, 20 24.

(notary seal)

[Signature]

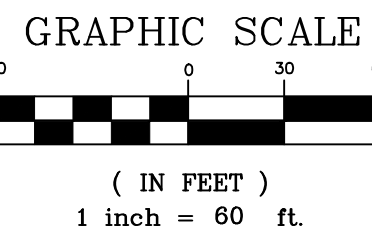
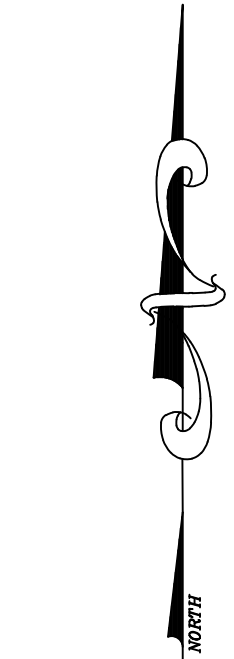
Notary Public in and for Dallas County, Texas





LEGEND

- P.O.C. POINT OF COMMENCING
P.O.B. POINT OF BEGINNING
IPF IRON PIPE FOUND
IRF IRON ROD FOUND
CIRF CAPPED IRON ROD FOUND
CIRS CAPPED IRON ROD SET
CM CONTROL MONUMENT
ROW RIGHT-OF-WAY
AC ACRES
UE UTILITY EASEMENT
SVE SIGHT VISIBILITY EASEMENT



LOT AREA TABLE		
BLOCK-LOT	SQUARE FEET	ACRES
A-2	595,855	13.679

FINAL PLAT
ELEVON MULTIFAMILY ADDITION
BLOCK A, LOT 2

1 LOT
13.679 ACRES OUT OF
THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740,
CITY OF LAVON,
COLLIN COUNTY, TEXAS

MA LAND HOLDINGS LLC **CURRENT OWNER**
2121 Midway Road, Suite 240
Carrollton, Texas 75006
Contact: John Marlin

DHIC, LLC **FUTURE OWNER/DEVELOPER**
1341 Horton Circle
Arlington, Texas 76011
Contact: Hayden Moses

JB PARTNERS, INC. **SURVEYOR/ENGINEER**
2121 Midway Road, Suite 300
Carrollton, Texas 75006
TBPE No. F-438 TBPLS No. 10076000

- NOTES:**
- THE BASIS OF BEARING IS BASED ON THE COORDINATE SYSTEM (NORTH CENTRAL ZONE 4202 STATE PLANE COORDINATES, NAD83).
 - THE WATER SYSTEM IS OWNED AND OPERATED BY BEAR CREEK SPECIAL UTILITY DISTRICT (BCSUD).
 - SANITARY SEWER SYSTEM AND DRAINAGE SYSTEM ON THE LOT WILL BE PRIVATE.
 - ELECTRIC EASEMENTS WILL BE DEDICATED BY SEPARATE INSTRUMENT.
 - FLOOD STATEMENT: ACCORDING TO COMMUNITY PANEL NO. 48085C0445J, DATED JUNE 2, 2009 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM MAP, A PORTION OF THIS PROPERTY IS WITHIN SHADED FLOOD ZONE "A", (AREAS DETERMINED TO BE WITHIN THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), WITH NO BASE FLOOD ELEVATIONS DETERMINED.
 - PUBLIC PEDESTRIAN AND RECREATION ACCESS EASEMENT AREAS AND 8-FOOT TRAIL ALONG ELEVON PARKWAY, WHETHER WITHIN OR OUTSIDE THE RIGHT-OF-WAY, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER OR PROPERTY OWNER'S ASSOCIATION.

LEGAL DESCRIPTION
(13.679 ACRES)

Being a parcel of land located in the City of Lavan, Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being a part of that called Parcel 1–29.925 acre tract of land described in deed to MA Land Holdings, LLC as recorded in Document Number 2022000152456 Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one–half inch iron rod with yellow cap stamped ‘JBI’ found in the north line of said 29.925 acre tract, said point also being in the south right–of–way line of Northeast Texas Rural Rail Transportation District, as recorded in Volume 5585, Page 2680, Official Public Records of Collin County, Texas;

THENCE along the north line of said 29.925 acre tract and along the south right–of–way line of Northeast Texas Rural Rail Transportation District line as follows:
North 71 degrees 57 minutes 09 seconds East, 284.57 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ found for corner;
Northeasterly, 912.86 feet along a curve to the right, having a central angle of 09 degrees 12 minutes 32 seconds, a radius of 5,679.58 feet, a tangent of 457.41 feet and whose chord bears North 76 degrees 34 minutes 38 seconds East, 911.87 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ found for corner;
North 81 degrees 09 minutes 48 seconds East, 175.06 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE South 08 degrees 50 minutes 12 seconds East, 66.90 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE South 07 degrees 10 minutes 45 seconds West, 95.89 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE South 26 degrees 29 minutes 22 seconds East, 33.34 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner in the south line of said 29.925 acre tract, said point being in the north right–of–way line of Elevon Parkway, a variable width right–of–way as recorded in Document Number 2023–925, Official Public Records of Collin County;

THENCE along the south line of said 29.925 acre tract and along the north right–of–way line of said Elevon Parkway as follows:
Southwesterly, 168.37 feet along a curve to the left, having a central angle of 11 degrees 54 minutes 34 seconds, a radius of 810.00 feet, a tangent of 84.49 feet and whose chord bears South 51 degrees 02 minutes 51 seconds West, 168.06 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner;
South 45 degrees 05 minutes 34 seconds West, 241.11 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner;
Southwesterly, 414.13 feet along a curve to the right, having a central angle of 34 degrees 23 minutes 16 seconds, a radius of 690.00 feet, a tangent of 213.51 feet and whose chord bears South 62 degrees 17 minutes 12 seconds West, 407.94 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ found for corner;
South 79 degrees 28 minutes 50 seconds West, 100.00 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner;
Southwesterly, 375.78 feet along a curve to the left, having a central angle of 26 degrees 34 minutes 51 seconds, a radius of 810.00 feet, a tangent of 191.33 feet and whose chord bears South 66 degrees 11 minutes 25 seconds West, 372.42 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner;
South 52 degrees 53 minutes 59 seconds West, 53.15 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE North 37 degrees 06 minutes 01 seconds West, 30.48 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE Northwesterly, 66.51 feet along a curve to the right, having a central angle of 19 degrees 03 minutes 09 seconds, a radius of 200.00 feet, a tangent of 33.56 feet and whose chord bears North 27 degrees 34 minutes 26 seconds West, 66.20 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE North 18 degrees 02 minutes 51 seconds West, 144.54 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE South 71 degrees 57 minutes 09 seconds West, 4.53 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

THENCE North 18 degrees 02 minutes 51 seconds West, 327.70 feet to the POINT OF BEGINNIGN and containing 595,855 square feet or 13.679 acres of land.

BASIS OF BEARING:
The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83), distances shown hereon are grid distance values.

DEDICATION STATEMENT

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

That **MA LAND HOLDINGS LLC**, acting herein by and through its duly–authorized officers, does hereby adopt this plat designating the herein above described property as **ELEVON MULTIFAMILY ADDITION**, an addition to the City of Lavan, Collin County, Texas, and does hereby dedicate, in 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 across the easements on said plat. Utility easements may also be used for the mutual use and accommodation of public utilities desiring to use or using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public’s and City of Lavan use thereof. The City of Lavan 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 City of Lavan 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.

All utility easements dedicated by this plat shall also include an additional area of working space for construction, reconstruction, additions, enlargements, and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb of of pavement line.

- All water system is owned and operated by Bear Creek Special Utility District (BCSUD) and all construction related to water service shall be done per BCSUD’s specifications and general notes.
- The easements and public use areas, as shown are dedicated for the public use, including specifically for the City of Lavan, or BCSUD, forever for purposes indicated on this plat.
- The City of Lavan and BCSUD are not responsible for replacing any improvements in, under or over any easements caused by maintenance or repair.
- Utility easements may also be used for the mutual and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities as being subordinate to the public, City of Lavan and BCSUD.
- The City of Lavan, BCSUD, and public utilities shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with construction, maintenance, or efficiency of their respective systems in the easements.
- City of Lavan, BCSUD, and public utilities shall at all times have the full right of ingress and egress to and from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, respective systems without the necessity at any time of procuring permission from anyone.
- All modifications to this document shall be by means of plat and approved by the City of Lavan unless said modifications pertain to BCSUD facilities, at which time BCSUD shall also review and approve.

MA LAND HOLDINGS, LLC, 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 whomsoever 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 Lavan.

WITNESS MY HAND THIS ____ DAY OF _____, 2024.

MA LAND HOLDINGS LLC, a Texas limited liability company

By: _____
John Marlin

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared John Marlin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated..

Given under my hand and seal of office, this ____ day of _____, 2024.

Notary Signature

CURVE TABLE							CURVE TABLE						
NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD	NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	100.64'	006°51'53"	840.00'	50.38'	S56°19'56"W	100.58'	C63	47.12'	090°00'00"	30.00'	30.00'	N63°02'51"W	42.43'
C2	263.08'	017°56'39"	840.00'	132.62'	S70°30'31"W	262.00'	C64	39.56'	075°32'51"	30.00'	23.25'	N19°43'34"E	36.75'
C3	396.12'	034°23'16"	660.00'	204.23'	N62°17'12"E	390.20'	C65	47.12'	090°00'00"	30.00'	30.00'	S63°02'51"E	42.43'
C4	38.88'	002°39'06"	840.00'	19.44'	S46°25'07"W	38.87'	C66	47.12'	090°00'00"	30.00'	30.00'	S26°57'09"W	42.43'
C5	18.57'	001°16'01"	840.00'	9.29'	S50°09'18"W	18.57'	C67	43.96'	083°57'35"	30.00'	26.99'	N60°01'39"W	40.13'
C6	76.75'	005°14'05"	840.00'	38.40'	S74°58'21"W	76.72'	C68	43.24'	082°34'54"	30.00'	26.35'	N23°14'36"E	39.59'
C9	7.57'	014°27'09"	30.00'	3.80'	N64°43'34"E	7.55'	C69	51.01'	097°25'06"	30.00'	34.16'	S66°45'24"E	45.08'
C12	39.56'	075°32'51"	30.00'	23.25'	N19°43'34"E	36.75'	C70	47.12'	090°00'00"	30.00'	30.00'	S63°02'51"E	42.43'
C13	5.38'	006°02'25"	51.00'	2.69'	S74°58'21"W	5.37'	C71	80.11'	090°00'00"	51.00'	51.00'	N63°02'51"W	72.12'
C14	17.23'	032°54'00"	30.00'	8.86'	S28°27'26"E	16.99'	C72	40.94'	093°49'21"	25.00'	26.73'	N64°57'32"W	36.51'
C15	47.12'	090°00'00"	30.00'	30.00'	N89°54'26"W	42.43'	C73	15.04'	086°10'39"	10.00'	9.35'	S25°02'28"W	13.66'
C16	14.69'	084°09'53"	10.00'	9.03'	S03°00'38"W	13.40'	C74	31.42'	090°00'00"	20.00'	20.00'	S63°02'51"E	28.28'
C17	15.89'	091°01'51"	10.00'	10.18'	N89°23'30"W	14.27'	C75	15.71'	090°00'00"	10.00'	10.00'	N26°57'09"E	14.14'
C18	31.90'	019°26'28"	94.00'	16.10'	N54°48'48"E	31.74'	C76	41.08'	078°27'47"	30.00'	24.49'	S21°11'02"W	37.95'
C19	86.57'	088°34'26"	56.00'	54.62'	S71°10'44"E	78.20'	C77	41.08'	078°27'45"	30.00'	24.49'	N57°16'46"W	37.95'
C20	42.49'	081°09'20"	30.00'	25.69'	N67°28'11"W	39.03'	C78	33.06'	063°08'24"	30.00'	18.43'	N13°31'22"E	31.41'
C21	47.12'	090°00'00"	30.00'	30.00'	S26°57'09"W	42.43'	C79	17.98'	019°26'28"	53.00'	9.08'	N54°48'48"E	17.90'
C22	47.12'	090°00'00"	30.00'	30.00'	N63°02'51"W	42.43'	C80	51.01'	097°25'06"	30.00'	34.16'	S66°45'24"E	45.08'
C23	54.69'	104°27'09"	30.00'	38.71'	N70°16'26"W	47.43'	C81	19.73'	037°40'43"	30.00'	10.24'	S45°41'41"W	19.37'
C24	39.56'	075°32'51"	30.00'	23.25'	S19°43'34"W	36.75'	C82	31.35'	089°48'22"	20.00'	19.93'	S18°02'51"E	28.24'
C25	73.84'	075°32'51"	56.00'	43.40'	N19°43'34"E	68.60'	C83	27.50'	052°30'56"	30.00'	14.80'	S89°12'30"E	26.54'
C27	39.56'	075°32'51"	30.00'	23.25'	S19°43'34"W	36.75'	C84	23.07'	019°26'28"	68.00'	11.65'	N54°48'48"E	22.96'
C28	60.35'	019°03'09"	181.50'	30.46'	S27°34'26"E	60.08'	C85	26.81'	019°26'28"	79.00'	13.53'	N54°48'48"E	26.68'
C30	29.90'	057°06'00"	30.00'	16.32'	N16°32'34"E	28.68'							
C31	15.13'	028°54'12"	30.00'	7.73'	S51°33'07"E	14.97'							
C34	47.12'	090°00'00"	30.00'	30.00'	N57°00'26"W	42.43'							
C50	48.14'	091°56'40"	30.00'	31.04'	S32°01'14"W	43.14'							
C51	61.71'	063°08'24"	56.00'	34.41'	N13°31'22"E	58.64'							
C61	54.69'	104°27'09"	30.00'	38.71'	S70°16'26"E	47.43'							
C62	47.12'	090°00'00"	30.00'	30.00'	S26°57'09"W	42.43'							

LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	N37°06'01"W	30.48'	L21	S12°00'26"E	22.06'	L41	S28°27'48"E	12.83'	L71	N18°02'51"W	8.50'	L91	S71°57'09"W	10.00'
L2	S71°57'09"W	4.53'	L22	N18°02'51"W	4.13'	L42	S52°53'59"W	34.65'	L72	S18°02'51"E	7.50'	L92	N18°02'51"W	7.50'
L3	N26°29'22"W	33.34'	L23	S32°30'01"E	4.00'	L43	N44°54'26"W	77.11'	L73	N71°57'09"E	10.00'	L93	S18°02'51"E	7.50'
L4	S71°57'09"W	24.77'	L24	N18°02'51"W	42.78'	L44	N55°41'50"E	17.58'	L74	S18°02'51"E	7.50'	L94	N71°57'09"E	10.00'
L5	N57°29'59"E	56.97'	L25	N18°02'51"W	46.97'	L45	N34°18'10"W	6.83'	L75	N71°57'09"E	6.77'			
L6	N50°55'41"E	26.00'	L26	S71°57'09"W	6.00'	L46	N53°39'49"E	2.04'	L76	S18°02'51"E	10.00'			
L7	N71°57'09"E	39.02'	L27	S18°02'51"E	42.00'	L47	N34°18'10"W	15.84'	L77	N71°57'09"E	7.55'			
L8	N18°02'51"W	51.15'	L28	N18°02'51"W	48.00'	L48	S55°41'50"W	18.30'	L78	N12°00'26"W	7.50'			
L9	S71°57'09"W	26.00'	L29	S18°02'51"E	58.90'	L49	S37°59'57"E	7.90'	L79	N77°59'34"E	10.00'			
L10	N71°57'09"E	32.00'	L30	N76°54'02"E	44.15'	L50	N08°50'12"W	17.81'	L80	N12°00'26"W	7.50'			
L11	S18°02'51"E	64.45'	L31	N45°05'34"E	31.61'	L51	N71°57'09"E	4.96'	L81	S77°59'34"W	9.63'			
L12	N18°02'51"W	9.77'	L32	N64°32'02"E	19.52'	L52	S18°02'51"E	10.29'	L82	N12°00'26"W	10.00'			
L13	N57°29'59"E	53.85'	L33	N64°32'02"E	11.58'	L63	S70°16'26"E	21.16'	L83	S77°59'34"W	6.74'			
L14	N71°57'09"E	21.37'	L34	N45°05'34"E	31.61'	L64	S19°43'34"W	10.00'	L84	S42°45'28"E	9.86'			
L15	N11°59'43"W	30.42'	L35	S12°00'26"E	37.04'	L65	S70°16'26"E	21.10'	L85	N47°14'32"E	10.00'			
L16	N12°00'26"W	7.48'	L36	N32°30'01"W	3.44'	L66	N71°57'09"E	7.31'	L86	S42°47'50"E	9.82'			
L17	S44°54'06"W	6.98'	L37	S18°02'51"E	7.50'	L67	S18°02'51"E	10.00'	L87	S25°27'58"E	6.72'			
L18	N44°54'26"W	18.50'	L38	S57°29'59"W	35.55'	L68	N71°57'09"E	5.00'	L88	N64°32'02"E	10.00'			
L19	N77°59'34"E	6.76'	L39	S18°02'51"E	20.21'	L69	N18°02'51"W	8.50'	L89	S25°27'58"E	9.66'			
L20	S71°57'09"W	7.46'	L40	S65°15'25"W	35.50'	L70	N71°57'09"E	10.00'	L90	N18°02'51"W	7.50'			

This plat correctly presents the required easements and certifications required by Bear Creek Special Utility District for this development.

BEAR CREEK SPECIAL UTILITY DISTRICT

NAME/TITLE: _____

Date: _____

SURVEYOR’S CERTIFICATE §

KNOW ALL MEN BY THESE PRESENTS:

That I, Mark W. Harp, RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Lavan.

Dated this the ____ day of _____, 2024.

"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."
Mark W. Harp, R.P.L.S. No. 6425

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark W. Harp, Land Surveyor, known to me 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 considerations therein expressed.

Given under my hand and seal of office this ____ day of _____, 2024.

Notary Public in and for the State of Texas

Recommended for Approval:

Date: _____

Chairman, Planning and Zoning Commission

City of Lavan, Texas

Approved for Construction:

Date: _____

Mayor, City of Lavan, Texas

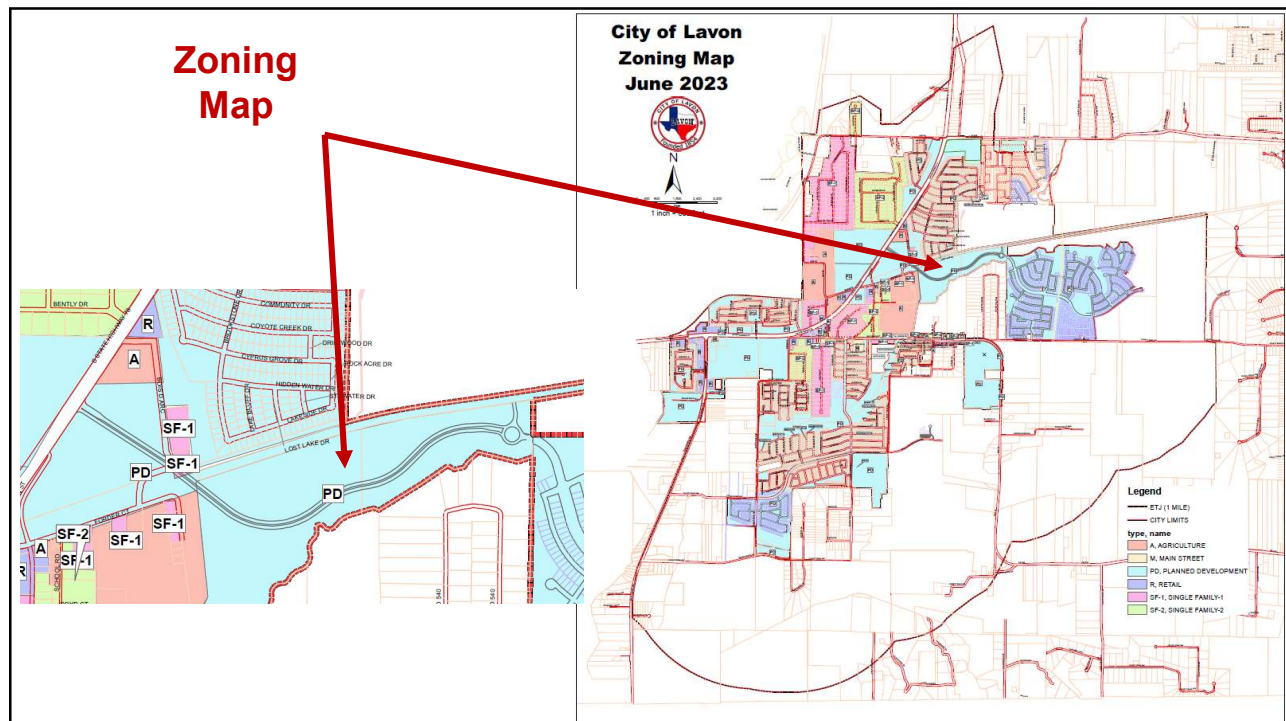
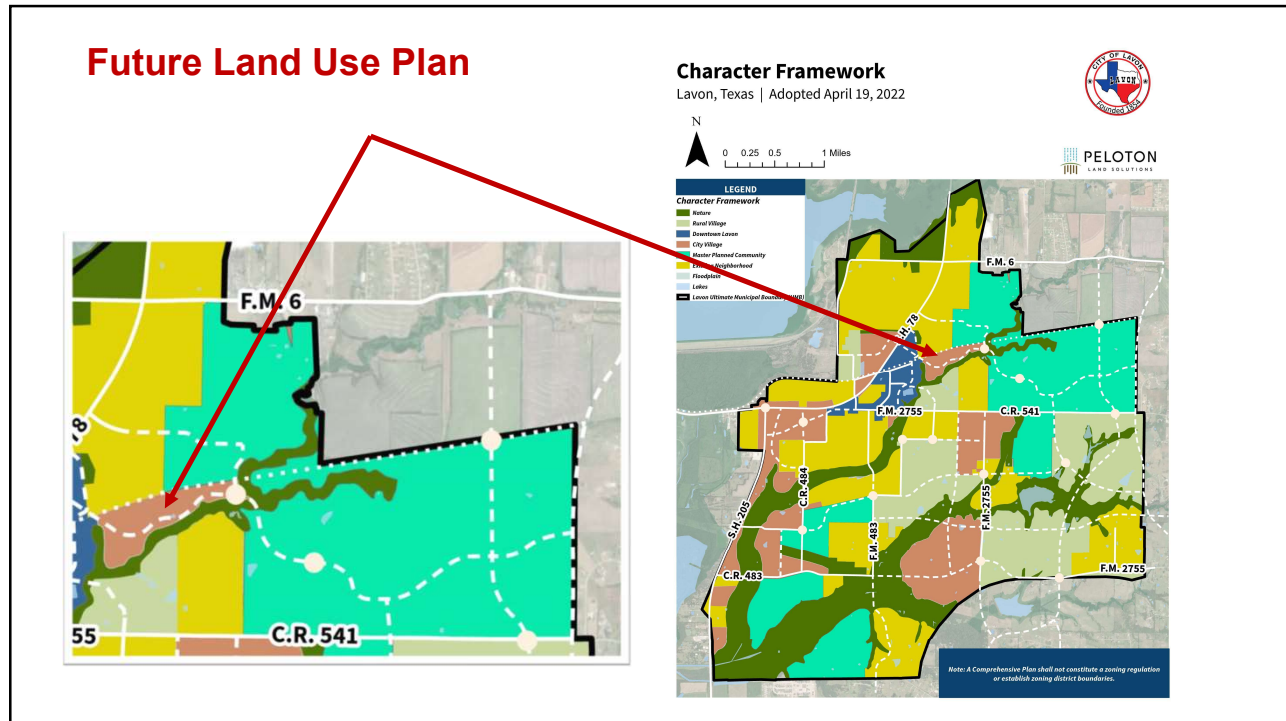
Accepted:

Date: _____

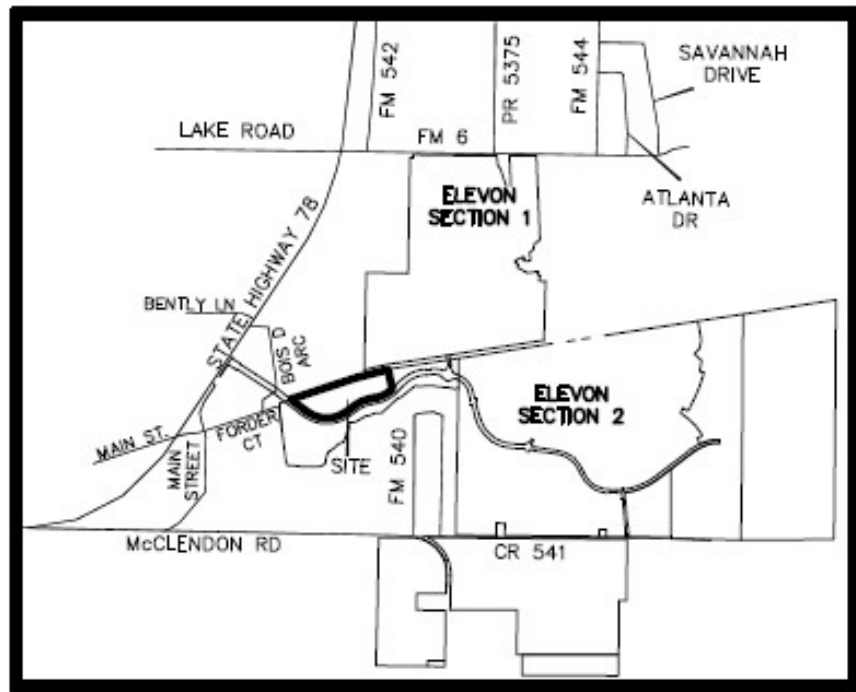
Mayor, City of Lavan, Texas

The undersigned, the city secretary of the City of Lavan, Texas, hereby certifies that the foregoing final plat of the _____ subdivision or addition to the City of Lavan was submitted to the city council on the ____ day of _____, 20____ and the council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places and water and sewer lines, as shown and set forth in and upon said plat and said council further authorized the mayor to note the acceptance thereof by signing his or her name as here in above subscribed.

Witness my hand this



**Elevon
Multifamily
Block A, Lot 2
Addition
Location Exhibit**



41

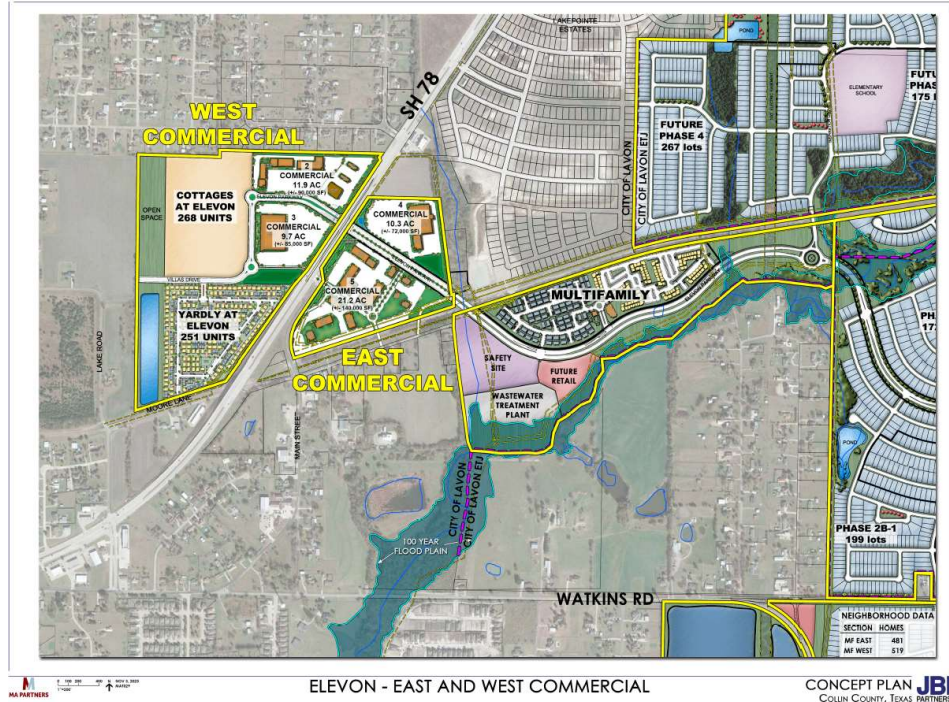
**Elevon
Multifamily
Block A, Lot 2
Addition
Location
Exhibit**



42

Elevon Community Concept Plan

East and West Commercial Multifamily

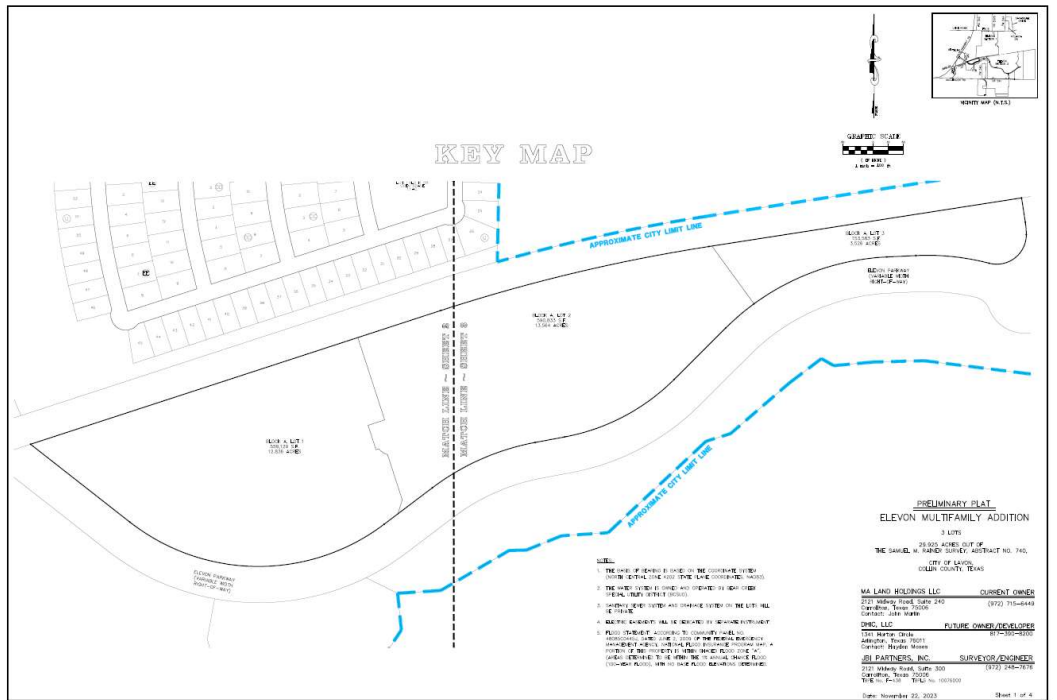


ELEVON - EAST AND WEST COMMERCIAL

CONCEPT PLAN JBI
COLLIN COUNTY, TEXAS PARTNERS

43

Elevon Multifamily Addition Preliminary Plat



44

February 21, 2024

Ms. Kim Dobbs
City of Lavon
120 School Road
Lavon, TX 75166

Re: Elevon Multifamily Addition, Block A, Lot 2, 1 Lot, 13.679 Acres
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Final Plat dated February 20, 2024 as prepared by JBI Partners, Inc. for the above referenced property. Revised Engineering Plans have not been provided for review. The property is generally located north of Elevon Parkway and south of NETEX property.

All Engineering and Planning Final Plat comments have been satisfactorily addressed.

This concludes our review of the above-referenced revised Final Plat. **We recommend APPROVAL of the Final Plat.** A copy of the Planner's recommendation is attached.

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavon.

If there are any questions, please contact me at 214-503-0555 x115 or by email at mdhill@fmi-dallas.com.

Sincerely,
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.
Consulting City Engineer

Attachment

Cc: David Carter, Mike Jones, Danny Anthony

F:\17024 - LAV General Servies\9 - Review\Elevon\MultiFamily\Lot 2\Elevon Multifmaily Lot 2 Blk A - Final Plat - Rev 1.docx

February 21, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Elevon – DHI Multifamily
Lot 2 Final Plat Review
LJA Job No. NTP-40467
MyGov Submittal: February 20, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. We have no further comments and recommend approval. Please do not hesitate to let us know if you have any questions.

Comments prepared and compiled by:

A handwritten signature in black ink that reads "Tiffany McLeod". The signature is written in a cursive, flowing style.

Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:

A handwritten signature in black ink that reads "Abra R. Nusser". The signature is written in a cursive, flowing style.

Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX

February 21, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Elevon – DHI Multifamily
Lot 2 Final Plat Review
LJA Job No. NTP-40467
MyGov Submittal: February 20, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. We have no further comments and recommend approval. Please do not hesitate to let us know if you have any questions.

Comments prepared and compiled by:

A handwritten signature in black ink that reads "Tiffany McLeod". The signature is written in a cursive, flowing style.

Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:

A handwritten signature in black ink that reads "Abra R. Nusser". The signature is written in a cursive, flowing style.

Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX



February 20, 2024

Ms. Kim Dobbs
City of Lavon
PO Box 340
120 School Road
Lavon, TX 75166

**Re: Elevon Multifamily Addition, Block A, Lot 2 13.679 acres
Final Plat Review**

Dear Ms. Dobbs

JBI Partners received your comments on the final plat submittal via email form on February 16 from FMI. We have addressed the comments pertaining to the final plats and are resubmitting the revised final plats for review and approval. We will follow up with an engineering resubmittal.

Below is a summary of how each comment is addressed.

1. Per City Planning comments – "... the easement labels for required open space to "Public Pedestrian and Recreation Access Easements".
The required open space easement labels have been revised per comment.
2. A note should be added in the Dedication Statement as follows:
"Public Pedestrian and Recreation Access Easement areas and 8-foot trail along Elevon Parkway, whether within or outside right-of-way, shall be owned and maintained by the property owner or property owners' association."
Note has been added to Sheet 1 as Note 6.
3. There are 2 bearings that do not match between the written description and the line table.
The line direction has been corrected in the table.
4. Provide property information for area north of project.
The property owner information, NETEX, has been added.

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

Daniel Dewey
Daniel Dewey, PE
JBI Partners, Inc.



February 20, 2024

Ms. Kim Dobbs
City of Lavon
PO Box 340
120 School Road
Lavon, TX 75166

**Re: Lot 1 and Lot 2, Multifamily Addition
Final Plat Review**

Dear Ms. Dobbs

JBI Partners received your comments on the final plat submittal via email form on February 15 from LJA. We have addressed the comments pertaining to the final plats and are resubmitting the revised final plats for review and approval.

Below is a summary of how each comment is addressed.

1. Revise the easement labels for required open space to be "Public Pedestrian and Recreation Access Easements" on both Final Plats.
The required open space easement labels have been revised per comment on both plats.

2. The Site Plan and Preliminary Plat show the property located east of proposed Lot 2 as proposed Lot 3. If there are required public improvements (associated with Lot 2) on proposed Lot 3, revise the Lot 2, Block A Final Plat to include proposed Lot 3. If there are not, no changes are required to address the comment.
There are no public improvements required on Lot 3 at this time. As discussed in the meeting at the City of Lavon, Lot 3 is currently zoned as part of Tract 5 and the developer is exploring uses for the tract.

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

Daniel Dewey

Daniel Dewey, PE
JBI Partners, Inc.



CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 5 – G

Item:

CONSENT AGENDA

Approve the preliminary plat of the Elevon Parkway West Open Spaces Addition consisting of two lots on 11.679 acres out of the S. M. Rainer Survey, Abstract No. 740, situated adjacent to Elevon Parkway and north of Lavon Ranchettes, Lavon, Collin County, Texas, (CCAD Property ID's 2882926 and 2882923).

Application Information

Owner(s): MA Land Holdings LLC

Applicant: JBI Partners

Location: Adjacent to Elevon Parkway and north of Lavon Ranchettes

Description: 11.679 acres out of the S. M. Rainer Survey, Abstract No. 740, Lavon, Collin County, Texas, (CCAD Property ID's 2882926 and 2882923).

Current Zoning: Planned Development (PD)

Request: Preliminary Plat

Request Details

The applicant is seeking approval of the preliminary plat of Elevon Parkway West Open Spaces Addition. The site will be developed in accordance with the Elevon Planned Development District regulations, Ordinance No. 2022-10-03, in which the subject property is identified as Land Use Parcel 5.

The project consists of two common area lots.

Code Excerpts:

**TEXAS LOCAL GOVERNMENT CODE
§ 212.004. PLAT REQUIRED**

PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or

other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

The property is zoned Planned Development (PD). The preliminary plat is prepared in conformance with the zoning requirements and the Future Land Use Plan.

Water

The development is located within the certificated areas of the Bear Creek Special Utility District (SUD). A conceptual water plan has been submitted and reviewed.

Sewer

The development will be served by the City of Lavon.

Roads

Access is from Elevon Parkway.

Parks and Trails

The site will contain the required pedestrian connections and open space.

Floodplain and Drainage

The conceptual drainage plans and study have been reviewed by the city engineer.

The application and plans generally satisfy the criteria for approval.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE PRELIMINARY PLAT OF THE ELEVON PARKWAY WEST OPEN SPACES ADDITION CONSISTING OF TWO LOTS ON 11.679 ACRES OUT OF THE S. M. RAINER SURVEY, ABSTRACT NO. 740, SITUATED ADJACENT TO ELEVON PARKWAY AND NORTH OF LAVON RANCHETTES, LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: NABORS

SECONDED: JACOB

APPROVED: UNANIMOUS

Staff Notes:

The proposed preliminary plat was reviewed by the city engineer, planning consultant, and staff development review committee (DRC). Approval of the preliminary plat is recommended.

Attachments:

1. Application and preliminary plat
2. Location Exhibits
3. Engineer's correspondence.



CITY OF LAVON

P.O. Box 340, School Rd. Lavon, TX 75166
Office 972-843-4220 – Inspection 972-853-0855

PLAT APPLICATION

Incomplete applications will not be accepted.

Company Making Submission		Property Owner	
Name: JBI PARTNERS	Name: MA LAND HOLDINGS, LLC		
Address: 2121 Midway Road, Suite 300	Address: 2121 Midway Road, Suite 240		
City/State/Zip: Carrollton/TX/75006	City/State/Zip: Carrollton/TX/75006		
Phone #: 972.738.0243 Fax #:	Phone # 972.715.6449 Fax #		
Authorized Person: Daniel Dewey, P.E.	Authorized Person: John Marlin		

Type of Submission	Date
<input checked="" type="checkbox"/> Preliminary Plat (Elevon Parkway West Open Spaces)	01-08-2024
<input checked="" type="checkbox"/> Final Plat (Elevon Parkway West Open Spaces)	01-08-2024
<input type="checkbox"/> Re-Submittal	
<input type="checkbox"/> Construction Plans	
<input type="checkbox"/> Other (eg. Replat; Development Plat; Short-Form Plat)	

Check List of Items Submitted
<input type="checkbox"/> (two) full size sets of plats (24x36)
<input type="checkbox"/> (two) full size construction sets (24x36)
<input type="checkbox"/> (one) half size sets of plats (11x17)
<input type="checkbox"/> (ten) half size sets of plats with final submission (11x17)
<input checked="" type="checkbox"/> (one) PDF plats (on separate CD's) (Via MyGov)
<input type="checkbox"/> (one) PDF construction plans (can be included on plat CD)

Application Fees	
Preliminary Plat	Per Fee Schedule
Final Plat	Per Fee Schedule
Re-Plat	Per Fee Schedule
Public Infrastructure Inspection	Per Fee Schedule

To complete the plat please sign up as a collaborator in the MyGov system https://public.mygov.us/lavon_tx request access to the City of Lavon. Make a new request for the plat and upload these forms along with plans.

NOTICE TO APPLICANT: Any approval will be issued based on the information furnished in this application and on any submitted plats. It is subject to the provisions and requirements of the City of Lavon Code of Ordinances and any other applicable ordinances of the City, regardless of information and/or plans submitted.

Authorized Representative (Printed Name) Daniel Dewey	Authorized Representative (Signature) 	Date: 1-9-2024
--	---	-------------------

To be completed by the City

In Takers Name:					
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:	P&Z Review Date:	Council Action Date:
<input type="checkbox"/> Accepted	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected

Comments:

www.cityoflavon.com



CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - - Inspection 972-853-0855
Email: l.mcclendon@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Authorization of Representation

Date: 1/8/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, MA LAND HOLDINGS, LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize JB Partners to represent me (us) and my (our) interests in the property described in the attached exhibits (s) for the expressed purpose of this request.

