

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2020-04-03**

Conditional Use Permit – RaceTrac Gas & Fueling Station

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 9, ZONING ORDINANCE, OF THE CODE OF ORDINANCES, AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT TO APPLICANT RACETRAC PETROLEUM FOR AN AUTO FUELING STATION ON 1.853 ACRES OF LAND LOCATED IN THE WAS BOHANNAN SURVEY, ABSTRACT 121 LOCATED SOUTHWEST OF THE INTERSECTION OF SH 78 AND SH 205; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2000.00) DOLLARS AND THAT A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY OF VIOLATION; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a conditional use permit for an auto fueling station has been requested by RaceTrac Petroleum on behalf of owners 205-78 Ltd. And World Land Developers LP, of the property described in Exhibit “A” in accordance with the conditions set forth in Exhibit “B” attached hereto; 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 Chapter 9, Zoning Ordinance of 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.**

That Chapter 9, Zoning Ordinance, of the City of Lavon Code of Ordinances as heretofore amended, and the same is hereby amended so as to grant a Conditional Use Permit in a Retail (R) Zoning District on the property described and depicted in Exhibit “A” for an auto fueling station. That the above described property shall only be used in the manner and for the purpose provided for in the Zoning Code of the City of Lavon as heretofore amended by granting of this conditional use permit and as may be amended in the future.

**SECTION 3. Severability Clause.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4. Cumulative/Repealer Clause.**

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Lavon, Texas, whether codified or uncodified, 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 to the extent of such conflict.

**SECTION 5. Penalty Clause.**

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Lavon, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6. Savings Clause.**

Should any word, phrase, sentence or section contained herein be found to be invalid, such validity shall not affect any other portion of this ordinance.

**SECTION 7. Effective Date.**

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Texas, this 7<sup>th</sup> day of April 2020.



Vicki Sanson  
Mayor

**ATTEST:**



Kim Dobbs  
City Administrator/City Secretary



**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2020-04-03**

**EXHIBIT A**

**DESCRIPTION AND DEPICTION OF PROPERTY**

**BEING 1.853 ACRES** OF LAND LOCATED IN THE W.A.S. BOHANNAN SURVEY, ABSTRACT NO. 121, COLLIN COUNTY, TEXAS, BEING ALL OF THE REMAINDER OF THAT CERTAIN CALLED 1.58 ACRE TRACT AS CONVEYED TO 205-78, LTD. BY DEED RECORDED IN COUNTY CLERK FILE NO. (CC#) 20061027001545290, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (OPRCCT), A PORTION OF THAT CERTAIN CALLED 2.95 ACRE TRACT AS CONVEYED TO 205-78, LTD, BY DEED RECORDED IN CC# 20070116000069210, (OPRCCT), A PORTION OF THAT CERTAIN CALLED 6.70 ACRE TRACT AS CONVEYED TO WORLD LAND DEVELOPERS, LP, BY DEED RECORDED IN CC#20071213001657580, (OPRCCT), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1/2" IRON ROD WITH YELLOW CAP FOUND IN THE NORTH LINE OF THE ABOVE-MENTIONED 6.70 ACRE TRACT AT THE SOUTHWEST CORNER OF THE ABOVE-MENTIONED 1.58 ACRE TRACT;

**THENCE** NORTH 00 DEGREES 49 MINUTES 40 SECONDS WEST, WITH THE WEST LINE OF SAID 1.58 ACRE TRACT, A DISTANCE OF 187.74 FEET TO THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 78;

**THENCE** NORTH 84 DEGREES 13 MINUTES 46 SECONDS EAST, WITH THE PROPOSED SOUTH LINE, A DISTANCE OF 263.52 FEET TO A P.K. NAIL FOUND AT THE NORTH END OF RIGHT-OF-WAY CORNER CLIP, SAME BEING IN THE NORTHEAST LINE OF SAID 1.58 ACRE TRACT;

**THENCE** SOUTH 46 DEGREES 06 MINUTES 23 SECONDS EAST, WITH SAID RIGHT-OF-WAY CORNER CLIP AND THE NORTHEAST LINE OF SAID 1.58 ACRE TRACT, A DISTANCE OF 83.91 FEET TO AN ALUMINUM "TXDOT" MONUMENT FOUND AT THE INTERSECTION OF SAID RIGHT-OF-WAY CORNER CLIP AND THE PROPOSED WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 205;

