

CITY OF LAVON
ORDINANCE NO. 2022-10-02

Planned Development Zoning – Boyd Farm

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION FROM TEMPORARY AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON APPROXIMATELY 42.058 ACRES OF LAND, BEING PART OF THE W. A. S. BOHANNAN SURVEY, ABSTRACT NO. 121, BEING ALL OF A CALLED 40 ACRE TRACT OF LAND CONVEYED TO BETTY BOYD SKELTON BY DEED RECORDED IN VOLUME 4996, PAGE 5221 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, GENERALLY ON THE WEST SIDE OF SH 205 AND SOUTH OF GRAND HERITAGE WEST AT 10342 SH 205, LAVON, COLLIN COUNTY, TEXAS, BEING DEPICTED IN EXHIBIT “A” AND MORE PARTICULARLY DESCRIBED IN EXHIBIT “B”; AMENDING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY; PROVIDING SEVERABILITY, SAVINGS, AND CUMULATIVE/ REPEALER CLAUSES; PROVIDING AN EFFECTIVE DATE; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Lavon, Texas (hereinafter referred to as “City”) is a Type A General Law Municipality operating under the laws of the State of Texas; and

WHEREAS, the City Council of the City (the “City Council”), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

WHEREAS, the City Council adopted Chapter 9, Article 9.03 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the “Zoning Ordinance”); and

WHEREAS, owners of the Property hereinafter defined have submitted an application to change the zoning from Agricultural (A) to Planned Development (PD) District with base zoning of Retail (R), consisting of a special events venue on approximately 42.058 acres of land, being part of the W. A. S. Bohannon Survey, Abstract No. 121, being all of a called 40 acre tract of land conveyed to Betty Boyd Skelton by deed recorded in Volume 4996, Page 5221 of the Deed Records of Collin County, Texas generally located on the west side of SH 205 and south of Grand Heritage West at 10342 SH 205, Lavon, Collin County, Texas, as depicted in **Exhibit “A”** and more particularly described in **Exhibit “B”** (the “Property”); and

WHEREAS, owners of the Property operate an events venue on the property consisting of a venue with a bar and lounge that accommodates 500 guests, five cabins for rent, a concert venue with stage, three ponds, and additional structures that support the event venue operation; and

WHEREAS, this proposed zoning change is in accordance with the adopted comprehensive plan of the City; and

WHEREAS, the Zoning Ordinance incorporates design standards and building materials standards that are applicable to commercial structures, and such standards substantially further the preservation of property values and the promotion of economic development within the City, establish the character of community development, and embody architecturally and, in some contexts, culturally significant features of continuing duration; and

WHEREAS, the Zoning Ordinance also provides for planned development districts, which enable departures from traditional zoning district standards in recognition of the unique character of a project; and

WHEREAS, the City's policy in creating or amending a planned development district is to incorporate and enhance to the fullest extent feasible the design and building materials standards that are integral to the City's zoning regulations in all planned development districts; and

WHEREAS, the City Council finds and determines that the incorporation of such standards lends long-term viability to the planned development project; and

WHEREAS, the owner and/or developer of the Property has consented in writing to the enforcement of the City's design and building materials standards within the planned development district and waived the statutory provisions in Chapter 3000, Texas Government Code; and

WHEREAS, the Planning and Zoning Commission of the City and the City Council, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council is of the opinion and finds that said changes would provide for and would be in the best interest of the health, safety, morals and general welfare and should be granted and that the Zoning Ordinance and official zoning map of the City (the "**Zoning Map**") should be amended.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lavon, Texas, as follows:

SECTION 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Definitions. Definitions shall be those contained in the Zoning Ordinance, Division 3. "Definitions", as amended, unless specifically defined herein.

SECTION 3. Zoning Amendment. The Zoning Ordinance is hereby amended to change the zoning of the Property to Planned Development – Retail (PD-R), subject to all applicable City ordinances, specifically including the regulations applicable to Retail (R) zoning district, except as may be modified by this Ordinance, including regulations provided in the following exhibits, attached hereto and incorporated herein:

Exhibit "C"	Concept Plan
Exhibit "D"	Land Use Standards
Exhibit "E"	Entry Monumentation Concept

SECTION 4. Zoning Map. The Zoning Map is hereby amended to reflect the established zoning classification designation made herein.

SECTION 5. Compliance Required. The Property shall be used only in the manner and for the purposes provided for in this Ordinance and the Comprehensive Zoning Ordinance of the City, as amended.

SECTION 6. Severability Clause. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

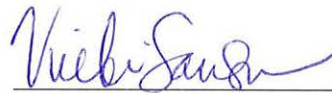
SECTION 7. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues.