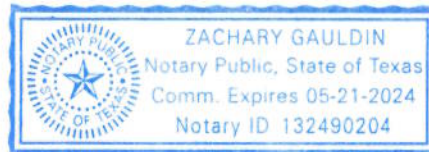
[Signature]
Signature (Owner)

Signature (Owner)

Signature (Owner)

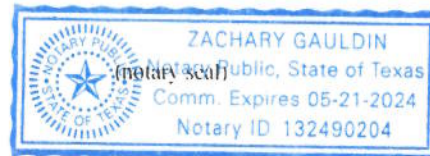
The State of Texas

County of Dallas



Before me, the undersigned authority, appeared Allen Jones,

on this the 8 day of January, 2024.



[Signature]
Notary Public in and for Dallas County, Texas



CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - Inspection 972-853-0855
Email: l.mcclelland@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Declaration of Ownership

Date: 1/8/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, MA LAVA HOLDINGS, LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request (s) relating to this property.

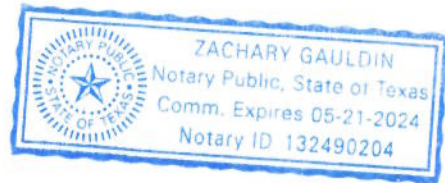
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas

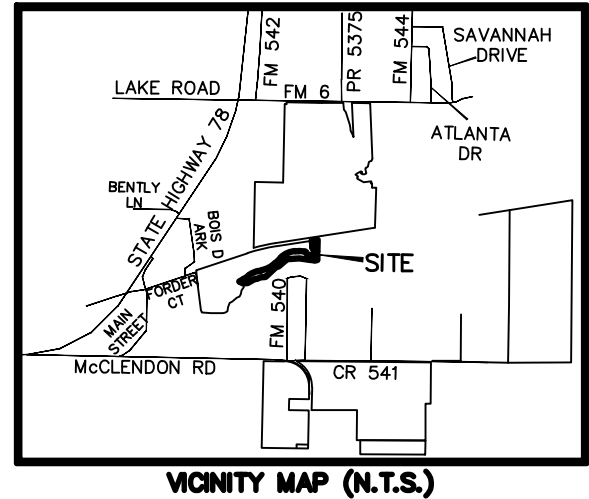
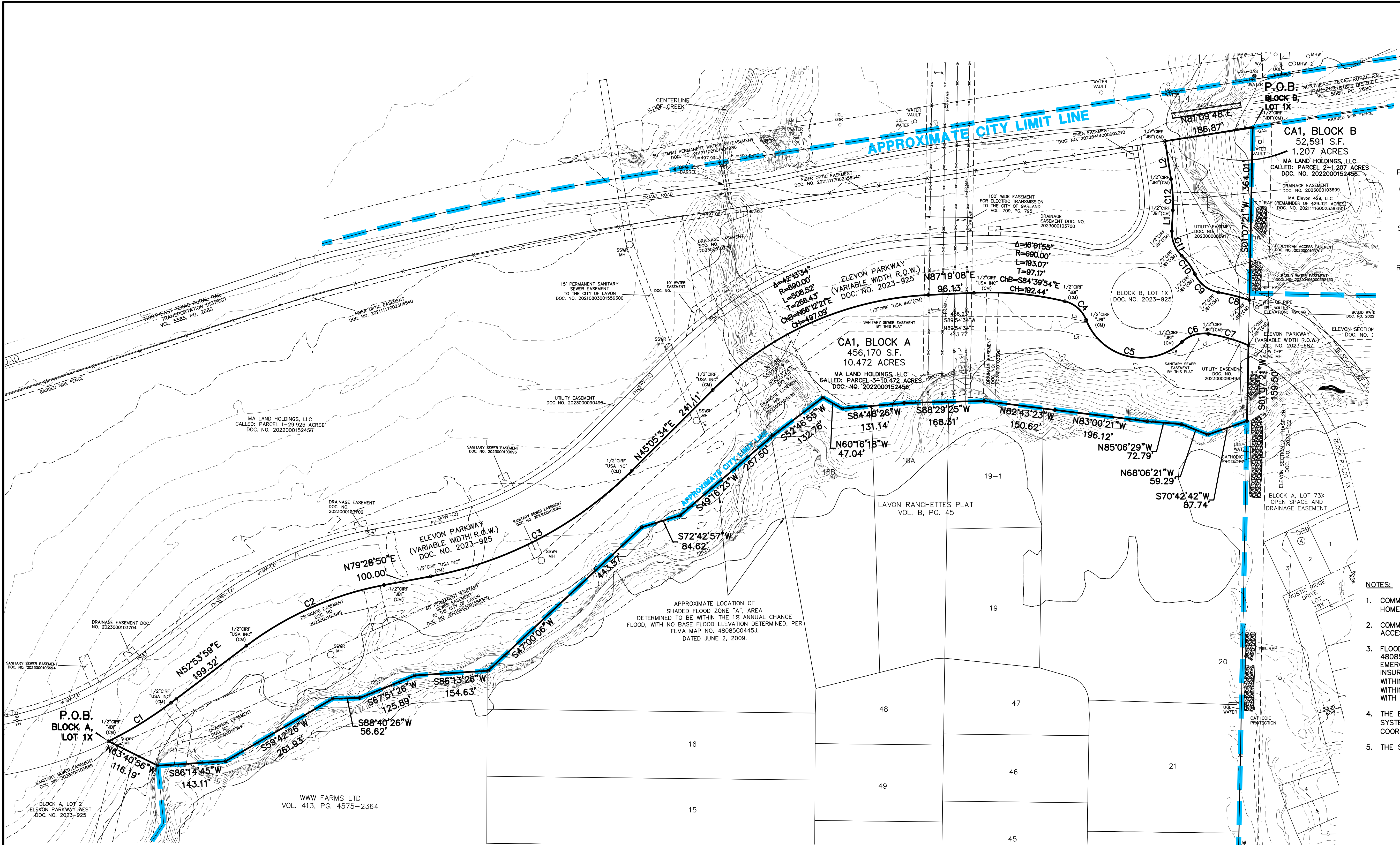
County of Dallas



Before me, the undersigned authority, appeared Allen Jones,
on this the 8 day of January, 20 24.

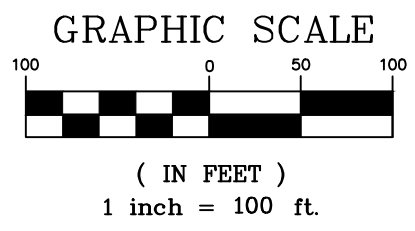
(notary seal)

Notary Public in and for Dallas County, Texas



LEGEND

- P.O.B. POINT OF BEGINNING
CIRF CAPPED IRON ROD FOUND
(CM) CONTROL MONUMENT
HW HEADWALL
FL FLOW LINE
RCB REINFORCED CONCRETE PIPE
WV WATER VALVE
SSMH SANITARY SEWER MANHOLE
PP POWER POLE
OHE OVERHEAD ELECTRIC
FOC FIBER OPTIC CABLE
UGL UNDERGROUND LINE
R.O.W. RIGHT-OF-WAY
S.F. SQUARE FEET
CA COMMON AREA



NOTES:

- COMMON AREAS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION/PROPERTY OWNERS ASSOCIATION.
- COMMON AREAS SHALL INCLUDE PEDESTRIAN AND RECREATION ACCESS.
- FLOOD STATEMENT: ACCORDING TO COMMUNITY PANEL NO. 48085C0445J, DATED JUNE 2, 2009 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM MAP, A PORTION OF THIS PROPERTY IS WITHIN SHADED FLOOD ZONE "A", (AREAS DETERMINED TO BE WITHIN THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), WITH NO BASE FLOOD ELEVATIONS DETERMINED.
- THE BASIS OF BEARING IS BASED ON THE COORDINATE SYSTEM (NORTH CENTRAL ZONE 4202 STATE PLANE COORDINATES, NAD83).
- THE SUBJECT TRACT HAS FRONTAGE TO ELEVON PARKWAY.

PRELIMINARY PLAT ELEVON PARKWAY WEST OPEN SPACES

2 COMMON AREA LOTS
CA1, BLOCK A; CA1, BLOCK B

BEING 11.679 ACRES OUT OF
THE SAMUEL M. RANIER SURVEY, ABSTRACT NO. 740,
CITY OF LAVON,
COLLIN COUNTY, TEXAS

MA LAND HOLDINGS, LLC OWNER/DEVELOPER

2121 Midway Road, Suite 240 (972) 715-6449
Carrollton, Texas 75006
Contact: John Marlin

JB PARTNERS, INC. SURVEYOR/ENGINEER

2121 Midway Road, Suite 300 (972) 248-7676
Carrollton, Texas 75006
TBPE No. F-438 TBPLS No. 10076000

Date: February 16, 2024 Sheet 1 of 2

CURVE TABLE					
NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING
C1	155.27'	010°59'00"	810.00'	77.88'	N58°23'29"E 155.04'
C2	320.11'	026°34'51"	690.00'	162.99'	N66°11'25"E 317.25'
C3	486.15'	034°23'16"	810.00'	250.64'	N62°17'12"E 478.88'
C4	61.89'	055°24'10"	64.00'	33.60'	S48°56'52"E 59.50'
C5	244.21'	111°29'29"	125.50'	184.29'	S76°59'31"E 207.46'
C6	60.33'	051°35'40"	67.00'	32.39'	N73°03'34"E 58.32'
C7	87.99'	014°12'03"	355.00'	44.22'	S74°02'34"E 87.76'
C8	67.17'	008°38'55"	445.00'	33.65'	N75°51'50"W 67.11'
C9	65.29'	055°50'00"	67.00'	35.50'	N52°16'18"W 62.74'
C10	48.08'	022°18'16"	123.50'	24.35'	N35°30'26"W 47.77'
C11	57.55'	049°12'43"	67.00'	30.68'	N22°03'12"W 55.79'
C12	65.60'	011°23'22"	330.00'	32.91'	N03°08'30"W 65.49'

LINE TABLE	
NO.	BEARING LENGTH
L1	N02°33'10"E 44.11'
L2	N08°50'13"W 81.36'
L3	S78°18'16"E 82.24'
L4	S20°48'22"E 30.91'
L5	N78°18'16"W 55.54'
L6	S78°18'16"E 32.98'
L7	N70°03'07"E 107.78'

LEGAL DESCRIPTION
(10.472 ACRES)

BEING a parcel of land located in Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being all of that called Parcel 3--10.472 acre tract of land described in deed to MA Land Holdings, LLC as recorded in Document Number 2022000152456, Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod with yellow cap stamped "JBI" found at the northwest corner of said Parcel 3--10.472 acre tract, said point being the northwest corner of Lot 2, Block A, Elevon Parkway West, an addition to the City of Lavon as recorded in Document Number 2023--925, Official Public Records of Collin County, Texas, said point also being in the south right-of-way line of Elevon Parkway (a variable width right-of-way) dedicated by said plat Elevon Parkway West;

THENCE along the north line of said Parcel 3--10.472 acre tract and the south right-of-way line of Elevon Parkway as follows: Northeastly, 155.27 feet along a curve to the left, having a central angle of 10 degrees 59 minutes 00 seconds, a radius of 810.00 feet, a tangent of 77.88 feet and whose chord bears North 58 degrees 23 minutes 29 seconds East, 155.04 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

North 52 degrees 53 minutes 59 seconds East, 199.32 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner; Northeastly, 320.11 feet along a curve to the right, having a central angle of 26 degrees 34 minutes 51 seconds, a radius of 690.00 feet, a tangent of 162.99 feet and whose chord bears North 66 degrees 11 minutes 25 seconds East, 317.25 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 79 degrees 28 minutes 50 seconds East, 100.00 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner; Northeastly, 486.15 feet along a curve to the left, having a central angle of 34 degrees 23 minutes 16 seconds, a radius of 810.00 feet, a tangent of 250.64 feet and whose chord bears North 62 degrees 17 minutes 12 seconds East, 478.88 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

North 45 degrees 05 minutes 34 seconds East, 241.11 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

Northeastly, 508.52 feet along a curve to the right, having a central angle of 42 degrees 13 minutes 34 seconds, a radius of 690.00 feet, a tangent of 266.93 feet and whose chord bears North 68 degrees 12 minutes 21 seconds East, 497.09 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

North 87 degrees 19 minutes 08 seconds East, 96.13 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

Southeasterly, 193.07 feet along a curve to the right, having a central angle of 16 degrees 01 minutes 55 seconds, a radius of 690.00 feet, a tangent of 97.17 feet and whose chord bears South 84 degrees 39 minutes 54 seconds East, 192.44 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Southeasterly, 61.89 feet along a curve to the right, having a central angle of 55 degrees 24 minutes 10 seconds, a radius of 64.00 feet, a tangent of 33.60 feet and whose chord bears South 48 degrees 56 minutes 52 seconds East, 59.50 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Southeasterly, 244.21 feet along a curve to the left, having a central angle of 111 degrees 29 minutes 29 seconds, a radius of 125.50 feet, a tangent of 184.29 feet and whose chord bears South 76 degrees 59 minutes 31seconds East, 207.46 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northeastly, 60.33 feet along a curve to the right, having a central angle of 51 degrees 35 minutes 40 seconds, a radius of 67.00 feet, a tangent of 32.39 feet and whose chord bears North 73 degrees 03 minutes 34 seconds East, 58.32 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Southeasterly, 87.99 feet along a curve to the right, having a central angle of 14 degrees 12 minutes 03 seconds, a radius of 355.00 feet, a tangent of 44.22 feet and whose chord bears South 74 degrees 02 minutes 34 seconds East, 87.76 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, said point being the northeast corner of said Parcel 3--10.472 acre tract, said point also being the northeast corner of Phase 2B--1, 2-Phase 2B--1, an addition to the City of Lavon as recorded in Document Number 2023--522, Official Public Records of Collin County, Texas;

THENCE South 01 degrees 07 minutes 21 seconds West, 159.50 feet along the west line of said Elevon Section 2--Phase 2B--1 Addition to a point for corner, said point being the southeast corner of said Parcel 3--10.472 acre tract;

THENCE along the south line of said Parcel 3--10.472 acre tract as follows:

South 70 degrees 42 minutes 42 seconds West, 87.74 feet to a point for corner;
North 68 degrees 06 minutes 21 seconds West, 59.29 feet to a point for corner;
North 85 degrees 06 minutes 29 seconds West, 72.79 feet to a point for corner;
North 83 degrees 00 minutes 21 seconds West, 196.12 feet to a point for corner;
North 82 degrees 43 minutes 23 seconds West, 150.62 feet to a point for corner;
South 88 degrees 29 minutes 25 seconds West, 168.31 feet to a point for corner;
South 84 degrees 48 minutes 26 seconds West, 131.14 feet to a point for corner;
North 60 degrees 16 minutes 18 seconds West, 47.04 feet to a point for corner;
South 52 degrees 46 minutes 55 seconds West, 132.76 feet to a point for corner;
South 49 degrees 16 minutes 23 seconds West, 257.50 feet to a point for corner;
South 72 degrees 42 minutes 57 seconds West, 84.62 feet to a point for corner;
South 47 degrees 00 minutes 06 seconds West, 443.57 feet to a point for corner;
South 86 degrees 13 minutes 26 seconds West, 154.63 feet to a point for corner;
South 67 degrees 51 minutes 26 seconds West, 125.89 feet to a point for corner;
South 88 degrees 40 minutes 26 seconds West, 56.62 feet to a point for corner;
South 59 degrees 42 minutes 28 seconds West, 261.53 feet to a point for corner;
South 86 degrees 14 minutes 45 seconds West, 143.11 feet to a point for corner;
North 63 degrees 40 minutes 56 seconds West, 116.19 feet to the POINT OF BEGINNING and containing 456,170 square feet or 10.472 acres of land.

BASIS OF BEARING:

The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83), distances shown hereon are grid distance values.

LEGAL DESCRIPTION
(1.207 ACRES)

BEING a parcel of land located in Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being all of that called Parcel 2--1.207 acre tract of land described in deed to MA Land Holdings, LLC as recorded in Document Number 2022000152456, Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod with yellow cap stamped "JBI" found at the northeast corner of said Parcel 2--1.207 acre tract, said point being the northwest corner of that called 429.321 acre tract described in deed to MA Elevon 429, LLC, as recorded in Document Number 2021116002336450, Official Public Records of Collin County, Texas, said also point being in the south right-of-way line of Northeast Texas Rural Rail Transportation District, as recorded in Volume 5585, Page 2680, Official Public Records of Collin County, Texas;

THENCE South 01 degrees 07 minutes 21 seconds West, 364.01 feet along the west line of said 429.321 acre tract to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, said point being the most southerly southeast corner of said Parcel 2--1.207 acre tract, said point also in the north right-of-way line of Elevon Parkway (a variable width right-of-way) dedicated by plat Elevon Parkway West, an addition to the City of Lavon as recorded in Document Number 2023--925, Official Public Records of Collin County, Texas;

THENCE along the west line of said Parcel 2--1.207 acre tract and the east right-of-way line of Elevon Parkway as follows:

Northwesterly, 67.17 feet along a curve to the left, having a central angle of 08 degrees 38 minutes 55 seconds, a radius of 445.00 feet, a tangent of 33.65 feet and whose chord bears North 75 degrees 51 minutes 50 seconds West, 67.11 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northwesterly, 65.29 feet along a curve to the right, having a central angle of 55 degrees 50 minutes 00 seconds, a radius of 67.00 feet, a tangent of 35.50 feet and whose chord bears North 52 degrees 16 minutes 18 seconds West, 62.74 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northwesterly, 48.08 feet along a curve to the left, having a central angle of 22 degrees 18 minutes 16 seconds, a radius of 123.50 feet, a tangent of 24.35 feet, and whose chord bears North 35 degrees 30 minutes 26 seconds West, 47.77 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northwesterly, 57.55 feet along a curve to the right, having a central angle of 49 degrees 12 minutes 43 seconds, a radius of 67.00 feet, a tangent of 30.68 feet and whose chord bears North 22 degrees 03 minutes 12 seconds West, 55.79 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 02 degrees 33 minutes 10 seconds East, 44.11 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northwesterly, 65.60 feet along a curve to the left, having a central angle of 11 degrees 23 minutes 22 seconds, a radius of 330.00 feet, a tangent of 32.91 feet and whose chord bears North 03 degrees 08 minutes 30 seconds West, 65.49 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 08 degrees 50 minutes 13 seconds West, 81.36 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, said point being the northwest corner of said Parcel 2--1.207 acre tract, said point also being the south right-of-way line of Northeast Texas Rural Rail Transportation District;

THENCE North 81 degrees 09 minutes 48 seconds East, 186.87 feet along the north line of said Parcel 2--1.207 acre tract and the south right-of-way line of Northeast Texas Rural Rail Transportation District to the POINT OF BEGINNING and containing 52,591 square feet or 1.207 acres of land.

BASIS OF BEARING:

The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83), distances shown hereon are grid distance values.

DEDICATION STATEMENT

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

That **MA LAND HOLDINGS, LLC**, acting herein by and through its duly-authorized officers, does hereby adopt this plat designating the herein above described property as **ELEVON PARKWAY WEST OPEN SPACES**, an addition to the City of Lavon, Collin County, Texas, and does hereby dedicate, in 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 across 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 using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public's and City of Lavon use thereof. The City of Lavon 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 City of Lavon 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.

MA LAND HOLDINGS, LLC, 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 whomsoever 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 Lavon.

WITNESS MY HAND THIS ____ DAY OF _____, 2024.

MA LAND HOLDINGS, LLC,
a Texas limited liability company

By: MA Partners, LLC
a Texas Limited Liability Company,
its sole manager

By: _____

Name: ALLEN JONES

Title: MANAGER

STATE OF TEXAS §

COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared Allen Jones, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated..

Given under my hand and seal of office, this ____ day of _____, 2024.

Notary Signature _____

SURVEYOR'S CERTIFICATE §

KNOW ALL MEN BY THESE PRESENTS:

That I, Mark W. Harp, RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Lavon.

Dated this the ____ day of _____, 2024.



PRELIMINARY FOR REVIEW PURPOSES ONLY

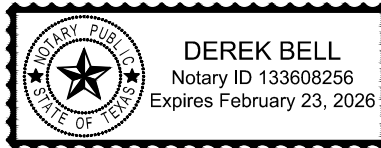
Mark W. Harp, R.P.L.S. No. 6425

STATE OF TEXAS §

COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark W. Harp, Land Surveyor, known to me 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 considerations therein expressed.

Given under my hand and seal of office this ____ day of _____, 2024.



Notary Public in and for the State of Texas

"Recommended For Approval"

Chairman, Planning and Zoning Commission Date
City of Lavon,
Collin County, Texas

"Approved For Preparation of Final Plat"

Mayor Date
City of Lavon,
Collin County, Texas

PRELIMINARY PLAT
ELEVON PARKWAY WEST
OPEN SPACES
2 COMMON AREA LOTS

CA1, BLOCK A; CA1, BLOCK B

BEING 11.679 ACRES OUT OF
THE SAMUEL M. RANIER SURVEY, ABSTRACT NO. 740,

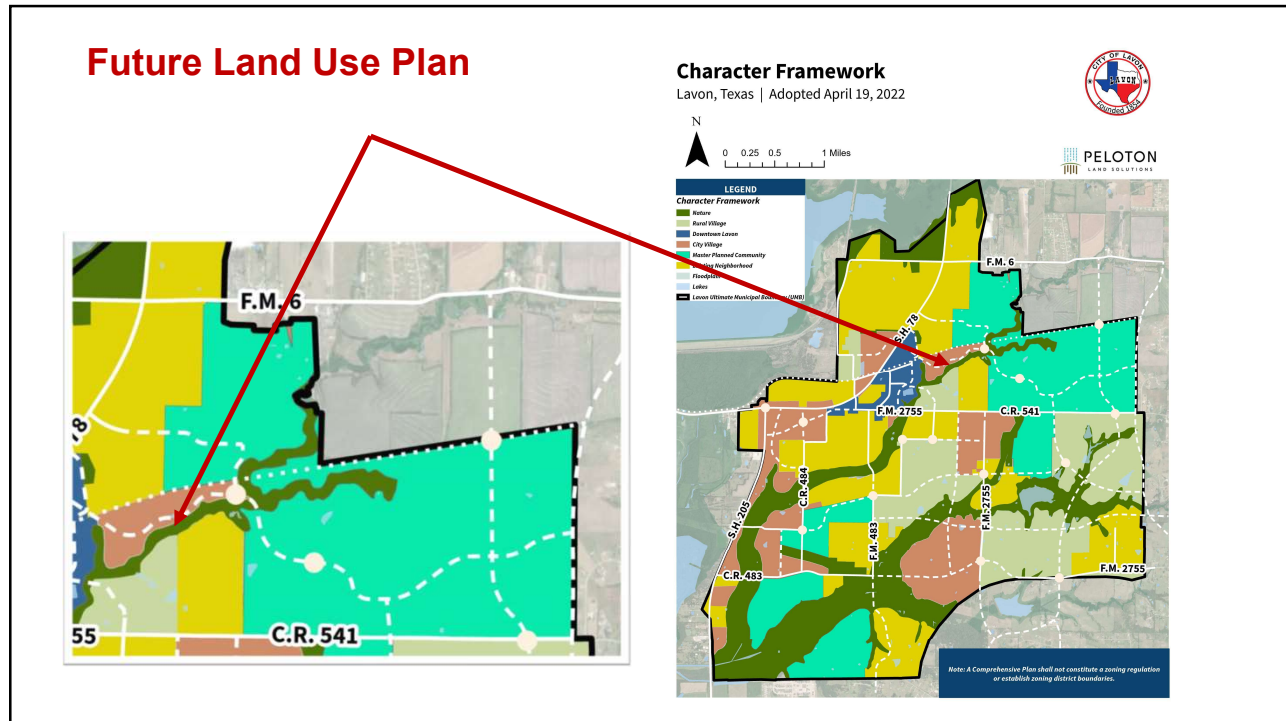
CITY OF LAVON,
COLLIN COUNTY, TEXAS

MA LAND HOLDINGS, LLC **OWNER/DEVELOPER**
2121 Midway Road, Suite 240 (972) 715-6449
Carrollton, Texas 75006
Contact: John Marlin

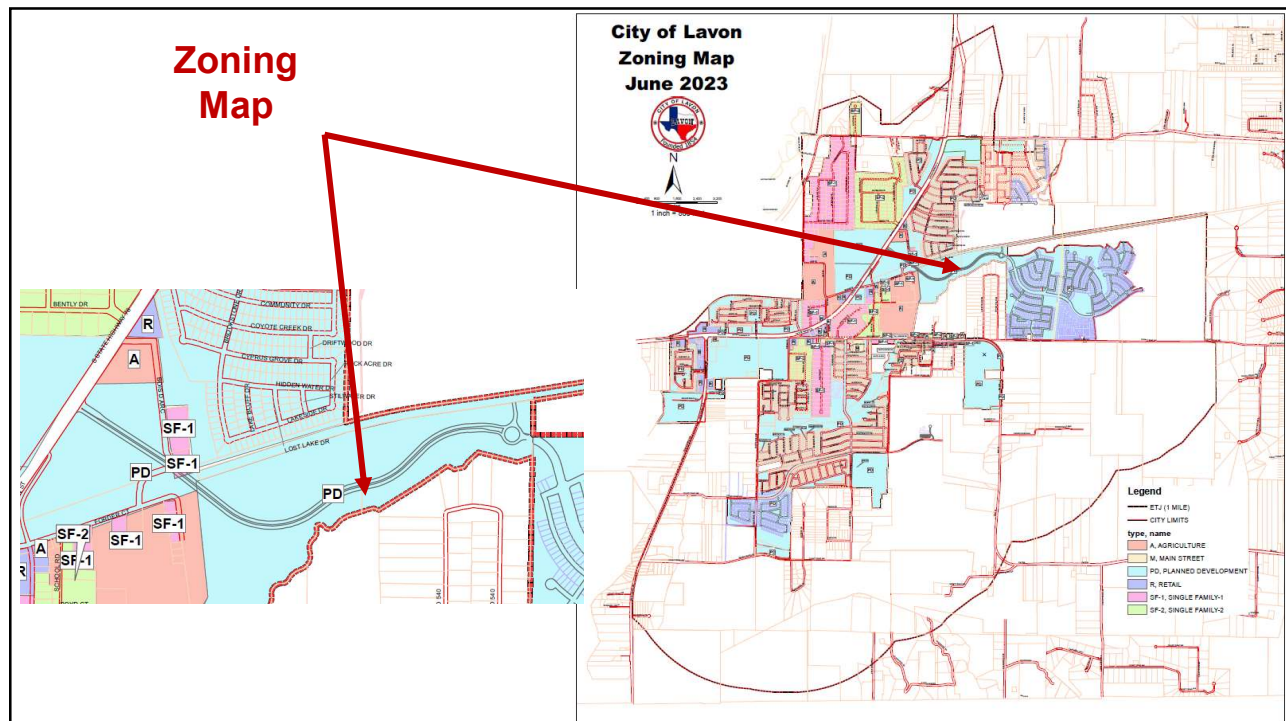
JB PARTNERS, INC. **SURVEYOR/ENGINEER**
2121 Midway Road, Suite 300 (972) 248-7676
Carrollton, Texas 75006
TBPE No. F-438 TBPLS No. 10076000

Date: February 16, 2024

Sheet 2 of 2

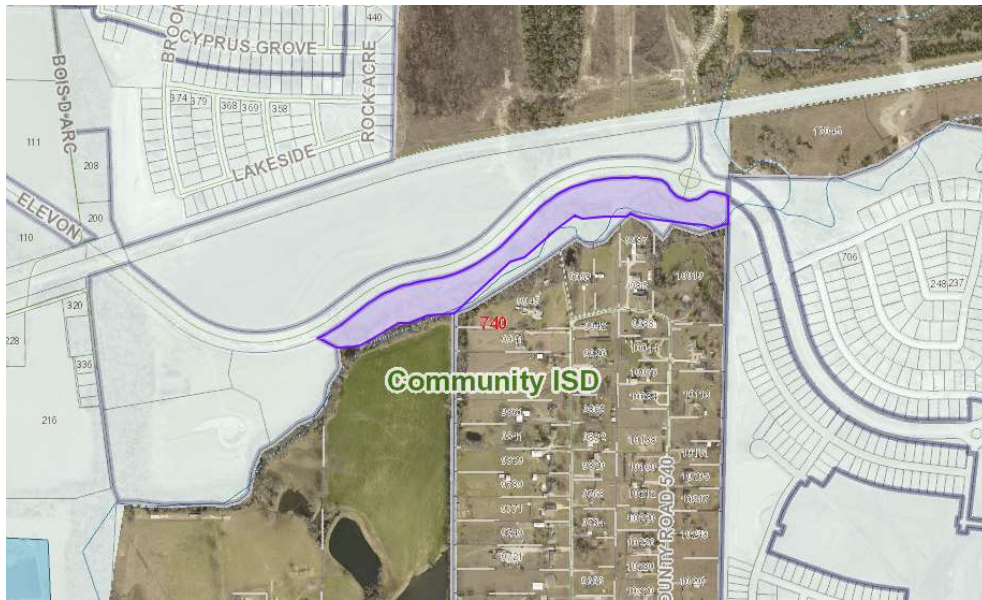


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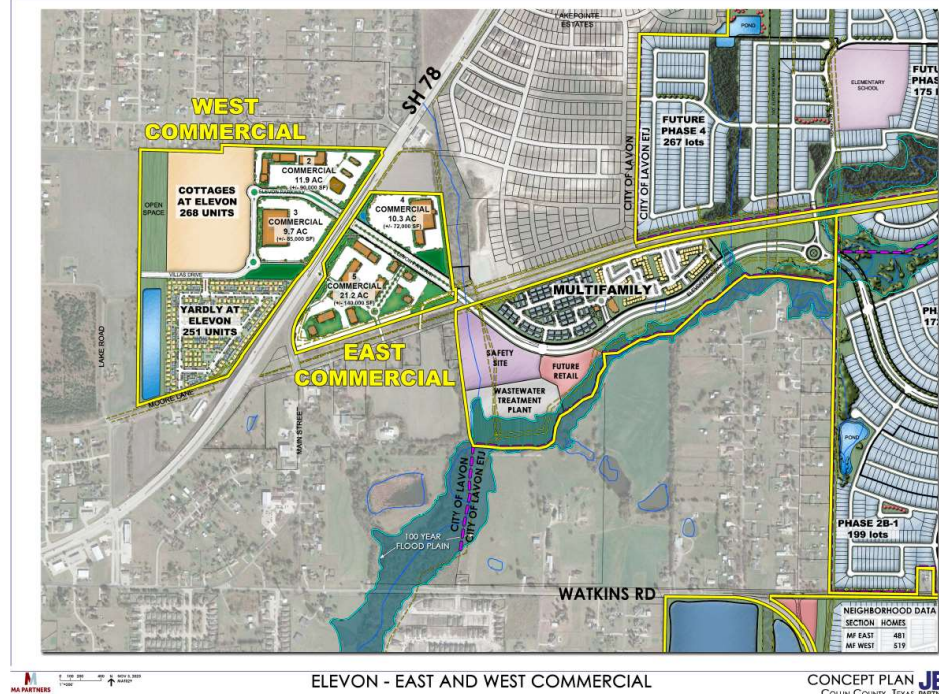
**Elevon
Parkway
West Open
Space
Addition
Location
Exhibit**



51

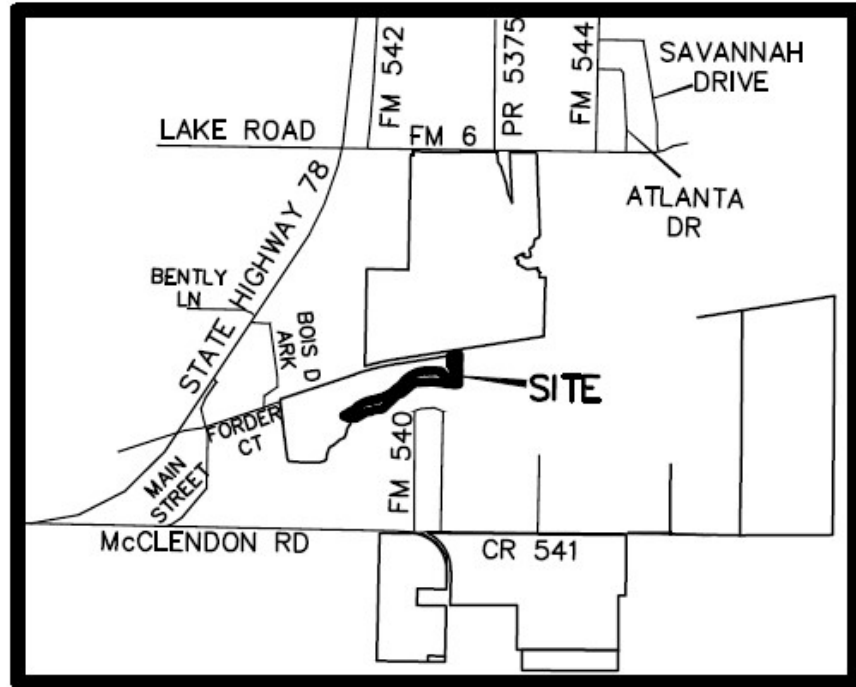
**Elevon
Community
Concept Plan**

**East and
West
Commercial
Multifamily**



52

**Elevon
Elevon Parkway
West Open
Spaces Addition
Location Exhibit**



February 21, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Elevon Parkway West Open Spaces
Preliminary Plat Review
LJA Job No. NTP-40467
MyGov Submittal: February 20, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. We have no further comments and recommend approval. Please do not hesitate to let us know if you have any questions.

Comments prepared and compiled by:

A handwritten signature in black ink that reads 'Tiffany McLeod'.

Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:

A handwritten signature in black ink that reads 'Abra R. Nusser'.

Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX



February 19, 2024

Ms. Kim Dobbs
City of Lavon
PO Box 340
120 School Road
Lavon, TX 75166

Re: Elevon Parkway West Open Spaces, 2 Common Areas, 11.679 Acres Preliminary and Final Plats Reviews

Dear Ms. Dobbs

JBI Partners received your comments via email form on February 5th, 2024 from Freeman-Millican and LJA, Inc. for the first submittal review of the Elevon Parkway West Open Spaces preliminary plat and final plat. We have addressed the comments and are resubmitting the revised final plat and engineering plans for review and approval.
Below is a summary of how each comment is addressed.

Final Plat & Preliminary Plat

Engineering

No comments were provided.

Planning

1. Revise the plats to label proposed Lot 1X, Block A as CA1, Block A and proposed Lot 1X Block B as CA1, Block B.
The names of the common areas have been updated on both plats.
2. Revise the plats to add the following note: Common areas shall be owned and maintained by the Homeowners Association/Property Owners Association.
The note has been added to both plats.
3. Revise the plat to include a note as follows: Common areas shall include pedestrian and recreation access.
The note has been added to both plats.
4. Revise the plats' title blocks to reflect "two common areas" instead of "two lots" and include the common areas designations "CA1, Block A and CA1, Block B".
The title block has been updated as indicated on both plats.

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

Daniel Dewey
Daniel Dewey, PE
JBI Partners, Inc.

January 24, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Elevon Parkway West Open Spaces
Preliminary and Final Plat Review
LJA Job No. NTP-40467
MyGov Submittal: January 10, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. Provided below are comments relating to planning and design. Please do not hesitate to let us know if you have any questions.

PLANNING + DESIGN COMMENTS

1. Revise the plats to label proposed Lot 1X, Block A as CA1, Block A and proposed Lot 1X, Block B as CA1, Block B.
2. Revise the plats to add the following note: Common areas shall be owned and maintained by the Homeowners Association/Property Owners Association.
3. Revise the plat to include a note as follows: Common areas shall include pedestrian and recreation access.
4. Revise the plats' title blocks to reflect "two common areas" instead of "two lots" and include the common area designations "CA1, Block A and CA1, Block B."

Comments prepared and compiled by:



Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:



Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX



CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 5 – H

Item:

CONSENT AGENDA

Approve the final plat of the Elevon Parkway West Open Spaces Addition consisting of two lots on 11.679 acres out of the S. M. Rainer Survey, Abstract No. 740, situated adjacent to Elevon Parkway and north of Lavon Ranchettes, Lavon, Collin County, Texas, (CCAD Property ID's 2882926 and 2882923).

Application Information

Owner(s): MA Land Holdings LLC

Applicant: JBI Partners

Location: Adjacent to Elevon Parkway and north of Lavon Ranchettes

Description: 11.679 acres out of the S. M. Rainer Survey, Abstract No. 740, Lavon, Collin County, Texas, (CCAD Property ID's 2882926 and 2882923).

Current Zoning: Planned Development (PD)

Request: Final Plat

Request Details

The applicant is seeking approval of a final plat of the Elevon Parkway West Open Spaces Addition. The proposed addition consists of 2 common area lots on 11.679 acres.

Code Excerpts:

**TEXAS LOCAL GOVERNMENT CODE
§ 212.004. PLAT REQUIRED**

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be

dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Code Excerpts:

**CITY OF LAVON – ARTICLE 9.02 SUBDIVISION ORDINANCE
SECTION 9.02.004 (d) FINAL PLAT**

After approval of the preliminary plat by the planning and zoning commission and City Council, a final plat, prepared by a registered public surveyor bearing his or her seal and the construction plans prepared by a registered professional civil engineer bearing his or her seal, shall be submitted to the planning and zoning commission.

A preliminary plat has been submitted for concurrent consideration. The final plat conforms to the approved zoning and proposed preliminary plat.

The proposed development takes access from Elevon Parkway.

The development will provide for the extension of public infrastructure systems for water, sanitary sewer, and trails. The development agreement outlines specific public infrastructure requirements related to the development and the proposed engineering plans are consistent with the development agreement obligations.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE FINAL PLAT OF THE ELEVON PARKWAY WEST OPEN SPACES ADDITION CONSISTING OF TWO LOTS ON 11.679 ACRES OUT OF THE S. M. RAINIER SURVEY, ABSTRACT NO. 740, SITUATED IN THE ADJACENT TO ELEVON PARKWAY AND NORTH OF LAVON RANCHETTES, LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: NABORS

SECONDED: COX

APPROVED: UNANIMOUS

Staff Notes:

The proposed final plat was reviewed by the staff development review committee, planner, and the City Engineer. The final plat generally meets the technical requirements and complies with the zoning and subdivision regulations. Approval is recommended.

Attachments: 1. Application
2. Location Exhibits
3. Engineer's Correspondence




CITY OF LAVON

P.O. Box 340, School Rd. Lavon, TX 75166
Office 972-843-4220 – Inspection 972-853-0855

PLAT APPLICATION

Incomplete applications will not be accepted.

Company Making Submission		Property Owner			
Name: JBI PARTNERS	Name: MA LAND HOLDINGS, LLC				
Address: 2121 Midway Road, Suite 300	Address: 2121 Midway Road, Suite 240				
City/State/Zip: Carrollton/TX/75006	City/State/Zip: Carrollton/TX/75006				
Phone #: 972.738.0243 Fax #:	Phone # 972.715.6449 Fax #				
Authorized Person: Daniel Dewey, P.E.	Authorized Person: John Marlin				
Type of Submission		Check List of Items Submitted			
<input checked="" type="checkbox"/> Preliminary Plat (Elevon Parkway West Open Spaces) 01-08-2024		<input type="checkbox"/> (two) full size sets of plats (24x36)			
<input checked="" type="checkbox"/> Final Plat (Elevon Parkway West Open Spaces) 01-08-2024		<input type="checkbox"/> (two) full size construction sets (24x36)			
<input type="checkbox"/> Re-Submittal		<input type="checkbox"/> (one) half size sets of plats (11x17)			
<input type="checkbox"/> Construction Plans		<input type="checkbox"/> (ten) half size sets of plats with final submission (11x17)			
<input type="checkbox"/> Other (eg. Replat; Development Plat; Short-Form Plat)		<input checked="" type="checkbox"/> (one) PDF plats (on separate CD's) (Via MyGov)			
		<input type="checkbox"/> (one) PDF construction plans (can be included on plat CD)			
Application Fees					
Preliminary Plat	Per Fee Schedule				
Final Plat	Per Fee Schedule				
Re-Plat	Per Fee Schedule				
Public Infrastructure Inspection	Per Fee Schedule				
To complete the plat please sign up as a collaborator in the MyGov system https://public.mygov.us/lavon_tx request access to the City of Lavon. Make a new request for the plat and upload these forms along with plans.					
NOTICE TO APPLICANT: Any approval will be issued based on the information furnished in this application and on any submitted plats. It is subject to the provisions and requirements of the City of Lavon Code of Ordinances and any other applicable ordinances of the City, regardless of information and/or plans submitted.					
Authorized Representative (Printed Name) Daniel Dewey		Authorized Representative (Signature) 	Date: 1-9-2024		
To be completed by the City					
In Takers Name:					
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:	P&Z Review Date:	Council Action Date:
<input type="checkbox"/> Accepted	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected
Comments:					

www.cityoflavon.com



CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - - Inspection 972-853-0855
Email: l.mcclelland@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Authorization of Representation

Date: 1/8/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, MA LAND HOLDINGS, LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize JB Partners to represent me (us) and my (our) interests in the property described in the attached exhibits (s) for the expressed purpose of this request.