**THENCE** SOUTH 01 DEGREES 18 MINUTES 25 SECONDS WEST, OVER AND ACROSS SAID 1.58 ACRE TRACT AND THE ABOVE-MENTIONED 2.95 ACRE TRACT, AND WITH THE PROPOSED WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 205, A DISTANCE OF 201.80 FEET;

**THENCE** CONTINUING OVER AND ACROSS SAID 2.95 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) NORTH 89 DEGREES 13 MINUTES 52 SECONDS WEST, A DISTANCE OF 103.96 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" FOUND;
- 2) SOUTH 84 DEGREES 24 MINUTES 17 SECONDS WEST, A DISTANCE OF 86.84 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" FOUND IN THE WEST LINE OF SAID 2.95 ACRE TRACT AND THE COMMON EAST LINE OF SAID 6.70 ACRE TRACT;

**THENCE** OVER AND ACROSS SAID 6.70 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) SOUTH 87 DEGREES 16 MINUTES 09 SECONDS WEST, A DISTANCE OF 151.00 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" FOUND;
- 2) NORTH 00 DEGREES 20 MINUTES 54 SECONDS WEST, A DISTANCE OF 57.33 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" FOUND IN THE NORTH LINE OF SAID 6.70 ACRE TRACT;

**THENCE** NORTH 84 DEGREES 15 MINUTES 24 SECONDS EAST, WITH THE NORTH LINE OF SAID 6.70 ACRE TRACT, A DISTANCE OF 26.35 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 1.853 ACRES OF LAND, MORE OR LESS.

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**BEING 0.211 ACRES (9,194 SQUARE FEET)** OF LAND LOCATED IN THE W.A.S. BOHANNAN SURVEY, ABSTRACT NO. 121, COLLIN COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN CALLED 6.70 ACRE TRACT AS CONVEYED TO WORLD LAND DEVELOPERS, LP, BY DEED RECORDED IN CC# 20071213001657580, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (OPRCCT), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** AT A 1/2" IRON ROD WITH RED CAP FOUND IN THE WEST LINE OF STATE HIGHWAY 205 (VARIABLE WIDTH RIGHT-OF-WAY) AT THE SOUTHEAST CORNER OF THAT CERTAIN CALLED 1.58 ACRE TRACT AS CONVEYED TO 205-78, LTD. BY DEED RECORDED IN CC# 2006102700154290, (OPRCCT) AND THE COMMON NORTHEAST CORNER OF THAT CERTAIN CALLED 2.95 ACRE TRACT AS CONVEYED TO 205-78, LTD. BY DEED RECORDED IN CC# 20070116000069210, (OPRCCT);

**THENCE** NORTH 88 DEGREES 36 MINUTES 38 SECONDS WEST, ALONG THE COMMON LINE OF THE ABOVE-MENTIONED 1.58 ACRE TRACT AND 2.95 ACRE TRACT, A DISTANCE OF 200.67 FEET TO A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF THE REMAINDER OF THE ABOVE-MENTIONED 6.70 ACRE TRACT FOR THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

**THENCE** SOUTH 01 DEGREES 14 MINUTES 51 SECONDS WEST, ALONG THE WEST LINE OF SAID 2.95 ACRE TRACT AND THE COMMON EAST LINE OF REMAINDER OF SAID 6.70 ACRE TRACT, A DISTANCE OF 60.33 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;

**THENCE** OVER AND ACROSS THE REMAINDER OF SAID 6.70 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) SOUTH 87 DEGREES 16 MINUTES 09 SECONDS WEST, A DISTANCE OF 151.00 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;
- 2) NORTH 00 DEGREES 20 MINUTES 54 SECONDS WEST, A DISTANCE OF 57.41 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET IN THE NORTH LINE OF THE REMAINDER OF SAID 6.70 ACRE TRACT;

**THENCE** NORTH 84 DEGREES 25 MINUTES 47 SECONDS EAST, ALONG THE NORTH LINE OF THE REMAINDER OF SAID 6.70 ACRE TRACT, AT A DISTANCE OF 26.34 FEET PASS A 1/2" IRON ROD WITH YELLOW CAP FOUND, AND CONTINUING FOR A TOTAL DISTANCE OF 113.84 FEET TO A 1/2" IRON ROD WITH YELLOW CAP FOUND;

**THENCE** SOUTH 88 DEGREES 36 MINUTES 38 SECONDS EAST, CONTINUING ALONG THE NORTH LINE OF THE REMAINDER OF SAID 6.70 ACRE TRACT, A DISTANCE OF 39.20 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 0.211 ACRES (9,194 SQUARE FEET) OF LAND, MORE OR LESS.

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CITY OF LAVON

