

CITY OF LAVON
ORDINANCE NO. 2023-11-07

Planned Development Zoning – Lavon Centre

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 9.957 ACRES OF LAND OUT OF THE W. A. S. BOHANNAN SURVEY, ABSTRACT NO. 121, BEING ALL OF A CALLED 9.957-ACRE TRACT OF LAND CONVEYED TO CHARLES STANLEY BY DEED RECORDED IN VOLUME 775, PAGE 47, DEED RECORDS, COLLIN COUNTY, TEXAS, GENERALLY LOCATED AT 10332 CR 484 WEST OF TRADITIONS DRIVE, 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 (hereinafter referred to as “City”) is a Home Rule municipality organized under the Constitution and 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), on a called 9.957-acre tract of land conveyed to Charles Stanley by deed recorded in Volume 775, Page 47, Deed Records, Collin County, Texas, generally located at 10332 CR 484 west of Traditions Drive, Lavon, Collin County, Texas, as described in **Exhibit “A”** and depicted in **Exhibit “B”** (the “**Property**”); 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 (PD), 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"	Development Standards

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 immediately upon its publication as required by law.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on this 7th day of November 2023.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary

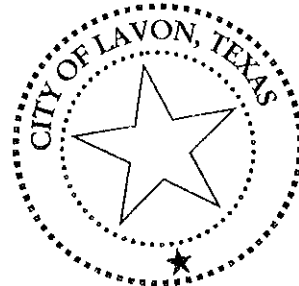


EXHIBIT A
Legal Description

Being a tract of land situated in the W.A.S Bohannon Survey, Abstract No. 121, Collin County, Texas, and being the same 9.957 acre tract of land conveyed to Charles Stanley by deed recorded in Volume 775, Page 47, Deed Records, Collin County, Texas, and being more particularly described as follows: Beginning at a 1/2" iron pin set with yellow cap stamped "CCG INC RPLS 5129" for the northeast corner of said Stanley tract and being on the west line of a 5.8 acre tract of land conveyed to Bear Creek Special Utility District by deed recorded in Instrument No 20190321000294740, Official Public Records, Collin County, Texas; Thence, South 00°07'27" West, along the east line of said Stanley tract and the west line of said 5.68 acre tract, passing at a distance of 96.29 feet a 5/8 " inch iron pin found with yellow cap stamped "HCE" for the southwest corner of said 5.68 acre tract and containing along the east line of said Stanley tract and the center of County Road No. 484, a total distance of 329.46 feet to a mag nail set for the southeast corner of said Stanley tract; Thence, South 89°54'51" West, along the south line of said Stanley tract and the north line of a tract of land conveyed to Frank Dan Mosley and Delores Irene Mosley by deed recorded under County Clerk's file No. 94-0040695, Deed Records, Collin County, Texas, a distance of 1318.45 feet to a 1/2" iron pin set with yellow cap stamped "CCG INC RPLS 5129" for the southwest corner of said Stanley tract, the northwest corner of said Mosley tract and being on the east line of Lot 1 of Lavon Business Park II Lots 1, 2A, 3 and 4, an addition to Collin County, Texas, according to the plat thereof recorded in Volume 2015, Page 260, Plat Records, Collin County, Texas, according to the plat thereof recorded in Volume 2015, Page 260, Plat Records, Collin County, Texas; Thence, North 00°49'24" East, along the west line of said Stanley tract and the east line of said Lot 1, a distance of 329.50 feet to a 1/2" iron pin found for the northwest corner of said Stanley tract, the northeast corner of said Lot 1 and being on the south line of a 105.568 acre tract of land conveyed to Bear Creek Commercial Properties, LP by deed recorded in Volume 5376, Page 5572, Deed Records, Collin County, Texas; Thence, North 89°54'52" East, along the north line of said Stanley tract, a distance of 1314.43 feet to the Point of Beginning and containing 433,712 square feet of 9.957 acres of land.