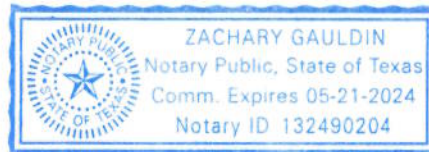
[Signature]
Signature (Owner)

Signature (Owner)

Signature (Owner)

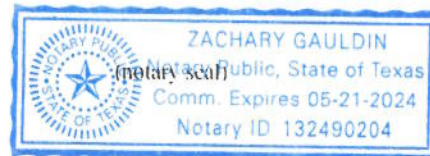
The State of Texas

County of Dallas



Before me, the undersigned authority, appeared Allen Jones,

on this the 8 day of January, 2024.



[Signature]
Notary Public in and for Dallas County, Texas



CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - Inspection 972-853-0855
Email: l.mcclelland@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Declaration of Ownership

Date: 1/8/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, MA LAVA HOLDINGS, LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request (s) relating to this property.

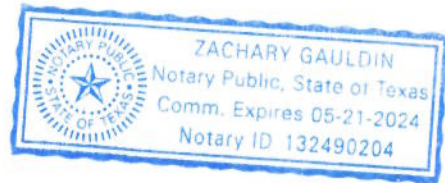
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas

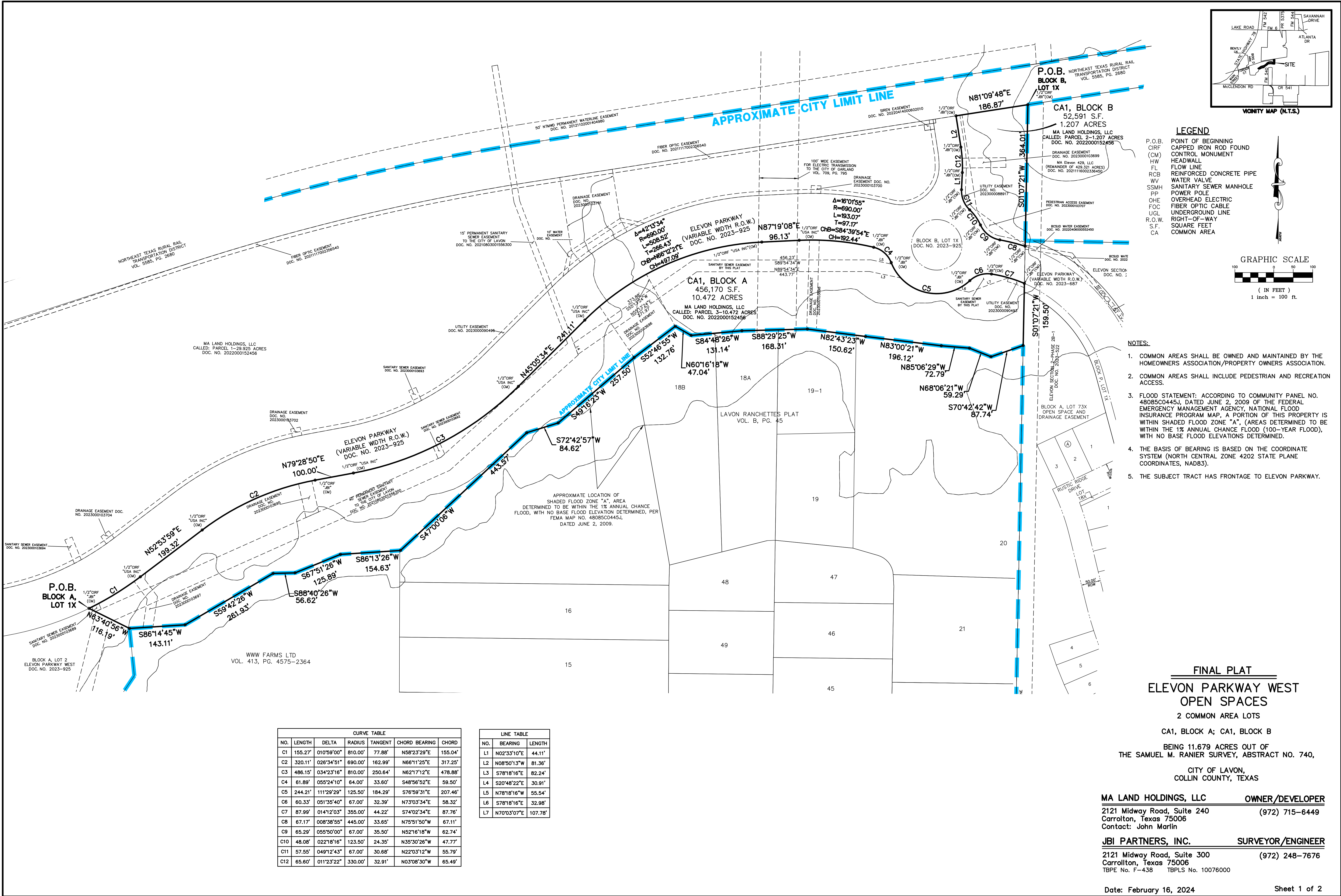
County of Dallas



Before me, the undersigned authority, appeared Allen Jones,
on this the 8 day of January, 20 24.

(notary seal)

Notary Public in and for Dallas County, Texas



LEGAL DESCRIPTION
(10.472 ACRES)

BEING a parcel of land located in Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being all of that called Parcel 3--10.472 acre tract of land described in deed to MA Land Holdings, LLC as recorded in Document Number 2022000152456, Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod with yellow cap stamped "JBI" found at the northwest corner of said Parcel 3--10.472 acre tract, said point being the northwest corner of Lot 2, Block A, Elevon Parkway West, an addition to the City of Lavon as recorded in Document Number 2023--925, Official Public Records of Collin County, Texas, said point also being in the south right-of-way line of Elevon Parkway (a variable width right-of-way) dedicated by said plat Elevon Parkway West;

THENCE along the north line of said Parcel 3--10.472 acre tract and the south right-of-way line of Elevon Parkway as follows: Northeastly, 155.27 feet along a curve to the left, having a central angle of 10 degrees 59 minutes 00 seconds, a radius of 810.00 feet, a tangent of 77.88 feet and whose chord bears North 58 degrees 23 minutes 29 seconds East, 155.04 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

North 52 degrees 53 minutes 59 seconds East, 199.32 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner; Northeastly, 320.11 feet along a curve to the right, having a central angle of 26 degrees 34 minutes 51 seconds, a radius of 690.00 feet, a tangent of 162.99 feet and whose chord bears North 66 degrees 11 minutes 25 seconds East, 317.25 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 79 degrees 28 minutes 50 seconds East, 100.00 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner; Northeastly, 486.15 feet along a curve to the left, having a central angle of 34 degrees 23 minutes 16 seconds, a radius of 810.00 feet, a tangent of 250.64 feet and whose chord bears North 62 degrees 17 minutes 12 seconds East, 478.88 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

North 45 degrees 05 minutes 34 seconds East, 241.11 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

Northeastly, 508.52 feet along a curve to the right, having a central angle of 42 degrees 13 minutes 34 seconds, a radius of 690.00 feet, a tangent of 266.53 feet and whose chord bears North 68 degrees 12 minutes 21 seconds East, 497.09 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

North 87 degrees 19 minutes 08 seconds East, 96.13 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

Southeasterly, 193.07 feet along a curve to the right, having a central angle of 16 degrees 01 minutes 55 seconds, a radius of 690.00 feet, a tangent of 97.17 feet and whose chord bears South 84 degrees 39 minutes 54 seconds East, 192.44 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Southeasterly, 61.89 feet along a curve to the right, having a central angle of 55 degrees 24 minutes 10 seconds, a radius of 64.00 feet, a tangent of 33.60 feet and whose chord bears South 48 degrees 56 minutes 52 seconds East, 59.50 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Southeasterly, 244.21 feet along a curve to the left, having a central angle of 111 degrees 29 minutes 29 seconds, a radius of 125.50 feet, a tangent of 184.29 feet and whose chord bears South 76 degrees 59 minutes 31seconds East, 207.46 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northeastly, 60.33 feet along a curve to the right, having a central angle of 51 degrees 35 minutes 40 seconds, a radius of 67.00 feet, a tangent of 32.39 feet and whose chord bears North 73 degrees 03 minutes 34 seconds East, 58.32 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Southeasterly, 87.99 feet along a curve to the right, having a central angle of 14 degrees 12 minutes 03 seconds, a radius of 355.00 feet, a tangent of 44.22 feet and whose chord bears South 74 degrees 02 minutes 34 seconds East, 87.76 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, said point being the northeast corner of said Parcel 3--10.472 acre tract, said point also being the most northerly northwest corner of Elphase 2B--1, 2--Phase 2B--1, an addition to the City of Lavon as recorded in Document Number 2023--522, Official Public Records of Collin County, Texas;

THENCE South 01 degrees 07 minutes 21 seconds West, 159.50 feet along the west line of said Elevon Section 2--Phase 2B--1 Addition to a point for corner, said point being the southeast corner of said Parcel 3--10.472 acre tract;

THENCE along the south line of said Parcel 3--10.472 acre tract as follows:

South 70 degrees 42 minutes 42 seconds West, 87.74 feet to a point for corner;
North 68 degrees 06 minutes 21 seconds West, 59.29 feet to a point for corner;
North 85 degrees 06 minutes 29 seconds West, 72.79 feet to a point for corner;
North 83 degrees 00 minutes 21 seconds West, 196.12 feet to a point for corner;
North 82 degrees 43 minutes 23 seconds West, 150.62 feet to a point for corner;
South 88 degrees 29 minutes 25 seconds West, 168.31 feet to a point for corner;
South 84 degrees 48 minutes 26 seconds West, 131.14 feet to a point for corner;
North 60 degrees 16 minutes 18 seconds West, 47.04 feet to a point for corner;
South 52 degrees 46 minutes 55 seconds West, 132.76 feet to a point for corner;
South 49 degrees 16 minutes 23 seconds West, 257.50 feet to a point for corner;
South 72 degrees 42 minutes 57 seconds West, 84.62 feet to a point for corner;
South 47 degrees 00 minutes 06 seconds West, 443.57 feet to a point for corner;
South 86 degrees 13 minutes 26 seconds West, 154.63 feet to a point for corner;
South 67 degrees 51 minutes 26 seconds West, 125.89 feet to a point for corner;
South 88 degrees 40 minutes 26 seconds West, 56.62 feet to a point for corner;
South 58 degrees 42 minutes 26 seconds West, 261.53 feet to a point for corner;
South 86 degrees 14 minutes 45 seconds West, 143.11 feet to a point for corner;
North 63 degrees 40 minutes 56 seconds West, 116.19 feet to the POINT OF BEGINNING and containing 456,170 square feet or 10.472 acres of land.

BASIS OF BEARING:

The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83), distances shown hereon are grid distance values.

LEGAL DESCRIPTION
(1.207 ACRES)

BEING a parcel of land located in Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being all of that called Parcel 2--1.207 acre tract of land described in deed to MA Land Holdings, LLC as recorded in Document Number 2022000152456, Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod with yellow cap stamped "JBI" found at the northeast corner of said Parcel 2--1.207 acre tract, said point being the northwest corner of that called 429.321 acre tract described in deed to MA Elevon 429, LLC, as recorded in Document Number 2021116002336450, Official Public Records of Collin County, Texas, said also point being in the south right-of-way line of Northeast Texas Rural Rail Transportation District, as recorded in Volume 5585, Page 2680, Official Public Records of Collin County, Texas;

THENCE South 01 degrees 07 minutes 21 seconds West, 364.01 feet along the west line of said 429.321 acre tract to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, said point being the most southerly southeast corner of said Parcel 2--1.207 acre tract, said point also in the north right-of-way line of Elevon Parkway (a variable width right-of-way) dedicated by plat Elevon Parkway West, an addition to the City of Lavon as recorded in Document Number 2023--925, Official Public Records of Collin County, Texas;

THENCE along the west line of said Parcel 2--1.207 acre tract and the east right-of-way line of Elevon Parkway as follows:

Northwesterly, 67.17 feet along a curve to the left, having a central angle of 08 degrees 38 minutes 55 seconds, a radius of 445.00 feet, a tangent of 33.65 feet and whose chord bears North 75 degrees 51 minutes 50 seconds West, 67.11 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northwesterly, 65.29 feet along a curve to the right, having a central angle of 55 degrees 50 minutes 00 seconds, a radius of 67.00 feet, a tangent of 35.50 feet and whose chord bears North 52 degrees 16 minutes 18 seconds West, 62.74 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northwesterly, 48.08 feet along a curve to the left, having a central angle of 22 degrees 18 minutes 16 seconds, a radius of 123.50 feet, a tangent of 24.35 feet, and whose chord bears North 35 degrees 30 minutes 26 seconds West, 47.77 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northwesterly, 57.55 feet along a curve to the right, having a central angle of 49 degrees 12 minutes 43 seconds, a radius of 67.00 feet, a tangent of 30.68 feet and whose chord bears North 22 degrees 03 minutes 12 seconds West, 55.79 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 02 degrees 33 minutes 10 seconds East, 44.11 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northwesterly, 65.60 feet along a curve to the left, having a central angle of 11 degrees 23 minutes 22 seconds, a radius of 330.00 feet, a tangent of 32.91 feet and whose chord bears North 03 degrees 08 minutes 30 seconds West, 65.49 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 08 degrees 50 minutes 13 seconds West, 81.36 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, said point being the northwest corner of said Parcel 2--1.207 acre tract, said point also being the south right-of-way line of Northeast Texas Rural Rail Transportation District;

THENCE North 81 degrees 09 minutes 48 seconds East, 186.87 feet along the north line of said Parcel 2--1.207 acre tract and the south right-of-way line of Northeast Texas Rural Rail Transportation District to the POINT OF BEGINNING and containing 52,591 square feet or 1.207 acres of land.

BASIS OF BEARING:

The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83), distances shown hereon are grid distance values.

DEDICATION STATEMENT

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

That **MA LAND HOLDINGS, LLC**, acting herein by and through its duly-authorized officers, does hereby adopt this plat designating the herein above described property as **ELEVON PARKWAY WEST OPEN SPACES**, an addition to the City of Lavon, Collin County, Texas, and does hereby dedicate, in 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 across 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 using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public's and City of Lavon use thereof. The City of Lavon 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 City of Lavon 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.

MA LAND HOLDINGS, LLC, 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 whomsoever 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 Lavon.

WITNESS MY HAND THIS ____ DAY OF _____, 2024.

MA LAND HOLDINGS, LLC,
a Texas limited liability company

By: MA Partners, LLC
a Texas Limited Liability Company,
its sole manager

By: _____

Name: ALLEN JONES

Title: MANAGER

STATE OF TEXAS §

COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared Allen Jones, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated..

Given under my hand and seal of office, this ____ day of _____, 2024.

Notary Signature

SURVEYOR'S CERTIFICATE §

KNOW ALL MEN BY THESE PRESENTS:

That I, Mark W. Harp, RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Lavon.

Dated this the ____ day of _____, 2024.



PRELIMINARY FOR REVIEW PURPOSES ONLY

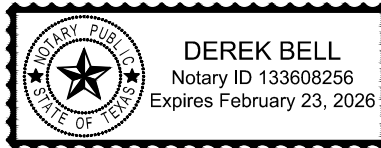
Mark W. Harp, R.P.L.S. No. 6425

STATE OF TEXAS §

COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark W. Harp, Land Surveyor, known to me 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 considerations therein expressed.

Given under my hand and seal of office this ____ day of _____, 2024.



Notary Public in and for the State of Texas

Recommended for Approval:

Date: _____

Chairman, Planning and Zoning Commission

City of Lavon, Texas

Approved for Construction:

Date: _____

Mayor, City of Lavon, Texas

Accepted:

Date: _____

Mayor, City of Lavon, Texas

The undersigned, the city secretary of the City of Lavon, Texas, hereby certifies that the foregoing final plat of the ____ subdivision or addition to the City of Lavon was submitted to the city council on the ____ day of _____, 20____ and the council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places and water and sewer lines as shown and set forth in and upon said plat and said council further authorized the mayor to note the acceptance thereof by signing his or her name as here in above subscribed.

Witness my hand this ____ day of _____, AD, 20____.

City Secretary, City of Lavon, Texas

FINAL PLAT
ELEVON PARKWAY WEST
OPEN SPACES
2 COMMON AREA LOTS

CA1, BLOCK A; CA1, BLOCK B

BEING 11.679 ACRES OUT OF
THE SAMUEL M. RANIER SURVEY, ABSTRACT NO. 740,

CITY OF LAVON,
COLLIN COUNTY, TEXAS

MA LAND HOLDINGS, LLC **OWNER/DEVELOPER**

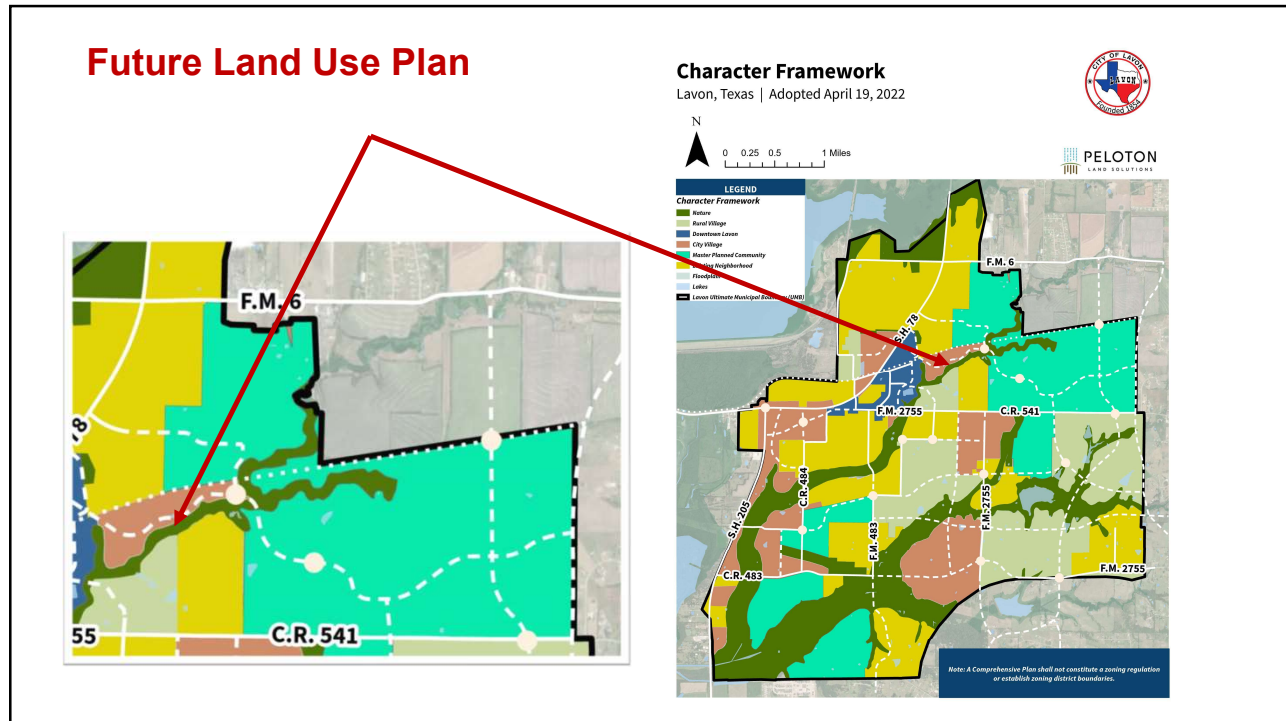
2121 Midway Road, Suite 240 (972) 715-6449
Carrollton, Texas 75006
Contact: John Marlin

JB PARTNERS, INC. **SURVEYOR/ENGINEER**

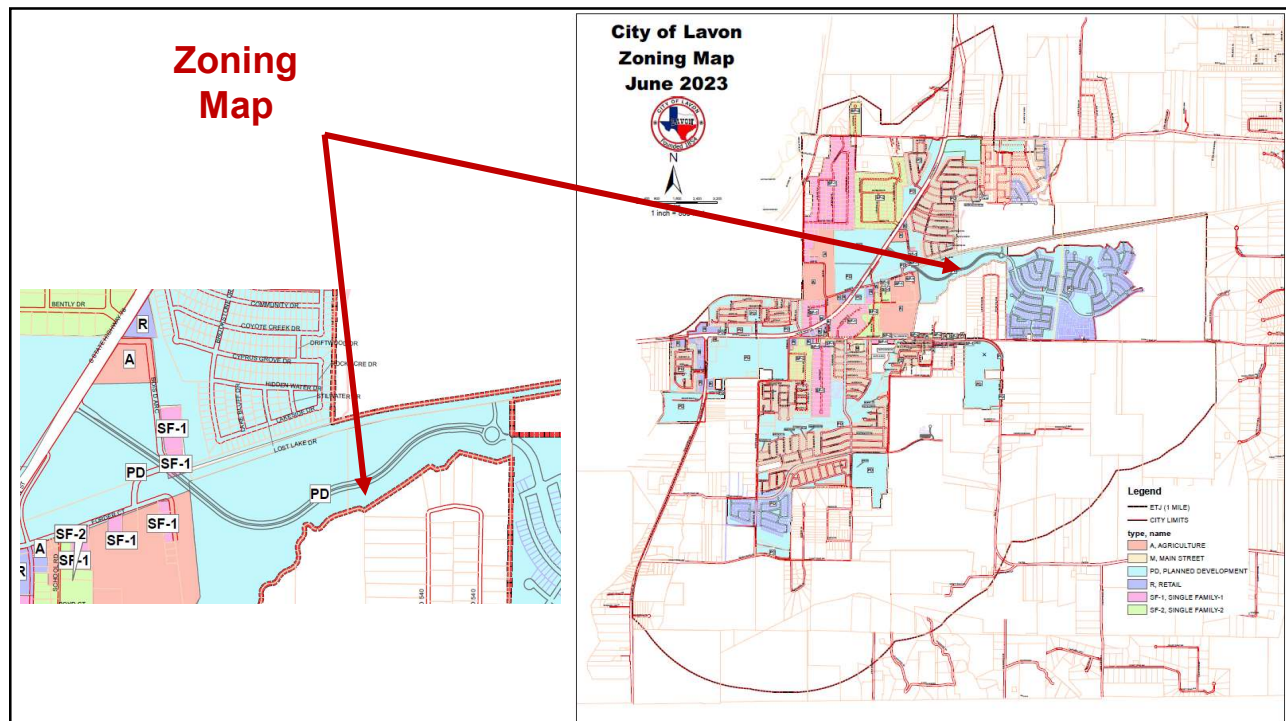
2121 Midway Road, Suite 300 (972) 248-7676
Carrollton, Texas 75006
TBPE No. F-438 TBPLS No. 10076000

Date: February 16, 2024

Sheet 2 of 2



56



57

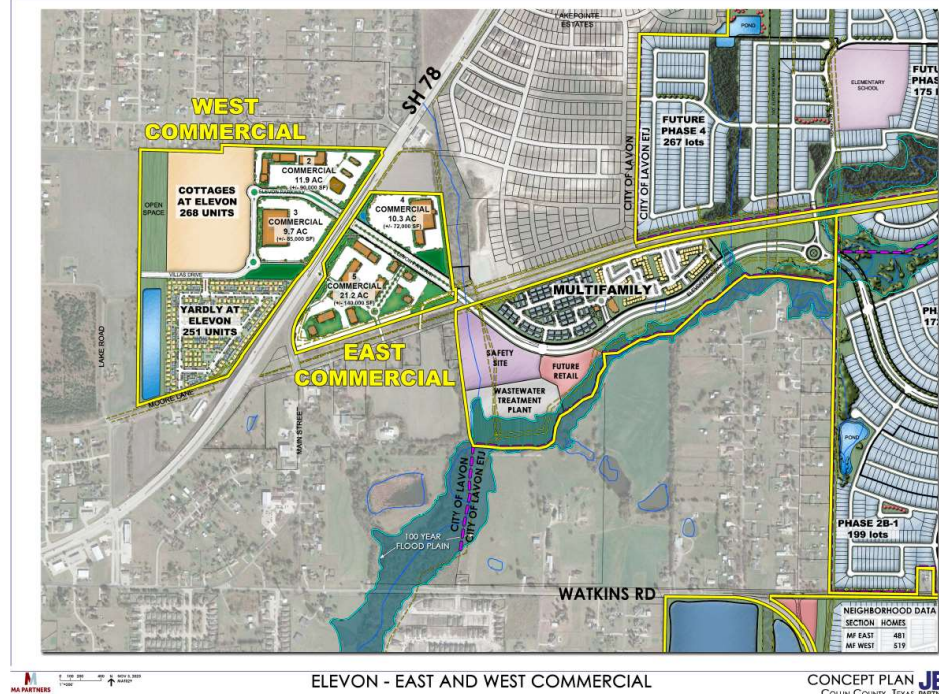
**Elevon
Parkway
West Open
Space
Addition
Location
Exhibit**



58

**Elevon
Community
Concept Plan**

**East and
West
Commercial
Multifamily**



ELEVON - EAST AND WEST COMMERCIAL

CONCEPT PLAN **JBI**
COLLIN COUNTY, TEXAS PARTNERS

59

February 5, 2024

Ms. Kim Dobbs
City of Lavon
120 School Road
Lavon, TX 75166

Re: Elevon Parkway West Open Spaces, 2 Common Areas, 11.679 Acres
Preliminary and Final Plats

Dear Ms. Dobbs:

As requested, we have reviewed the Preliminary and Final Plats dated January 8, 2024 as prepared by JBI Partners, Inc. for the above referenced property. The property is generally located southwest and northeast of the roundabout at Elevon Parkway and Inspiration Grove. Additional comments may be provided by City Planners. Our comments are as follows:

1. The two common areas are to be used for open space and, therefore, civil construction plans have not been provided.

This concludes our review of the above-referenced Preliminary and Final Plats. **We recommend APPROVAL of both the Preliminary Plat and the Final Plat, subject to addressing any planning comments.**

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavon.

If there are any questions, please contact me at 214-503-0555 x115 or by email at mdhill@fmi-dallas.com.

Sincerely,
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.
Consulting City Engineer

Cc: David Carter, Mike Jones, Danny Anthony

F:\17024 - LAV General Servies\9 - Review\Elevon\Section 2\Elevon Parkway Open Space\Elevon Parkway Open Space - Prelim & Final Plat - Rev 0.docx

February 21, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Elevon Parkway West Open Spaces
Final Plat Review
LJA Job No. NTP-40467
MyGov Submittal: February 20, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. We have no further comments and recommend approval. Please do not hesitate to let us know if you have any questions.

Comments prepared and compiled by:

A handwritten signature in black ink that reads "Tiffany McLeod". The signature is written in a cursive, flowing style.

Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:

A handwritten signature in black ink that reads "Abra R. Nusser". The signature is written in a cursive, flowing style.

Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX



February 19, 2024

Ms. Kim Dobbs
City of Lavon
PO Box 340
120 School Road
Lavon, TX 75166

Re: Elevon Parkway West Open Spaces, 2 Common Areas, 11.679 Acres Preliminary and Final Plats Reviews

Dear Ms. Dobbs

JBI Partners received your comments via email form on February 5th, 2024 from Freeman-Millican and LJA, Inc. for the first submittal review of the Elevon Parkway West Open Spaces preliminary plat and final plat. We have addressed the comments and are resubmitting the revised final plat and engineering plans for review and approval.
Below is a summary of how each comment is addressed.

Final Plat & Preliminary Plat

Engineering

No comments were provided.

Planning

1. Revise the plats to label proposed Lot 1X, Block A as CA1, Block A and proposed Lot 1X Block B as CA1, Block B.
The names of the common areas have been updated on both plats.
2. Revise the plats to add the following note: Common areas shall be owned and maintained by the Homeowners Association/Property Owners Association.
The note has been added to both plats.
3. Revise the plat to include a note as follows: Common areas shall include pedestrian and recreation access.
The note has been added to both plats.
4. Revise the plats' title blocks to reflect "two common areas" instead of "two lots" and include the common areas designations "CA1, Block A and CA1, Block B".
The title block has been updated as indicated on both plats.

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

Daniel Dewey
Daniel Dewey, PE
JBI Partners, Inc.



CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 5 – I

Item:

CONSENT AGENDA

Approve the preliminary plat of the Elevon East Commercial Addition, previously referenced as Elevon Parkway West Entry Addition, consisting of four lots on 31.253 acres being two tracts out of the S. M. Rainer Survey, Abstract No. 740, situated adjacent to and east of the intersection of S. H. 78 and Elevon Parkway, Lavon, Collin County, Texas, (CCAD Property ID's 2868716 and 2542829).

Application Information

Owner(s): MA Land Holdings LLC

Applicant: JBI Partners

Location: Adjacent to and east of the intersection of S. H. 78 and Elevon Parkway

Description: 31.253 acres out of the S. M. Rainer Survey, Abstract No. 740, Lavon, Collin County, Texas, (CCAD Property ID's 2868716 and 2542829).

Current Zoning: Planned Development (PD)

Request: Preliminary Plat

Request Details

The applicant is seeking approval of the preliminary plat of Elevon East Commercial Addition. The site will be developed in accordance with the Elevon Planned Development District regulations, Ordinance No. 2022-10-03, in which the subject property is identified as Land Use Parcels 3 and 4.

The project consists of two lots and two common area lots.

Code Excerpts:

**TEXAS LOCAL GOVERNMENT CODE
§ 212.004. PLAT REQUIRED**

PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

The property is zoned Planned Development (PD). The preliminary plat is prepared in conformance with the zoning requirements and the Future Land Use Plan.

Water

The development is located within the certificated areas of the Bear Creek Special Utility District (SUD). A conceptual water plan has been submitted and reviewed.

Sewer

The development will be served by the City of Lavon.

Roads

Access is from Elevon Parkway.

Parks and Trails

The site will contain the required pedestrian connections and open space.

Floodplain and Drainage

The conceptual drainage plans have been reviewed by the city engineer.

The application and plans generally satisfy the criteria for approval.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE PRELIMINARY PLAT OF THE ELEVON PARKWAY WEST ENTRY ADDITION CONSISTING OF FOUR LOTS ON 31.253 ACRES BEING TWO TRACTS OUT OF THE S. M. RAINER SURVEY, ABSTRACT NO. 740, SITUATED ADJACENT TO AND EAST OF THE INTERSECTION OF S. H. 78 AND ELEVON PARKWAY, LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: NABORS
SECONDED: TIEGS
APPROVED: UNANIMOUS

Staff Notes:

The proposed preliminary plat was reviewed by the city engineer, planning consultant, and staff development review committee (DRC). Approval is recommended.

Attachments:

1. Application and preliminary plat
2. Location Exhibits
3. Engineer's correspondence.



CITY OF LAVON

P.O. Box 340, School Rd. Lavon, TX 75166
Office 972-843-4220 – Inspection 972-853-0855

PLAT APPLICATION

Incomplete applications will not be accepted.

Company Making Submission		Property Owner	
Name: JBI PARTNERS	Name: MA LAND HOLDINGS, LLC		
Address: 2121 Midway Road, Suite 300	Address: 2121 Midway Road, Suite 240		
City/State/Zip: Carrollton/TX/75006	City/State/Zip: Carrollton/TX/75006		
Phone #: 972.738.0243 Fax #:	Phone # 972.715.6449 Fax #		
Authorized Person: Daniel Dewey, P.E.	Authorized Person: John Marlin		

Type of Submission	Date
<input checked="" type="checkbox"/> Preliminary Plat (Elevon Parkway West Open Spaces)	01-08-2024
<input checked="" type="checkbox"/> Final Plat (Elevon Parkway West Open Spaces)	01-08-2024
<input type="checkbox"/> Re-Submittal	
<input type="checkbox"/> Construction Plans	
<input type="checkbox"/> Other (eg. Replat; Development Plat; Short-Form Plat)	

Check List of Items Submitted
<input type="checkbox"/> (two) full size sets of plats (24x36)
<input type="checkbox"/> (two) full size construction sets (24x36)
<input type="checkbox"/> (one) half size sets of plats (11x17)
<input type="checkbox"/> (ten) half size sets of plats with final submission (11x17)
<input checked="" type="checkbox"/> (one) PDF plats (on separate CD's) (Via MyGov)
<input type="checkbox"/> (one) PDF construction plans (can be included on plat CD)

Application Fees	
Preliminary Plat	Per Fee Schedule
Final Plat	Per Fee Schedule
Re-Plat	Per Fee Schedule
Public Infrastructure Inspection	Per Fee Schedule

To complete the plat please sign up as a collaborator in the MyGov system https://public.mygov.us/lavon_tx request access to the City of Lavon. Make a new request for the plat and upload these forms along with plans.

NOTICE TO APPLICANT: Any approval will be issued based on the information furnished in this application and on any submitted plats. It is subject to the provisions and requirements of the City of Lavon Code of Ordinances and any other applicable ordinances of the City, regardless of information and/or plans submitted.

Authorized Representative (Printed Name) Daniel Dewey	Authorized Representative (Signature) 	Date: 1-9-2024
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To be completed by the City

In Takers Name:					
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:	P&Z Review Date:	Council Action Date:
<input type="checkbox"/> Accepted	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected

Comments:

www.cityoflavon.com



CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - - Inspection 972-853-0855
Email: l.mcclendon@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Authorization of Representation

Date: 1/8/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, MA LAND HOLDINGS, LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize JB Partners to represent me (us) and my (our) interests in the property described in the attached exhibits (s) for the expressed purpose of this request.

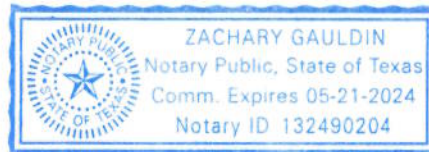
[Signature]
Signature (Owner)

Signature (Owner)

Signature (Owner)

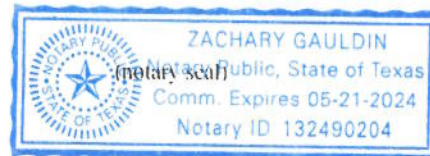
The State of Texas

County of Dallas



Before me, the undersigned authority, appeared Allen Jones,

on this the 8 day of January, 2024.



[Signature]
Notary Public in and for Dallas County, Texas



CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - Inspection 972-853-0855
Email: l.mcclendon@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Declaration of Ownership

Date: 1/8/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, MA LAVA HOLDINGS, LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request (s) relating to this property.

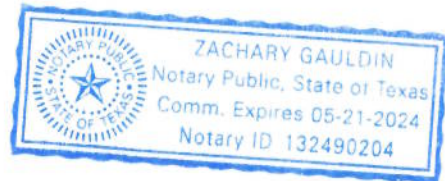
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas

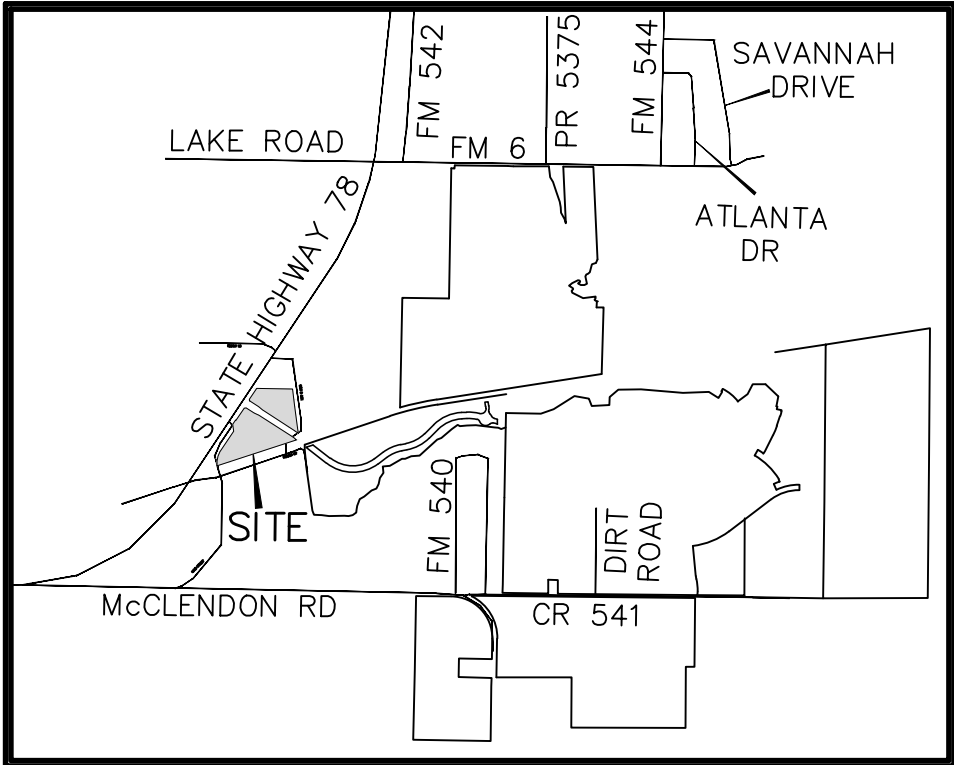
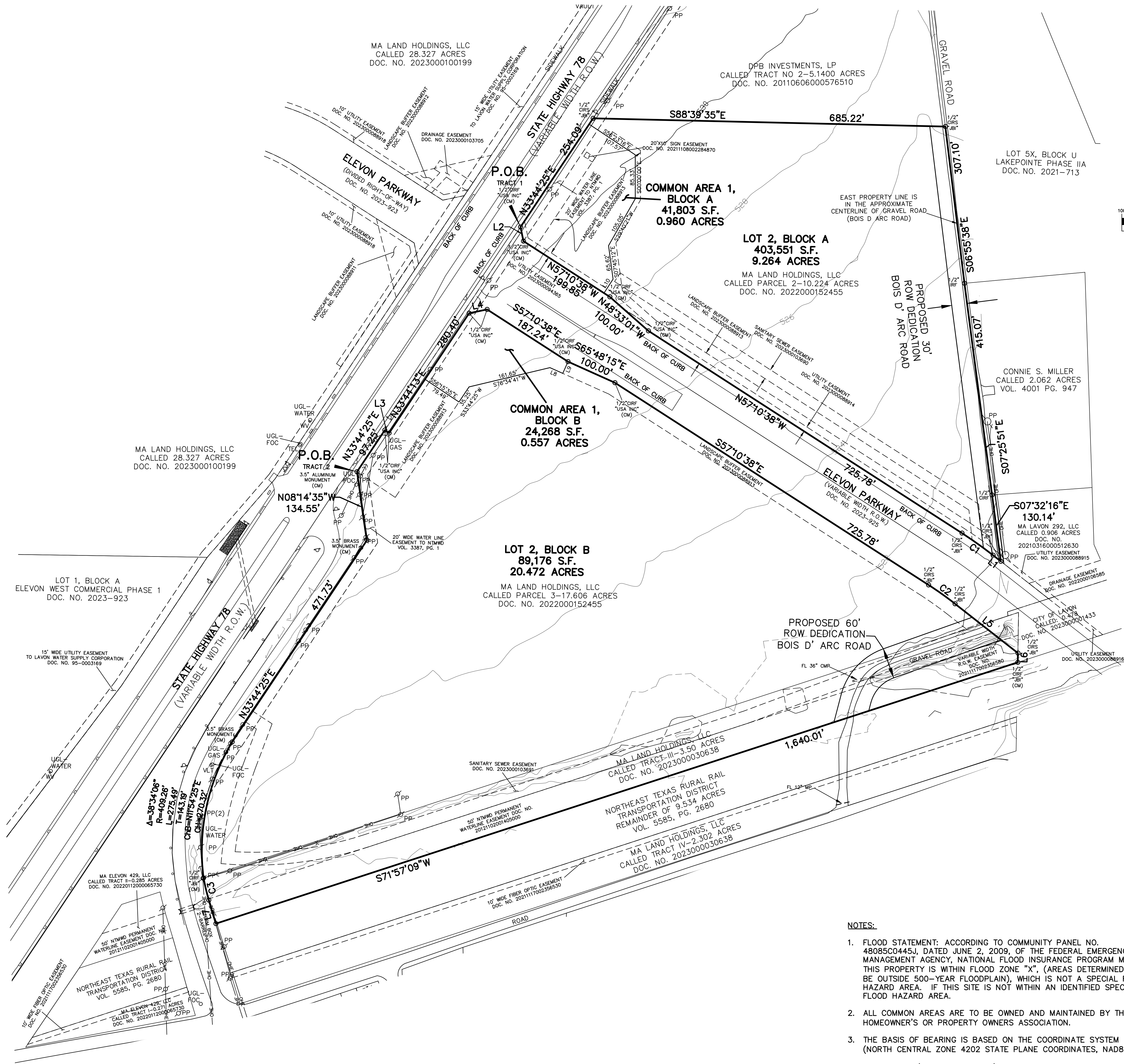
County of Dallas



Before me, the undersigned authority, appeared Allen Jones,
on this the 8 day of January, 20 24.