SECTION 9. Open 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, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041 of the Texas Government Code.

SECTION 10. Publication and Effective Date. That this Ordinance shall be in full force and effect on December 6, 2022 and immediately upon its publication as required by law.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on this 18th day of October 2022.

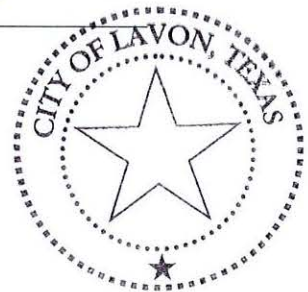


Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary



121

Community ISD

PRIVATE ROAD 5532

Property ID: 2657300

Legal: ABS A0121 W A S BOHANNAN SURVEY, SHEET 3, TRACT 21, 42.058 ACRES

Owner: 3002 HOP LTD

Situs: 10342 STATE HWY 205 LAVON, TX 75166

[Zoom to](#) [Property Details](#)

EXHIBIT B. LEGAL DESCRIPTION

SITUATED in the State of Texas and the County of Collin, being part of the W. A. S. Bohannon Survey, Abstract No. 121, being all of a called 40-acre tract of land conveyed to Betty Boyd Skelton by deed recorded in Volume 4996, Page 5221 of the Deed Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod capped "Roome" set for corner in the west right-of-way line of State Highway 205 (100-foot right-of-way) and marking the northeast corner of a tract of land described in a deed to Lola Albright and recorded in Volume 700, Page 110 of the Deed Records of Collin County, Texas, and the southeast corner of said 40-acre tract;

THENCE with the general line of a wire fence, the north line of said Albright tract and the south line of said 40 acre tract, South 89°28'29" West, 1564.77 feet to 1/2-inch iron pipe found for corner in the east line of a called 44.61 acre tract of land conveyed to the City of Dallas by deed recorded in Volume 698, Page 367 of the Deed Records of Collin County, Texas and marking the northwest corner of said Albright tract and the southwest corner of said 40-acre tract;

THENCE with the east line of said 44.61-acre tract and the west line of said 40-acre tract as follows:

North 34°01'59" East, 450.00 feet to a City of Dallas monument found for corner,

North 03°40'18" East, 434.58 feet to a City of Dallas monument found for corner,

North 04°08,07" West, 235.31 feet to a point for corner, and

North 25°00'30" West, 241.40 feet to a City of Dallas monument found for corner in the south line of a called 19.501-acre tract of land conveyed to S R Equipment Company, Ltd. by deed recorded in Document No. 201000610000588700 of the Deed Records of Collin County, Texas and marking the northeast corner of said 44.61-acre tract and the northwest corner of said 40-acre tract;

THENCE with the south line of said 19.501 acre tract and the north line of said 40 acre tract, South 88°46'35" East, 344.09 feet to a ½-inch capped iron rod found for corner in the west line of Grand Heritage - West C, an addition to the City of Lavon, Collin County, Texas, according to the plat thereof recorded in Volume 2008, Page 290 of the Plat Records of Collin

County, Texas and marking the southeast corner of said 19.501 acre tract and a northeast corner of said 40-acre tract;

THENCE with the west line of said Grand Heritage - West C and an east line of said 40-acre tract, South 00°28'03" West, 11.55 feet to a 1/2-inch iron rod capped "Roome" set for corner marking the southwest corner of said Grand Heritage - West C and an ell corner of said 40-acre tract;

THENCE with the south line of said Grand Heritage - West C, the south line of a called 2.94 acre tract conveyed to DPB Investments, LP by deed recorded in Document No. 20110606000576510 of the Deed Records of Collin County, Texas, the south line of a called 2.04 acre tract conveyed to World Land Developers, LP by deed recorded in Document No. 20071213001657580 of the Deed Records of Collin County, Texas and the north line of said 40 acre tract, South 88°17'02" East, 1320.94 feet to a 1/2-inch iron rod found for corner in the curving west right-of-way line of State Highway 205 and marking the southeast corner of said 2.04 acre tract and the northeast corner of said 40-acre tract;

THENCE southwesterly with said west right-of-way line, the east line of said 40-acre tract and with a curve to the right having a radius of 5679.58 feet, a central angle of 12°17'06", an arc length of 1217.79 feet and a chord bearing and distance of South 12°21'45" West, 1215.46 feet to the Point of Beginning and containing 42.058 acres of land, more or less.