EXHIBIT B Depiction of Property

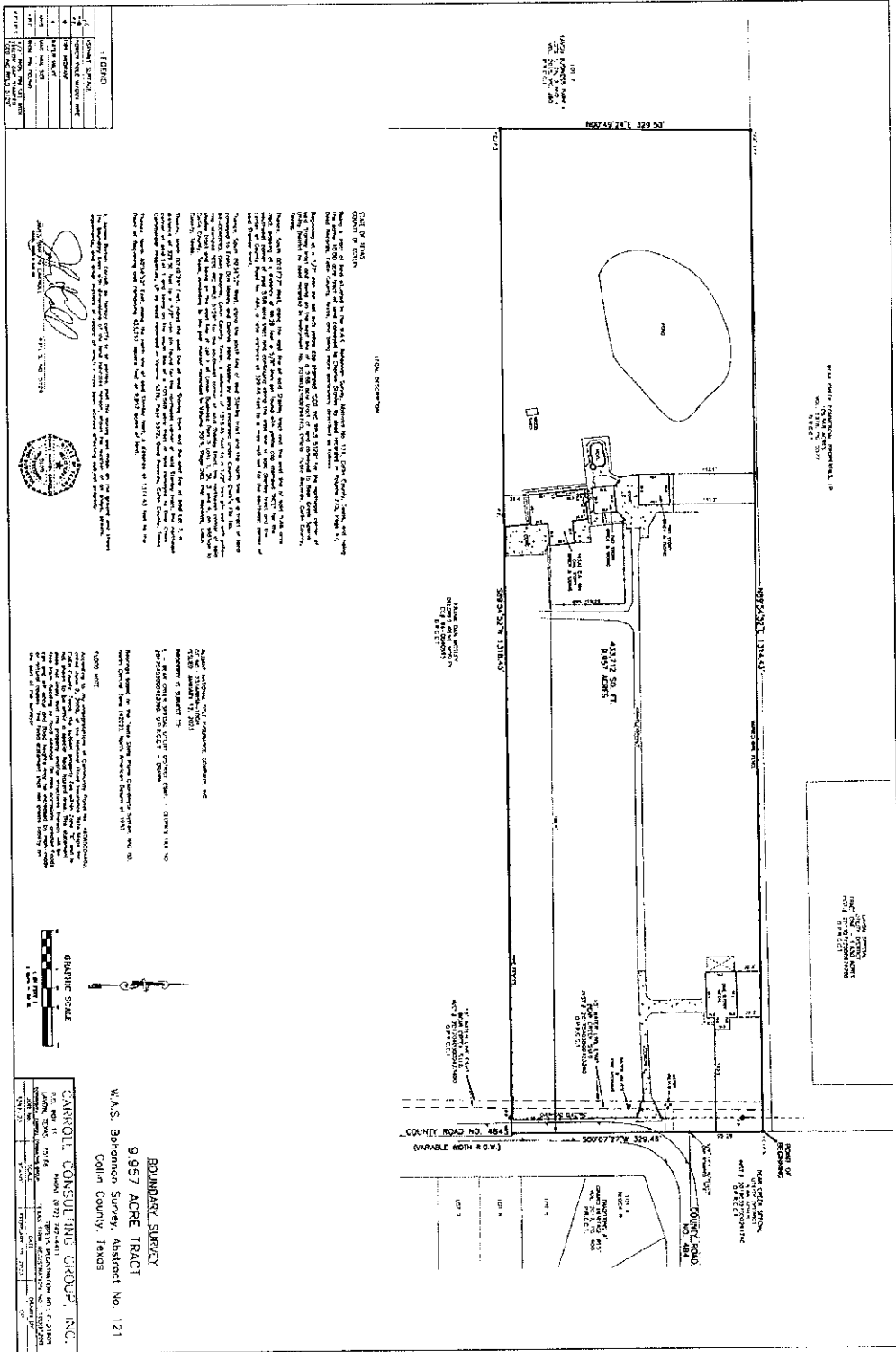
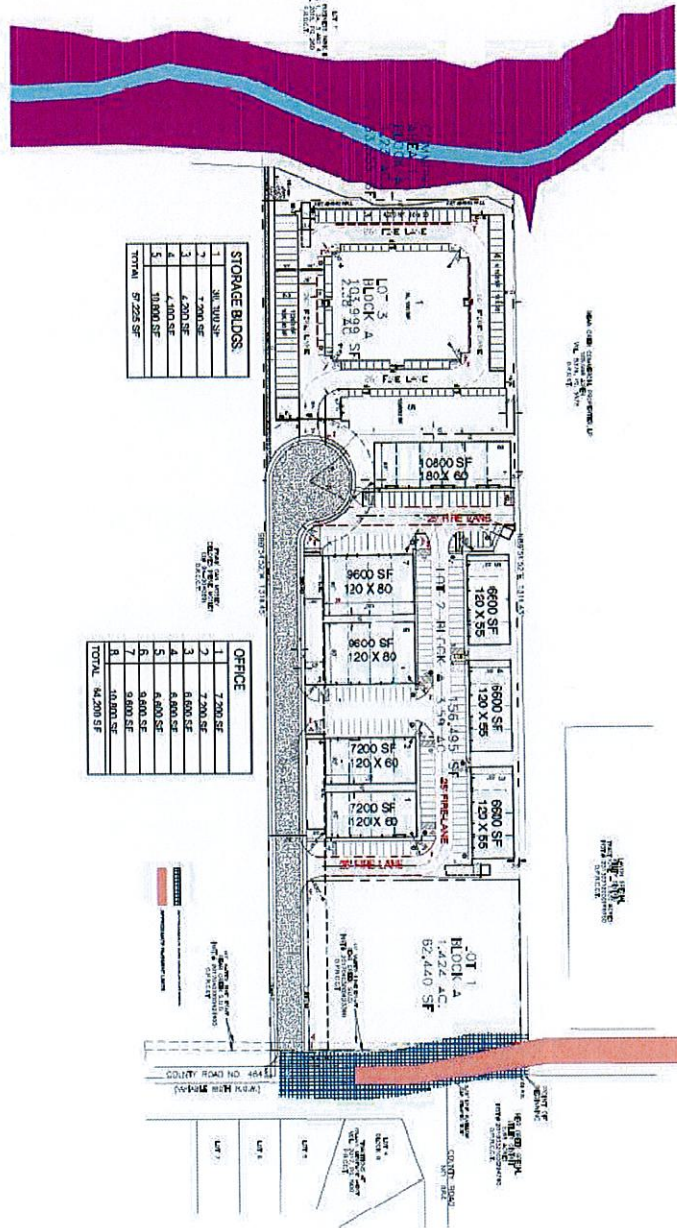


EXHIBIT C Concept Plan



STORAGE BLDGS.