(notary seal)

Notary Public in and for Dallas County, Texas



VICINITY MAP (N.T.S.)

LEGEND

P.O.B. POINT OF BEGINNING
IPF IRON PIPE FOUND
IRF IRON ROD FOUND
CIRF CAPPED IRON ROD FOUND
CIRS CAPPED IRON ROD SET
CM CONTROL MONUMENT
ROW RIGHT-OF-WAY
AC ACRES
UE UTILITY EASEMENT

LINE TABLE		
NO.	BEARING	LENGTH
L1	N51°55'50"W	19.11'
L2	N11°43'12"W	28.06'
L3	S56°15'47"E	10.03'
L4	N78°16'48"E	35.64'
L5	S51°55'50"E	155.35'
L6	S00°54'55"W	18.07'
L7	N16°49'38"W	47.66'
L8	N65°48'15"W	27.32'
L9	S24°11'45"W	25.00'
L10	N32°49'22"E	32.38'

CURVE TABLE				
NO.	LENGTH	DELTA	RADIUS	TANGENT
C1	74.17'	005°14'48"	810.00'	37.11'
C2	63.18'	005°14'48"	690.00'	31.61'
C3	44.42'	006°59'11"	364.26'	22.24'

LOT AREA TABLE		
BLOCK-LOT	SQUARE FEET	ACRES
A-1	41,803	0.960
A-2	403,551	9.264
B-1	24,268	0.557
B-2	89,176	20.472

PRELIMINARY PLAT
ELEVON EAST
COMMERCIAL ADDITION

2 LOTS
2 COMMON AREA LOTS

BEING 2 TRACTS AND TOTALING 31.253 ACRES OUT OF
THE SAMUEL M. RAINIER SURVEY, ABSTRACT NO. 740,

CITY OF LAVON,
COLLIN COUNTY, TEXAS

MA LAND HOLDINGS, LLC CURRENT OWNER

2121 Midway Road, Suite 240 (972) 715-6449
Carrollton, Texas 75006
Contact: John Marlin

JB PARTNERS, INC. SURVEYOR/ENGINEER

2121 Midway Road, Suite 300 (972) 248-7676
Carrollton, Texas 75006
TBPE No. F-438 TBPLS No. 10076000

Date: February 20, 2024

Sheet 1 of 1

NOTES:

- FLOOD STATEMENT: ACCORDING TO COMMUNITY PANEL NO. 48085C0445J, DATED JUNE 2, 2009, OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM MAP, THIS PROPERTY IS WITHIN FLOOD ZONE "X". (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN), WHICH IS NOT A SPECIAL FLOOD HAZARD AREA. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA.
- ALL COMMON AREAS ARE TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S OR PROPERTY OWNERS ASSOCIATION.
- THE BASIS OF BEARING IS BASED ON THE COORDINATE SYSTEM (NORTH CENTRAL ZONE 4202 STATE PLANE COORDINATES, NAD83).
- PROPOSED 60' ROW FOR BOIS D'ARC LANE IS SHOWN PER THE CITY OF LAVON THOROUGHFARE PLAN. AT THE TIME OF SITE PLAN AND FINAL PLAT OF LOT 2, BLOCK A AND LOT 2, BLOCK B, ALTERNATE ACCESS CAN BE PROVIDED IN LIEU OF RIGHT-OF-WAY DEDICATION AT THE EXISTING BOIS D'ARC LOCATION. ABANDONMENT OF THE EXISTING PRESCRIPTIVE RIGHT-OF-WAY AND ACCEPTANCE OF ALTERNATE ACCESS IS SUBJECT TO CITY APPROVAL.

LEGAL DESCRIPTION
(TRACT 1)

BEING a parcel of land located in Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being all of that called Parcel 2–10.224 acre tract of land described indeed to MA LAND HOLDINGS, LLC as recorded in Document Number 2022000152455 Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one–half inch iron rod with cap stamped ‘USA INC’ found in the west line of said Parcel 2, said point being in the east right–of–way line of State Highway Number 78 (a variable width right–of–way), said point also being in the north right–of–way line of Elevon Parkway, a variable width right–of–way as recorded in Document Number 2023–925, Official Public Records of Collin County, Texas;

THENCE North 33 degrees 44 minutes 25 seconds East, 254.09 feet along the west line of said Parcel 2 and along the east right–of–way line of State Highway Number 78 to a one–half inch iron rod with yellow cap stamped ‘JBI’ found for corner, said point being the southwest corner of that called Tract No. 2–5.1400 acre tract of land described in deed to DPB INVESTMENTS, LP, as recorded in Document Number 20110606000576510, Official Public Records of Collin County, Texas;

THENCE South 88 degrees 39 minutes 35 seconds East, 685.22 feet along the north line of said Parcel 2 to a one–half inch iron rod with yellow cap stamped ‘JBI’ found, said point being the southeast corner of said 5.1400 acre tract, said point also being in the west line of Lot 5X, Block U Lakepoint Phase IIA, an addition to Collin County as recorded in Document Number 2021–713, Official Public Records of Collin County, Texas;

THENCE along the east line of said Parcel 2 as follows:

South 06 degrees 55 minutes 38 seconds East, 307.10 feet along the west line of said Lot 5X to a one–half inch iron rod found for corner, said point being the northwest corner of that called 2.062 acre tract of land described in deed to Connie S. Miller, as recorded in Volume 4001, Page 947, Official Public Records of Collin County, Texas;

South 07 degrees 25 minutes 51 seconds East, 415.07 feet to a one–half inch iron rod found at the southwest corner of said 2.062 acre tract, said point also being at the northwest corner of that called 0.906 acre tract of land, described in deed to MA Lavon 292, LLC as recorded in Document Number 20210316000512630, Official Public Records of Collin County, Texas;

South 07 degrees 32 minutes 16 seconds East, 130.14 feet along the west line of said 0.906 acre tract to a one–half inch iron rod with yellow cap stamped ‘JBI’ found in the north line of said Elevon Parkway;

THENCE along the southwest line of said Parcel 2 and along the north line of said Elevon Parkway as follows:

North 51 degrees 55 minutes 50 seconds West, 19.11 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner; Northwestly, 74.17 feet along a curve to the left, having a central angle of 05 degrees 14 minutes 48 seconds, a radius of 810.00 feet, a tangent of 37.11 feet and whose chord bears North 54 degrees 33 minutes 14 seconds West, 74.15 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner;

North 57 degrees 10 minutes 38 seconds West, 725.78 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner; North 48 degrees 33 minutes 01 seconds West, 100.00 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner; North 57 degrees 10 minutes 38 seconds West, 199.85 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner; North 11 degrees 43 minutes 12 seconds West, 28.06 feet to the POINT OF BEGINNING and containing 445,354 square feet or 10.224 acres of land.

BASIS OF BEARING: The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83) with grid distances shown hereon.

LEGAL DESCRIPTION
(TRACT 2)

BEING a parcel of land located in Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being all of that called Parcel 3–17.606 acre tract of land described in deed to MA LAND HOLDINGS, LLC as recorded in Document Number 2022000152455, Official Public Records of Collin County, Texas and being a part of that called Tract III–3.50 acre tract of land described in deed to MA LAND HOLDINGS, LLC as recorded in Document Number 2023000030638, Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a 3.5 inch aluminum monument found in the west line of said 17.606 acre tract, said point being in the east right–of–way line of State Highway Number 78 (a variable width right–of–way);

THENCE along the west line of said 17.606 acre tract and along the east line of said State Highway Number 78 as follows:

North 33 degrees 44 minutes 25 seconds East, 97.25 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner; South 56 degrees 15 minutes 47 seconds East, 10.03 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner; North 33 degrees 44 minutes 13 seconds East, 280.40 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found in the south right–of–way line of Elevon Parkway, a variable width right–of–way as recorded in Document Number 2023–925;

THENCE along the northeast line of said 17.606 acre tract and along the southwest right–of–way line of said Elevon Parkway as follows:

North 78 degrees 16 minutes 48 seconds East, 35.64 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner; South 57 degrees 10 minutes 38 seconds East, 187.24 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner; South 65 degrees 48 minutes 15 seconds East, 100.00 feet to a one–half inch iron rod with cap stamped ‘USA INC’ found for corner; South 57 degrees 10 minutes 38 seconds East, 725.78 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner; Southeasterly, 63.18 feet along a curve to the right, having a central angle of 05 degrees 14 minutes 48 seconds, a radius of 690.00 feet, a tangent of 31.61 feet and whose chord bears South 54 degrees 33 minutes 14 seconds East, 63.16 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner; South 51 degrees 55 minutes 50 seconds East, 155.35 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ set for corner in the east line of said 3.50 acre tract;

THENCE South 00 degrees 54 minutes 55 seconds West, 18.07 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ found in the south line of said 3.50 acre tract, said point also being in the north right–of–way line of Northeast Texas Rural Rail Transportation District, as recorded in Volume 5585, Page 2680, Official Public Records of Collin County, Texas;

THENCE South 71 degrees 57 minutes 09 seconds West, 1,640.01 feet along the south line f said 3.50 acre tract and along the north right–of–way line of said Northeast Texas Rural Rail Transportation District to a one–half inch iron rod with yellow cap stamped ‘JBI’ found at the southwest corner of said 3.50 acre tract;

THENCE along the west line of said 3.50 acre tract as follows:

North 16 degrees 49 minutes 38 seconds West, 47.66 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ found for corner; Northwestly, 44.42 feet along a curve to the right, having a central angle of 06 degrees 59 minutes 11 seconds, a radius of 364.26 feet, a tangent of 22.24 feet and whose chord bears North 13 degrees 24 minutes 55 seconds West, 44.39 feet to a one–half inch iron rod with yellow cap stamped ‘JBI’ found at the northwest corner of said 3.50 acre tract, said point being in the southwest corner of said 17.606 acre tract of land, said point also being in the said east right–of–way line of State Highway Number 78; THENCE along the west line of said 17.606 acre tract and along the east right–of–way line of State Highway 78 as follows: Northeasterly, 275.49 feet along a curve to the right, having a central angle of 38 degrees 34 minutes 06 seconds, a radius of 409.26 feet, a tangent of 143.19 feet and whose chord bears North 11 degrees 54 minutes 25 seconds East, 270.32 feet to a 3.5” brass monument found for corner; North 33 degrees 44 minutes 25 seconds East, 471.73 feet to a 3.5” brass monument found for corner; North 08 degrees 14 minutes 35 seconds West, 134.55 feet to the POINT OF BEGINNING and containing 916,032 square feet or 21.029 acres of land.

BASIS OF BEARING: The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83) with grid distances shown hereon.

DEDICATION STATEMENT

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

That **MA LAND HOLDINGS LLC**, acting herein by and through its duly–authorized officers, does hereby adopt this plat designating the herein above described property as **ELEVON EAST COMMERCIAL ADDITION**, an addition to the City of Lavon, Collin County, Texas, and does hereby dedicate, in 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 across 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 using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public’s and City of Lavon use thereof. The City of Lavon 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 City of Lavon 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.

All utility easements dedicated by this plat shall also include an additional area of working space for construction, reconstruction, additions, enlargements, and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb of of pavement line.

- All water system is owned and operated by Bear Creek Special Utility District (BCSUD) and all construction related to water service shall be done per BCSUD’s specifications and general notes.
- The easements and public use areas, as shown are dedicated for the public use, including specifically for the City of Lavon, or BCSUD, forever for purposes indicated on this plat.
- The City of Lavon and BCSUD are not responsible for replacing any improvements in, under or over any easements caused by maintenance or repair.
- Utility easements may also be used for the mutual and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities as being subordinate to the public, City of Lavon and BCSUD.
- The City of Lavon, BCSUD, and public utilities shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with construction, maintenance, or efficiency of their respective systems in the easements.
- City of Lavon, BCSUD, and public utilities shall at all times have the full right of ingress and egress to and from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, respective systems without the necessity at any time of procuring permission from anyone.
- All modifications to this document shall be by means of plat and approved by the City of Lavon unless said modifications pertain to BCSUD facilities, at which time BCSUD shall also review and approve.

MA LAND HOLDINGS, LLC, 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 whomsoever 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 Lavon.

WITNESS MY HAND THIS _____ DAY OF _____, 2024.

MA LAND HOLDINGS LLC, a Texas limited liability company

By: _____
John Marlin

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared John Marlin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

Given under my hand and seal of office, this _____ day of _____, 2024.

Notary Signature

SURVEYOR’S CERTIFICATE §

KNOW ALL MEN BY THESE PRESENTS:

That I, Mark W. Harp, RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Lavon.

Dated this the _____ day of _____, 2024.

“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.”
Mark W. Harp, R.P.L.S. No. 6425

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark W. Harp, Land Surveyor, known to me 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 considerations therein expressed.

Given under my hand and seal of office this _____ day of _____, 2024.

Notary Public in and for the State of Texas

“Preliminary Plat for Review Purposes Only”

Recommended for Approval:

Date: _____

Chairman, Planning and Zoning Commission
City of Lavon, Texas

Approved for Preparation of Final Plat:

Date: _____

Mayor, City of Lavon, Texas

Accepted:

Date: _____

Mayor, City of Lavon, Texas

PRELIMINARY PLAT
ELEVON EAST
COMMERCIAL ADDITION

2 LOTS
2 COMMON AREA LOTS

BEING 2 TRACTS AND TOTALING 31.253 ACRES OUT OF
THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740,

CITY OF LAVON,
COLLIN COUNTY, TEXAS

MA LAND HOLDINGS, LLC **CURRENT OWNER**

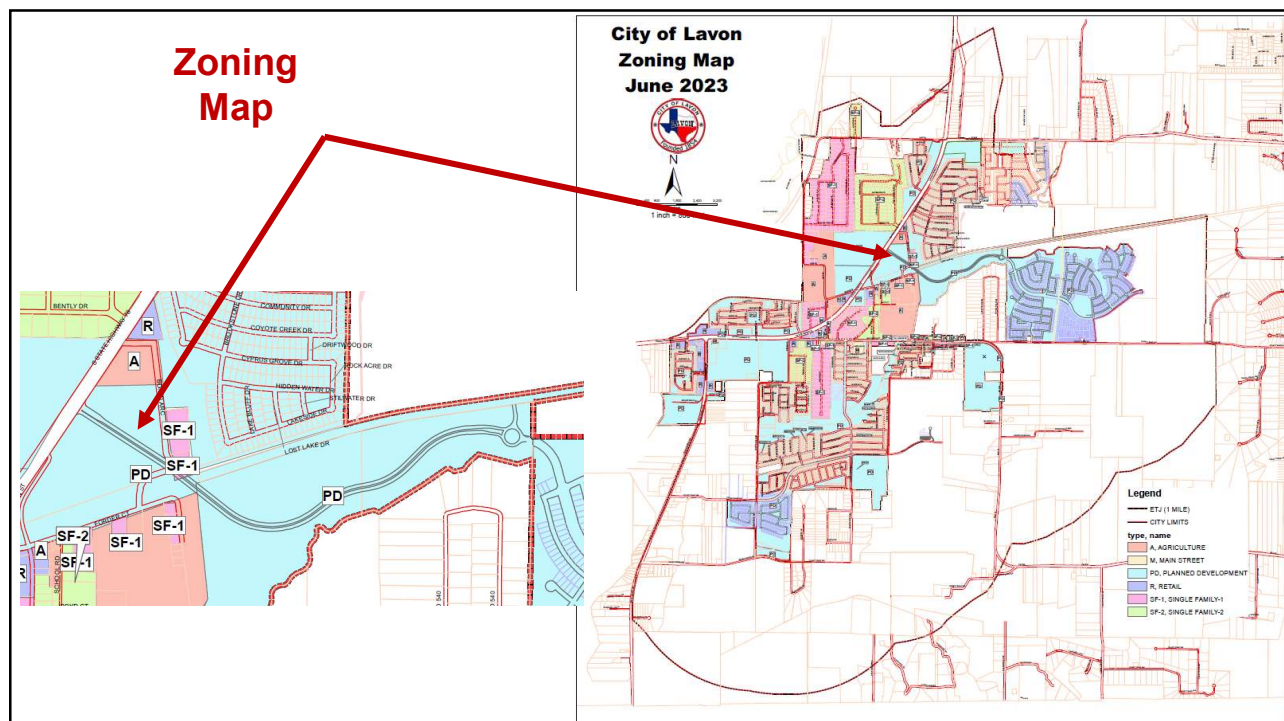
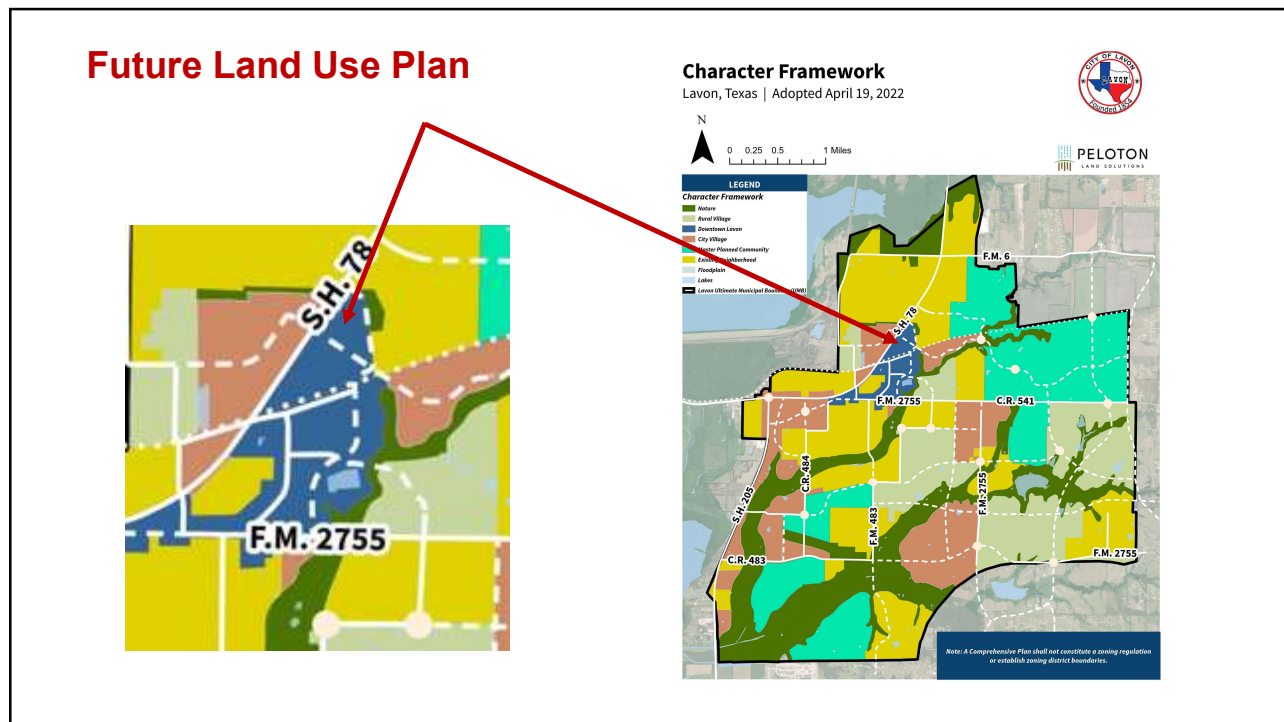
2121 Midway Road, Suite 240 (972) 715–6449
Carrollton, Texas 75006
Contact: John Marlin

JBI PARTNERS, INC. **SURVEYOR/ENGINEER**

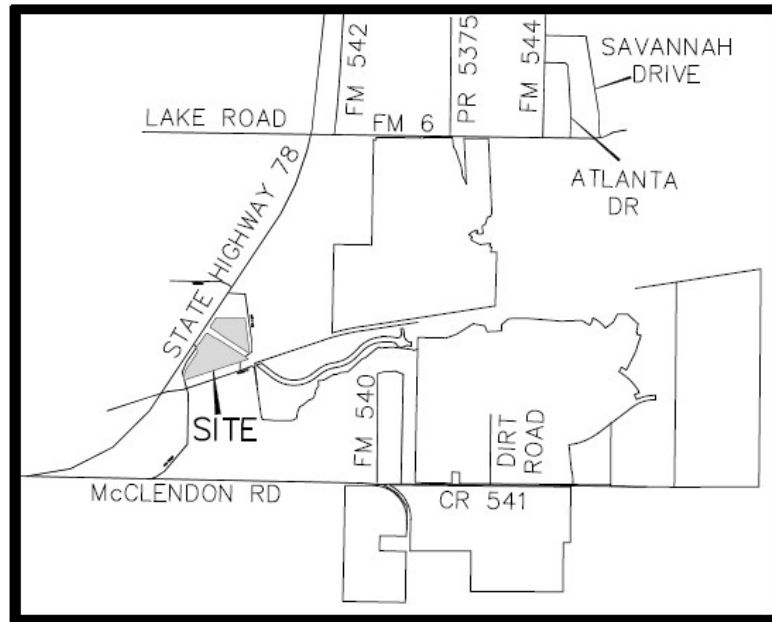
2121 Midway Road, Suite 300 (972) 248–7676
Carrollton, Texas 75006
TBPE No. F–438 TBPLS No. 10076000

Date: February 20, 2024

Sheet 1 of 1



**Elevon
Parkway West
Entry Addition
Location Exhibit**



64

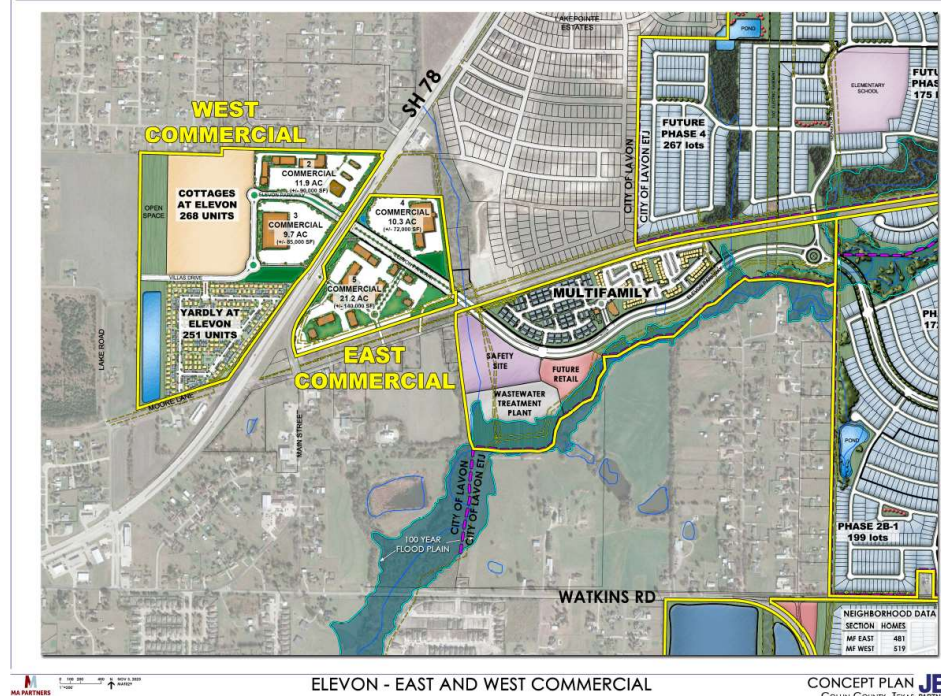
**Elevon
Parkway
West Entry
Addition
Location
Exhibit**



65

Elevon Community Concept Plan

East and West Commercial Multifamily



February 21, 2024

Ms. Kim Dobbs
City of Lavon
120 School Road
Lavon, TX 75166

Re: Elevon Parkway West Entry Addition, 2 Lots & 2 Common Areas, 31.253 Acres
Preliminary Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Preliminary Plat dated February 20, 2024 as prepared by JBI Partners, Inc. for the above referenced property. Engineering plans have not been provided for review. The property is generally located northeast and southeast of the intersection of Elevon Parkway and SH 78. Additional comments have been provided by City Planning.

All engineering comments have been satisfactorily addressed.

This concludes our review of the above-referenced revised Preliminary Plat. **We recommend APPROVAL of the Preliminary Plat.**

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavon.

If there are any questions, please contact me at 214-503-0555 x115 or by email at mdhill@fmi-dallas.com.

Sincerely,
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.
Consulting City Engineer

Cc: David Carter, Mike Jones, Danny Anthony

F:\17024 - LAV General Servies\9 - Review\Elevon\Section 2\Elevon Parkway West Entry Feature\Elevon Parkway West Entry Addition - Preliminary Plat - Rev 1.docx



February 21, 2024

Ms. Kim Dobbs
City of Lavon
PO Box 340
120 School Road
Lavon, TX 75166

Re: Elevon Parkway West Entry Addition, Preliminary Plat and Final Plat Reviews by LJA

Dear Ms. Dobbs

JBI Partners received your comments via email form on February 16th, 2024 from LJA for the first submittal review of the Elevon Parkway West Entry Addition final and preliminary plats. We have addressed the comments and are resubmitting the revised plats for review and approval. Below is a summary of how each comment is addressed.

Planning Comments

1. Revise both plats to show Lot 1X, Block A and Lot 1X, Block B as "Common Areas" with the naming convention as follows: Common Area 1, Block A and Common Area 1, Block B.
Lot 1X Block A has been changed to Common Area 1 Block A and Lot 1X Block B has been changed to Common Area 1 Block B in both plats.
2. Revise the plats' note two to remove "lots (x lots)" since they will be relabeled as Common Areas.
The notes in both plats have been adjusted as indicated.
3. Revise the Preliminary Plat title block to reflect 2 Lots and 2 Common Areas.
The preliminary plat title block has been updated as indicated.
4. Revise the Final Plat title block to reflect 2 Common Areas.
The final plat title block has been updated as indicated.
5. Revise the plats to show and dimension all existing right-of-way, including for Bois D'Arc Road. Should adjustments to existing rights-of-way be requested, those would need to be submitted, considered, and approved by City Council prior to approval of these plats.
*Existing Bois D'Arc Road is under prescriptive right-of-way.
Per the City's latest Thoroughfare Plan and the City Engineer's preliminary plat comments, we are now showing a 30' right-of-way dedication for Bois D'Arc on Lot 2, Block A and a 60' right-of-way dedication on Lot 2, Block B. The developer of these tracts in the future may propose a re-alignment of Bois D' Arc Road that better serves the tracts connecting to the road. Note #4 in the Preliminary Plat notes has been added in relation to this dedicated right-of-way.*
6. Revise the Preliminary Plat approval block to the approval block listed in Section 9.02.004.c(6) of the Subdivision Ordinance.
The preliminary plat approval block has been corrected.



7. Revise the Preliminary Plat to remove existing built features, such as the gravel road.
The portion of Bois D' Arc that was removed with the Elevon Parkway improvements has been taken off the preliminary plat.
8. Revise the Final Plat title to "Elevon Parkway West Entry Addition, Phase 1"
The final plat title has been updated as indicated.

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

Daniel Dewey

Daniel Dewey, PE
JBI Partners, Inc.



February 21, 2024

Ms. Kim Dobbs
City of Lavon
PO Box 340
120 School Road
Lavon, TX 75166

**Re: Elevon Parkway West Entry Addition, 2 Lots & 2 Common Areas, 31.253 Acres
Preliminary Plat**

Dear Ms. Dobbs

JBI Partners received your comments via email form on February 16th, 2024 from Freeman-Millican for the first submittal review of the Elevon Parkway West Entry Addition preliminary plat. We have addressed the comments and are resubmitting the revised preliminary plat for review and approval. Below is a summary of how each comment is addressed.

Preliminary Plat Comments

1. The Plat should include topographic information, e.g. 2' contours.
The existing contours are now provided.
2. We recommend that text be adjusted to eliminate conflicts and provide better readability.
The overlapping text along the western boundary has been adjusted.
3. The subdivision name for Lot 1, Block A on the west side of SH 78 should be provided.
The label has been updated to include "Elevon West Commercial Phase 1" as the subdivision name.
4. There are several lines and/or areas that are not identified.
Easement label callouts have been improved. The existing landscape buffer easement, existing sanitary sewer easement and existing utility easement are now better identified.
5. The limits of Bois D'Arc are shown within the Elvon Parkway ROW. This portion was removed and should not be shown.
The portion of Bois D'Arc within Elevon Parkway ROW has been removed.
6. A 30' Right-of-Way dedication should be provided in Block A for Bois D'Arc (half of 60' ROW) for this Minor Collector per the Thoroughfare Plan. It is our understanding that the Developer may wish to remove/realign/relocate this road. If this is the case, the proposed 60' ROW should be shown on this Plat.
A 30' right-of-way dedication for the portion of Bois D' Arc Road in Lot 2, Block A is now shown. The developer may propose an alternative alignment to this road in the future, we are just showing it now per the City's latest Thoroughfare Plan. Note #4 in the preliminary plat notes has been added in relation to this dedicated right-of-way.



7. A 60' Right-of-Way dedication should be provided in Block B for Bois D'Arc for this Minor Collector per the Thoroughfare Plan.
A 60' right-of-way dedication for the portion of Bois D'Arc in Lot 2, Block B is now provided per the City's latest Thoroughfare Plan.
8. In the Tract 2 written description, we recommend that the NETEX property be referenced as appropriate.
The written description has been updated to reference the NETEX property.
9. In the dedication statement, the utility easement language used on other Elevon Plats should be provided.
The dedication statement has been updated to include the utility easement language.

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

Daniel Dewey

Daniel Dewey, PE
JBI Partners, Inc.



CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 5 – J

Item:

CONSENT AGENDA

Approve the final plat of the Elevon East Commercial Addition, Phase 1 formerly referenced as the Elevon Parkway West Entry Phase 1 Addition, consisting of two lots on 1.517 acres of land being two tracts out of the S. M. Rainer Survey, Abstract No. 740, situated adjacent to and east of the intersection of S. H. 78 and Elevon Parkway, Lavon, Collin County, Texas, (CCAD Property ID's 2868716 and 2542829).

Application Information

Owner(s): MA Land Holdings LLC

Applicant: JBI Partners

Location: Adjacent to and east of the intersection of S. H. 78 and Elevon Parkway

Description: 1.517 acres out of the S. M. Rainer Survey, Abstract No. 740,
Lavon, Collin County, Texas, (CCAD Property ID's 2868716 and 2542829).

Current Zoning: Planned Development (PD)

Request: Final Plat

Request Details

The applicant is seeking approval of a final plat of the Elevon East Commercial Addition, Phase 1. The proposed addition consists of 2 common area lots on 1.517 acres.

Code Excerpts:

**TEXAS LOCAL GOVERNMENT CODE
§ 212.004. PLAT REQUIRED**

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be

dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Code Excerpts:

**CITY OF LAVON – ARTICLE 9.02 SUBDIVISION ORDINANCE
SECTION 9.02.004 (d) FINAL PLAT**

After approval of the preliminary plat by the planning and zoning commission and City Council, a final plat, prepared by a registered public surveyor bearing his or her seal and the construction plans prepared by a registered professional civil engineer bearing his or her seal, shall be submitted to the planning and zoning commission.

A preliminary plat has been submitted for concurrent consideration. The final plat conforms to the approved zoning and proposed preliminary plat.

The proposed development takes access from Elevon Parkway.

The development will provide for the extension of public infrastructure systems for water, sanitary sewer, and trails. The development agreement outlines specific public infrastructure requirements related to the development and the proposed plat is consistent with the development agreement obligations.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF FINAL PLAT OF THE ELEVON PARKWAY WEST ENTRY PHASE 1 ADDITION, CONSISTING OF TWO LOTS ON 1.517 ACRES OF LAND BEING TWO TRACTS OUT OF THE S. M. RAINIER SURVEY, ABSTRACT NO. 740, SITUATED ADJACENT TO AND EAST OF THE INTERSECTION OF S. H. 78 AND ELEVON PARKWAY, LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: NABORS
SECONDED: JACOB
APPROVED: UNANIMOUS

Staff Notes:

The proposed final plat was reviewed by the staff development review committee, planner, and the City Engineer. The final plat generally meets the technical requirements and complies with the zoning and subdivision regulations. Approval is recommended.

Attachments: 1. Application
2. Location Exhibits
3. Engineer's Correspondence



CITY OF LAVON

P.O. Box 340, School Rd. Lavon, TX 75166
Office 972-843-4220 – Inspection 972-853-0855

PLAT APPLICATION

Incomplete applications will not be accepted

Company Making Submission		Property Owner			
Name:	JB PARTNERS	Name:	MA LAND HOLDINGS LLC		
Address:	2121 Midway Road, Suite 300	Address:	2121 Midway Road, Suite 240		
City/State/Zip:	Carrollton/TX/75006	City/State/Zip:	Carrollton/TX/75006		
Phone #:	972.738.0243	Phone #	972.715.6421		
Fax #:		Fax #			
Authorized Person:	Daniel Dewey, P.E.	Authorized Person:	Allen Jones		
Type of Submission		Check List of Items Submitted			
<input checked="" type="checkbox"/> Preliminary Plat (Eleven Parkway West Entry Addition) 2/9/2024		<input type="checkbox"/> (two) full size sets of plats (24x36)			
<input checked="" type="checkbox"/> Final Plat (Eleven Parkway West Entry Addition) 2/9/2024		<input type="checkbox"/> (two) full size construction sets (24x36)			
<input type="checkbox"/> Re-Submittal		<input type="checkbox"/> (one) half size sets of plats (11x17)			
<input type="checkbox"/> Construction Plans		<input type="checkbox"/> (ten) half size sets of plats with final submission (11x17)			
<input type="checkbox"/> Other (eg. Replat, Development Plat, Short-Form Plat)		<input checked="" type="checkbox"/> (one) PDF plats (on separate CD's) ^(Via MyGov)			
		<input type="checkbox"/> (one) PDF construction plans (can be included on plat CD) ^(Via MyGov)			
Application Fees					
Preliminary Plat	Per Fee Schedule				
Final Plat	Per Fee Schedule				
Re-Plat	Per Fee Schedule				
Public Infrastructure Inspection	Per Fee Schedule				
To complete the plat please sign up as a collaborator in the MyGov system https://public.mygov.us/lavon_tx request access to the City of Lavon. Make a new request for the plat and upload these forms along with plans.					
NOTICE TO APPLICANT: Any approval will be issued based on the information furnished in this application and on any submitted plats. It is subject to the provisions and requirements of the City of Lavon Code of Ordinances and any other applicable ordinances of the City, regardless of information and/or plans submitted.					
Authorized Representative (Printed Name) Daniel Dewey, P.E.		Authorized Representative (Signature) 			
		Date: 2-9-2024			
To be completed by the City					
In Takers Name:					
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:	P&Z Review Date:	Council Action Date:
<input type="checkbox"/> Accepted	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected
Comments:					

www.cityoflavon.com



CITY OF LAVON

P.O. Box 340 – 120 School Rd. – Lavon, TX 75166
Office 972-843-4220 – Inspection 972-853-0855
Email: l.mcclendon@lavontx.gov

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Declaration of Ownership

Date: 2/9/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, MA LAND HOLDINGS LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request (s) relating to this property.

[Signature]
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

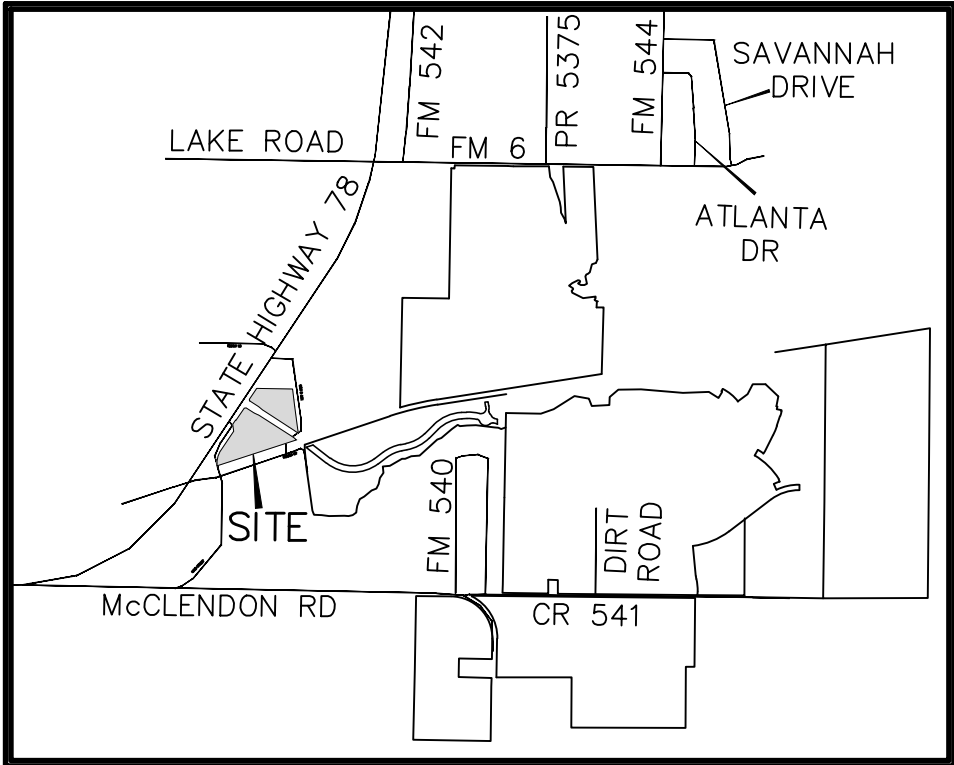
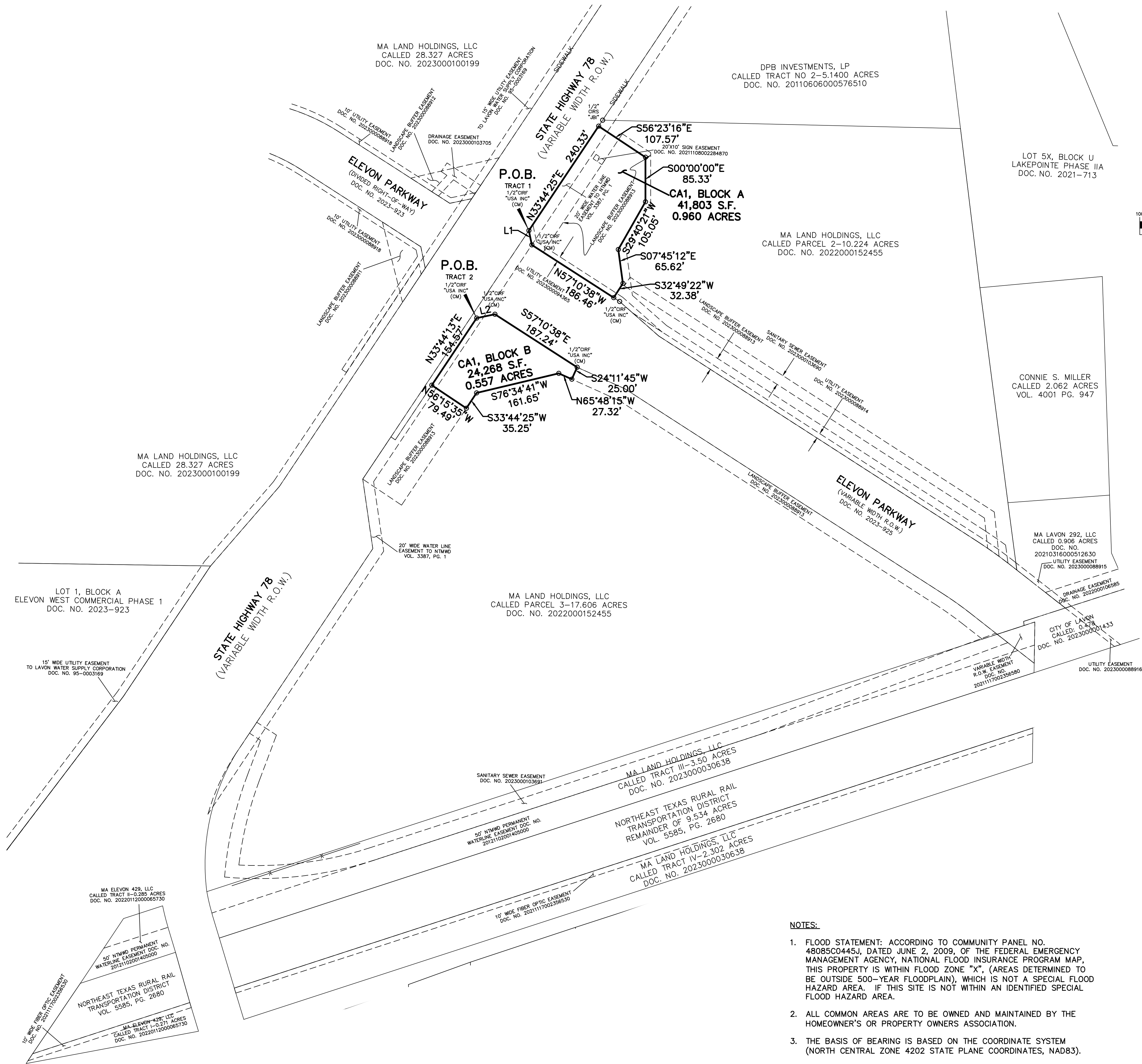
Before me, the undersigned authority, appeared Allen Jones,
on this the 9th day of February, 20 24.

