



AGENDA
DECEMBER 3, 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 agenda 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 November 19, 2024 meeting.
 - B.** Approve and authorize execution of the Texas Settlement Subdivision Participation and Release Form for the Kroger Opioid Settlement Action.
- 6. ITEMS FOR CONSIDERATION**
 - A.** Public Hearing, discussion, and action regarding an application for a proposed amendment to Article 9.03 Zoning Ordinance of the City of Lavon Code of Ordinances to amend Ordinance No. **2022-10-03** that established the Planned Development regulations for commercial, business park and mixed uses in the Elevon development project, more specifically to amend the regulations for Land Use Parcel 8 and Land Use Parcel 9 to define the use of data center and amend associated screening, dimensional standards, building materials, and setback requirements on approximately 79.3 acres situated in the Drury Anglin Survey, Abstract No. 2, Tract 75, southwest of the intersection of FM 2755 (McClendon Road) and Watkins Road (CR 541), Lavon, Collin County, TX, (CCAD Property ID 2543097).
 - 1) Presentation of proposed amendment.
 - 2) **PUBLIC HEARING** to receive comments regarding the proposed amendment.
 - 3) Discussion and action regarding the proposed amendment and accompanying Ordinance.
 - B.** Discussion and action regarding the replat of Lot 29R, Block E, Lake Breeze Estates consisting of a single commercial lot on one acre northwest of the intersection of SH 78 and Oak Street, situated in the S. M. Rainer Survey, Abstract No. 740, Lavon, Collin County, Texas, (CCAD Property ID 2923357).
 - C.** Discussion and action regarding the final plat of the Watercross Townhomes Addition consisting of four lots and one common area lot on 6.448 acres out of the Samuel M. Rainer Survey, Abstract No. 740 situated west of the Lake Breeze Addition, south of Gage Road in the vicinity of 2343 Gage Road, in the extraterritorial jurisdiction of the City of Lavon, Collin County, Texas, (CCAD Property ID 2798568).
 - D.** Discussion and action regarding the preliminary plat of the Elevon Section 4 Addition consisting of 1,016 residential lots, 2 commercial lots, 1 amenity center lot, 1 wastewater treatment plant lot, and 29 common area lots on 220.879 acres out of the Drury Anglin Survey, Abstract No. 2, and the James P. Davis Survey, Abstract No. 249, situated adjacent to and southeast of the intersection of FM 2755 (McClendon Road) and CR 541 (Watkins Road), in the extraterritorial jurisdiction of the City of

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Lavon, Collin County, Texas, (CCAD Property IDs 2543098, 1287164, 1287173, 1287182, 2137095, and 2137096).

- E. Discussion and action regarding Board and Commission appointments – Parks and Recreation Board and Board of Adjustment.
- F. Discussion regarding Municipal Development Districts.

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 551.072 to deliberate the purchase, exchange, lease, or value of real property in the vicinity of 619 Main Street (Bus 78) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; and Section 511.087 Deliberation Regarding Economic Development Negotiations (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

8. RECONVENE FROM EXECUTIVE SESSION

Consider and take any action necessary as a result of each item listed in executive session.

9. SET FUTURE MEETINGS AND AGENDA

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

December 17, 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 November 27, 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
NOVEMBER 19, 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
TRAVIS JACOB, PLACE 3
LINDSEY HEDGE, PLACE 5
ABSENT: TED DILL, PLACE 4

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 DELIVERED THE INVOCATION.**
3. **CITY SECRETARY RAE NORTON ISSUED THE OATHS OF OFFICE TO THE NEWLY ELECTED COUNCIL MEMBERS.**

4. **EXECUTIVE SESSION**

At 6:34 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, the Mayor recessed into Executive Session (closed meeting) pursuant to: Section 551.071 Consultation with Attorney to discuss matters listed on the agenda 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; Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer; and Section 511.087 Deliberation Regarding Economic Development Negotiations (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

5. **RECONVENE FROM EXECUTIVE SESSION**

In accordance with Texas Government Code, Section 551.001, et seq., Mayor Sanson closed the executive session at 7:33 p.m. stating no action was taken in executive session and reconvened into the regular meeting.

6. **ITEMS OF INTEREST/COMMUNICATIONS**

- Christmas Tree Lighting and Sip & Shop on December 6, 2024
- Breakfast with Santa at the Lavon Fire Department on December 14, 2024
- 2024 Holiday Grease Round up until January 10, 2025
- Lavon Police Department Community Coat Drive until December 6, 2024

7. **CITIZENS COMMENTS**

There were no comments

8. **CONSENT AGENDA**

- A. **Approve the minutes of the November 5, 2024 meeting and November 18, 2024, special meeting.**

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: COOK

SECONDED: SHEPARD

APPROVED: UNANIMOUS (Absent: Dill)

9. ITEMS FOR CONSIDERATION

A. Discussion regarding the regulation of single-family rental properties.

City Attorney, Fritz Quast, Messer Fort Law Firm, discussed the regulation of single-family rental properties. Details were presented regarding estimated projections in development and Mr. Quast advised that federal law prohibits a City from regulating government subsidized housing.