1	30,000 SF
2	7,200 SF
3	4,200 SF
4	4,200 SF
5	10,800 SF
TOTAL	57,225 SF

OFFICE

1	7,200 SF
2	7,200 SF
3	6,800 SF
4	6,800 SF
5	6,800 SF
6	6,800 SF
7	6,800 SF
TOTAL	48,200 SF

01 CONCEPT PLAN
SCALE: 1"=50'



<p>MAILEDON ARCHITECTS</p>	<p>MULTIPLE ADVERTISING AND MARKETING SERVICES 1000 W. WYATT DALLAS, TEXAS 75241 PH: 214.760.1111 WWW.MAILEDONARCHITECTS.COM</p>	<p>THIS PROJECT'S DESIGN AND CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE ARCHITECT. ARCHITECT: MAILEDON ARCHITECTS NO. 0000000000</p>	<p>NEW MULTI-TLO DEVELOPMENT Lavon Centre County Road 484 Lavon Texas</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">REV.</th> <th style="width: 10%;">DATE</th> <th style="width: 10%;">BY</th> <th style="width: 10%;">CHECKED</th> <th style="width: 10%;">DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	REV.	DATE	BY	CHECKED	DESCRIPTION					
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EXHIBIT D

Development Standards

The property shall generally be developed in accordance with Exhibit C – Concept Plan. The Concept Plan shall constitute approval of the general lot, street, and use configuration and does not represent site plan or building permit approval.

As generally depicted in Exhibit C - Concept Plan, the Developer shall construct at its sole cost the eight foot (8') wide concrete trail and Activated Amenity Area. The trail and Activated Amenity Area shall be owned and maintained by the Property Owner's Association and shall be provided within a public access easement.

The Property Owner's Association shall also own and maintain the Common Areas and the landscape buffers abutting public roadways.

The Development shall meet the standards in the Code of Ordinances, as may be amended, except as follows:

1. Development shall conform to the provisions set forth in the "R" – Retail District of the Zoning Ordinance, as may be amended, except as follows:
 - a. In addition to other uses provided in "R" – Retail District of the Zoning Ordinance, as may be amended, "Storage, Self Service" shall be a permitted use on proposed Lot 3, Block A
 - b. In addition to other uses provided in "R" – Retail District of the Zoning Ordinance, as may be amended, "Office Warehouse" and "Office Showroom," defined herein, shall be permitted uses on proposed Lots 2 and 3, Block A.
 1. Office Warehouse - a building that primarily consists of incidental storage, warehousing, and distribution of un-containerized goods, merchandise, supplies, and equipment, within a finished building setting. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas. Warehousing and storage shall not exceed eighty (80%) percent of the total floor area per unit.
 2. Office Showroom - a building that primarily consists of incidental sample display areas or showrooms for the regular transaction of business and for the display of un-containerized merchandise, products, and/or services, delivered or performed off- premises, within a finished building setting. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. The showroom component shall not exceed eighty (80%) percent of the total floor area, per unit. These designations do not include contractor's shop, storage yard, business services, or auto and/or boat sales and/or repair.
 - c. Automobile fueling and gasoline filling station, Automobile service establishment, Car wash, Vapor smoking services, Tattoo service and similar body artwork establishment uses are prohibited.

- d. **Area Requirements** in R – Retail District of the Zoning Ordinance shall apply except as follows:

Dimensional Standard	“R” Retail District	Proposed Deviation
Minimum Lot Area	43,560 sq ft	40,000 sq ft
Maximum Building Size	20,000 sq ft	32,000 sq ft

- e. **Building placement, orientation, site design** in R – Retail District of the Zoning Ordinance shall apply except as follows:
1. All buildings with metal exterior siding are permitted, the siding shall be of twenty-six (26) gauge and shall have a permanent baked-on finish or an alternative finish or comparable durability, which is defined as that finish which has a low incidence of chipping, peeling, blistering, chalking, or fading. Such as Delta or Butler type steel buildings. All sides of a building shall be designed with consistent architectural and façade elements. This is the only architectural zoning standard applicable.
 2. Exterior display of products or goods, outdoor amusement, and seasonal sales are prohibited.
 3. Architectural and/or landscape elements that are designed to provide shade on the south and west exposures to protect patrons in plazas, patios and other public spaces are not required.
 4. Shopping cart areas are prohibited.