(notary seal)



Ruishu Xie

Notary Public in and for Dallas County, Texas



VICINITY MAP (N.T.S.)

LEGEND

- P.O.B. POINT OF BEGINNING
IPF IRON PIPE FOUND
IRF IRON ROD FOUND
CIRF CAPPED IRON ROD FOUND
CIRS CAPPED IRON ROD SET
CM CONTROL MONUMENT
ROW RIGHT-OF-WAY
AC ACRES
UE UTILITY EASEMENT

LINE TABLE		
NO.	BEARING	LENGTH
L1	N11°43'12"W	28.06'
L2	N78°16'48"E	35.64'

LOT AREA TABLE		
BLOCK-LOT	SQUARE FEET	ACRES
A-1	41,803	0.960
B-1	24,268	0.557

FINAL PLAT
ELEVON EAST
COMMERCIAL ADDITION, PHASE 1

2 COMMON AREAS

CA1, BLOCK A AND CA1, BLOCK B

BEING 2 TRACTS AND TOTALING 1.517 ACRES OUT OF
THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740,

CITY OF LAVON,
COLLIN COUNTY, TEXAS

MA LAND HOLDINGS, LLC CURRENT OWNER

2121 Midway Road, Suite 240 (972) 715-6449
Carrollton, Texas 75006
Contact: John Marlin

JB PARTNERS, INC. SURVEYOR/ENGINEER

2121 Midway Road, Suite 300 (972) 248-7676
Carrollton, Texas 75006
TBPE No. F-438 TBPLS No. 10076000

NOTES:

- FLOOD STATEMENT: ACCORDING TO COMMUNITY PANEL NO. 48085C0445J, DATED JUNE 2, 2009, OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM MAP, THIS PROPERTY IS WITHIN FLOOD ZONE "X", (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN), WHICH IS NOT A SPECIAL FLOOD HAZARD AREA. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA.
- ALL COMMON AREAS ARE TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S OR PROPERTY OWNERS ASSOCIATION.
- THE BASIS OF BEARING IS BASED ON THE COORDINATE SYSTEM (NORTH CENTRAL ZONE 4202 STATE PLANE COORDINATES, NAD83).

LEGAL DESCRIPTION
(TRACT 1)

BEING a parcel of land located in Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being a part of that called Parcel 2–10.224 acre tract of land described indeed to MA LAND HOLDINGS, LLC as recorded in Document Number 2022000152455 Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one–half inch iron rod with cap stamped “USA INC” found in the west line of said 10.224 acre tract, said point being in the east right–of–way line of State Highway Number 78 (a variable width right–of–way), said point also being in the north right–of–way line of Elevon Parkway, a variable width right–of–way as recorded in Document Number 2023–925, Official Public Records of Collin County, Texas;

THENCE North 33 degrees 44 minutes 25 seconds East, 240.33 feet along the west line of said 10.224 acre tract and along the east right–of–way line of State Highway Number 78 to a one–half inch iron rod with yellow cap stamped “JBI” set for corner;

THENCE South 56 degrees 23 minutes 16 seconds East, 107.57 feet to a one–half inch iron rod with yellow cap stamped “JBI” set for corner;

THENCE South 85.33 feet to a one–half inch iron rod with yellow cap stamped “JBI” set for corner;

THENCE South 29 degrees 40 minutes 21 seconds West, 105.05 feet to a one–half inch iron rod with yellow cap stamped “JBI” set for corner;

THENCE South 07 degrees 45 minutes 12 seconds East, 65.62 feet to a one–half inch iron rod with yellow cap stamped “JBI” set for corner;

THENCE South 32 degrees 49 minutes 22 seconds West, 32.38 feet to a one–half inch iron rod with yellow cap stamped “JBI” set for corner in the south line of said 10.224 acre tract, said point being in the north right–of–way line of said Elevon Parkway;

THENCE along the common line of said 10.224 acre tract and the north right–of–way line of said Elevon Parkway as follows:
North 57 degrees 10 minutes 38 seconds West, 186.46 feet to a one–half inch iron rod with cap stamped “USA INC” found for corner;
North 11 degrees 43 minutes 12 seconds West, 28.06 feet to the POINT OF BEGINNING and containing 41,803 square feet or 0.960 acres of land
BASIS OF BEARING: The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83) with grid distances shown hereon.

LEGAL DESCRIPTION
(TRACT 2)

BEING a parcel of land located in Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being a part of that called Parcel 3–17.606 acre tract of land described in deed to MA LAND HOLDINGS, LLC as recorded in Document Number 2022000152455, Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one–half inch iron rod with cap stamped “USA INC” found in the west line of said 17.606 acre tract, said point being in the east right–of–way line of State Highway Number 78 (a variable width right–of–way), said point also being in the south right–of–way line of Elevon Parkway, a variable width right–of–way as recorded in Document Number 2023–925, Official Public Records of Collin County, Texas;

THENCE along the common line of said 17.606 acre tract and the south right–of–way line of said Elevon Parkway as follows:
North 78 degrees 16 minutes 48 seconds East, 35.64 feet to a one–half inch iron rod with cap stamped “USA INC” found for corner;
South 57 degrees 10 minutes 38 seconds East, 187.24 feet to a one–half inch iron rod with cap stamped “USA INC” found for corner;

THENCE South 24 degrees 11 minutes 45 seconds West, 25.00 feet to a one–half inch iron rod with yellow cap stamped “JBI” found for corner;

THENCE North 65 degrees 48 minutes 15 seconds West, 27.32 feet to a one–half inch iron rod with yellow cap stamped “JBI” found for corner;

THENCE South 76 degrees 34 minutes 41 seconds West, 161.65 feet to a one–half inch iron rod with yellow cap stamped “JBI” found for corner;

THENCE South 33 degrees 44 minutes 25 seconds West, 35.25 feet to a one–half inch iron rod with yellow cap stamped “JBI” set for corner;

THENCE North 56 degrees 15 minutes 35 seconds West, 79.49 feet to a one–half inch iron rod with yellow cap stamped “JBI” set for corner in the west line of said 17.606 acre tract, said point being in the east right–of–way line of said State Highway Number 78;
THENCE North 33 degrees 44 minutes 13 seconds East, 154.57 feet along the common line of said 17.606 acre tract and the east right–of–way line of said State Highway Number 78 to the POINT OF BEGINNING and containing 24,268 square feet or 0.557 acres of land.

BASIS OF BEARING: The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83) with grid distances shown hereon.

DEDICATION STATEMENT

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That **MA LAND HOLDINGS LLC**, acting herein by and through its duly–authorized officers, does hereby adopt this plat designating the herein above described property as **ELEVON EAST COMMERCIAL ADDITION, PHASE 1**, an addition to the City of Lavon, Collin County, Texas, and does hereby dedicate, in 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 across 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 using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public’s and City of Lavon use thereof. The City of Lavon 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 City of Lavon 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.

All utility easements dedicated by this plat shall also include an additional area of working space for construction, reconstruction, additions, enlargements, and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb of of pavement line.

1. All water system is owned and operated by Bear Creek Special Utility District (BCSUD) and all construction related to water service shall be done per BCSUD’s specifications and general notes.
2. The easements and public use areas, as shown are dedicated for the public use, including specifically for the City of Lavon, or BCSUD, forever for purposes indicated on this plat.
3. The City of Lavon and BCSUD are not responsible for replacing any improvements in, under or over any easements caused by maintenance or repair.
4. Utility easements may also be used for the mutual and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities as being subordinate to the public, City of Lavon and BCSUD.
5. The City of Lavon, BCSUD, and public utilities shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with construction, maintenance, or efficiency of their respective systems in the easements.
6. City of Lavon, BCSUD, and public utilities shall at all times have the full right of ingress and egress to and from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, respective systems without the necessity at any time of procuring permission from anyone.
7. All modifications to this document shall be by means of plat and approved by the City of Lavon unless said modifications pertain to BCSUD facilities, at which time BCSUD shall also review and approve.

MA LAND HOLDINGS, LLC, 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 whomsoever 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 Lavon.

WITNESS MY HAND THIS ____ DAY OF _____, 2024.

MA LAND HOLDINGS LLC, a Texas limited liability company

By: _____
John Marlin

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared John Marlin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated..

Given under my hand and seal of office, this ____ day of _____, 2024.

Notary Signature

SURVEYOR’S CERTIFICATE §

KNOW ALL MEN BY THESE PRESENTS:

That I, Mark W. Harp, RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Lavon.

Dated this the ____ day of _____, 2024.

Mark W. Harp, R.P.L.S. No. 6425

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark W. Harp, Land Surveyor, known to me 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 considerations therein expressed.

Given under my hand and seal of office this ____ day of _____, 2024.

Notary Public in and for the State of Texas

Recommended for Approval:

Date: _____

Chairman, Planning and Zoning Commission

City of Lavon, Texas

Approved for Construction:

Date: _____

Mayor, City of Lavon, Texas

Accepted:

Date: _____

Mayor, City of Lavon, Texas

The undersigned, the city secretary of the City of Lavon, Texas, hereby certifies that the foregoing final plat of the _____ subdivision or addition to the City of Lavon was submitted to the city council on the ____ day of _____, 20____ and the council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places and water and sewer lines as shown and set forth in and upon said plat and said council further authorized the mayor to note the acceptance thereof by signing his or her name as here in above subscribed.

Witness my hand this ____ day of _____, AD, 20____.

City Secretary, City of Lavon, Texas

FINAL PLAT

ELEVON EAST
COMMERCIAL ADDITION, PHASE 1

2 COMMON AREAS

CA1, BLOCK A AND CA1, BLOCK B

BEING 2 TRACTS AND TOTALING 1.517 ACRES OUT OF
THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740,

CITY OF LAVON,
COLLIN COUNTY, TEXAS

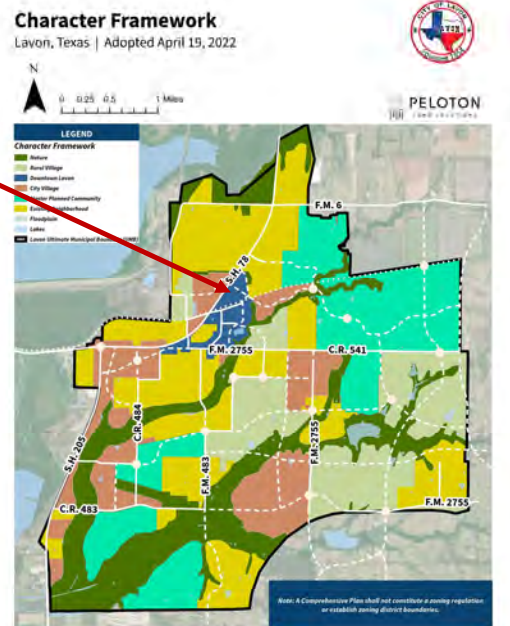
MA LAND HOLDINGS, LLCCURRENT OWNER

2121 Midway Road, Suite 240
Carrollton, Texas 75006
Contact: John Marlin(972) 715–6449

JBI PARTNERS, INC.SURVEYOR/ENGINEER

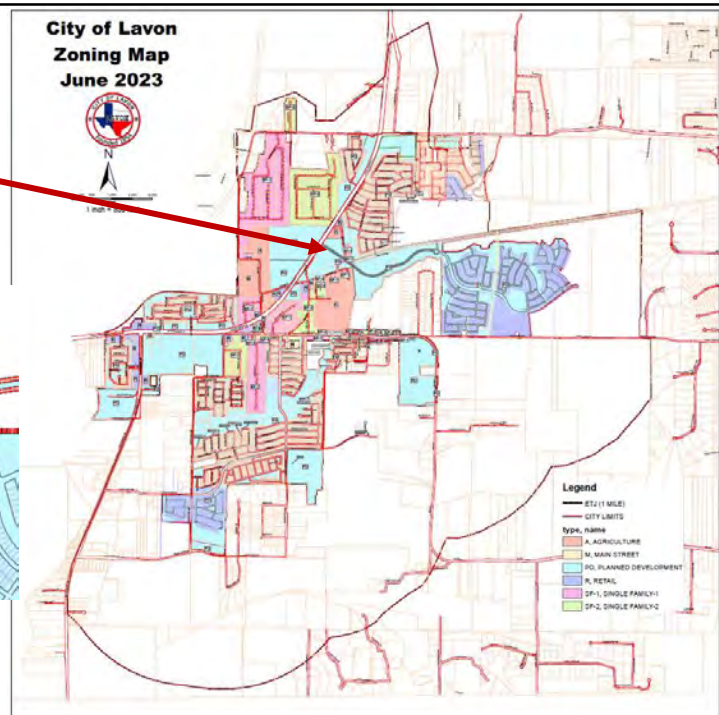
2121 Midway Road, Suite 300
Carrollton, Texas 75006
TBPE No. F–438 TBPLS No. 10076000(972) 248–7676

Future Land Use Plan



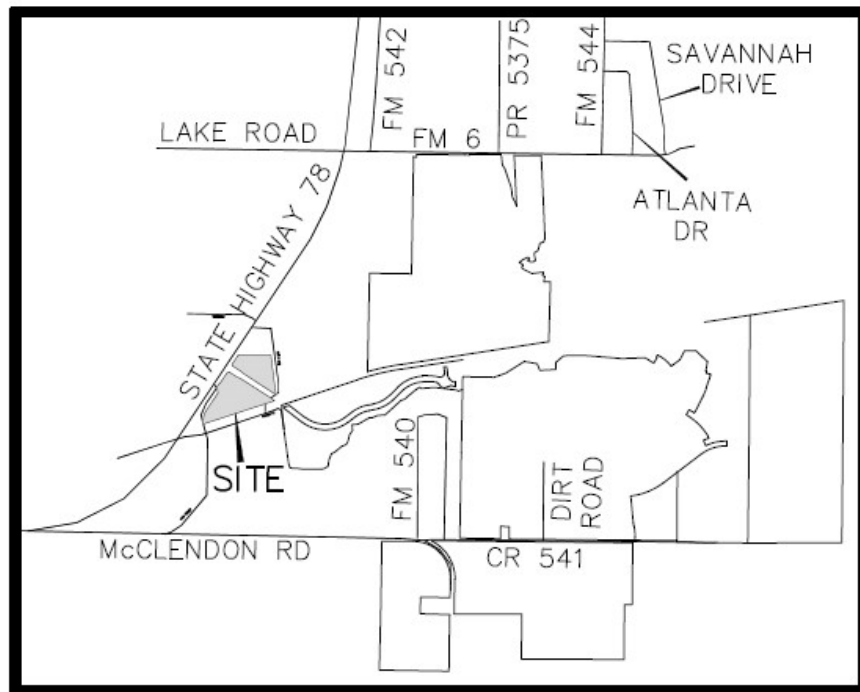
69

Zoning Map



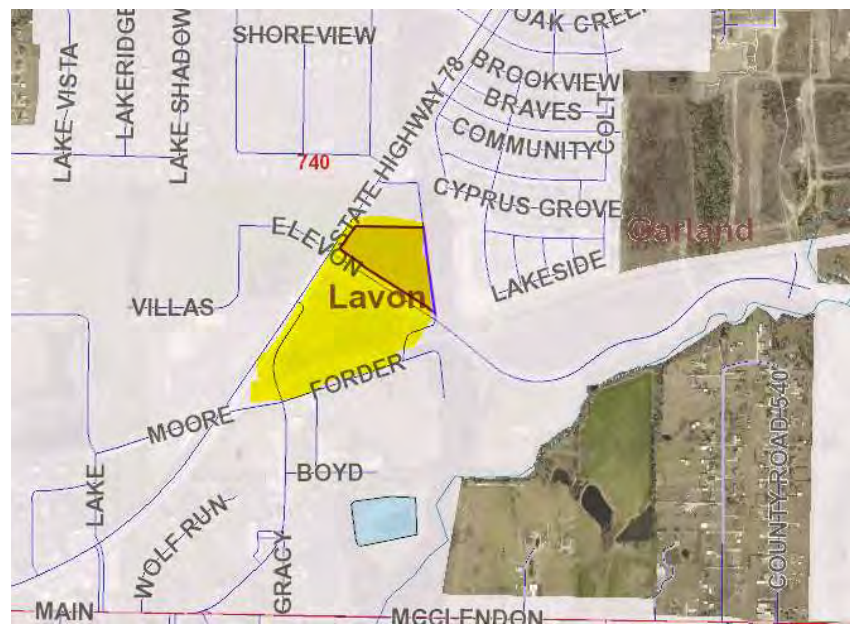
70

**Elevon
Parkway West
Entry Addition
Location Exhibit**



71

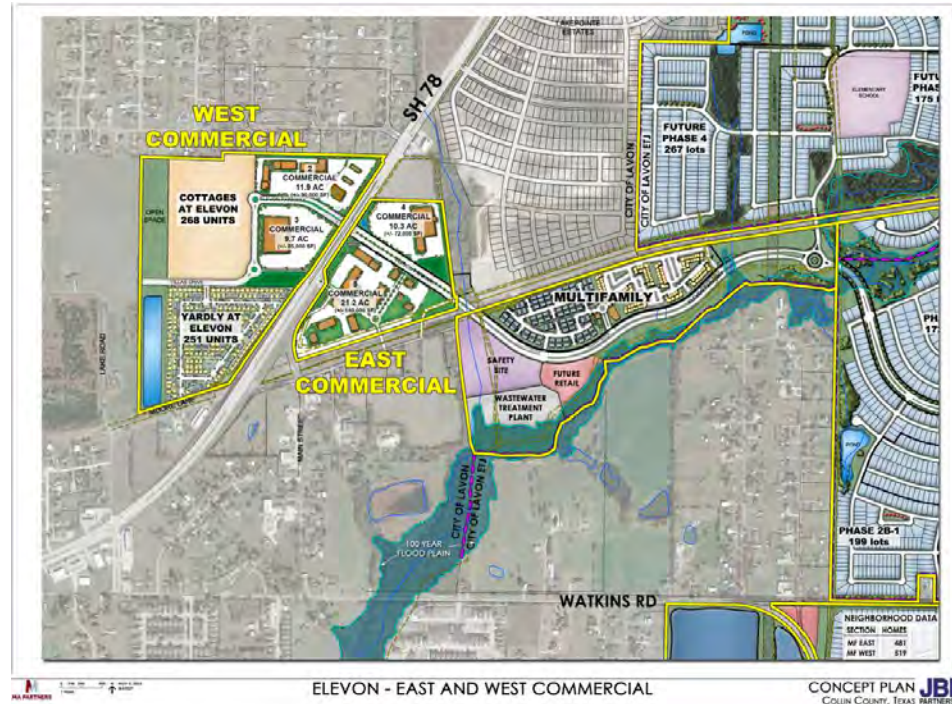
**Elevon
Parkway
West Entry
Addition
Location
Exhibit**



72

Elevon Community Concept Plan

East and West Commercial Multifamily



February 21, 2024

Ms. Kim Dobbs
City of Lavon
120 School Road
Lavon, TX 75166

Re: Elevon Parkway West Entry Addition, Phase 1, 2 Common Areas, 1.517 Acres
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Final Plat dated February 20, 2024 as prepared by JBI Partners, Inc. for the above referenced property. Engineering plans have not been provided for review. The property is generally located northeast and southeast of the intersection of Elevon Parkway and SH 78.

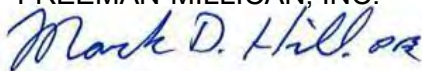
All engineering and planning comments have been satisfactorily addressed.

This concludes our review of the above-referenced revised Final Plat. **We recommend APPROVAL of the Final Plat.** A copy of the Planner's recommendation is attached.

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavon.

If there are any questions, please contact me at 214-503-0555 x115 or by email at mdhill@fmi-dallas.com.

Sincerely,
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.
Consulting City Engineer

Attachment

Cc: David Carter, Mike Jones, Danny Anthony, Daniel Dewey, P.E.

F:\17024 - LAV General Servies\9 - Review\Elevon\Section 2\Elevon Parkway West Entry Feature\Elevon Parkway West Entry Addition Ph 1 - Final Plat - Rev 1.docx

February 21, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Elevon – West Entry Features
Final Plat Review
LJA Job No. NTP-40467
MyGov Submittal: February 20, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. We have no further comments and recommend approval. Please do not hesitate to let us know if you have any questions.

Comments prepared and compiled by:



Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:



Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX

February 21, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Elevon – West Entry Features
Final Plat Review
LJA Job No. NTP-40467
MyGov Submittal: February 20, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. We have no further comments and recommend approval. Please do not hesitate to let us know if you have any questions.

Comments prepared and compiled by:



Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
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Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
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Phone: 972.339.8186
On behalf of the City of Lavon, TX



February 21, 2024

Ms. Kim Dobbs
City of Lavon
PO Box 340
120 School Road
Lavon, TX 75166

Re: Elevon Parkway West Entry Addition, Phase 1, 2 Common Areas, 1.517 Acres Final Plat

Dear Ms. Dobbs

JBI Partners received your comments via email form on February 16th, 2024 from Freeman-Millican for the first submittal review of the Elevon Parkway West Entry Addition final plat. We have addressed the comments and are resubmitting the revised final plat for review and approval. Below is a summary of how each comment is addressed.

Final Plat Comments

1. There is a line and/or area that is not identified.
Label leaders have been added to indicate the dashed area shown is the recorded landscape buffer easement.
2. There is a call that differs between the drawing and the written description.
The written description has been corrected.
3. In the dedication statement, the utility easement language used on other Elevon plats should be provided.
The dedication statement has been updated to include the utility easement language.

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

Daniel Dewey
Daniel Dewey, PE
JBI Partners, Inc.



February 21, 2024

Ms. Kim Dobbs
City of Lavon
PO Box 340
120 School Road
Lavon, TX 75166

Re: Elevon Parkway West Entry Addition, Preliminary Plat and Final Plat Reviews by LJA

Dear Ms. Dobbs

JBI Partners received your comments via email form on February 16th, 2024 from LJA for the first submittal review of the Elevon Parkway West Entry Addition final and preliminary plats. We have addressed the comments and are resubmitting the revised plats for review and approval. Below is a summary of how each comment is addressed.

Planning Comments

1. Revise both plats to show Lot 1X, Block A and Lot 1X, Block B as "Common Areas" with the naming convention as follows: Common Area 1, Block A and Common Area 1, Block B.
Lot 1X Block A has been changed to Common Area 1 Block A and Lot 1X Block B has been changed to Common Area 1 Block B in both plats.
2. Revise the plats' note two to remove "lots (x lots)" since they will be relabeled as Common Areas.
The notes in both plats have been adjusted as indicated.
3. Revise the Preliminary Plat title block to reflect 2 Lots and 2 Common Areas.
The preliminary plat title block has been updated as indicated.
4. Revise the Final Plat title block to reflect 2 Common Areas.
The final plat title block has been updated as indicated.
5. Revise the plats to show and dimension all existing right-of-way, including for Bois D'Arc Road. Should adjustments to existing rights-of-way be requested, those would need to be submitted, considered, and approved by City Council prior to approval of these plats.
*Existing Bois D'Arc Road is under prescriptive right-of-way.
Per the City's latest Thoroughfare Plan and the City Engineer's preliminary plat comments, we are now showing a 30' right-of-way dedication for Bois D'Arc on Lot 2, Block A and a 60' right-of-way dedication on Lot 2, Block B. The developer of these tracts in the future may propose a re-alignment of Bois D' Arc Road that better serves the tracts connecting to the road. Note #4 in the Preliminary Plat notes has been added in relation to this dedicated right-of-way.*
6. Revise the Preliminary Plat approval block to the approval block listed in Section 9.02.004.c(6) of the Subdivision Ordinance.
The preliminary plat approval block has been corrected.



7. Revise the Preliminary Plat to remove existing built features, such as the gravel road.
The portion of Bois D' Arc that was removed with the Elevon Parkway improvements has been taken off the preliminary plat.
8. Revise the Final Plat title to "Elevon Parkway West Entry Addition, Phase 1"
The final plat title has been updated as indicated.

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

Daniel Dewey

Daniel Dewey, PE
JBI Partners, Inc.

February 21, 2024

Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Elevon – West Entry Features
Preliminary Plat Review
LJA Job No. NTP-40467
MyGov Submittal: February 20, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. Provided below are comments relating to planning and design. Please do not hesitate to let us know if you have any questions.

PLANNING + DESIGN COMMENTS

1. Revise the plat to remove note #4.

Comments prepared and compiled by:



Tiffany McLeod, AICP, EIT
Project Manager, Placemaking + Resilience at LJA
Email: tmcleod@lja.com
Phone: 469.348.6571
On behalf of the City of Lavon, TX

Quality check by:



Abra R. Nusser, AICP
Director of Placemaking + Resilience at LJA
Email: anusser@lja.com
Phone: 972.339.8186
On behalf of the City of Lavon, TX



CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 5 - K

Item:

CONSENT AGENDA

Receive the City of Lavon Police Department 2023 Racial Profiling Report.

Background:

The Texas Occupations Code 1701.164 specifies that the Texas Commission on Law Enforcement (TCOLE) collect incident-based data in accordance with the [Code of Criminal Procedure Article 2.131 – 2.138](#).

Chief administrators of law enforcement agencies that meet the criteria must submit racial profiling reports to *their governing body*, as well as TCOLE.

As provided by law, the Lavon Police Department presents to the City Council the enclosed Racial Profiling Report for 2023.

If there are any questions, please contact Police Chief Mike Jones at mjones@lavontx.gov.

Staff Notes:

No action is required of the City Council.

Attachments: Racial Profiling Report

Racial Profiling Report | Full

Agency Name: LAVON POLICE DEPARTMENT

Reporting Date: 02/29/2024

TCOLE Agency Number: 085212

Chief Administrator: JOHNNY M. JONES

Agency Contact Information:

Phone: (972) 843-4219

Email: njones@lavontx.gov

Mailing Address:

PO BOX 340

LAVON, TX 75166-0340

This Agency filed a full report

LAVON POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the LAVON POLICE DEPARTMENT from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the LAVON POLICE DEPARTMENT if the individual believes that a peace officer employed by the LAVON POLICE DEPARTMENT has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the LAVON POLICE DEPARTMENT who, after an investigation, is shown to have engaged in racial profiling in violation of the LAVON POLICE DEPARTMENT policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The LAVON POLICE DEPARTMENT has satisfied the statutory data audit requirements as prescribed in Article

2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: ROGER H. MYERS
Captain

Date: 02/29/2024

Total stops: 2888

Street address or approximate location of the stop

City street	713
US highway	0
County road	142
State highway	1034
Private property or other	999

Was race or ethnicity known prior to stop?

Yes	29
No	2859

Race / Ethnicity

Alaska Native / American Indian	7
Asian / Pacific Islander	144
Black	457
White	1422
Hispanic / Latino	858

Gender

Female	961
Alaska Native / American Indian	3
Asian / Pacific Islander	43
Black	193
White	517
Hispanic / Latino	205
Male	1927
Alaska Native / American Indian	4
Asian / Pacific Islander	101
Black	264
White	905
Hispanic / Latino	653

Reason for stop?

Violation of law	14
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	1
White	3

Hispanic / Latino	9
Preexisting knowledge	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	0
Moving traffic violation	1959
Alaska Native / American Indian	6
Asian / Pacific Islander	93
Black	309
White	991
Hispanic / Latino	560
Vehicle traffic violation	913
Alaska Native / American Indian	1
Asian / Pacific Islander	50
Black	146
White	427
Hispanic / Latino	289
Was a search conducted?	
Yes	54
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	12
White	24
Hispanic / Latino	18
No	2834
Alaska Native / American Indian	7
Asian / Pacific Islander	144
Black	445
White	1398
Hispanic / Latino	840
Reason for Search?	
Consent	10
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	2

Hispanic / Latino	4		
Contraband	7		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	1		
White	4		
Hispanic / Latino	2		
Probable	23		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	4		
White	15		
Hispanic / Latino	4		
Inventory	4		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	1		
White	1		
Hispanic / Latino	2		
Incident to arrest	10		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	2		
White	2		
Hispanic / Latino	6		
Was Contraband discovered?			
Yes	34	Did the finding result in arrest?	
		(total should equal previous column)	
Alaska Native / American Indian	0	Yes 0	No 0
Asian / Pacific Islander	0	Yes 0	No 0
Black	6	Yes 2	No 4
White	18	Yes 5	No 13
Hispanic / Latino	10	Yes 4	No 6
No	20		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	6		
White	6		
Hispanic / Latino	8		

Description of contraband

Drugs	18
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	6
White	7
Hispanic / Latino	5
Weapons	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	2
Hispanic / Latino	0
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	15
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	9
Hispanic / Latino	6
Stolen property	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	1
Other	4
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	3
Hispanic / Latino	1
Result of the stop	
Verbal warning	92

Alaska Native / American Indian	0
Asian / Pacific Islander	3
Black	11
White	57
Hispanic / Latino	21
Written warning	1629
Alaska Native / American Indian	4
Asian / Pacific Islander	86
Black	252
White	899
Hispanic / Latino	388
Citation	1124
Alaska Native / American Indian	2
Asian / Pacific Islander	55
Black	185
White	450
Hispanic / Latino	432
Written warning and arrest	16
Alaska Native / American Indian	1
Asian / Pacific Islander	0
Black	1
White	6
Hispanic / Latino	8
Citation and arrest	13
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	3
Hispanic / Latino	6
Arrest	14
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	7
Hispanic / Latino	3
Arrest based on	
Violation of Penal Code	24
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	4
White	9
Hispanic / Latino	11
Violation of Traffic Law	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	2
Hispanic / Latino	1
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	16
Alaska Native / American Indian	1
Asian / Pacific Islander	0
Black	5
White	5
Hispanic / Latino	5

Was physical force resulting in bodily injury used during stop?

Yes	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	1
Both	0
No	2887
Alaska Native / American Indian	0
Asian / Pacific Islander	1421
Black	144
White	858
Hispanic / Latino	7

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis

Use TCOLE's auto generated analysis	<input type="checkbox"/>
Use Department's submitted analysis	<input checked="" type="checkbox"/>

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

LAVON POLICE DEPARTMENT

Motor Vehicle Racial Profiling Information 2023

Total stops = 2888 = 100%

Street address or approximate location of the stop

City street:	713
US highway:	0
State highway:	1034
County road:	142
Private property or other:	999

TOTAL = 2888

Was race or ethnicity known prior to stop? = 2888 = 100%

Yes:	29	1.00%
No:	2859	99.00%

Race or ethnicity

Alaska Native/American Indian:	7	0.24%
Asian/Pacific Islander:	144	4.99
Black:	457	15.82
White:	1422	49.24
Hispanic/Latino	858	29.71

GENDER: Female = 961

Alaska Native/American Indian:	3	0.32%
Asian/Pacific Islander:	43	4.47%
White:	517	53.80%
Hispanic/Latino:	205	21.33%
Black:	193	20.08%

GENDER: Male = 1927

Alaska Native/American Indian:	4	0.21%
Asian/Pacific Islander:	101	5.24%
White:	905	46.96%
Hispanic/Latino:	653	33.89%
Black:	264	13.70%

Reason for stop?

Violation of law = 14

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	1	7.14%
Black:	1	7.14%
White:	3	21.43%
Hispanic/Latino:	9	64.29%

Preexisting knowledge = 2

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	1	50.00%
White:	1	50.00%
Hispanic/Latino:	0	0.00%

Moving traffic violation = 1959

Alaska Native/American Indian:	6	0.30%
Asian/Pacific Islander:	93	4.75%
Black:	309	15.77%
White:	991	50.59%
Hispanic/Latino:	560	28.59%

Vehicle traffic violation = 913

Alaska Native/American Indian:	1	0.11%
Asian/Pacific Islander:	50	5.48%
Black:	146	15.99%
White:	427	46.77%
Hispanic/Latino:	289	31.65%

Was a search conducted?

Yes = 54

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	12	22.22%
White:	24	44.45%
Hispanic/Latino:	18	33.33%

No = 2834

Alaska Native/American Indian:	7	0.25%
Asian/Pacific Islander:	144	5.08%
Black:	445	15.70%
White:	1398	49.33%
Hispanic/Latino:	840	29.64%

Reason for Search?

Consent = 10

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	4	40.00%
White:	2	20.00%
Hispanic/Latino:	4	40.00%

Contraband in plain view = 7

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	1	14.29%
White:	4	57.14%
Hispanic/Latino:	2	28.57%

Probable cause = 23

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	4	17.39%
White:	15	65.22%
Hispanic/Latino:	4	17.39%

Inventory = 4

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	1	25.00%
White:	1	25.00%
Hispanic/Latino:	2	50.00%

Incident to arrest = 10

Alaska Native/American Indian:	0	00.00%
Asian/Pacific Islander:	0	0.00%
Black:	2	20.00%
White:	2	20.00%
Hispanic/Latino:	6	60.00%

Was Contraband discovered?

Yes = 34

Did the finding result in arrest (total should equal previous column)?

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%

Finding resulted in arrest – yes 0

Finding resulted in arrest – no 0

Black:	6	17.65%
--------	---	--------

Finding resulted in arrest – yes 2

Finding resulted in arrest – no 4

White:	18	52.94%
--------	----	--------

Finding resulted in arrest – yes 5

Finding resulted in arrest – no 13

Hispanic/Latino:	10	29.41%
------------------	----	--------

Finding resulted in arrest – yes 4

Finding resulted in arrest – no 6

No = 20

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	6	30.00%
White:	6	30.00%
Hispanic/Latino:	8	40.00%

Description of contraband

Drugs = 18

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	6	33.33%
White:	7	38.89%
Hispanic/Latino:	5	27.78%

Currency = 0

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	0	0.00%
White :	0	0.00%
Hispanic/Latino:	0	0.00%

Weapons = 3

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	1	33.33%
White:	2	66.67%
Hispanic/Latino:	0	0.00%

Alcohol = 15

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	0	0.00%
White:	9	60.00%
Hispanic/ Latino:	6	40.00%

Stolen property = 1

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	0	0.00%
White:	0	0.00%
Hispanic/Latino:	1	100.00%

Other = 4

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	0	0.00%
White:	3	75.00%
Hispanic/Latino:	1	25.00%

Result of the stop

Verbal warning = 92

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	3	3.26%
Black:	11	11.96%
White:	57	61.95%
Hispanic/Latino:	21	22.83%

Written warning = 1629

Alaska Native/American Indian:	4	0.25%
Asian/Pacific Islander:	86	5.28%
Black:	252	15.47%
White:	899	55.18%
Hispanic/Latino:	388	23.82%

Citation = 1124

Alaska Native/American Indian:	2	0.18%
Asian/Pacific Islander:	55	4.90%
Black:	185	16.45%
White:	450	40.04%
Hispanic/Latino:	432	38.43%

Written warning and arrest = 16

Alaska Native/American Indian:	1	6.25%
Asian/Pacific Islander:	0	0.00%
Black:	1	6.25%
White:	6	37.50%
Hispanic/Latino:	8	50.00%

Citation and arrest = 13

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	4	30.77%
White:	3	23.08%
Hispanic/Latino:	6	46.15%

Arrest = 14

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	4	28.57%
White:	7	50.00%
Hispanic/ Latino:	3	21.43%

Arrest based on:

Violation of Penal Code = 24

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	4	16.67%
White:	9	37.50%
Hispanic/Latino:	11	45.83%

Violation of Traffic Law = 3

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	0	0.00%
White:	2	66.67%
Hispanic/Latino:	1	33.33%

Violation of City Ordinance	0	
Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	0	0.00%
White:	0	0.00%
Hispanic/Latino:	0	0.00%

Outstanding Warrant = 16

Alaska Native/American Indian:	1	6.25%
Asian/Pacific Islander:	0	0.00%
Black:	5	31.25%
White:	5	31.25%
Hispanic/Latino:	5	31.25%

Was physical force resulting in bodily injury used during stop?

Yes = 1

Alaska Native/American Indian:	0	0.00%
Asian/Pacific Islander:	0	0.00%
Black:	0	0.00%
White:	1	100.00%
Hispanic/Latino:	0	0.00%

No = 2887

Alaska Native/American Indian:	7	0.24%
Asian/Pacific Islander:	144	4.99%
Black:	457	15.82%
White:	1421	49.22%
Hispanic/Latino:	858	29.72%

Number of complaints of racial profiling = 0

Resulted in disciplinary action:	0	0.00%
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Did not result in disciplinary action:	0	0.00%
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CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 6 – A

Item:

Public hearing, discussion, and action regarding the application of GRACO Real Estate Development for variances to Article 4.05 SIGNS of the Code of Ordinances to Section 4.05.008 Approved Signs and Standards (b)(3) Wall Signs to 1) permit four wall signs which is three signs more than permitted and 2) allow approximately 96.75 square feet in total wall sign area that is 60.75 square feet greater than permitted for Starbucks on Lot 2, Block A of the SMI Addition, Phase 2 at 875 S. SH 78, northeast of the intersection of SH 78 and Burleson Dr., Lavon, Collin County, Texas (CCAD Property ID 2898025).

- 1) Presentation of application.
- 2) **PUBLIC HEARING** to receive comments regarding the application.
- 3) Discussion and action regarding the application.

Background Information

Owner(s): SB Lavon, LLC

Applicant: Barnett Signs

Location: 875 S. SH 78, northeast of the intersection of SH 78 and Burleson Dr., south of Grand Heritage Club, Lavon, TX

Description: Lot 2, Block A of the SMI Addition, Phase 2; Lavon, Collin County, Texas, CCAD Property ID 2898025.

Current Zoning: Planned Development; Ordinance No. **2004-09-05**

Request: Sign Variance

Request Details

The applicant is seeking two variances to Section 4.05.008 of the Code of Ordinances, Signs. The site plan and final plat for the retail-zoned property have been approved. The site is located northeast of the intersection of SH 78 and Burleson Drive.

Historically, the City Council has considered sign variances in light of the potential hardship created by visibility-related challenges associated with the highway frontage, posted speed limits and elevations approaching a site, and the prohibition of elevated pole signs.

The area of the building structure is 2,020 square feet. The proposed variances pertain to the permitted number of wall signs and the total sign size. A monument sign for the building is proposed and conforms to the Sign Code. The proposed signage plan is consistent with the approved site plan.

There are no proposed variable messaging signs.

Code Excerpt:

City of Lavon Code of Ordinances

§ 4.05.006 Variances.

- a. The City Council may authorize variances to any restriction set forth in this article, including but not limited to the number, type, area, height or setback of signs, or any other aspect involved in the sign permitting process.
- b. In granting any variance, the City Council shall determine that a literal enforcement of the sign regulations will create an unnecessary hardship or a practical difficulty on the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will not be contrary to the public interest and will be in harmony with the spirit and purpose of this article of the Code of Ordinances.
- c. A person may request a variance from the sign regulations by filing the request with the City Secretary.
- d. Any request for variance shall be accompanied by a completed application and a non-refundable filing fee in the amount specified in the current fee schedule adopted by the City Council.”

Code Excerpt:

Lavon Code of Ordinances

Section 4.05.008 – Approved signs and standards

(b) Approved permanent signs.

(3) Wall signs.

There may be one sign per building that is permanently affixed to the building, not in any part mounted above the highest part of the building.

The applicant is seeking a variance to Section 4.05.008(b)(3), “Wall Signs” of the Code of Ordinances that permits one sign per building to allow four wall signs. The applicant asserts that one wall sign is insufficient to identify the business and direct customers. The applicant is requesting four wall signs, one on the front, rear, right and left elevations. The request is consistent with wall signage approved for similar area establishments.

Variance #2

Code Excerpt:

Lavon Code of Ordinances

Section 4.05.008 – Approved signs and standards

Business Size	Sign Size
Up to 1500 sq. ft.	24 sq. ft.
1501 - 3000 sq. ft.	36 sq. ft.
3001 - 6000 sq. ft.	48 sq. ft.
6001 sq. ft. and beyond	60 sq. ft.