LESS that certain property taken by condemnation conveyance to the State of Texas identified as that certain 65,859 square feet of land, more or less in W.A.S. Bohannon Survey, Abstract No. 121, Collin County, Texas, and being part of a called 42.058 acre tract of land conveyed by General Warranty Deed from Idena, LLC to 3002 HOP, Ltd., executed May 9, 2016, as recorded in Instrument No. 20160511000577640, Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said 65,859 square feet (1.5119 Acres) of land being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2-inch iron pipe (controlling monument) for the southwest corner of said 3002 HOP, Ltd. tract, being on the north line of a called 57-acre tract of land conveyed in a deed to Iola K. Albright, executed December 15, 1964, as recorded in Volume 700, Page 110, said Official Public Records (O.P.R.C.C.T.);

THENCE North 89 degrees 29 minutes 42 seconds East, along the south line of said 3002 HOP, Ltd. tract and the north line of said Iola K. Albright tract, a distance of 1,503.68 feet to a 5/8 inch iron rod with pink plastic cap stamped "TEXAS DEPARTMENT OF TRANSPORTATION ROW MONUMENT"* (hereafter referred to as a

set "TxDOT" monument) on the new west right of way line of State Highway 205 (a variable width right of way), and at the POINT OF BEGINNING, and being 75.00 feet left of Station 1210+20.07, and have a N.A.D. 83 (2011 Adjustment), Texas State Plane North Central Zone (4202) surface coordinate of Northing 7,058,577.42 and Easting 2,594,774.76, being the beginning of a curve to the left;

- 1) THENCE departing the south line of said 3002 HOP, Ltd. tract and the north line of said Lola K. Albright tract, along the new west right of way line of said State Highway 205, 1,222.51 feet along the arc of said curve to the left, through a central angle of 10 degrees 06 minutes 53 seconds, having a radius of 6,925.00 feet and long chord which bears North 13 degrees 16 minutes 52 seconds East, 1,220.92 feet to a set "TxDOT" monument* on the north line of said 3002 HOP, Ltd. tract and the south line of a called 3.401 acre tract of land conveyed as Tract No. 4 in a deed to DPB Investments, LP executed January 1, 2010, as recorded in Instrument No. 201110606000576510, said Office Public Records (O.P.R.C.C.T.);
- 2) THENCE South 88 degrees 14 minutes 55 seconds East, departing the new west right of way line of said State Highway 205, along the north line of said 3002 HOP, Ltd. tract and the south line of said DPB Investments, LP Tract No. 4, a distance of 41.31 feet to a found 3/8 inch iron rod (controlling monument) for the northeast corner of said 3002 HOP, Ltd. tract and the southeast corner of said DPB Investments, LP Tract No. 4, on the existing west right of way line of State Highway 205 (a 100 feet wide right of way) described in a deed to the State of Texas, as recorded in Volume 388, Page 365, Deed Records, Collin County, Texas (D.R.C.C.T.), being the beginning of a curve to the right;
- 3) THENCE departing the north line of said 3002 HOP, Ltd. tract and the south line of said DPB Investments, LP Tract No 4, along the existing west right of way line of said State Highway 205 and the east line of said 3002 HOP, Ltd. tract, 1,216.88 feet along the arc of said curve to the right, through a central angle of 12 degrees 16 minutes 33 seconds, having a radius of 5,679.58 feet and a long chord which bears South 12 degrees 20 minutes 55 seconds West, 1,214.56 feet to a found 3/8 inch iron rod with cap stamped "ROOKE" or "ROOME" for the southeast corner of said 3002 HOP, Ltd. tract and the northeast corner of said Lola K. Albright tract.