B. Discussion and action regarding consideration of legislative priorities for the 89th Texas Legislature and associated resolutions regarding the negative impact of institutional investors on the single-family housing market and requirements for the creation of municipal utility districts (MUDs) located with the extraterritorial jurisdiction of the city.

City Manager Kim Dobbs presented information regarding the upcoming legislative session in Austin including specific Resolution language for addressing the negative impact of institutional investors on the single-family housing market in Texas and the regulation of municipal utility districts. The City Council directed staff to proceed with drafting the Resolutions.

C. Public Hearing, discussion and action regarding the application of Humble Sign Company 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 two wall signs which is one sign more than permitted and 2) allow approximately 163.95 square feet in total wall sign area that is 103.95 square feet greater than permitted for Spec's on Block A, Lot 2 of the Highway 205 Tract, Phase 2 Addition at 900 S. SH 78, Lavon, Collin County, Texas (CCAD Property ID 2898140).

Presentation of proposed application.

Ms. Dobbs provided information regarding the request for variances to the sign ordinance. Andrea Peterschick, Humble Sign Company, detailed the requests.

PUBLIC HEARING to receive comments regarding the application.

Mayor Sanson opened the public hearing at 7:57 p.m. There being no comments, Mayor Sanson closed the public hearing at 7:58 p.m.

Discussion and action regarding the application.

MOTION: APPROVE THE APPLICATION OF HUMBLE SIGN COMPANY 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 TWO WALL SIGNS WHICH IS ONE SIGN MORE THAN PERMITTED AND 2) ALLOW APPROXIMATELY 163.95 SQUARE FEET IN TOTAL WALL SIGN AREA THAT IS 103.95 SQUARE FEET GREATER THAN PERMITTED FOR SPEC'S ON BLOCK A, LOT 2 OF THE HIGHWAY 205 TRACT, PHASE 2 ADDITION AT 900 S. SH 78, LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: COOK
SECONDED: HEDGE
APPROVED: UNANIMOUS (Absent: Dill)

D. Public hearing, discussion and action regarding Ordinance No. 2024-11-03 amending the Code of Ordinances in Chapter 6 Fire Prevention and Protection, Article 6.03 Fire Code Section 6.03.001 (a) to adopt the International Fire Code, 2021 Edition with appendix; and in Chapter 4 Building Regulations, Article 4.02 Construction Codes and Standards: Division 2 Building Code, Section 4.02.031 (a) to adopt the International Building Code, 2021 Edition, with appendix; Division 3 Residential Code, Section 4.02.061 (a) to adopt the International Residential Code, 2021 Edition, with appendix; Division 4 Plumbing Code, Section 4.02.091 (a) to adopt the International Plumbing Code, 2021 Edition, with appendix; Division 6 Mechanical Code, Section 4.02.151(a) to adopt the International Mechanical Code 2021 Edition, with

appendix; Division 7 Fuel Gas Code, Section 4.02.181 (a) to adopt the International Fuel Gas Code, 2021 Edition, with appendix; Division 8 Energy Conservation Code, Section 4.02.211(a) to adopt the International Energy Conservation Code, 2021 Edition, with appendix; and Division 9 Property Maintenance Code, Section 4.02.241(a) to adopt the International Property Maintenance Code, 2021 Edition, with appendix; and to adopt respective North Central Texas Council of Government Regional Code Amendments approved in July 2021 and October 2021 thereto; providing a repealing clause; providing a conflicts resolution clause; providing a severability clause; providing a savings clause; providing a penalty in an amount not to exceed two thousand dollars (\$2,000); providing for publication; and declaring an effective date.

Presentation of proposed ordinance.

Ms. Dobbs provided information regarding the code update. Building Official, Wes Caperton detailed the update and the timing.

PUBLIC HEARING to receive comments regarding the proposed ordinance.

Mayor Sanson opened the public hearing at 8:08 p.m. There being no comments, Mayor Sanson closed the public hearing at 8:08 p.m.

Discussion and action regarding the ordinance.