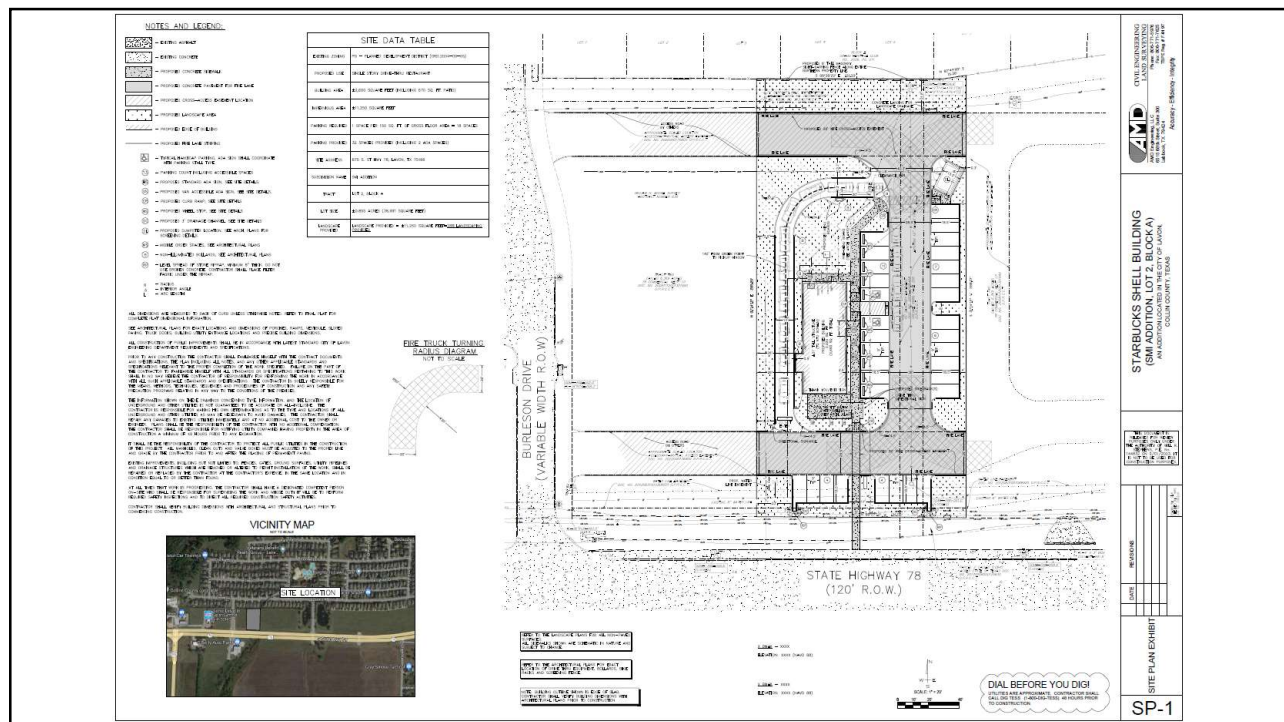
Related to the request for the number of signs, if the number of wall signs as requested is approved, the applicant is seeking approval of wall sign area of approximately 97 square feet. Based on the business size, 36 square feet is permitted.

The applicant has provided information supporting the variance requests. Each sign variance is considered for the unique conditions that a commercial site possesses. A review of the site and circumstances supports the applicant's justifications for requesting the variances.

Staff Notes:

Approval is recommended.

Attachments: 1) Variance Application
2) Location exhibits



PROJECT OVERVIEW

Project Type: Sign Variance (C) | **Project Title:** Sign Variance (C)

ID # 24-000345 | **Started** 02/19/2024 at 09:27



Address

Starbucks
875 S. St Hwy 78, Lavon, TX USA 75166

Legal

No legal information

Description

NEW CONSTRUCTION OF A SINGLE TENANT SHELL WITH A DRIVE THRU. (4) Building Signs.

PROPERTY DETAILS

No data for Property Details.

PROPERTY ADDITIONAL INFORMATION

No data for Property Additional Information.

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
Janson Teal	janson@gracorealestate.com	5307 W. Loop 289 Ste 302 Lubbock, TX 79414	-	APPLICANT

INFORMATION FIELDS

Site Address

875 S. State Hwy 78, Lavon, TX 75166

Company Making Submission Information

Name

GRACO Real Estate Development

Address

875 S. State Hwy 78, Lavon, TX 75166

Phone

(806) 745-9718

Fax

-

Authorized Person

Janson Teal

Owner Information**Name**

GRACO Real Estate Development

Phone #

(806) 745-9718

Address

5307 W. Loop 289, Ste 302, Lubbock, TX 79414

Representative or Agent Information**Name**

-

Phone Number

-

Existing Zoning

-

Reason for Request**Reason**

Wall signs. We are proposing the following signs: - (1) TRIMLESS CHANNEL LETTERS - REMOTE / 1'-6" x 14'-5 15/16" - (3) S/F EXTERIOR TRIMLESS FLEX FACE SIREN WALL SIGN / 5' Dia, Circle

Supporting Documentation

SB Lavon TX 23-68118.pdf

OCCUPANCY TYPE**CONSTRUCTION TYPE****SQUARE FEET****VALUATION**

No data for Occupancy Type.

STARBUCKS COFFEE #82536
HWY 78 & BURLESON
S STATE HWY 78
LAVON, TX



23-68118

***HILTON*DISPLAYS**

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SITE PLAN

- A 18" CHANNEL LETTERS
- B 60" SIREN

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QID 23-68118

JOB NAME

Starbucks 82536

LOCATION

S STATE HWY 78
LAVON, TX

CUSTOMER CONTACT

SALESMAN / PM

Nicole Moore

DESIGNER

Brian Sowder

DWG. DATE

1-12-24

REV. DATE / REVISION

SCALE

As Noted

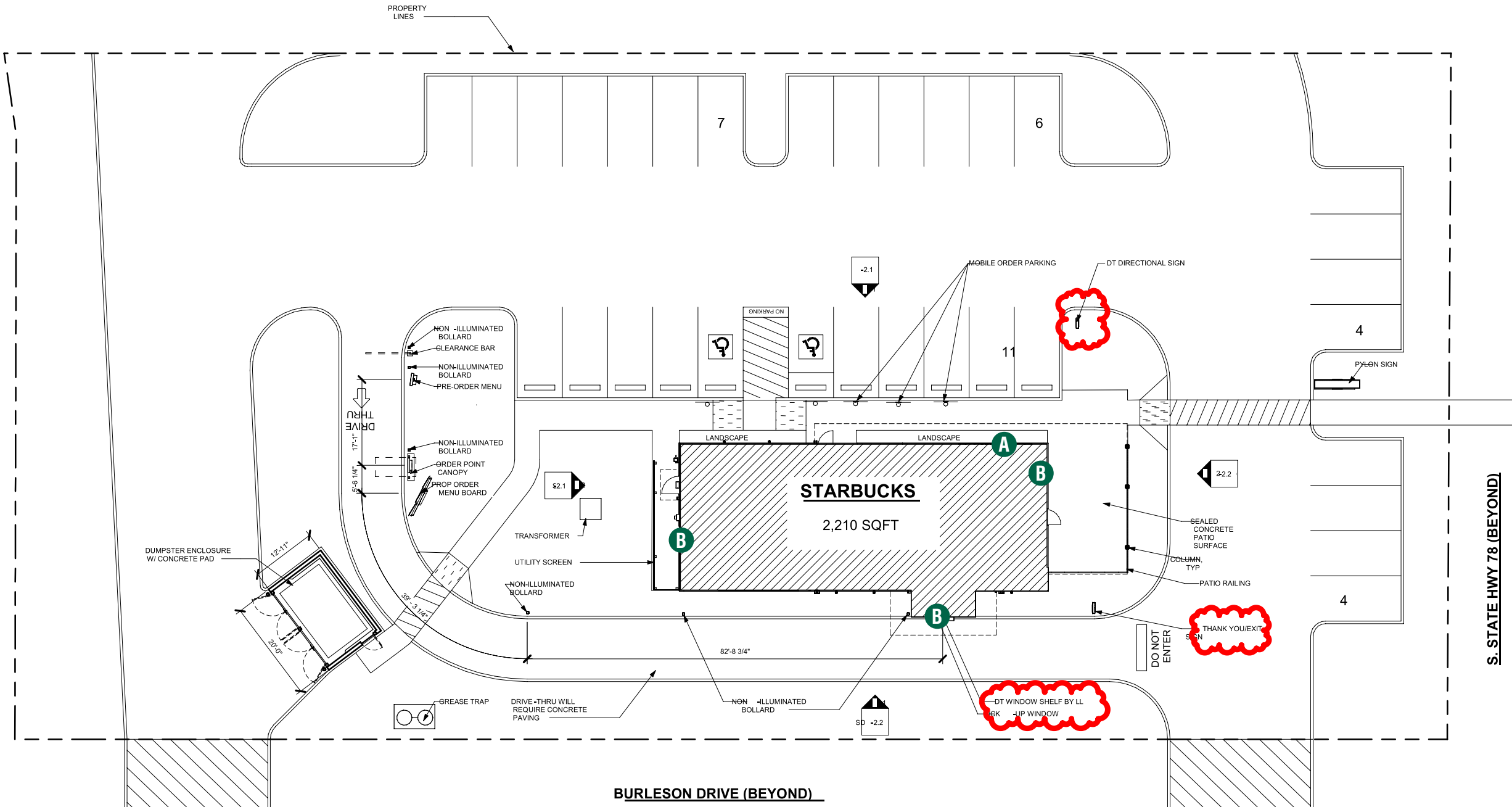
FILE

2024/Starbucks/Locations/
Lavon TX/23-68118/
SB Lavon TX 23-68118

DESIGN SPECIFICATIONS ACCEPTED BY:

EST:	CLIENT:
SLS/PM:	LANDLORD:

THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE. DUE TO VARIATIONS IN PRINTING DEVICES AND SUBSTRATES, THE FINISHED PRODUCT MAY DIFFER SLIGHTLY FROM DRAWING.



ELEVATION

- A 18" CHANNEL LETTERS
- B 60" SIREN



SCALE: 1/8" = 1' (11X17 PAPER)

1 WEST - COLORED ELEVATION

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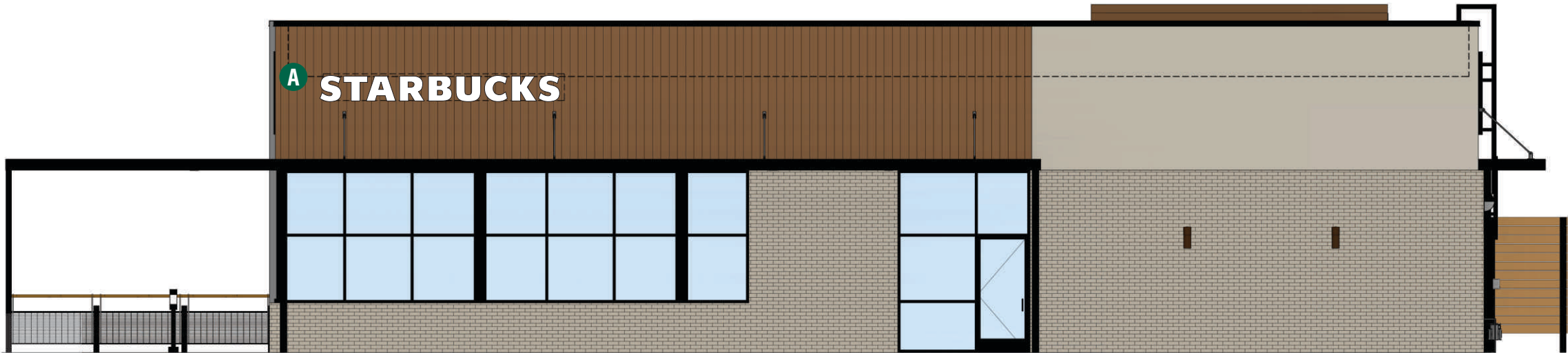
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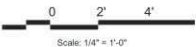
ELEVATION

- A 18" CHANNEL LETTERS
- B 60" SIREN



SCALE: 1/8" = 1' (11X17 PAPER)

1 EAST - COLORED ELEVATION



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QID 23-68118
JOB NAME
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LOCATION
S STATE HWY 78 LAVON, TX
CUSTOMER CONTACT
SALESMAN / PM
Nicole Moore
DESIGNER
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 Underwriters Laboratories Inc.

DRY	
DAMP	
WET	

ELEVATION

- A 18" CHANNEL LETTERS
- B 60" SIREN



SCALE: 1/8" = 1' (11X17 PAPER)

2 NORTH - COLORED ELEVATION

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JOB NAME
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S STATE HWY 78 LAVON, TX
CUSTOMER CONTACT
SALESMAN / PM
Nicole Moore
DESIGNER
Brian Sowder
DWG. DATE
1-12-24
REV. DATE / REVISION
SCALE
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 Underwriters Laboratories Inc.

DRY	
DAMP	
WET	X

ELEVATION

- A 18" CHANNEL LETTERS
- B 60" SIREN



SCALE: 1/8" = 1' (11X17 PAPER)

2 SOUTH - COLORED ELEVATION

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LAVON, TX

CUSTOMER CONTACT

SALESMAN / PM

Nicole Moore

DESIGNER

Brian Sowder

DWG. DATE

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REV. DATE / REVISION

SCALE

As Noted

FILE

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Lavon TX/23-68118/
SB Lavon TX 23-68118

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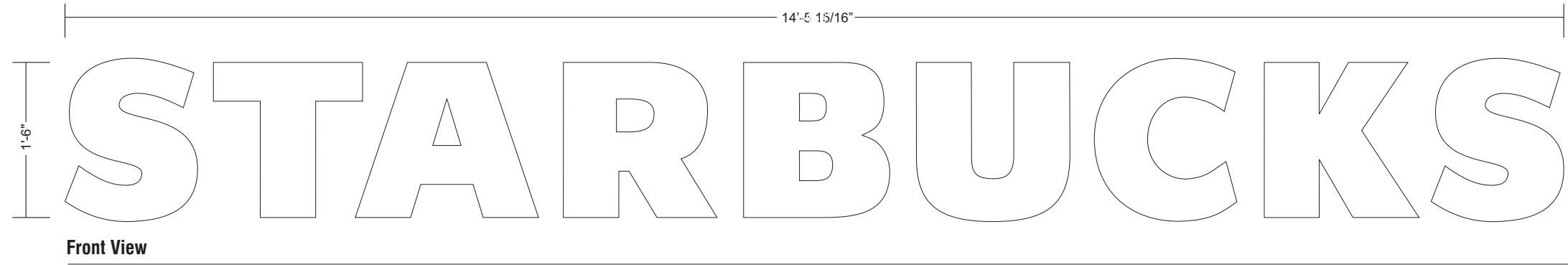
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DRY	
DAMP	
WET	X

TRIMLESS CHANNEL LETTERS - REMOTE

Qty. 1 SBC-S18497-SB-18-W-SDS

A

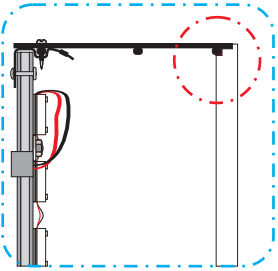
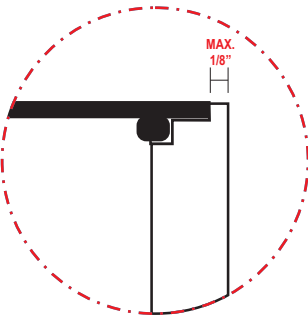
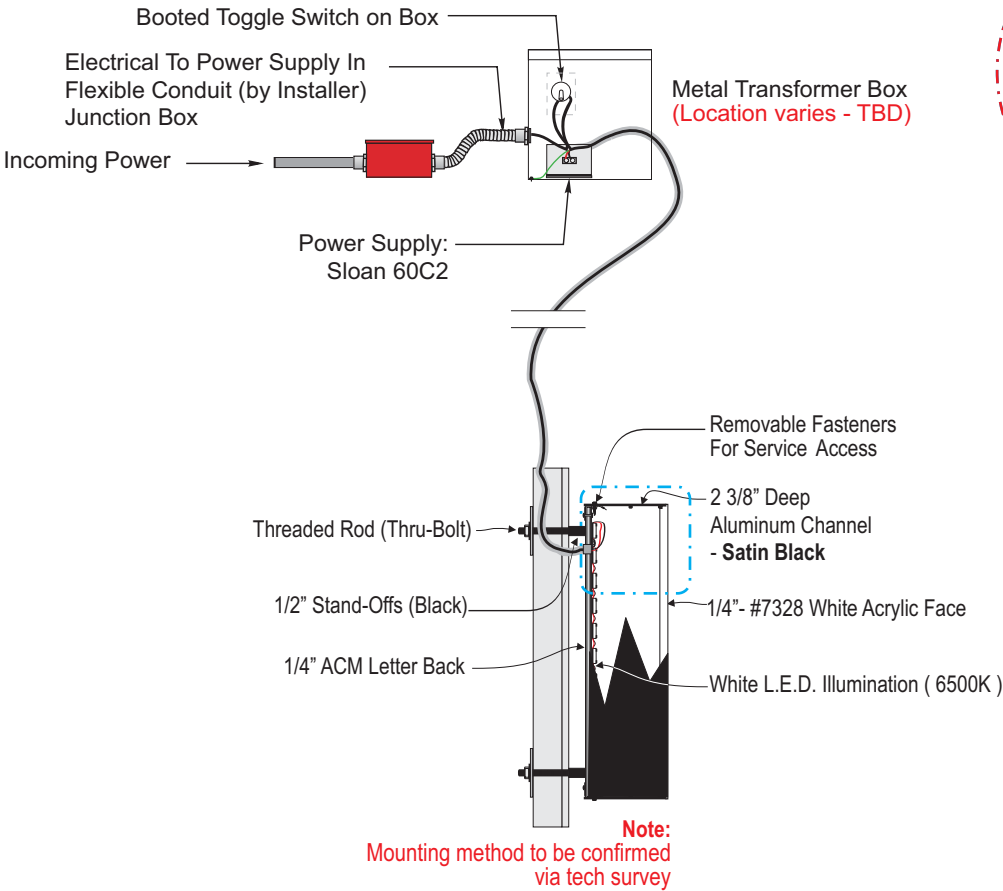


Front View

Scale: 3/4" = 1'-0" (11x17 Paper)

Specifications:

- A Internally illuminated SDS LetterForm trimless channel letter with returns painted **satın black**.
- B White faces to be 1/4" 7328 matte white acrylic
- C Internally illuminated letters with 6500K Sloan white LED mounted to 1/4" ACM backs
- D 1/4" drain holes located at the bottom of each letter as required by UL 48 for Electric Signs.
- E Drain holes to be covered with drain hole covers to reduce light leaks.



COLOR LEGEND		
	PMS/PAINT	VINYL
	PMS 3425 C	3M 3630-126
	SATIN BLACK	NA
	PMS WHITE	NA



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QID 23-68118
JOB NAME
Starbucks 82536
LOCATION
S STATE HWY 78 LAVON, TX
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SCALE
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Underwriters
Laboratories Inc.

DRY	
DAMP	
WET	X

S/F EXTERIOR TRIMLESS FLEX FACE SIREN WALL SIGN

Qty. 3

SBC-S13164-60-FF

B

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SALESMAN / PM

Nicole Moore

DESIGNER

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DWG. DATE

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REV. DATE / REVISION

SCALE

As Noted

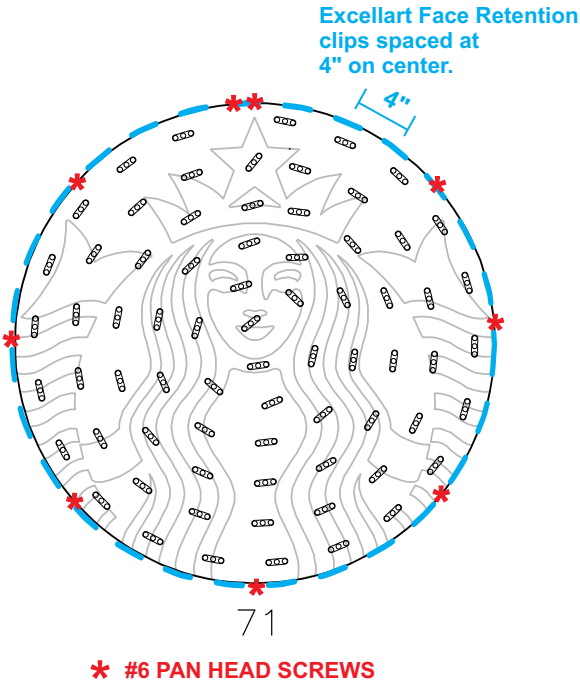
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SB Lavon TX 23-68118

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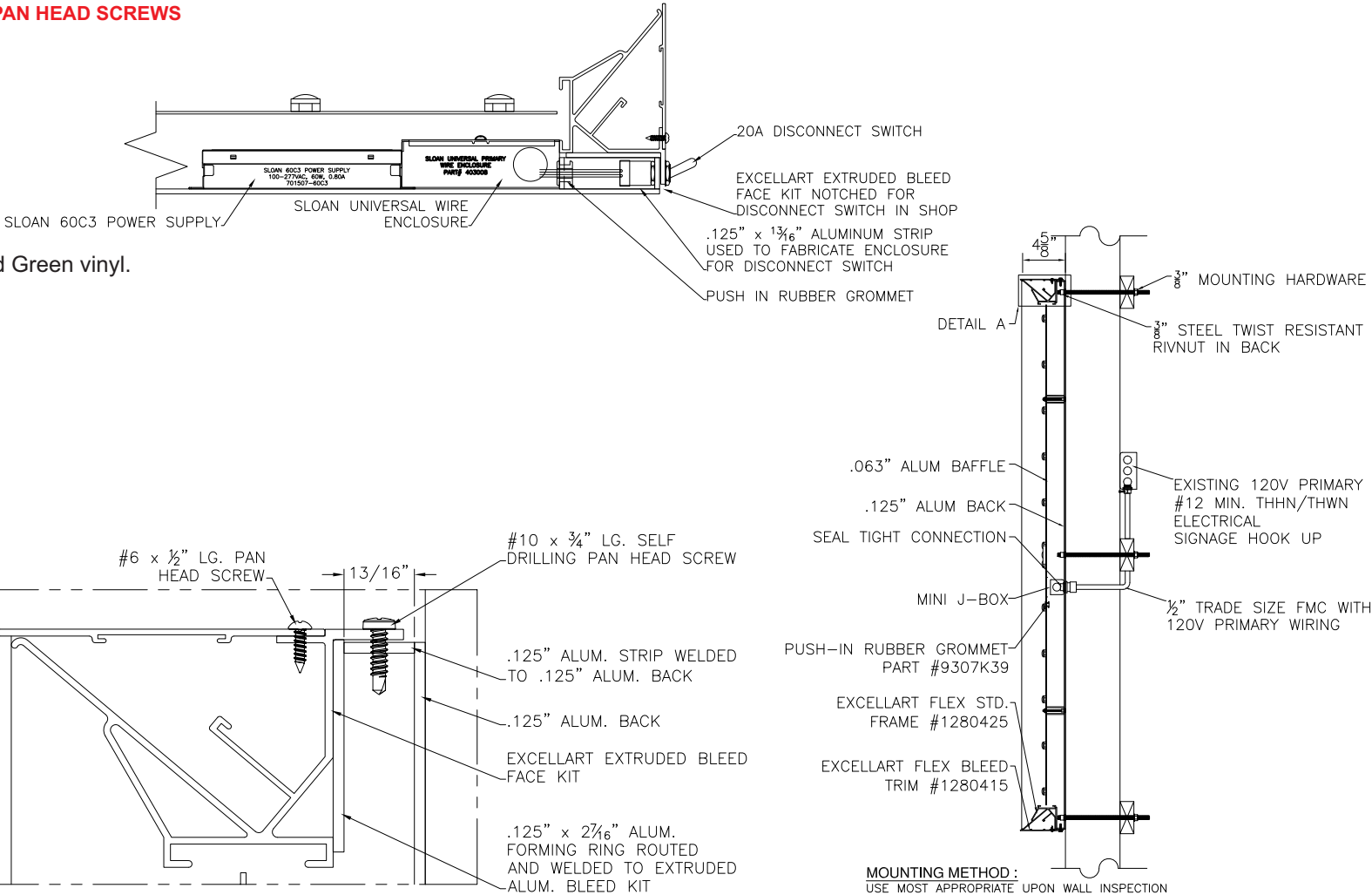
- 1) ACTUAL CHANNEL LETTER POPULATION AND PRODUCT PLACEMENT MAY VARY FROM THIS LAYOUT
- 2) PRISM ENLIGHTEN WHITE 6500K LAID OUT AT 1.5 MODULES PER FOOT, 5.0" ON CENTER
- 3) EACH 60W3 POWER SUPPLY CAN RUN UP TO 72 PRISM ENLIGHTEN WHITE 6500K MODULES
- 4) LAYOUT BASED ON A 2.5" CAN DEPTH
- 5) DIMENSIONS ARE IN INCHES UNLESS STATED OTHERWISE
- 6) 701269-6WEJ1-MB WATTS PER MODULE: .75
- 7) PRIMARY SYSTEM POWER: 66.56 WATTS
- 8) LED MODULE POWER USAGE (secondary): 53.25 WATTS

ESTIMATED PRODUCT B.O.M. PER SIGN:
71 Each Prism Enlighten White 6500K Modules – 48'
PN: 701269-6WEJ1-MB
1 Each 60C2 (Damp/Dry locations) or 60W3 (Wet location) 60W Power Supply 12VDC
1 Each 100' Roll of Jacketed Cable

1 FRONT VIEW
Scale: 1/2" = 1' (11x17 Paper)

Specifications:

- A Single face internally illuminated Excellart EC-Flex Standard flex face cabinet with bleed trim cover.
- B White 3M 19 oz Panagraphics III Flex Faces with 3M 3630-126 Dark Emerald Green vinyl. Face retention clips spaced every 4".
- C Interior of cabinet painted reflective white and exterior painted satin black.
- D Internally illuminated with 6500K Sloan Prism Enlighten LEDs with remote power supply.
- E 1/4" drain holes located at the bottom of cabinet as required by UL 48 for Electric Signs.
- F Drain holes to be covered with drain hole covers to reduce light leaks.



DETAIL A

MOUNTING METHOD:
USE MOST APPROPRIATE UPON WALL INSPECTION
- TOGGLE BOLTS W/ HOLLOW CORE PLYWOOD BACKING.
- EPCON SCREEN THREADED RODS W/SOLID CONCRETE.
- THRU BOLTS W/ WOOD BLOCKING.

COLOR LEGEND		
	PMS/PAINT	VINYL
	PMS 3425 C	3M 3630-126
	SATIN BLACK	NA
	PMS WHITE	NA



CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 6 - B

Item:

Public hearing, discussion and action regarding an application for a conditional use permit to construct an on-site temporary concrete batch plant in the Trails of Lavon, Phase 2B Addition on approximately 1 acre out of the S.A. Roberts Survey, A-773, Tract 3, southwest of the intersection of CR 485 and CR 484, Lavon, Collin County, Texas (CCAD Property ID 1291872).

- 1) Presentation of application.
- 2) **PUBLIC HEARING** to receive comments regarding the application.
- 3) Discussion and action regarding the proposed application and Ordinance No. **2024-03-01**.

Background:

In conjunction with the development of the Trails of Lavon addition and in accordance with Code of Ordinances, Bryan Cottle, Chris Harp Construction has presented an application for a conditional use permit (CUP) for a temporary concrete batch plant for construction of the development's streets and infrastructure in the Trails of Lavon, Phase 2B.

The plant will be subject to code requirements for equipment operation as follows:

Code Excerpt

CITY OF LAVON – CODE OF ORDINANCES

Sec. 8.03.005 Times for operation of equipment restricted

Except as provided in [Section 8.03.007](#), it shall be unlawful for any person or business to operate, cause to be operated, or allow to be operated equipment or heavy equipment within five hundred feet (500') of an inhabited residential structure between the hours of eight (8) p.m. and seven (7) a.m.

Sec. 8.03.006 Times for performing construction activities restricted

(a) Except as provided in [Section 8.03.007](#), it shall be unlawful for any person or business to perform, cause to be performed, or allow to be performed any construction activity that causes loud noise within five hundred feet (500') of an inhabited residential structure between the hours of eight (8) p.m. and seven (7) a.m.

(b) Construction activity that causes loud noise shall include but not be limited to:

- (1) Hammering;
- (2) Sawing;

- (3) Operation of backhoes, loaders, tractors or compressors; or
- (4) Any other activity that would disturb the peace and tranquility of the community.

Violation of the above code has a penalty of \$2,000.00.

The plant will abide by Texas Commission on Environmental Quality (TCEQ) regulations pertaining to dust and clean air.

The City Engineer, Infrastructure Inspector, and Director of Public Works have reviewed the proposed site and application.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT TO CONSTRUCT AN ON-SITE TEMPORARY CONCRETE BATCH PLANT IN THE TRAILS OF LAVON, PHASE 2B ADDITION ON APPROXIMATELY 1 ACRE OUT OF THE S.A. ROBERTS SURVEY, A-773, TRACT 3, SOUTHWEST OF THE INTERSECTION OF CR 485 AND CR 484, LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: NABORS
SECONDED: COX
APPROVED: UNANIMOUS

Staff Notes:

The required public hearing notice was published in the newspaper and on the website and two (2) notices were provided to the owners of property located within 200 feet of the proposed site. No notices were returned in favor of or in opposition to the request.

Approval is recommended.

- Attachments:**
- 1. Application
 - 2. Location Exhibits
 - 3. TCEQ Approval
 - 4. Neighbor Notice
 - (a data source of property owners who were mailed notices is available upon request from cityhall@lavontx.gov)
 - 5. Ordinance No. **2024-03-01**



CITY OF LAVON

120 School Road, P.O. Box 340, Lavon, TX 75166

(972) 843-4220

cityhall@lavontx.gov

APPLICATION FOR CONDITIONAL USE PERMIT (CUP)

Chris Harp Construction 1/22/24
Applicant Name Date

Brian Cottle 469-576-7814
Representative, Agent or Owner Phone

Chris Harp Construction brian@chrisharpconstruction.com
Company Email address

17388 C.R. 543 Nevada, TX 75173
Street City, State, Zip

1246 Wolfsbane Drive, Lavon, TX 75166
Address and Location of Property

New Subdivision - Trails of Lavon Phase 2B
Legal Description of Property

Existing Zoning: N/A

REASON FOR REQUEST (Include the type of conditional use requested, dimensions, materials and elevations. Attach a separate sheet if necessary and include supporting documentation.)

CUP application to operate an on-site temporary concrete batch plant for the construction of concrete streets.

Signature of Applicant or Representative: [Signature]

For Office Use Only

Date Received: _____ Date Paid: _____ Fee Paid: _____

Next P & Z Meeting: _____ Next City Council Meeting: _____

CIVIL CONSTRUCTION PLANS PAVING, GRADING & UTILITIES

FOR

TRAILS OF LAVON PHASE 2B

CITY OF LAVON, COLLIN COUNTY, TEXAS

ENGINEER
Kimley»Horn

13455 NOEL ROAD
SUITE 700
DALLAS, TEXAS 75240
TEL: (972) 770-1300
CONTACT: JOSEPH
CERQUEIRA, P.E.

STATE OF TEXAS
REGISTRATION NO. F-928

OWNER/DEVELOPER

MERITAGE HOMES
STEVEN COOK
8840 CYPRESS WATERS BLVD
DALLAS, TX 76092
P 972-580-6302
C 947-878-9438

GRBK EDGEWOOD, LLC
8840 CYPRESS WATERS Blvd
DALLAS, TX 76092
PHONE: 972-580-6302
CONTACT: STEVEN COOK

WATER PROVIDER

BEAR CREEK SUD
16881 COUNTY ROAD 541
LAVON, TX 75166
CAMILLE REAGAN, GENERAL MANAGER
972-943-2101 OR 214-475-1568
CHAD MARTIN, FIELD SUPERVISOR
214-675-1142

UTILITY NOTE:

WATER SYSTEM IS OWNED AND
OPERATED BY B.C.S.U.D.



VICINITY MAP
SCALE: 1" = 2,000'

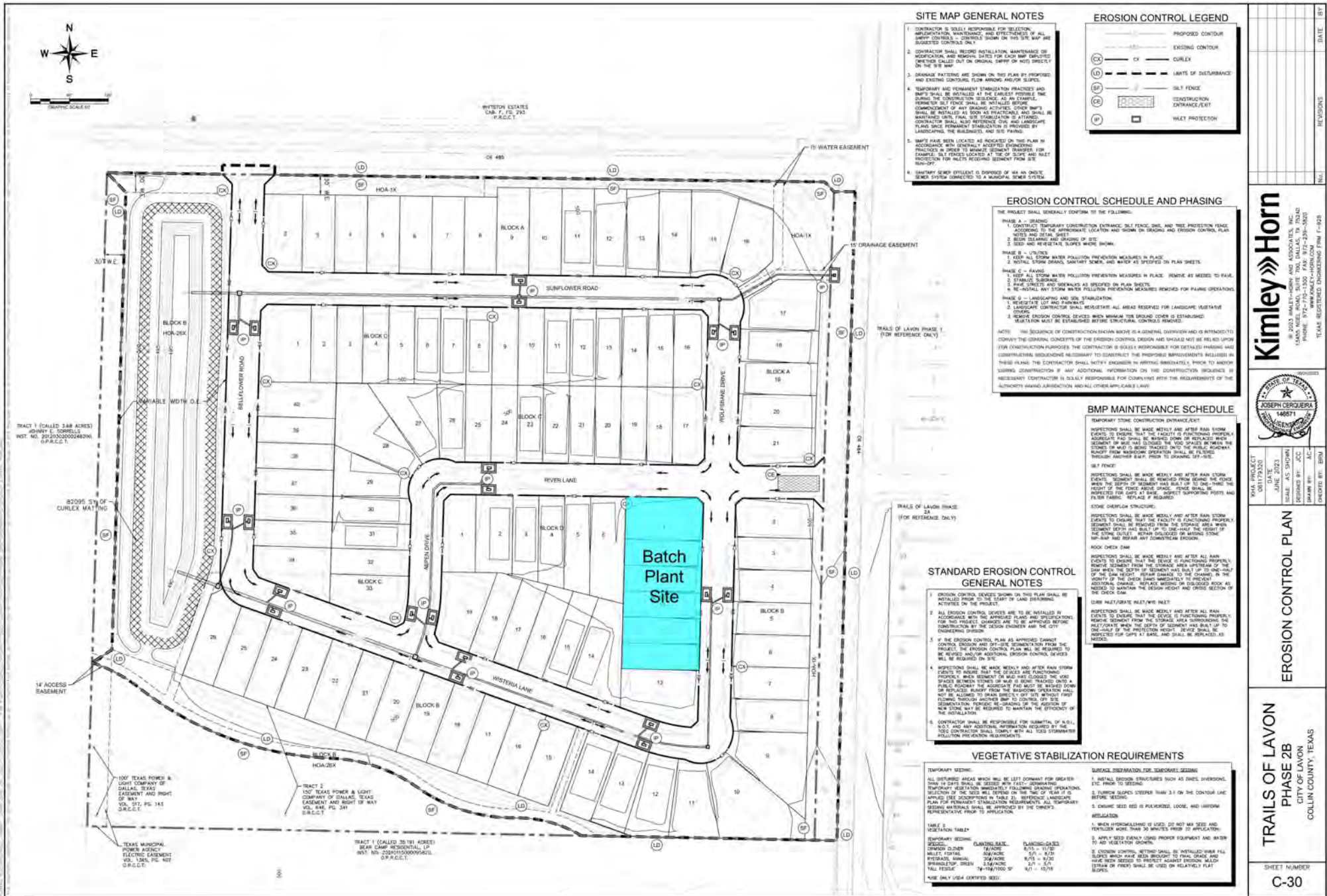
SHEET INDEX

SHEET NUMBER	SHEET TITLE
C-01	CORNER SHEET
C-02	FINAL PLAN
C-03	FINAL PLAN
C-04	GENERAL NOTES
C-05	WATER CONSTRUCTION NOTES
C-06	GRADING PLAN
C-07	GRADING PLAN
C-08	PAVING PLAN & PROFILE - RIVER LANE
C-09	PAVING PLAN & PROFILE - BULLY LANE ROAD
C-10	PAVING PLAN & PROFILE - WESTSIDE LANE
C-11	PAVING PLAN & PROFILE - CORNER LOWER ROAD
C-12	PAVING PLAN & PROFILE - HIGH FILLING, JAVEL & ADJACENT
C-13	EXISTING DRAINAGE AREA MAP
C-14	DRAINAGE AREA MAP
C-15	DRAINAGE CALCULATIONS
C-16	DRAINAGE CALCULATIONS
C-17	STORM DRAIN PLAN & PROFILE - LINE 1001
C-18	STORM DRAIN PLAN & PROFILE - LINE 1002 & STAY & LINE 1003
C-19	STORM DRAIN PLAN & PROFILE - LINE 1004
C-20	STORM DRAIN PLAN & PROFILE - LINE 1005
C-21	STORM DRAIN PLAN & PROFILE - LINE 1006
C-22	STORM DRAIN PLAN & PROFILE - LINE 1007
C-23	STORM DRAIN PLAN & PROFILE - LINE 1008
C-24	STORM DRAIN PLAN & PROFILE - LINE 1009
C-25	STORM DRAIN PLAN & PROFILE - LINE 1010
C-26	STORM DRAIN PLAN & PROFILE - LINE 1011
C-27	STORM DRAIN PLAN & PROFILE - LINE 1012
C-28	STORM DRAIN PLAN & PROFILE - LINE 1013
C-29	STORM DRAIN PLAN & PROFILE - LINE 1014
C-30	STORM DRAIN PLAN & PROFILE - LINE 1015
C-31	STORM DRAIN PLAN & PROFILE - LINE 1016
C-32	STORM DRAIN PLAN & PROFILE - LINE 1017
C-33	STORM DRAIN PLAN & PROFILE - LINE 1018
C-34	STORM DRAIN PLAN & PROFILE - LINE 1019
C-35	STORM DRAIN PLAN & PROFILE - LINE 1020
C-36	STORM DRAIN PLAN & PROFILE - LINE 1021
C-37	STORM DRAIN PLAN & PROFILE - LINE 1022
C-38	STORM DRAIN PLAN & PROFILE - LINE 1023
C-39	STORM DRAIN PLAN & PROFILE - LINE 1024
C-40	STORM DRAIN PLAN & PROFILE - LINE 1025
C-41	STORM DRAIN PLAN & PROFILE - LINE 1026
C-42	STORM DRAIN PLAN & PROFILE - LINE 1027
C-43	STORM DRAIN PLAN & PROFILE - LINE 1028
C-44	STORM DRAIN PLAN & PROFILE - LINE 1029
C-45	STORM DRAIN PLAN & PROFILE - LINE 1030

JUNE 2023

City of Lavon
released for
Construction
محرر
محرر







485

484

Werks

535'

289'

Stockpiles

747'

220'

Dust Collector/Equipment

278'