EXHIBIT C. CONCEPT PLAN

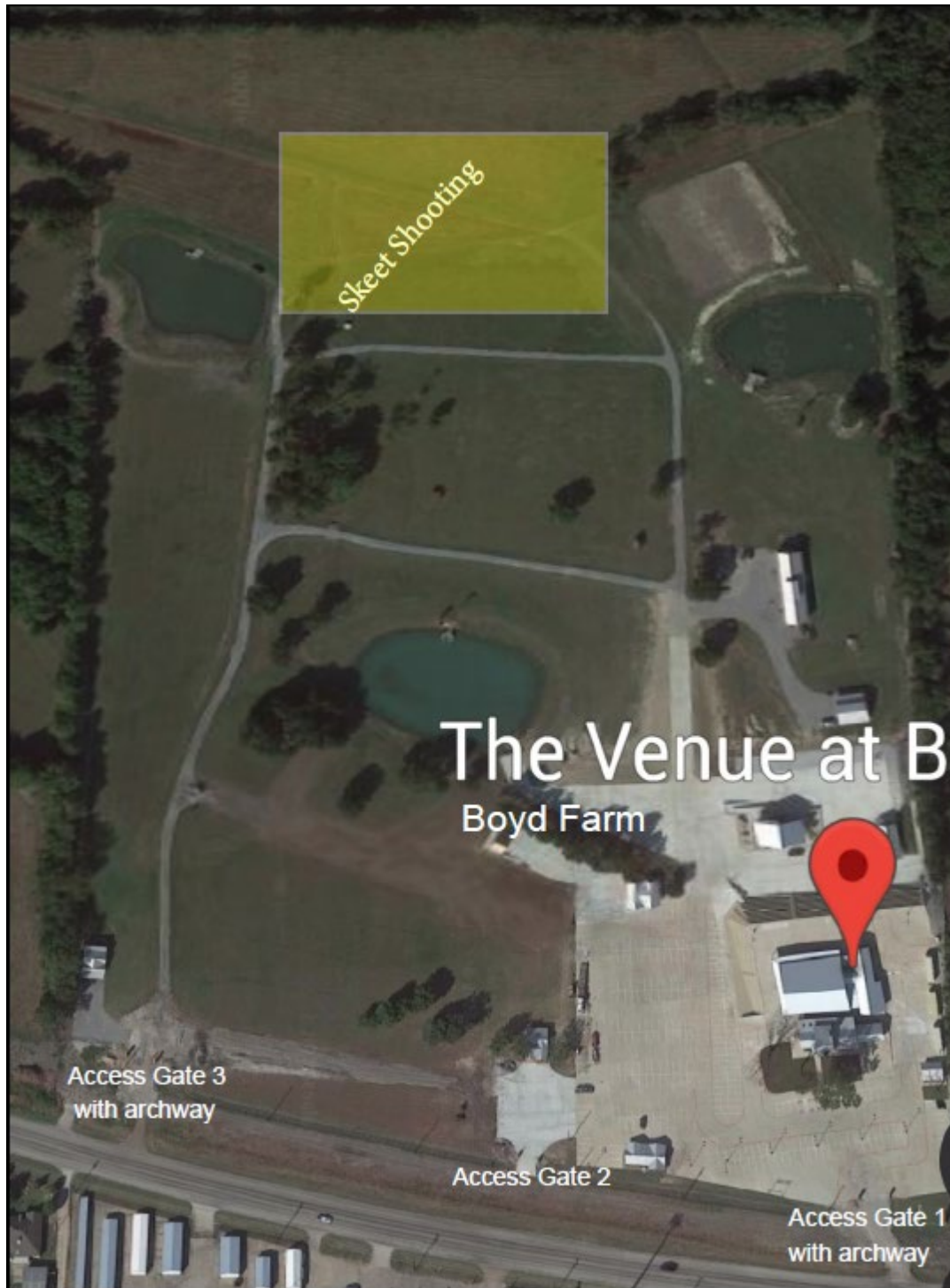


EXHIBIT D. DEVELOPMENT STANDARDS

D.1. DEFINITIONS

PROPERTY

Area of land described and detailed in *Exhibit A – Location Map*, *Exhibit B – Legal Description*, and *Exhibit C – Concept Plan*.

LOT COVERAGE

Percentage of area covered by impervious surface of structure foundations.

D.2. CONFLICTS

In the event of a conflict between this Ordinance and any other City ordinance, rule, or regulation, including, but not limited to, the provisions of the City's Zoning Ordinance, this Ordinance shall control. In the event of a conflict between this Ordinance and the Development Agreement applicable to the Property, the Development Agreement shall control. Any amendments to the Development Agreement applicable to the Property that could conflict with this Ordinance shall be considered with an associated rezoning request to amend this Ordinance accordingly with all applicable procedural considerations as required by the Zoning Ordinance.

D.3. EXHIBITS

The Property shall generally conform with *Exhibit C – Concept Plan*, *Exhibit D – Development Standards*, and *Exhibit E – Entry Monumentation Concept*.

D.4. DEVELOPMENT STANDARDS

COMPLIANCE WITH ZONING ORDINANCE

These Land Use Standards shall comply with the City's Zoning Ordinance and be based upon the Retail (R) Zoning District as defined in the City of Lavon Code of Ordinances, as may be amended, unless otherwise stated herein.

The following regulations shall apply to the Property:

D.4.1 PERMITTED USES

The following uses are permitted on the Property, and any uses not listed are not permitted:

Indoor and outdoor “Special Events” consisting of a public or private event or activity held on the property that is an assembly of people, and shall include and be limited to meetings, conferences, retreats, training sessions, exhibitions, corporate events, auctions, trade shows, concerts, commercial events, charitable events, weddings and celebrations, and other uses that may require and be subject to an approved special use permit that are customary and reasonable for special events or as listed requirements of the City, including rodeos.