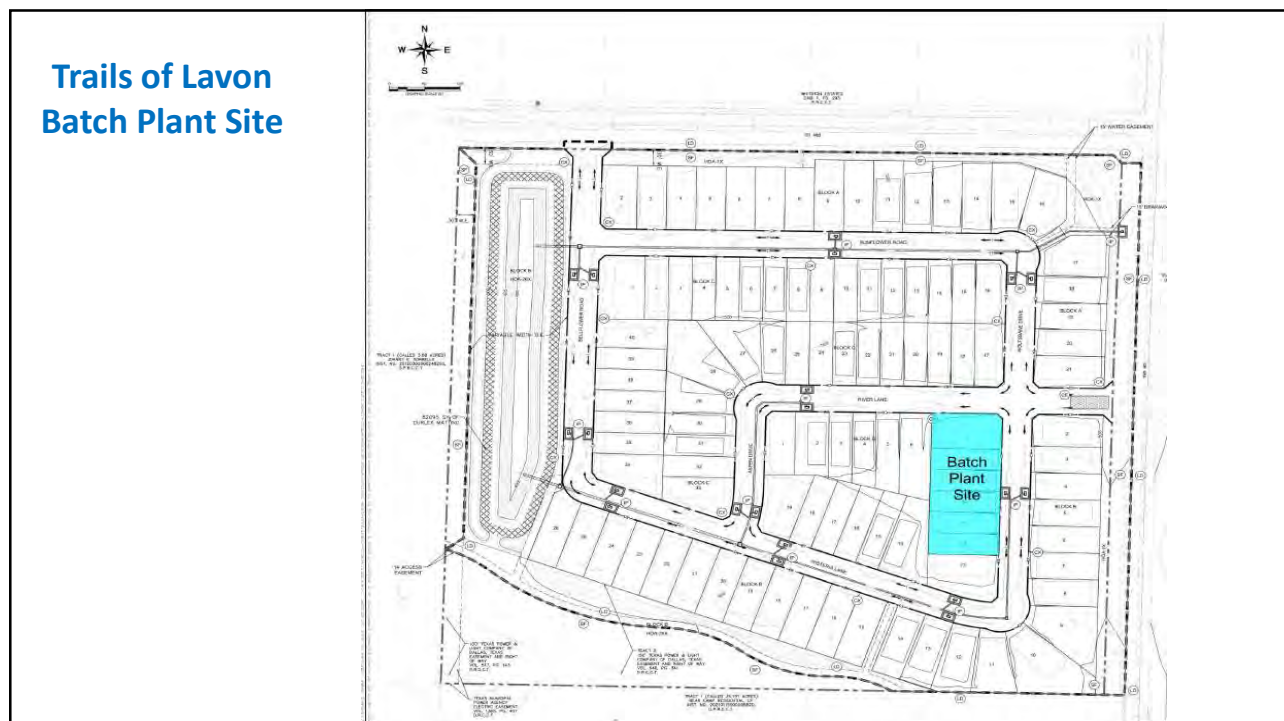
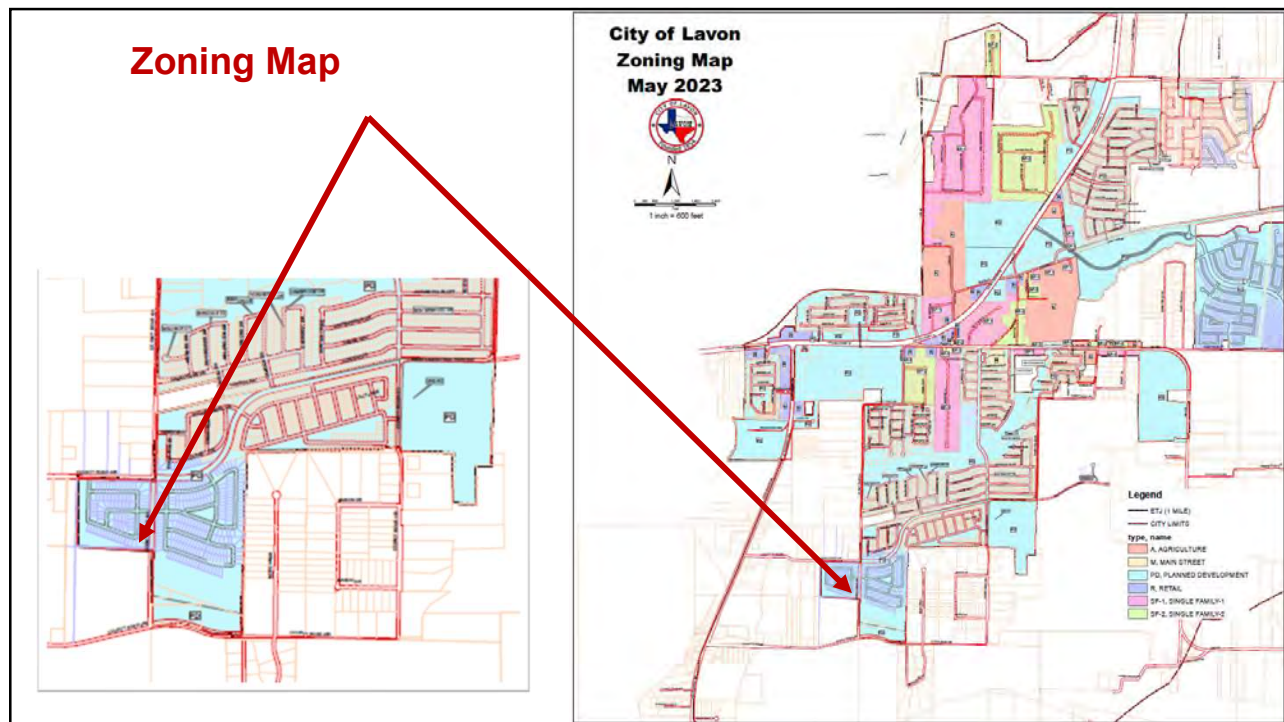
226'

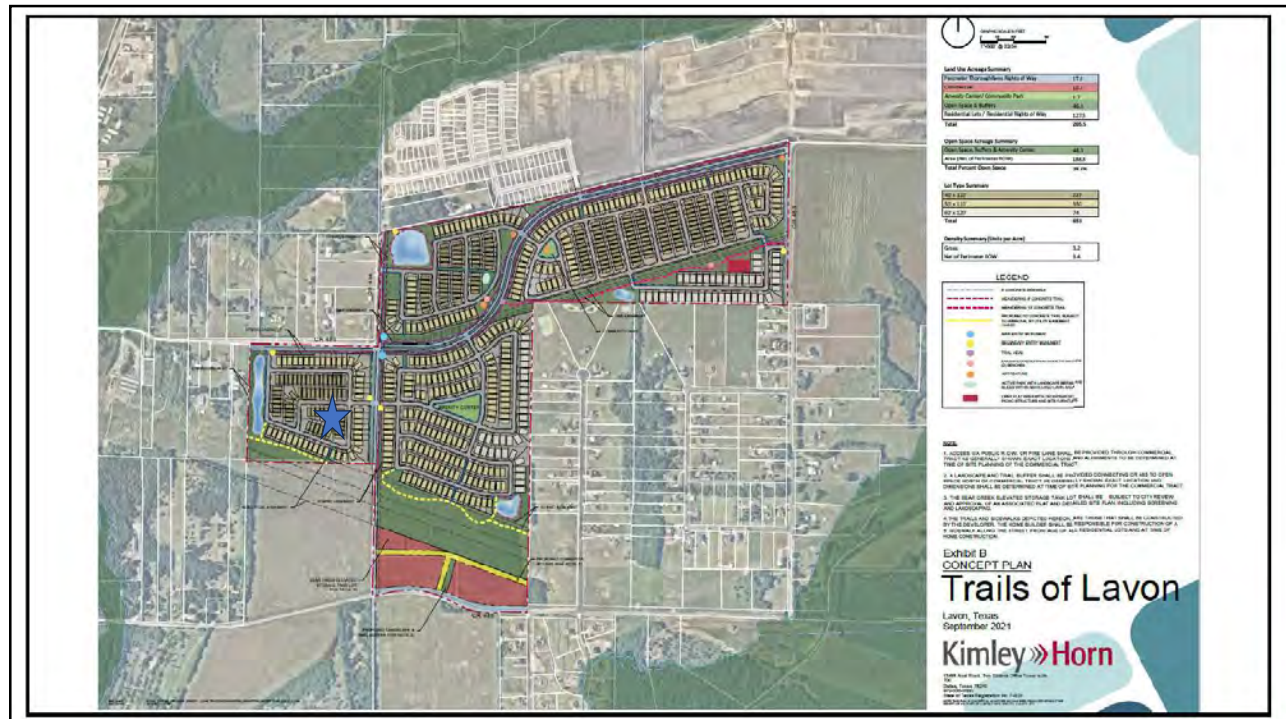
192'

Trails of Lavon Phase 2B

Collin County, Lavon, TX









**CITY OF LAVON, TEXAS
NOTICE OF PUBLIC HEARINGS BEFORE THE
PLANNING AND ZONING COMMISSION
AND THE CITY COUNCIL**

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 6:30 PM, Tuesday, **February 27, 2024** at Lavon City Hall, 120 School Rd. Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at a meeting starting at 6:30 PM, Tuesday, **March 5, 2024** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

Request: Consider an application for a conditional use permit (CUP) to construct an on-site temporary concrete batch plant in the Trails of Lavon, Ph 2B Addition.

Property Description: on approximately 1 acre out of the S.A. Roberts Survey, A-773, Tract 3, southwest of the intersection of CR 485 and CR 484, Lavon, Collin County, Texas (CCAD Property ID 1291872).

In the event that the P&Z Commission or City Council will be unable to meet at City Hall, the City will post on its website www.cityoflavon.com information for persons to attend the meeting by telephone, teleconference or other electronic means. Additional information regarding the request may be obtained at cityhall@lavontx.gov or at 972-843-4220. You are receiving this notice because the subject property is located within 200 feet of your property. The public hearing may be continued should an applicant so request. Interested citizens are invited to attend the public hearing and participate in the same.

Optional: The following may be filled out and returned to Lavon City Hall before the hearing date.

Check one: ☐ I am in favor of the request. ☐ I am opposed to the request.

Reasons: (attach separate sheet(s) as needed) _____

Signature: _____

Name (printed): _____

Address: _____

Phone: _____ Email Address: _____

You may return this form to: **City of Lavon** *or via email to:* CityHall@lavontx.gov
 P.O. Box 340
 Lavon, Texas 75166

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 18, 2024

Mr. Brian Cottle, Chief Estimator
Chris Harp Construction LLC
17388 County Rd 543
Nevada, Texas 75173-8042

Re: Relocation Request for a Concrete Batch Plant; Standard Permit Registration No. 147393L001; southwest corner of Co Rd 484 and Co Rd 485 (Trails of Lavon Ph 2B), Lavon, Collin County, Texas;
TCEQ ID Nos.: RN109829796; CN605125335

Dear Mr. Cottle:

This is in response to your relocation application concerning the proposed construction of the above listed concrete batch plant at the above listed location. Based on the information presented, the TCEQ DFW Regional Office Air Program has determined that the proposed authorization can be granted as of the date of this letter to construct and operate the concrete batch plant referenced above at the proposed site, since it is located in or contiguous to the right-of-way of a public works project or related project segments.

The TCEQ DFW Regional Office understands that the concrete batch plant will remain at this site until the completion of the project. This authorization is contingent upon continued compliance with the conditions listed in the Standard Permit for Concrete Batch Plants and with all representations made in your relocation request. Any changes to the representations must have prior written approval from a delegated representative of the executive director.

In addition, you are reminded that all future applications for relocation **must be submitted at least 12 business days prior to your estimated move date** as required by the Standard Permit for Concrete Batch Plants and written authorization must be obtained prior to locating onsite. Failure to do so may result in denial of your relocation request or formal enforcement action.

After completion of construction or modification, start-up notification is required in accordance with 30 TAC 116.115(b)(2)(B)(i). Enclosed is a notification form for you to complete and send in prior to your construction or site move.

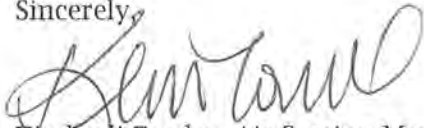
Mr. Brian Cottle, Chief Estimator

Page 2

January 18, 2024

You are reminded that regardless of whether a permit is required, these facilities must be in compliance with all regulations of the TCEQ and the U.S. Environmental Protection Agency at all times. If you need further information or have any questions, please contact Ms. Patricia Chen at 817-588-5850.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberli Fowler", written over a horizontal line.

Kimberli Fowler, Air Section Manager
Dallas-Fort Worth Region Office
Texas Commission on Environmental Quality

KSF/pxc

Enclosure: *Updated Information for the Movement of a Portable Facility*

CITY OF LAVON, TEXAS

ORDINANCE NO. 2024-03-01

Conditional Use Permit – Temporary Concrete Batch Plant

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING THE CODE OF ORDINANCES TO GRANT A CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A TEMPORARY CONCRETE BATCH PLANT; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon (hereinafter referred to as “City”) is a Home Rule municipality organized under the Constitution and laws of the State of Texas; and

WHEREAS, Chapter 211 “Municipal Zoning Authority” of the Texas Local Government Code authorizes a city to adopt ordinances regulating the zoning of property within the City; and

WHEREAS, the City of Lavon has received an application from Chris Harp Construction for a conditional use permit (CUP) to construct a Temporary Concrete Batch Plant in Trails of Lavon Phase 2B on approximately 1 acre out of the S.A. Roberts Survey, A-773, Tract 3, southwest of the intersection of CR 485 and CR 484, 1, Lavon, Collin County, Texas; and

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Lavon, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Lavon, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the City of Lavon Code of Ordinances be amended as follows.:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS THAT:

SECTION 1. Findings.

It is hereby officially determined that the findings and recitations contained above in the preamble of this ordinance are true and correct and are incorporated herein by reference.

SECTION 2. Authorization.

- A. The City of Lavon Code of Ordinances, Zoning Code, as heretofore amended, and the same is hereby amended so as grant a Conditional Use Permit on the property as described in Exhibit “A” and depicted in Exhibit “B” attached hereto and incorporated herein to permit construction of a temporary concrete batch plant for the purpose of constructing infrastructure within the development and constructing, repairing, or reconstructing public infrastructure within the vicinity of the development as approved by the Director of Public Works.
- B. That the time period for the Conditional Use Permit shall be the earlier of twelve (12) months, or as may be extended, from the effective date or the City’s final acceptance of the improvements.

C. That the applicant shall proactively maintain dust control related to batch plant operations at all times.

D. That the plant hours of operations shall be limited to 7:00 a.m. to 8:00 p.m. seven days per week.

SECTION 3. Severability Clause.

It is hereby declared by the City Council that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

SECTION 4. Cumulative Clause.

This ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5. Public Meeting.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

SECTION 6. Effective Date.

This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 5th day of March 2024.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary

ORDINANCE NO. 2024-03-01

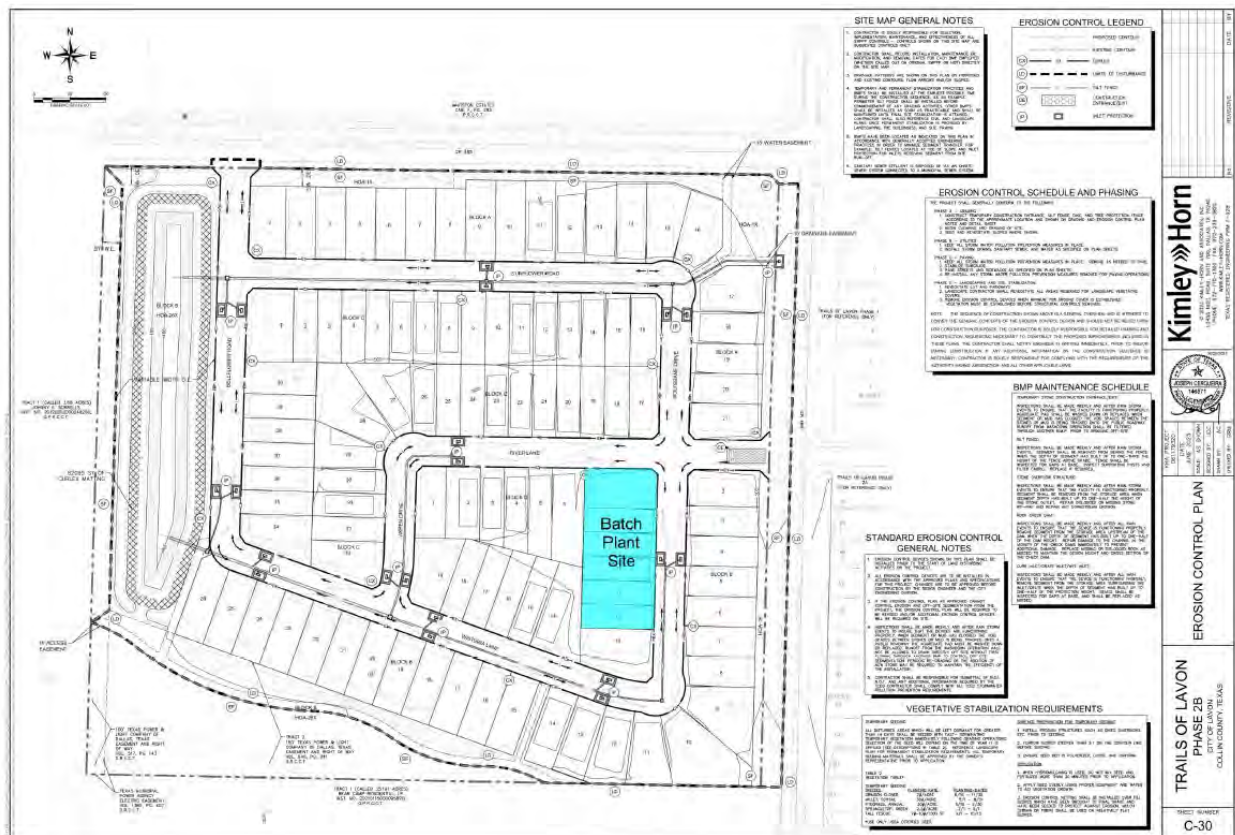
EXHIBIT A

Property Description

Approximately 1 acre out of the S.A. Roberts Survey, A-773, Tract 3, southwest of the intersection of CR 485 and CR 484, Lavon, Collin County, Texas.

EXHIBIT B

Depiction of Site





CITY OF LAVON

Agenda Brief

MEETING: March 5, 2024

ITEM: 6 – C

Item:

Public Hearing, discussion, and action regarding an amendment to the City’s Code of Ordinances Chapter 9 “Planning and Development Regulations,” Article 9.03 “Zoning Ordinance”, Division 2 “Districts and Zoning District Map,” Section 9.03.032 “Permitted Use Table” generally to add a mobile food unit use to the permitted use table, Division 4 “Regulations Applicable to All Districts” generally to establish parkland dedication and development requirements, Division 6 “Regulations Applicable to Mixed Use and Nonresidential Districts” generally to establish design standards for dumpsters and regulations for mobile food units, Division 7 “Site Plan Requirements,” Section 9.03.153 “Site Plan Requirements” generally to modify site plan drawing requirements, Division 8 “Off-Street Parking and Loading Regulations,” Section 9.03.173 “Off-Street Parking Requirements” generally to establish multi-family parking and Section 9.03.174 “Off-Street Loading Site Design Requirements” generally to establish commercial loading dock requirements, and Division 9 “Landscaping Requirements,” Section 9.03.191 “Purpose” generally to add parking lot landscaping requirements and modify landscape plan drawing requirements.

- 1) Presentation of proposed amendment.
- 2) **PUBLIC HEARING** to receive comments regarding the proposed amendment.
- 3) Discussion and action regarding the proposed amendment and Ordinance No. 2024-03- 02.

Background:

The proposed amendment represents a culmination of housekeeping items and new regulations identified by staff and the Planning and Zoning Commission as necessary and desired. Specifically, draft code amendments have been prepared related to:

- 1) Dumpster Standards
- 2) Site Plan Requirements
- 3) Multi-family Dwelling Parking Requirements
- 4) Off-Street Loading Requirements
- 5) Landscape Plan Requirements
- 6) Mobile Food Unit Regulations

Staff Notes:

The requisite public hearing notice was published in the newspaper and posted on the website. No inquiries were received regarding the proposed amendment. The city attorney is reviewing the draft amendment and will frame it in the form of an ordinance. Approval is recommended subject to the city attorney’s review and approval.

Attachments: 1) Proposed draft amendment

Dumpster Standards (Zoning Amendment)

Purpose:

To establish minimum standards for dumpster screening, backing and location.

Proposed standard:

9.03.135 Dumpster Regulations

(a) Dumpster Requirements

- (1) A minimum of one commercial dumpster is required for non-residential and multi-family residential uses.
- (2) All containers shall be fully screened on all sides by an enclosure.

(b) Enclosure Requirements

- (1) Enclosures shall be located within the side yard or rear yard of a lot, a minimum of five (5) feet from all property lines, and behind the front façade of the primary building.
- (2) Enclosures shall be located a minimum of ten (10) feet from an adjacent single-family residential use or district.
- (3) Enclosures shall provide a minimum of fifty (50) feet of unobstructed approach (i.e. backing distance), as measured from the front gates of the enclosure, to accommodate maneuverability for a waste service truck. In certain instances, the minimum backup distance may be adjusted upon review, consideration, and approval of the waste provider and/or City Engineer.
- (4) Enclosures shall not be located in a designated landscape buffer, parking space, or loading area.
- (5) Enclosures shall be constructed using similar materials and colors as the exterior walls of the primary building.
- (6) Evergreen shrubs (from the Approved Plant List), a minimum three (3) feet tall at the time of planting and spaced a maximum three (3) feet apart on center, shall be provided around the exterior of the enclosure walls.
- (7) A solid metal gate shall be provided and is to be kept closed except when in use for access.
 - a. Enclosure gates or doors shall not swing into a fire lane, drive aisle, or obstruct vehicular visibility at any time.
 - b. Enclosure gates or doors shall be primed, painted, and maintained at all times.
- (8) Enclosures shall comply with the minimum standards below.

Minimum Non-Residential and Multi-family Residential Enclosure Size Requirements			
Container Type	Height (inside wall measurement)	Width (inside wall measurement)	Depth (inside wall measurement)
Single container	6 feet	12 feet	14 feet
Double container	6 feet	25.5 feet	14 feet
Single Compactor, self-contained	6 feet	14 feet	34 feet
Single Compactor, stationary	6 feet	14 feet	40 feet
Double Compactor	6 feet	28 feet	40 feet

Site Plan Requirements (Zoning Amendment)

Purpose:

- To require fire lane, access, and mutual/cross access easements.
- To ensure public access to parks and recreation amenities.

Proposed standard:

9.03.153 Site plan requirements

...

- (11) Location and sizes of all existing and proposed easements for public utilities, **access, mutual/cross access** in and adjacent to **each** proposed **and adjacent lot and site** including:
- (A) Water lines and diameter, fire hydrants, connections to water.
 - (B) Sanitary sewer lines, diameters, manholes, connections to city sewer line.
 - (C) Stormwater detention/retention facilities, outlets and inlets with pre and post detention facilities for five (5) to one hundred (100) year storms in five (5) year increments.
 - (D) Electric and gas facilities and easements.
 - (E) Telecommunication facilities and easements.
 - (F) **Fire lane, access, and mutual/cross access easements.**
 - (G) **Pedestrian and recreation access easements where trails, parks, and required open space are provided/proposed.**

Multi-family Dwelling Parking Requirements (Zoning Amendment)

Purpose:

- To add requirements for covered and enclosed parking for Multi-family Dwelling uses.
- To revise the parking requirement for Multi-family Dwelling uses.

Proposed standard:

9.03.173 Off-street parking requirements.

...

(b) Parking requirements:

...

(22) Multi-family dwellings.

~~(A) One (1) parking space for each dwelling unit have two (2) or fewer bedrooms.~~

~~(B) Two (2) parking spaces for each dwelling unit have more than two (2) bedrooms.~~

~~(C) One (1) guest parking for every five (5) dwelling units.~~

~~(D) Recreational vehicle and utility vehicle storage area of one (1) space for every five (5) dwelling units.~~

(A) Two (2) parking spaces for each dwelling unit.

(B) A minimum thirty (30) percent of required off-street parking spaces shall be enclosed in a garage.

As part of the Site Plan approval process, enclosed parking space requirement for multi-family dwelling uses may be reduced from thirty (30) percent of the units having an enclosed parking space to no less than twenty (20) percent of the units having an enclosed parking space, if the proposed project satisfies the following:

(i) Provide trees at a ratio of one tree per twenty (20) feet in the street and adjacency buffers; and

(ii) Provide usable public open space (minimum 3,000 contiguous square feet, not encumbered by floodplain, and with pedestrian/recreation amenities such as benches, water fountains, playground, etc.).

(C) No garage doors shall face a public street.

(D) No covered parking spaces and/or detached garages may be placed between a multi-family building and a public street.

(E) Detached garages shall be a minimum of twenty (20) feet from any residential building.

(F) Stacking spaces (tandem spaces between the garage door and fire lane) shall not be counted towards required parking spaces.

(G) A minimum twenty (20) percent of required off-street parking spaces shall be covered using a canopy structure(s).

(H) Covered parking shall be designed to have decorative posts and masonry accents, so they are architecturally compatible with the home architecture.

(I) Areas dedicated for parking of boats, trailers, and RVs shall be separated from vehicle parking and shall be located in a designated area which is screened from the street and adjacent residential property. Boats, trailers, and RVs may not be parked in required parking spaces, and areas dedicated for these vehicles may not be counted toward required off-street parking.

Off-Street Loading Requirements (Zoning Amendment)

Purpose:

- To add and organize non-residential loading space requirements.

Proposed standard:

9.03.174 Off-street loading site design requirements.

- (a) Exterior loading space(s) shall be located to the rear or side of the principal use and not within the front yard or side yard. A minimum ten (10) foot screening wall of masonry or dense landscaping shall be required to screen views of loading docks and loading spaces from any public right-of-way or adjoining residential zone or residential use. If masonry is utilized said masonry shall match the masonry used on the principal building.
- (b) Driveways from the public street to the loading space shall be constructed of reinforced concrete.
- (c) Drive through service bays shall not be located adjacent to a residential zone or residential property.
- (d) Exterior loading space(s) for Commercial and Multi-family dwelling uses shall be a minimum dimension of twelve (12) feet by thirty-five (35) feet.
- (e) Exterior loading space(s) for Industrial uses and Alcohol: manufacturing and distribution without on-premises consumption uses shall be a minimum dimension of twelve (12) feet by sixty (60) feet.
- (f) Any loading spaces not associated with a loading dock or structure shall be set back a minimum distance of fifty (50) feet from any adjacent residential use or zoning district, and there shall be no minimum setback if the subject property abuts a nonresidential use or property line.
- (g) Any loading dock or structure and its associated loading spaces shall be:
 - (i) Set back a minimum distance of 200 feet from any adjacent residential use or zoning district;
 - (ii) Set back a minimum distance of 75 feet from any public street or front property line; and
 - (iii) Oriented away from the street frontage.
- (h) In instances where a property has more than one street frontage, the bay doors shall be oriented away from the street frontage with the greatest width. If the streets are the same width, then the bay doors shall be oriented away from the front property line.
- (i) Loading docks which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and are adjacent to a residential use or districts shall be designed and constructed to enclose the loading operation on three sides to reduce noise, with the open end directed away from residential property.

9.03.175 Off-street loading space requirements.

- (a) For alcohol-related uses – one (1) loading space
 - ~~(1) A minimum of one striped off-street loading space, not conflicting with fire lanes, drive aisles, or off-street parking, shall be required for alcohol-related uses as follows:~~
 - ~~(A) Alcohol: manufacturing and distribution without on-premises consumption – 12 feet by 60 feet.~~
 - ~~(B) All other alcohol-related uses – 12 feet by 35 feet.~~
 - ~~(2) Distance from property lines shall be as follows:~~
 - ~~(A) Any loading dock or structure and its associated loading spaces shall be:~~
 - ~~(i) Set back a minimum distance of 200 feet from any adjacent residential use or zoning district;~~
 - ~~(ii) Set back a minimum distance of 75 feet from any public street or front property line; and~~
 - ~~(iii) Oriented away from the street frontage.~~

- ~~(B) Any loading spaces not associated with a loading dock or structure shall be set back a minimum distance of 50 feet from any adjacent residential use or zoning district, and there shall be no minimum setback if the subject property abuts a nonresidential use or lot line.~~
- ~~(C) In instances where a property has more than one street frontage, the bay doors shall be oriented away from the street frontage with the greatest width. If the streets are the same width, then the bay doors shall be oriented away from the property's front lot line.~~
- ~~(3) Loading docks which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and are adjacent to a residential use or districts shall be designed and constructed to enclose the loading operation on three sides to reduce noise, with the open end directed away from residential property.~~

Landscape Plan Requirements (Zoning Amendment)

Purpose:

- To require utility lines to be shown on Landscape Plans.
- Adding a minimum distance requirement for trees planted near utility lines.
- To specify the required parking lot screening along streets.
- To require landscape islands and trees at the end of parking rows.
- To require a vehicular use buffer between a vehicular use and adjacent property lines.

Proposed standards:

9.03.191 Purpose

...

(1) Landscape plan requirements

...

(D) The landscape plan, drawn to a minimum scale of one (1) inch equals fifty (50) feet, shall provide, at a minimum, the following:

- (i) Property limits, topography of the site, north arrow, date and name (seal if applicable) of preparer.
- (ii) Location, size and species of all trees to be preserved indicating size measured at twenty-four (24) inches above ground level, location size and species of Texas native landscape materials to be maintained.
- (iii) Location and spacing of all plants and landscaping materials to be proposed, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (include depth of water).
- (iv) Species of all plant materials to be proposed include common names as well as scientific names. Texas native plants species are preferred.
- (v) Size of all plant materials at time of planting and size of plant at maturity. Texas native plant materials are preferred.
- (vi) Layout of irrigation, sprinkler or water systems including water source.
- (vii) Description of landscape maintenance requirements and responsibility for all landscape features and plans.
- (viii) Location of existing and proposed utility lines (water, sanitary sewer, storm sewer, etc.).

(2) Required landscaping standards

(A) Planting strip.

- (i) Along each public street, a minimum twenty (20) foot wide landscaped planting strip shall be required in all districts except in the main street district where the planning [planting] strip shall be a minimum ten (10) feet wide. The planting strip excludes driveways and access ways at points of ingress and egress to and from a property. The planting strip may be within the front yard. The planting strip may include some or all of

the sidewalk. The planting strip shall not be located within all or any portion of the public right-of-way.

- (ii) A minimum five (5) foot wide landscaped area shall be provided where parking or drive aisles abut a property line, except where a mutual access easement (shared drive aisle) is located on a property line, or a wider landscape buffer is required.

(B) Street trees.

- (i) For all development, a minimum of one (4) inch caliper, eight (8) foot height canopy tree shall be required every twenty-five (25) linear feet of public street frontage within the landscaped planting strip.
- (ii) Trees cannot be planted closer than four (4) feet to a right-of-way line or closer than eight (8) feet to any public water line, wastewater line, fire protection connection, or drainage line. If tree locations cannot meet this distance requirement or there is a similar prohibiting utility-related factor, an alternate planting location may be approved by the City Manager or their designee.

...

(L) Parking rows. For all development where off-street parking is required, the following standards shall apply:

- (i) Parking rows located along public rights-of-way shall be screened with low, evergreen shrubs that are a minimum height of two (2) feet at the time of planting and form a continuous hedge.
- (ii) Landscape islands shall contain one (1) canopy tree.
- (iii) Landscape islands are required at the terminus of every parking row.
- (iv) Landscape islands shall be required at a rate of one (1) canopy tree for every seven (7) parking spaces (based on the total number of parking spaces). Every parking space shall be located within a maximum 65 feet from a tree.

(M) All required plant material shall be from the Approved Plant List below, or as considered and approved by the City Manager or their designee upon formal request:

Approved Plant List		
Canopy Trees		
Arizona Cypress	Austrian Pine	Bald Cypress
Bigtooth Maple	Burr Oak	Caddo Maple
Cedar Elm	Chinquapin Oak	Chinese Pistache
Dawn Redwood	Eastern Red Cedar	Ginkgo
Italian Stone Pine	Live Oak	Mexican Sycamore
Pecan	Red Oak	Shantung Maple
Southern Magnolia	Texas Ash	Trident Red Maple
Ornamental Trees		
Crape Myrtle	Desert Willow	Eve's Necklace
Italian Cypress	Lacey Oak	Mexican Buckeye
Mexican Plum	Nelly R. Steven's Holly	Oakland Holly
Possumhaw Holly	Redbud	Teddy Bear Magnolia
Rusty Blackhaw Viburnum	Vitex	Yaupon Holly
Shantung Maple	Golden Raintree	Little Gem Magnolia
Evergreen Shrub		
Abelia	Barberry	Boxwood
Chinese Fringe Flower	Cotoneaster	Indian Hawthorn
Juniper	Texas Sage	Holly

Mobile Food Unit Regulations (Zoning Amendments)

Purpose:

To establish additional regulations for mobile food units.

Proposed standard:

9.03.212 Temporary Uses

(a) Temporary uses operating for less than ninety (90) days within a one (1) year time period shall obtain a temporary use permit from the zoning administrator. Temporary use permits shall specify conditions of operation with the objective being to allow the use subject to conditions determined appropriate to protect the public health, safety, and welfare.

(b) Temporary use shall include short-term or seasonal uses that would not be appropriate on a permanent basis. The following uses and activities shall be considered temporary uses and no other temporary uses shall be allowed:

- (1) Fundraising activities by not-for-profit agencies. Fundraising or non-commercial events for nonprofit educational, community service or religious organizations where the public is invited to participate in the activities and which last longer than forty-eight (48) consecutive hours.
- (2) Special and seasonal sales events. Significant commercial activities lasting not longer than ninety (90) consecutive days and which are intended to sell, lease, rent or promote specific merchandise, services or product lines, including but not limited to warehouse sales, tent sales, trade shows, flea markets, farmer's markets, Christmas tree lot sales, product demonstrations or parking lot sales of food, art work or other goods.
- (3) Entertainment or amusement events. Short-term cultural and entertainment events including public or private events lasting not longer than ninety (90) consecutive days and which are intended primarily for entertainment or amusement, such as concerts, plays or other theatrical productions, circuses, fairs, carnivals or festivals.
- (4) Temporary batch plants in construction areas.
- (5) Mobile food unit (MFU). A vehicle mounted, self or otherwise propelled, self-contained food service operation designed to be readily movable (including, but not limited to, catering trucks, trailers and pushcarts) which are used to store, prepare, display, serve or sell food. Mobile food units must retain their mobility at all times. MFUs are sometimes referred to as food trucks or food trailers.

(c) Temporary use permit applications. An application for a temporary use permit shall be submitted to the zoning administrator at least ten (10) working days before the requested start date for a temporary use and shall include the following:

- (1) A written description of the proposed use or event, the duration of the use or event, the hours of operation, anticipated attendance, and any building or structures, signs or attention-attracting devices used in conjunction with the use or event.
- (2) A written description of how the temporary use complies with the review criteria below.
- (3) A plan showing the location of proposed structures, including on-site restrooms and trash receptacles, parking areas, activities, signs and attention attracting devices in relation to existing buildings, parking areas, streets and property lines.
- (4) A letter from the property owner agreeing to the temporary use if the applicant is not the property owner.

- (5) Any additional information required by the zoning administrator as he/she determines necessary to evaluate the permit request.
- (6) A tax certificate from the State showing that sales tax is being collected on site, if applicable. Move to 7.04.003
- (d) Appeal of denied temporary use permit by the P&Z.
 - (1) The zoning administrator shall make a determination whether to approve, approve with conditions, or deny the permit within five (5) working days after the date of submission of a complete application for a temporary use permit.
 - (2) Any applicant denied a permit by the zoning administrator shall be notified in writing of the reasons for the denial and of the opportunity to appeal to the commission.
 - (3) A denial of a temporary use permit may be appealed to the commission within ten (10) days of the zoning administrator's action. The appeal shall be made in writing to the city secretary and a copy shall be provided to the zoning administrator.
- (e) Review criteria for temporary use permits:
 - (1) The temporary use must be compatible with the purpose and intent of this division.
 - (2) The temporary use shall not impair the normal, safe and effective operation of a permanent use on the same site or adjacent sites.
 - (3) The temporary use shall not endanger or be detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the type of activity, its location on the site, and its relationship to parking and access points.
 - (4) The temporary use shall conform in all respects to all other applicable city regulations and standards.
 - (5) A mobile food unit must be located on private property on which is located a permanent structure in which a business is operating in accordance with a certificate of occupancy.
 - (6) Only one (1) mobile food unit permit is allowed per applicant, per lot or per calendar year.
 - (7) Mobile food units shall be permitted only in non-residential zoning districts (Agricultural, Retail, Main Street, Business Park, and Planned Development districts). The zoning administrator shall evaluate the proposed temporary use for compatibility and potential adverse impacts with adjacent land uses. Should the proposed temporary use be determined to be incompatible with adjacent land uses, the permit will be denied.
- (f) Restoration of site. Upon cessation of the event or use, the site shall be returned to its previous condition, including the removal of all trash, debris, signage, attention-attracting devices or other evidence of the special event or use. The applicant shall be responsible for ensuring the restoration of the site.
- (g) Hours of operation and duration: The hours of operation and duration of the temporary use shall be consistent with the intent of the event or use and compatible with the surrounding land uses and shall be established by the zoning administrator at the time of approval of the temporary use permit.
- (h) Traffic circulation.
 - (1) The temporary use shall not cause undue traffic congestion given anticipated attendance and the capacity of adjacent streets, intersections and traffic controls.
 - (2) Mobile food units and their customers shall not sell or consume food within any public street, public alley, driveway, or fire lane unless closed to through traffic pursuant to permit issued by the City authorizing such use.
- (i) Off-street parking.
 - (1) Adequate off-street parking shall be provided for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site(s).
 - (2) Mobile food units shall be parked and located on a paved surface.

- (3) A mobile food unit operation shall not encumber required parking spaces, drive aisles, or fire lanes of the subject property or adjacent properties.

(j) Public conveniences and litter control: Adequate on-site rest room facilities and litter control may be required as condition of the permit.

(k) The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the city, and city may require applicant to provide a financial guarantee of compliance.

(l) Appearance and nuisances.

- (1) The temporary use shall be compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

- (2) Mobile food unit operators shall not hang or display merchandise on trees, umbrellas, or walls, or sell from any other temporary structures located upon any public street, sidewalk, right-of-way or other public property.

- (3) Loudspeakers or loud noises of any kind for the purpose of attracting attention to a mobile food unit is prohibited.

(m) Signs.

- (1) The zoning administrator shall review all signage. The zoning administrator may approve the temporary use of attention attracting devices that comply with the city's sign regulations.

- (2) Signs advertising a mobile food unit and/or the menu of food and beverages sold from the unit shall be limited to:

- i. Signs permanently attached to the mobile food unit; and
- ii. One temporary and movable menu board sign, with a sign face area of not greater than eight (8) square feet, placed adjacent to the mobile food unit on private property, only while in operation.

(n) Additional conditions for temporary use permits. The zoning administrator may establish additional conditions to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or buffering, guarantees for site restoration and cleanup following the temporary use and other conditions determined necessary for compliance with city's ordinances and the protection of public health, safety and welfare.

(o) Additional regulations for mobile food units. The operator of a mobile food unit must operate in accordance with the following requirements:

- (1) Mobile food units shall be located behind the building setbacks prescribed by the zoning of the subject property.
- (2) A mobile food unit shall not be left unattended.
- (3) On request of the City, a mobile food unit operator must be able to demonstrate that the mobile food unit is moveable and operable.
- (4) A mobile food unit operator shall not alter or modify a mobile food unit or the premises adjacent to the mobile food unit in a manner that would prevent the operation or mobility of the unit.
- (5) The water supply for a mobile food establishment shall be from an internal water tank which must be filled from an external source when not in operation. Temporary connection of a mobile food establishment to a potable water source while in operation is prohibited.
- (6) Mobile food units will not be allowed to touch, lean against or be affixed temporarily or permanently to any building structure, wall, tree, shrubbery or planting bed.

- (7) Mobile food unit operators shall only engage in the sale and service of food and beverages. The sale of other products or services from a mobile food unit is prohibited, including but not limited to, smoking/vaping products, sexually explicit and/or drug related paraphernalia, obscene material, sales real estate and vacation packages, marketing and advertising activities, sales of tickets for events, any non-food vending, and other services or products not approved by the City prior to issuance of the permit.
- (8) Mobile food units must operate in compliance with this section and the Code of Ordinances, Article 7.04 Food Establishments, Section 7.04.003 Mobile Food Units and Mobile Food Parks.
- (9) A canopy with table is permitted to serve food from the mobile food unit, provided the operation complies with all of the regulations within this Section.



CITY OF LAVON Agenda Brief

MEETING: March 5, 2024

ITEM: 6 - D

Item:

Public Hearing, discussion, and action regarding an amendment to the City's Code of Ordinances Chapter 9 "Planning and Development Regulations," Article 9.02 "Subdivision Ordinance," Division 1 "Generally," Section 9.02.005 "General Plat Requirements" to add Subsection (6) "Parkland Dedication and Development Requirements" to provide open space and recreational areas in the form of parks as a function of subdivision and site development.

- 1) Presentation of amendment.
- 2) **PUBLIC HEARING** to receive comments regarding the amendment.
- 3) Discussion and action regarding the amendment and Ordinance No. 2024-03-03.

Background

The City of Lavon Strategic Plan, Comprehensive Plan, and Parks and Recreation Master Plan consistently identify the adoption of parkland dedication requirements as a project or action to further the accomplishment of specific goals or strategies.

Strategic Plan

The second of seven two-year goals identified in the City of Lavon Strategic Plan is "**Invest in Lavon's Future**" and one of the anticipated projects to accomplish this goal is:

Revise the Code of Ordinances to adopt Parkland Dedication and Development Requirements, consistent with the Comprehensive Plan and Parks and Recreation Master Plan.

Comprehensive Plan

In the City of Lavon Comprehensive Plan, Section 3. Design Framework: Land Use and Placemaking, the first Action item identified in **Strategy 2: Parks, Trails and Gathering Spaces** is:

Revise the Code of Ordinances to require Parkland Dedication and Development to coordinate and implement the Parks and Recreation Master Plan

Parks and Recreation Master Plan

In the City of Lavon Parks and Recreation Master Plan, **Subchapter 6.D Implementation & Monitoring: Actions to Achieve the Vision**, Action 6.1 states:

Draft and adopt parkland dedication and development requirements for developers to dedicate and develop public parkland or pay a fee-in-lieu-of parkland dedication and/or development for each project. Revise ordinances and standards to reflect requirements accordingly.

In 2018, the Parks and Recreation Board received a presentation regarding and discussed the concept of parkland dedication. In 2022, the City Council adopted the City's first Parks and Recreation Master Plan which is a required element for the preparation of parkland dedication requirements.

Under the scope of the professional services agreement, the City engaged LJA Engineering to prepare the parkland dedication regulations. LJA Engineering presented an introduction to parkland dedication and a timeline for implementation to the Parks and Recreation Board and Planning and Zoning Commission in July 2023. On February 13, 2024, the Parks and Recreation Board voted unanimously in favor of the parkland dedication draft regulations.