Commercial lodging including cabin rentals, hotel, and motel

Open space or passive recreation

Retail and service uses

1. Retail shops for clothing and souvenirs, gourmet foods, antiques, or florist shops;
 2. Cafes, restaurants, food trucks, catering facilities, and other food and drink vendors
-

Camping grounds, outdoor wagons (including chuck wagons), tents, teepees, and similar rentals

Storage of trailers - as follows:

1. Storage of trailers on the Property for upcoming special events that are a permitted use of the Property; and
 2. Storage of trailers that are the personal property of a Property owner, tenant, or a resident of the Property for personal use or a related permitted use.
 3. A trailer storage business that rents trailer spaces to the public with an approved Special Use Permit; and
 4. A trailer rental or sales business on the Property that stores trailers for sale or for rent to the public with an approved Special Use Permit
-

Skeet shooting as shown on the *Exhibit C - Concept Plan*

A maximum of one winery and one distillery subject to applicable state and local regulations

Up to 4 single-family residential structures for on-site caretaker or staff. If constructed after the Effective Date, structures shall be developed in accordance with the yard requirements established in the Single Family – 4 (SF-4) District

Private or public establishments for the serving of alcoholic beverages, where properly permitted by applicable state and local regulations

Church or worship services

D.4.2 DIMENSIONAL STANDARDS

The following dimensional standards shall apply to the Property:

Minimum Lot Area	40 Acres
------------------	----------

Minimum Front Yard Setback	30 feet
Minimum Rear Yard Setback	30 feet
Minimum Side Yard Setback	30 feet
Minimum Building Size	1,500 square feet
Maximum Building Size	20,000 square feet
Maximum Height	Main Venue Structure: 45 feet Additional Structures: 25 feet

D.4.3 STRUCTURE AND SITE DESIGN

1. Permanent signage, archways, pylon signs, lighting, fencing, gates, and driveways in existence, including three access gates and entrance archways currently being erected, on the Effective Date, shall be permitted as included herein or reflected in the *Exhibit E – Entry Monumentation Concept*.
2. Maintenance and repair of all improvements and other items in *Exhibit C - Concept Plan* shall be permitted, as well as replacement of said items with same features (or features consistent with the Zoning Ordinance) to meet “like with like” standard. New fixtures and access (those not reflected in *Exhibit C - Concept Plan*) shall be subject to the review and approval of the City Administrator or her designee and shall comply with the Code of Ordinances as applicable.
3. Existing and future access reflected in *Exhibit C - Concept Plan* are subject to Texas Department of Transportation (TxDOT) standards due to the location along a State-controlled roadway. Safety of entering and exiting vehicles, as well as vehicles and pedestrians within the Property, shall comply with reasonable precautions and standards.

D.4.4 DESIGN STANDARDS

Except those, if any, in existence on May 3, 2022:

1. Ground-up development or construction, and expansions to existing structures totaling more than 15 percent of an existing structure’s area, shall comply with all applicable fire prevention or safety standards within the Code of Ordinances as applicable.
2. Service canopies, drive-thru lanes, service doors for auto or similar service shall not face the public street nor a residential lot or residential zoning district.
3. All utility lines (power, phone, cable, etc.) shall be placed underground.
4. Shopping cart areas shall be screened from view with opaque decorative screening or landscaping at least as high as the carts.

5. Accessory structures such as trash enclosures, utility services, telecommunication equipment and heating/cooling systems shall be screened completely from view of neighboring buildings, sites, and roadways. Materials to screen around these features shall match or compliment adjacent building materials. Except access gates and entrance archways, gates shall not allow for view of the contents of the enclosure.
6. Highly visible detention basins for storm drainage shall be contoured, use curvilinear design forms, and shall be aesthetically landscaped and maintained.
7. All sides of a building shall be designed with architectural and façade elements that are the same or complimentary to existing architecture of primary buildings. Log cabin, high quality, treated wood-type architectural style, existing on May 3, 2022, shall continue to be permitted on current and future buildings.
8. All exterior metals and plastics (vents, flashings, and gutters) shall be screened from view, painted, or treated to blend in with the building's primary finishing material(s) and shall be subject to the City's Code of Ordinances as applicable.
9. All glass, plastic, or other transparent materials shall be treated to eliminate reflective glare.

EXHIBIT E. ENTRY MONUMENTATION CONCEPT