Because parkland dedication and development directly impact the layout of a project, the regulations are typically included in the Subdivision Code.

Staff Notes:

The city attorney is reviewing the draft amendment and will frame it in the form of an ordinance. Approval of the working draft is recommended subject to the city attorney's review and approval.

Attachments: 1). Proposed Regulations

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Parkland Dedication and Development Requirements (Subdivision Ordinance Amendment)

Purpose:

To establish parkland dedication requirements and standards.

Proposed standard:

Purpose

- (a) This section is adopted to provide open space and recreational areas in the form of parks as a function of subdivision and site development in the City of Lavon. This section is enacted in accordance with the home rule powers of the city granted under the Texas Constitution and the statutes of the state, including, but not by way of limitation, Tex. Local Gov't. Code, Ch. 212 as may be amended from time to time.
- (b) It is hereby declared by the City Council that open space and recreational areas in the form of trails, parks, and preserves are necessary for the health and welfare of the residents of Lavon, and that the only adequate procedure to provide for parks is by integrating such requirements into the procedure for planning and developing property or subdivisions in the City to accommodate the associated and proportionate impact on the parks and recreation system, whether such development consists of subdivision, new construction on vacant land, or rebuilding and remodeling of structures on previously developed property.
- (c) Parks provide for a variety of indoor and outdoor recreational and healthy living opportunities and are located in various locations throughout the city. The land area of the City of Lavon being less than 15 square miles shall be prima facie evidence that any park located therein is within a convenient distance from any residence located therein. The primary cost of purchasing or acquiring, developing, and improving parks shall be borne by the landowners of residential property or projects who, by reason of the proximity of their property to such parks, are the primary beneficiaries of such facilities.
- (d) Due to Lavon's small size, a typical park in the city is designed to serve the needs of residents from the entire community no matter where the park is or will be located in Lavon. Parks serve both active and passive leisure and recreation needs of residents and their visitors, in addition to serving the essential purposes of providing family-oriented open space and lake-oriented destinations as desired by the community. The purchase, acquisition, development, and improvement of the basic infrastructure and facilities for parks in Lavon are based upon the demand from the residents they are intended to serve.
- (e) Recognizing that there are different sizes, scales, and types of park facilities, the required level of service contained herein has been designed based on the smallest of park facilities at existing level of service, a neighborhood park of two to ten acres, to meet the basic infrastructure and facilities standard. Any fees collected per these requirements can, however, be utilized in the purchase or acquisition of parkland, development, and/or improvement of any size or scale park facility in the city as planned for or recommended in the Parks and Recreation Master Plan (expressly or via

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intent), as may be amended from time to time, which is hereby adopted by reference and incorporated herein for all purposes.

- (f) Therefore, the following requirements are adopted to affect the purposes stated above.

Definitions

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEVELOPER. Landowner(s) of the subject property containing a proposed development or project.

MULTI-UNIT DWELLING. A residential structure providing complete, independent living facilities for three (3) or more families or households living independently of each other and including permanent provisions for living, sleeping, cooking, eating, and sanitation in each unit. Condominiums are included in this definition. Multi-family residential projects shall be assessed parkland fees and pay parkland fees of this section prior to the issuance of a building permit.

PARK. Includes a variety of parks, trails, open spaces, natural preserves, gathering spaces, and recreational opportunities and facilities that are open and accessible to the general public and are located within a convenient distance of the residences to be served thereby.

RESIDENTIAL USES. Includes single family and multi-unit dwellings.

SINGLE-FAMILY DWELLING. Any building or portion of a building constructed for use by or occupied exclusively by one (1) family with culinary and sanitary conveniences provided for their use. Any one proposed lot containing only one proposed dwelling unit shall be assessed parkland fees and pay parkland fees of this section prior to filing an associated plat for record.

Requirements

This section applies to a developer who subdivides or develops land for residential uses located within the city or within its extra-territorial jurisdiction:

(a) General

- (1) The City Manager or their designee shall administer this section with certain review, recommendation, and approval authorities being assigned to the Planning and Zoning Commission, the Park Board, and various city departments as specified herein. Unless provided otherwise herein, action by the city shall be by the City Council after consideration by the Park Board. Any proposal considered by the Planning and Zoning Commission under this section shall have been reviewed by the Park Board and its recommendation given to the Commission.
- (2) Generally, the developer of property with residential uses must address the following requirements pursuant to this section: dedication of land for park use or payment of a fee-in-lieu thereof and payment of a park development fee for parks or construction of the park improvements to which such fee relates. Requirements herein are based on actual or approved dwelling units for an entire development or project. Increases or decreases in final dwelling unit count may require an adjustment in fees paid or land dedicated. If the actual

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number of dwelling units exceeds the original estimate, additional parkland and additional park development fees may be required in accordance with the requirements in this section.

- (b) Parks and Recreation Master Plan. The Parks and Recreation Master Plan, as may be amended by Council, is the park planning basis for this section. The City of Lavon shall consider the need to regularly update the Parks and Recreation Master Plan to ensure that the plan remains current and provides an equitable, effective framework from which to pursue the acquisition and development of public parks throughout the city.
- (c) Fee calculations and updates.
 - (1) The schedule of fees and required land dedications, along with the associated methodology and level of service standard, are attached to Ordinance _____ as Appendix _____ and are incorporated and made a part of this section for all purposes by reference.
 - (2) A quantifiable and reasonable methodology was established to base the parkland dedication requirements, fees-in-lieu of dedication, and parkland development fees contained herein on data and levels of service relevant to Lavon that are based on density as well as best practices. The park development fee is calculated utilizing empirical details of how much the average neighborhood park costs in the city based on the community feedback gathered in the Parks and Recreation Master Plan and its associated analysis. The methodology and fees shall be reviewed annually and updated on a regular basis when warranted and updated in appendices contained in Ordinance _____.
 - (3) The City Manager, or their designee, shall submit, as directed by the Park Board or the City Council, a fee derived from a parkland dedication requirement per person. The parkland dedication requirement per person will be calculated from the variables and formula(s) reflected in Appendix _____ to Ordinance _____. The City Manager, or their designee shall submit, as directed by the Park Board or the City Council, a fee derived from a land cost per person. The land cost per person will be calculated from the variables and formula(s) reflected in Appendix _____ to Ordinance _____. The City Manager, or their designee shall submit, as directed by the Park Board or the City Council, a fee derived from a park development cost per person. The park development cost per person will be calculated from the variables and formula(s) reflected in Appendix _____ to Ordinance _____. The updated fees and dedication will be presented for adoption by Council with the city's fee schedule.
- (d) Land dedication.
 - (1) The amount of land to be dedicated for parkland purposes shall be as set forth in Appendix _____ to Ordinance _____. The required dedication may be met by payment of cash in lieu of land when permitted or required by other provisions of this section. The total amount of land dedicated for a development or project shall be dedicated to the city in fee simple:
 - (A) The amount of land to be dedicated for parkland purposes shall be an exact formula calculation using the Land Dedication values listed in Appendix _____ to Ordinance _____.
 - (B) Prior to the issuance of any building permits for multi-dwelling development on an associated plat or via separate instrument;
 - (C) Concurrently with the final plat for a single phase single-family dwelling development, clearly labeled and dedicated as city parkland;

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- (D) For a multi-phased single-family dwelling development, the entire park(s) shall be either platted concurrently with the plat of the first phase of the development, clearly labeled and dedicated as city parkland; or
- (E) The developer may provide the city with financial security against the future dedication by providing a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit in the amount equal to the number of acres parkland required and in a form acceptable to the city. The amount of the financial guarantee shall be the amount of fee-in-lieu of land dedication as set forth in Appendix ____ to Ordinance _____. The financial guarantee will be released to the developer, without interest, upon the filing of the final plat for the phase that dedicates the required parkland.
- (2) The obligation of an applicant/developer to dedicate parkland or make payments or improvements in lieu thereof shall be in addition to and independent of the requirements of the applicant/developer to provide open space in accordance with a Planned Development (PD) zoning application. If the open space in the proposed Planned Development (PD) exceeds two acres and is dedicated and accepted by the city as public parkland, the required dedication or payment may be reduced in applicable proportion.
- (e) Fee-in-lieu of land. In lieu of dedicating parkland for parks, a developer may request to meet some or all of the parkland dedication requirements through payment of a fee-in-lieu thereof in the amounts set forth in Appendix ____ to Ordinance _____. Such fees shall be due prior to filing an associated plat for record for single-family dwelling uses and prior to the issuance of a building permit for multi-unit dwelling uses.
- (f) City approval. The Council shall have the final authority in determining how much, if any, land or fee may be accepted in lieu of required land dedication. The Council may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Appendix ____ to Ordinance _____. Likewise, the Council may, from time to time, require that land be dedicated in amounts as set forth in Appendix ____ to Ordinance _____, and that no fee-in-lieu of land will be accepted.
- (g) Approval process for parkland dedication.
- (1) Land dedications equaling or exceeding two acres, and dedications of floodplains and greenways.
- (A) For any proposed required parkland dedication equaling or exceeding two acres of land or equaling or exceeding payment of a fee-in-lieu thereof, or for any proposed land dedication containing floodplain or greenway, the developer must:
1. Obtain a recommendation from the Park Board; and
 2. Obtain approval from the Council.
- (B) Should a proposed dedication go before the Planning and Zoning Commission as part of a required project approval, the Planning and Zoning Commission shall consider the recommendation from the Park Board and both recommendations shall be forwarded to the City Council for consideration.
- (2) Criteria for consideration.

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(A) For any proposed required parkland dedication equaling or exceeding two acres of land or equaling or exceeding payment of a fee-in-lieu thereof or for any proposed land dedication containing floodplain or greenway, the Park Board and City Council shall utilize the following criteria for considering approval of the proposed parkland dedication:

1. The proposed plat shall clearly identify the proposed public parkland to be dedicated;
2. The proposed dedication or fee shall provide a sufficient amount of parkland in the area of the proposed development for required parkland dedication;
3. Where the proposed dedication is insufficient for a park site under existing park design standards, some or all of the dedication requirements may be in the form of a fee in amounts as set forth in Appendix ____ to Ordinance _____;
4. Determination of acceptability of a proposed parkland dedication is based upon the Parks and Recreation Master Plan, as may be amended from time to time and the criteria contained herein;
5. The proposed development of the park is at a minimum consistent with the Lavon's level of service for neighborhood parks as set forth in Appendix ____ to Ordinance _____, and in the Parks and Recreation Master Plan, as may be amended from time to time.
6. Land is usable and compatible with the Comprehensive Plan, the Parks and Recreation Master Plan, and other approved public plans.
7. There is a level of service need in the immediate vicinity of the proposed park area.
8. There is no nearby existing park that would be served with the funds better or more by expansion or improvement.
9. Public access considerations.

(3) Exemptions. Development and maintenance of a park less than two acres in size for public park purposes is impractical and does not allow for appropriate improvements consistent with necessary level of service. Therefore, the following exemptions shall apply:

(A) If fewer than two acres-worth of dwelling units as specified in Appendix ____ to Ordinance _____, under land dedication are proposed by a plat for single-family dwelling or a building permit for multi-unit dwelling, the developer shall pay the applicable cash in lieu of land dedication. An exception may be considered if the dedication is voluntarily greater than two acres will increase the size of an existing park adjacent to the proposed parkland dedication, will provide a beneficial trail connection or right-of-way, or will provide a synergistic benefit not otherwise listed, at the discretion of the City Council.

(B) If fewer than four residential lots are proposed by a plat for single-family dwellings.

(h) Park development fee. In addition to the land dedication requirements for parks, there is a park development fee established herein sufficient to develop parks in ways that meet the city's level of service as determined in the Parks and Recreation Master Plan.

(1) The park development fee assessed to a developer, subject to this section, is as shown in Appendix ____ to Ordinance _____. The process for the approval and collection of park development fees shall be the same as for the parkland dedication requirements to which

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the development relates, and shall be processed simultaneously with the parkland dedication requirements.

- (2) The City shall have the final authority in determining how much, if any, land or fee may be accepted in lieu of required park development. The city may, from time to time, require that a fee be submitted in lieu of park development in amounts as set forth in Appendix ____ to Ordinance _____. Likewise, the city may, from time to time, require that parks be developed to a level of service as reflected in Appendix ____ to Ordinance _____, except and that no fee-in-lieu of park development will be accepted.
- (i) Construction of park improvements in lieu of park development fee. A developer may elect to construct required park improvements in lieu of paying the associated park development fee as set forth herein. In such event:
 - (1) A park site plan, developed in cooperation with the city staff, must be reviewed and approved by the Park Board and City Council upon submission of final plat for single family residential uses or upon application for a building permit for multi-family residential uses, whichever is applicable;
 - (2) Detailed plans and specifications for park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for final plats and for building permit issuance, whichever is applicable;
 - (3) All plans and specifications shall meet or exceed the city's level of service standards and/or scale-specific intent as specified in the Parks and Recreation Master Plan and in Appendix ____ to Ordinance _____, as may be amended from time to time, and the criteria contained herein, in effect at the time of the submission;
 - (4) Upon the proposed development of a park, lighting and restrooms may be considered based on locational criteria and other related factors;
 - (5) If the improvements are constructed on land that has already been dedicated to and/or is owned by the city, then the developer must post payment and performance bonds to guarantee the payment to subcontractors and suppliers and to guarantee the developer completes the work in accordance with the approved plans, specifications, ordinances, and other applicable laws;
 - (6) The construction of all improvements, including any required trails, must be completed in accordance with the requirements relating to the construction of public improvements for final plats and issuance of building permits, whichever is applicable. This includes guaranteeing performance in lieu of completing the park improvements prior to final plat approval. Notwithstanding any other applicable ordinances, park improvements should be completed within two years from the date of the approval;
 - (7) Park development will be considered complete and a certificate of completion will be issued after the following requirements are met:
 - A. Improvements have been constructed in accordance with the approved plans;
 - B. All parkland upon which the improvements have been constructed has been dedicated as required under this section; and

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- C. All warranties as specified herein have been provided for any equipment installed in the park as part of these improvements;
- (8) Upon issuance of a certificate of completion, the developer warrants the improvements for a period of two years; and
- (9) The developer shall be liable for any costs required to complete park development if:
 - A. Developer fails to complete the improvements in accordance with the approved plans;
 - B. Developer fails to complete the improvements within the required time frame; and/or
 - C. Developer fails to complete any warranty work.
- (j) Standards for private parkland.
 - (1) A developer may submit an application to satisfy up to 100% of the parkland dedication and development required for a development or project by providing a Public Access and Recreational Easement rather than deeding the land to the city in fee simple.
 - (2) In order to earn credit for private parkland, the park shall:
 - A. Provide signage visible from a right-of-way frontage to be reviewed and approved through the application and consideration process, and the sign shall state that the area, including any recreational amenities, is open and available for public use, the park hours and City contact information, and it must be posted at the park entrance or in a location visible to the public;
 - B. Provide language in the Public Access and Recreational easement document or associated plat that specifies maintenance, capital replacement, the right of the City to conduct safety inspections, future construction rights, penalties and arrangements for lack of compliance, and language that specifies that re-payment of the credits will be required via alternate land or compensation for release of the easement; and
 - C. Provide design and features consistent with the guidelines and requirements contained herein.
 - (3) The required dedication and development shall be calculated per the requirements in Appendix ____ to Ordinance _____, and then the proposal shall be evaluated to determine the amount of parkland dedication and/or development credit to be given using the following factors:
 - A. The presence of active recreational amenities including, but not limited to, playscapes, seating areas, sport courts, table game recreation, climbing, shade, or exercise structures, or trails;
 - B. The ability of the public to access and use the land for recreation purposes in perpetuity;
 - C. The presence of group gathering spaces, such as open lawns, seating, picnic areas, plazas, or pavilions;
 - D. Landscaping that enhances the city and the park by providing shade, educational opportunities, trees, and/or wildlife habitat; and
 - E. The ability of the city to provide programming in the space.

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- (4) If park development fees are credited, recreational amenities and other improvements must be constructed onsite and approved by the city during site plan or subdivision review at a specific time concurrent or prior to residential uses, as stipulated in the associated development agreement. Amenities must be shown on the site plan and/or construction plan as determined by the city.
- (5) A developer must post cash escrow or an irrevocable line of credit in a form approved by the City for amenities included on private parkland during site plan or subdivision review.
- (6) If credited acreage does not satisfy the entire parkland requirement, the city will calculate the remaining fee using the same requirements in Appendix ____ to Ordinance _____, proportionally assessed.
- (k) Submitting fee. Any fees required to be paid pursuant to this section shall be remitted:
 - (1) Prior to the issuance of any building permits for multi-unit dwelling or development; or
 - (2) Prior to filing an associated plat for record for single-family dwelling or development.
- (l) Use of fees.
 - (1) Fees may be used only for the purchase, acquisition, development, and/or improvement of park facilities in the city. Potential parkland in under-served areas within one mile of developments that have paid parkland dedication fees, which have not yet been refunded, shall be a top consideration (but not the only consideration) when evaluating potential land for purchase or acquisition for future parks.
 - (2) Unimproved parkland or parks in need of additional improvements within one mile of developments that have paid park development fees that have not yet been refunded, will be a top consideration (but not the only consideration) when evaluating parks for potential development and/or improvements. Parks may be purchased, acquired, developed, or improved with parkland fees in any portion of the city due to its small size since any existing or future resident in the city is and will be within a convenient distance to any existing or future park in the city.
- (m) Reimbursement for City-acquired parkland. The city may from time to time acquire and/or develop land for parks in or near an area of actual or potential development. If the City does acquire and/or develop parkland in a particular area near a development or subdivision that should come forward for consideration, the city may require subsequent dedications to be in fee-in-lieu-of land and parkland development fees instead of dedication and development. This will be to reimburse the city for the cost(s) of acquisition and/or development.

Prior Dedication or Absence of Prior Dedication

- (a) Depending on the circumstances, additional proportionate dedication may be required for the increase in dwelling units from what was originally proposed and may be either land dedication or money in lieu of land or development, at the discretion of the City Council. At the discretion of the City Council, any former gift of land or cash to the city may be credited toward eventual land dedication or development requirements imposed on the developer.

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- (b) The City Council shall consider recommendations of the Park Board in exercising its discretion under this section.

Planning Considerations

The City's approved plans, including the Comprehensive Plan and the Parks and Recreation Master Plan, are intended to provide the Park Board with a guide upon which to base its recommendations and for the City to take action. Because of the need to consider specific characteristics in the site selection process, the park locations and sizes indicated in the plans are general. The actual locations, sizes, and number of parks will be determined when development occurs or when sites are acquired by the city, including by donations.

Special Fund; Right to Refund

- (a) All parkland dedication fees will be deposited in a fund specifically dedicated to the purchase and/or acquisition of parks in Lavon. All park development fees will be deposited in a fund specifically dedicated to the improvement and/or development of parks in the City.
- (b) The City shall account for all fees in lieu of land dedication and all park development fees paid under this section with reference to the individual plat(s) involved. Any fees paid for such purposes must be encumbered or expended by the City within ten years from the date received by the City for purchase, acquisition, development, and/or improvement of a park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis.
- (c) The developer of the property on the last day of the ten-year period shall be entitled to a pro rata refund that includes the original contribution, computed on a per dwelling unit basis, if the fees are not encumbered by contract or purchase order, expended, or if the property under which fees were paid has not received benefit from a park acquired or developed within the city with the fees paid. The property owner of the property must request the refund in writing, within one year of entitlement, or the right shall be deemed permanently waived. Any interest earned with these funds shall remain in these funds and be used for the fund's intent.

Parkland Guidelines and Requirements

Parks should be easy to access and open to public view so as to benefit area development, enhance the visual character of the city, protect public safety, and minimize conflict with adjacent land uses. The following guidelines and requirements shall be used in designing and accepting parks and adjacent development.

- (a) Any land dedicated to the city under this section must be suitable for park and recreation uses. The dedication shall be free and clear of any and all liens and encumbrances that interfere with its use for park purposes. The City Manager, or their designee, shall determine whether any encumbrances interfere with park use. Minerals may be reserved from the conveyance provided that there is a complete waiver of the surface use by all mineral owners and lessees. A current title report must be provided with the land dedication. The developer shall pay all taxes or assessments owed on the property up to the date of acceptance of the dedication by the City. A

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tax certificate from the Collin County Tax Assessor, whichever is applicable, shall be submitted with the dedication or plat.

- (b) Land in floodplains or designated greenways is not preferred but can be considered on a 50% per acre basis, at the discretion of the City Council (for example, four acres of floodplain or greenway will be equal to two acres of potential parkland). The following factors shall be considered for potential parkland in the floodplain or in designated greenways:
 - (1) Sites should not be severely sloping or have unusual topography that would render the land unusable for recreational activities or for improvements. At least 50% of a parkland site shall be less than 10% grade, well drained, and suitable for active play, unless the intent of the dedication is to provide a beneficial connection or to preserve an environmental, natural, or cultural resource/asset;
 - (2) Placement of recreational or parkland support amenities, including paths or access for maintenance purposes, can be placed in the area in compliance with applicable watershed requirements;
 - (3) It is preferred that the floodplain area provide suitable passive recreation, scenic views, wildlife habitat protection, water quality protection, tree protection, and/or trail connectivity to the more intensive uses in non-floodplain areas;
 - (4) Park sites shall have access to water and sewer lines prior to or upon dedication. Site plans and subdivision applications must demonstrate sufficient water and wastewater capacity to serve the park;
 - (5) Park sites should be located adjacent to greenways and/or schools, where available, in order to encourage shared facilities and joint development of new sites;
 - (6) Park sites should be adjacent to residential areas in a manner that serves the greatest number of users and should be located to minimize users having to cross arterial roadways to access them;
 - (7) Where appropriate, sites with existing trees or other scenic elements or natural assets are preferred;
 - (8) Detention/retention areas shall not be utilized to meet dedication requirements unless they are designed in an innovative manner so as to provide for suitable recreational purposes, but they may be accepted in addition to the required dedication. If accepted as part of the park, the detention/retention area design must meet the standards as specified in all codes and regulations.
 - (9) Where park sites are adjacent to greenways, schools, or existing or proposed subdivisions, access ways may be required to facilitate public access to provide public access to parks;
 - (10) It is preferred that a minimum 50% of the perimeter of a park should abut a public street. Parks shall have at least a portion of the property adjacent to a public street or shall have associated public access easements and improvements to allow for ready access. Public view of the park from a public street is desirable to facilitate community connections and provide for crime prevention through environmental design;
 - (11) Community-scale parks should be accessible from major arterial streets so as to be accessible by large numbers of people;

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- (12) Areas for potential parkland that are encumbered by overhead utility lines or easements of any type which would limit the opportunity for recreational and park development are not preferred;
- (13) All rubbish, trash, junk, and other offensive materials shall be removed from all dedicated lands and the property returned to its natural condition except as to approved construction and improvement thereon; and
- (14) For dedications of more than two acres of land and upon the request of the City Manager, or their designee, a developer-funded environmental or engineering study, audit, or assessment may be required in some cases demonstrating that the property is in a condition that would allow the city to utilize the property for public park purposes without expenditures to remove or mitigate environmental or hazardous materials or conditions; suitable and safe for use as a public park; and free from environmental or engineering-related problems.

Warranty Required

- (a) All materials and equipment provided to the City shall be new unless otherwise approved in advance by the City Manager, or their designee, and all work will be of good quality, free from faults and defects, and in conformance with the designs, plans, specifications, drawings, and recognized industry standards. This warranty, any other warranties express or implied, and any other consumer rights, shall inure to the benefit of the City only and are not made for the benefit of any party other than the city.
- (b) All work by the developer not conforming to these requirements, including, but not limited to, unapproved substitutions, may be considered defective.
- (c) This warranty is in addition to any rights or warranties expressed or implied by law.
- (d) Where more than a two-year warranty is specified in the applicable plans, specifications, or submittals for individual products, work, or materials, the longer warranty shall govern.
- (e) This warranty obligation may be covered by any maintenance bond tendered in compliance with this section.
- (f) If any of the work performed by the developer is found or determined to be either defective, including obvious defects, or otherwise not in accordance with this section, the designs, plans, drawings, or specifications, within two years after the date of the issuance of a certificate of final completion of the work, or a designated portion thereof, whichever is longer, within two years after acceptance by the City of designated equipment, or within such longer period of time as may be prescribed by law or by the terms of any applicable special warranty required by this section, developer shall promptly correct the defective work at no cost to the City.
- (g) The failure, including cracking or other indication of failure, of an improvement shall be deemed conclusive that the workmanship or product is defective.
- (h) During the applicable warranty period and after receipt of written notice from the City to begin corrective work, developer shall promptly begin the corrective work. The obligation to correct any defective work shall be enforceable under this code. The guarantee to correct the defective work shall not constitute the exclusive remedy of the City, nor shall other remedies be limited to the terms of either the warranty or the guarantee.

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- (i) If within 20 calendar days after the City has notified the developer of a defect, failure, or abnormality in the work, the developer has not started to make, and continuously worked to complete, the necessary corrections or adjustments, the City is hereby authorized to make the corrections or adjustments, or to order the work to be done by a third party. The cost of the work shall be paid by the developer.
- (j) The cost of all materials, parts, labor, transportation, supervision, special instruments, and supplies required for the replacement or repair of parts and for correction of defects, shall be paid by the developer, its contractors, subcontractors, or by the surety.
- (k) The guarantee shall be extended to cover all repairs and replacements furnished, and the term of the guarantee for each repair or replacement shall be two years after the installation or completion. The two-year warranty shall cover all work, equipment, and materials that are part of the improvements made under this section.

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Parkland Dedication and Park Development Fees:

A. Dedication Requirements for Parks.

1. Land Dedication.

One (1) acre per 43.8 Dwelling Units

2. Fee-In-Lieu of Land Dedication.

\$8,244.18 per Dwelling Unit

3. Park Development Fee.

\$1,092.42 per Dwelling Unit

4. Total Park Fees.

\$9,336.60 per Dwelling Unit

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Parkland Dedication and Park Development Methodology:

Variable	Calculation Factor	Description
Parkland Dedication Inputs		
Existing City Population	7,198	2023 City population estimate (NCTCOG)
Existing City Park Acres	52 ¹	Acres of dedicated, City-owned parkland
Parkland Level of Service	138 people per 1 acre	Existing City population / existing City park acres
City Persons per Household	3.15	2023 City population estimate (NCTCOG)
Fee-in-Lieu of Land Inputs		
Existing City Population	7,198	2023 City population estimate (NCTCOG)
Existing City Park Acres	52 ¹	Acres of dedicated, City-owned parkland
Parkland Level of Service	138 people per 1 acre	Existing City population / existing City Park acres
Existing City Market Value – Collin County	\$982,394,776	2023 Lavon Certified Market Value per Collin County Central Appraisal District
Existing City Acres	2720	City of Lavon land area, excluding ETJ (City of Lavon GIS)
Parkland Cost Factor	\$361,174.55 per 1 acre	Certified City market value / existing city acres
City Persons per Household	3.15	2023 City population estimate (NCTCOG)
Park Development Fee Inputs		
Existing City Population	7,198	2023 City population estimate (NCTCOG)
Number of Developed City Parks	3 ¹	Count of all City-owned, developed parks
Facilities Level of Service	2,399 people per developed City park	Population/ number of developed City parks
Park Development Cost Factor	\$831,984.24	Cost estimate of developing one Neighborhood Park to desired level of service
City Persons per Household	3.15	2023 City population estimate (NCTCOG)

Methodology and fees continued on next page.

¹ City Park, Bear Creek West Park, Bear Creek East Park

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A. Parkland Dedication Formula:

Parkland Level of Service/ City Persons per Household = Parkland Dedication Requirement per Person

$138 / 3.15 = \text{one acre per } 43.8 \text{ dwelling units}$

B. Fee In-lieu of Land Formula:

STEP 1. Parkland Cost Factor/ Parkland Level of Service = Land Cost per Person

$\$361,174.55 \text{ per acre} / 138 \text{ people per acre} = \$2,617.20 \text{ per person}$

STEP 2. City Persons per Household X Land Cost per Person = Fee In-Lieu of Land

$3.15 \text{ PPH} \times \$2,617.20 \text{ per person} = \$8,244.18 \text{ per unit}$

C. Park Development Fee Formula:

STEP 1: Parkland Development Cost Factor/ Facilities Level of Service = Park Development Cost Per Person

$\$831,984.24 \text{ neighborhood park cost} / 2,399 \text{ people per developed park} = \$346.80 \text{ per person}$

STEP 2: City Persons per Household X Park Development Cost Per Person = Parkland Development Fee by Density

$3.15 \text{ PPH} \times \$346.80 \text{ per person} = \$1,092.42 \text{ per unit}$

D. Total Parkland Fee per Unit:

Fee In-Lieu of Land by Density + Parkland Development Fee by Density = Total Parkland Fee per Unit

$\$8,244.18 + \$1,092.42 = \$9,336.60 \text{ per unit}$

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Parkland Development: Neighborhood Park Level of Service Estimate:

Items Present	Quantity	Size	Price	Total
Sod	62,740	SF	\$ 0.75	\$ 47,055.00
Concrete Parking Lot and Slab	11,328	SF	\$ 12.00	\$ 135,936.00
Loose Gravel	15,000	SF	\$ 2.50	\$ 37,500.00
Mulch	850	SF	\$ 2.25	\$ 1,912.50
Concrete Walking/Biking Path	6,355	SF	\$ 7.50	\$ 47,662.50
Playscape	1	Each	\$ 50,000.00	\$ 50,000.00
8-Foot Straight Balance Beam	1	Each	\$ 750.00	\$ 750.00
2-Swing Youth Swing Set	1	Each	\$ 1,750.00	\$ 1,750.00
2-Swing Infant Swing Set	1	Each	\$ 2,250.00	\$ 2,250.00
12-Foot Entrance Height Square Fabric Shade	1	Each	\$ 6,000.00	\$ 6,000.00
Double-Sided Safety and Welcome Sign	1	Each	\$ 1,000.00	\$ 1,000.00
Handicap Accessible Ramp	1	Each	\$ 3,800.00	\$ 3,800.00
Playscape Surfacing - Engineered Wood Fiber Mulch - 12" Depth	3,900	SF	\$ 3.00	\$ 11,700.00
Playscape Plastic Border Timber	245	LF	\$ 10.00	\$ 2,450.00
Dog Waste Receptical	1	Each	\$ 550.00	\$ 550.00
Metal Pavilion Shade Structure	1	Each	\$ 75,000.00	\$ 75,000.00
Picnic Table (8' Length)	6	Each	\$ 2,500.00	\$ 15,000.00
Grill	2	Each	\$ 600.00	\$ 1,200.00
Ornamental Fence (5' Height)	480	LF	\$ 50.00	\$ 24,000.00
Handicap Parking Signs	3	Each	\$ 150.00	\$ 450.00
Park Entrance Monument Sign	1	Each	\$ 15,000.00	\$ 15,000.00
Drain Lines Under Playscape	100	LF	\$ 20.00	\$ 2,000.00
Design Fees	1	Each	\$ 61,175.31	\$ 61,175.31
Items Assumed	Quantity	Size	Price	Total
2-Room Restroom Facility	1	Each	\$ 75,000.00	\$ 75,000.00
Items Considered	Quantity	Size	Price	Total
Dual Height Water Fountain	1	Each	\$ 7,500.00	\$ 7,500.00
Water Meter	1	Each	\$ 3,000.00	\$ 3,000.00
Electric Meter	1	Each	\$ 2,000.00	\$ 2,000.00
Single Hump Bike Rack for 3 Bikes	2	Each	\$ 1,200.00	\$ 2,400.00
Area Lights (12' Height)	10	Each	\$ 4,000.00	\$ 40,000.00
Irrigation	63,590	SF	\$ 1.20	\$ 76,308.00
Handicap Accessible Swing	2	Each	\$ 3,000.00	\$ 6,000.00
Subtotal				\$ 756,349.31
10% Contingency				\$ 75,634.93
Total				\$ 831,984.24



CITY OF LAVON

Agenda Brief

MEETING: March 5, 2024

ITEM: 6 - E

Item:

Discussion and action regarding Resolution No. **2024-03-02** approving and authorizing the execution of Task Order No. 14 with Freeman-Millican, Inc. for professional engineering services associated with the preparation of a Texas Pollutant Discharge Elimination System (TPDES) Permit Application to the Texas Commission on Environmental Quality (TCEQ) for the Lavon Wastewater Treatment Plant No. 3 project in an amount not to exceed \$27,790.00.

Background:

Task Order No. 14 is submitted pursuant to the June 5, 2018 Professional Services Agreement with Freeman-Millican, Inc. and as described in the Capital Improvements Plan (CIP). The Task Order includes professional engineering services associated with the preparation of a Texas Pollutant Discharge Elimination System (TPDES) Permit Application to the Texas Commission on Environmental Quality (TCEQ) for the Lavon Wastewater Treatment Plant No. 3.

With the current and projected pace of growth and the Texas Commission on Environmental Quality timeline to process permits, the project is timely and necessary.

Wastewater Treatment Plant No. 3 will serve the western side of the City.

Financial Implications:

The proposed fees for the services will not exceed the estimated total of \$27,790.00 unless further approved by the City Council. The impact to the current fiscal year is provided for in the Sewer Tap Fund annual budget. The funding in the budget is comprised of proceeds from the Series 2020 Combination Tax and Limited Surplus Revenue Certificates of Obligation and sewer tap fees.

Staff Notes:

Approval is recommended.

Attachments: Proposed Task Order No. 14

CITY OF LAVON, TEXAS
RESOLUTION NO. 2024-03-02

Task Order # 14 – Freeman-Millican Inc.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE EXECUTION OF TASK ORDER NO. 14 WITH FREEMAN-MILLICAN, INC. FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE PREPARATION OF A TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES) PERMIT APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FOR THE LAVON WASTEWATER TREATMENT PLANT NO. 3 PROJECT IN AN AMOUNT NOT TO EXCEED \$27,790.00.

WHEREAS, in June 2018, the City of Lavon and Freeman – Millican, Inc. entered into a Professional Services Agreement (PSA) for professional engineering services. The PSA provides for Task Orders to be issued for specialized engineering and design services; and

WHEREAS, construction of a wastewater treatment plant is necessary to provide sanitary sewer service in the western area of the City and preparing and securing a TPDES Permit is a critical preliminary step in that process; and

WHEREAS, the City Council of the City of Lavon, Texas (“City Council”) has determined that approving Task Order # 14 between the City of Lavon, Texas and Freeman Millican Inc. (the “Agreement”) is appropriate and in the best interest of the citizens of the City.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, THAT:

SECTION 1. The findings set forth in the recitals of this Resolution are found to be true and correct.

SECTION 2. The City Council hereby approves and authorizes the execution of Task Order #14, attached hereto and incorporated herein as **Exhibit “A”**.

SECTION 3. This Resolution shall be effective from and after its date of approval in accordance with the law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON this 5th day of March 2024.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

RESOLUTION NO. 2024-03-02

EXHIBIT “A”

TASK ORDER No. 14

TASK ORDER No. 14

This Task Order is made part of and governed by the terms and provisions of the Agreement between Owner and Engineer for Professional Services, dated June 5, 2018 ("Agreement"), by and between the City of Lavon ("OWNER") and Freeman-Millican, Inc. ("ENGINEER"). All capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Agreement.

PROJECT: TPDES PERMIT APPLICATION

This project consists of preparation of a TPDES discharge permit application for a new wastewater treatment plant (WWTP) to serve the western side of the City, generally within the Bluff Creek drainage basin area. It is anticipated that the permit will be for a facility with an average flow greater than 1.0 MGD, which will be classified as a major facility by the TCEQ.

Based upon other permits on Bluff Creek, it is anticipated that the water quality for the effluent will be 5 mg/l CBOD₅, 12 mg/l TSS, and 1.4 mg/l NH₃-N. Sludge will be disposed of via landfill.

SCOPE OF SERVICES:

I. BASIC SERVICES

1. Permit Coordination
 - A. Coordinate with the area Developer to obtain plant site, flow requirements, property data, etc. for use in the permit application.
 - B. Coordinate with NTMWD during permit application preparation.
 - C. Prepare a TPDES Permit Application and submit to the TCEQ for review. This will include attachments, forms, etc. that are required.
2. TPDES Permit Application Preparation - New Applications generally consist of:
 - A. Administrative Report 1.0
 - a) Public Involvement Form
 - b) USGS Topographic Map Exhibit
 - c) Plain Language Summary (English and Spanish)
 - B. Administrative Report 1.1
 - a) Landowner Map
 - b) Buffer Zone Map
 - c) Site Photographs
 - C. Supplemental Permit Information Form (SPIF)
 - a) USGS Topographic Map
 - D. Domestic Technical Report 1.0
 - a) Treatment Process
 - b) Treatment Units description
 - c) Process flow diagram
 - d) Site Drawing

- E. Domestic Technical Report 1.1
 - a) Design Calculations
 - b) Solids Management Plan
 - F. Domestic Worksheet 2.0 (Receiving Waters)
 - G. Domestic Worksheet 2.1 (Stream Physical Characteristics)
 - a) Physical Assessment & Observation
 - H. Domestic Worksheet 6.0 (Industrial Waste Contribution)
3. Provide Owner a complete copy of the permit application for review and for locating in public location for public review as required by TCEQ.
 4. Submit permit application to TCEQ for approval.
 5. Provide supplemental information requested by TCEQ, as applicable.
 6. Assist Owner in preparing notices for publication. **Publication in local newspapers, in both English and Spanish, shall be the responsibility of the Client.** There will be two (2) required publications.
 7. Review Draft Permit and make recommendation to the Owner for modifications and/or acceptance.

II. **COMPENSATION**

1. Compensation for Basic Engineering Services shall be a lump sum as follows:

<i>Task</i>	<i>Fee</i>	<i>Terms</i>
<i>TPDES Permit Application (New)</i>	<i>\$ 23,510.00</i>	<i>Due upon submission to TCEQ</i>
	<i>\$ 1,780.00</i>	<i>Due upon receipt of Draft Permit</i>
<i>Additional Services</i>	<i>\$ 2,500.00</i>	<i>Amount Not to Exceed without written authorization</i>

Lump sum fee includes expenses related to employee travel and mileage, reprographics, courier expenses, business conferences, etc. directly related to the scope of services provided.

1. Compensation for Additional Services (Exhibit "C") shall be as follows:

Additional services shall be reimbursed on a mutually agreeable lump sum or on an hourly basis. No additional services shall be performed without a written authorization to proceed by the Client.

Labor charges for Additional Services shall be billed at \$220 per hour.

Reimbursable expenses related to employee travel and mileage, airfare, car rental, hotel, reprographics, courier expenses, business conferences, etc. shall be reimbursed at cost plus ten percent (10%).

III. ADDITIONAL SERVICES

Any items requested not outlined in this Scope will be considered additional services and will be provided upon a written request as authorized by the Client.

FMI will be available to assist the Client with determining the justification for this permit renewal. This could include attendance at meetings, review of documents or other matters that could impact the permit renewal process. These services shall be provided at an hourly rate of \$220 plus expenses.

Meetings with TCEQ will be considered an additional service.

Any services required to address a protested permit application shall be considered Additional Services.

IV. CLARIFICATIONS AND ASSUMPTIONS

All items included in the Scope of Services herein are subject to the following conditions:

- A. This Scope of Work and Fee do not include any survey work.
- B. The facility will be considered a Major facility (flows >1.0 MGD)
- C. The facility will NOT include land disposal of effluent, subsurface irrigation or subsurface disposal.
- D. Site property owner and/or associated Developer to provide information on any floodplain mitigation necessary at the proposed site, if applicable.
- E. Site property owner and/or associated Developer to provide CADD file of proposed site, including delineation of adjacent streets, properties, floodplain, etc. for use in exhibit preparation.
- F. Scope of work does not include support for meetings, such as stakeholder meetings, workgroup meetings, citizen information meetings or public meetings.
- G. The Owner will pay the required application fee directly to the TCEQ. A copy of the check will be provided to FMI for inclusion in the permit application. The permit application fee is anticipated to be \$2,050.00.
- H. Testifying in hearings and providing information that may be requested by TCEQ and/or Owner for protested permits will be provided on an hourly basis as an Additional Service.
- I. Negotiations with adjacent or downstream owners, municipalities or other governmental entities will be performed by others.
- J. Publication in local newspapers, in both English and Spanish (if required), shall be the responsibility of the Owner. Two (2) separate publications are required.

V. APPROVAL/ACCEPTANCE

Acceptance of the terms of this Task Order is acknowledged by the following signatures of the authorized representatives of the parties to the Agreement. This Task Order consists of this document and any supplemental pages attached and referenced hereto.

ENGINEER: Freeman-Millican, Inc.

OWNER: City of Lavon

By:  By: _____

Name: **Mark D. Hill, P.E.**

Name: **Vicki Sanson**

Title: **Vice President**

Title: **Mayor**

Date: **28 FEB 24**

Date: _____