MOTION: APPROVE ORDINANCE NO. 2024-11-03 AMENDING THE CODE OF ORDINANCES IN CHAPTER 6 FIRE PREVENTION AND PROTECTION, ARTICLE 6.03 FIRE CODE SECTION 6.03.001 (A) TO ADOPT THE INTERNATIONAL FIRE CODE, 2021 EDITION WITH APPENDIX; AND IN CHAPTER 4 BUILDING REGULATIONS, ARTICLE 4.02 CONSTRUCTION CODES AND STANDARDS: DIVISION 2 BUILDING CODE, SECTION 4.02.031 (A) TO ADOPT THE INTERNATIONAL BUILDING CODE, 2021 EDITION, WITH APPENDIX; DIVISION 3 RESIDENTIAL CODE, SECTION 4.02.061 (A) TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE, 2021 EDITION, WITH APPENDIX; DIVISION 4 PLUMBING CODE, SECTION 4.02.091 (A) TO ADOPT THE INTERNATIONAL PLUMBING CODE, 2021 EDITION, WITH APPENDIX; DIVISION 6 MECHANICAL CODE, SECTION 4.02.151(A) TO ADOPT THE INTERNATIONAL MECHANICAL CODE 2021 EDITION, WITH APPENDIX; DIVISION 7 FUEL GAS CODE, SECTION 4.02.181 (A) TO ADOPT THE INTERNATIONAL FUEL GAS CODE, 2021 EDITION, WITH APPENDIX; DIVISION 8 ENERGY CONSERVATION CODE, SECTION 4.02.211(A) TO ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION, WITH APPENDIX; AND DIVISION 9 PROPERTY MAINTENANCE CODE, SECTION 4.02.241(A) TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION, WITH APPENDIX; AND TO ADOPT RESPECTIVE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENT REGIONAL CODE AMENDMENTS APPROVED IN JULY 2021 AND OCTOBER 2021 THERETO; PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); PROVIDING FOR PUBLICATION; AND DECLARING JANUARY 1, 2025 AS THE EFFECTIVE DATE.

MOTION MADE: SHEPARD
SECONDED: HEDGE
APPROVED: UNANIMOUS (Absent: Dill)

Mayor Sanson recessed the meeting for a brief break at 8:29 p.m. and reconvened at 8:36 p.m.

- E. Discussion and action regarding proposals for professional services from LJA Engineering Inc. for park design services relating to the community park consisting of landscape design services, concept design refinement, preliminary schematic preparation, and preparation of opinion of probable cost and expanded services consisting of survey, hydrologic and hydraulic, geotechnical, and environmental services up to and not to exceed \$201,400.00.**

Abra Nusser, LJA Engineering Inc., provided information regarding options for next steps relating to the park design services for the community park project. Ms. Dobbs noted that the City Council had authorized \$35,000 for the services and that savings on another CIP project resulted in available funding if the Council wished to proceed with the more robust of the two options.

MOTION: APPROVE PROPOSAL OPTION TWO (2) FOR PROFESSIONAL SERVICES FROM LJA ENGINEERING INC. FOR PARK DESIGN SERVICES RELATING TO THE COMMUNITY PARK CONSISTING OF LANDSCAPE DESIGN SERVICES, CONCEPT DESIGN REFINEMENT, PRELIMINARY SCHEMATIC PREPARATION, AND PREPARATION OF OPINION OF PROBABLE COST AND EXPANDED SERVICES CONSISTING OF SURVEY, HYDROLOGIC AND HYDRAULIC, GEOTECHNICAL, AND ENVIRONMENTAL SERVICES UP TO AND NOT TO EXCEED \$201,400.00.

MOTION MADE: SHEPARD
SECONDED: JACOB
APPROVED: UNANIMOUS (Absent: Dill)

- F. Discussion and action regarding the proposed waiver of the maximum permitted block length of 1,000 feet requested by JBI Engineering on behalf of Elevon in the proposed Elevon, Section 3-A Addition, generally situated south of and adjacent to the Northeast Texas Rural Rail Transportation District (NETEX) right-of-way and east of Elevon Section 2, Phase 2-E in the City's extraterritorial jurisdiction.**

Abra Nusser, LJA and Daniel Dewey, JBI provided information relating to the block length waiver request and recommendations. The item was tabled to a non-specific date.

- G. Discussion and action regarding the proposed waiver of the maximum permitted block length of 1,000 feet requested by JBI Engineering on behalf of Elevon in the proposed Elevon, Section 3-C Addition, generally situated north of CR 541 (Watkins Rd.) and east of Elevon Section 2, Phase 2D in the City's extraterritorial jurisdiction.**

Abra Nusser, LJA and Daniel Dewey, JBI provided information relating to the block length waiver request and recommendations. The item was tabled to a non-specific date.

- H. Discussion and action the proposed waiver of the maximum permitted block length of 1,000 feet requested by JBI Engineering on behalf of Elevon in the proposed Elevon, Section 4 Addition, generally situated southeast of the intersection of CR 541 (Watkins Rd.) and FM 2755 in the City's extraterritorial jurisdiction.**

Abra Nusser, LJA and Daniel Dewey, JBI provided information relating to the block length waiver request and recommendations. The item was tabled to a non-specific date.

- I. Discussion and action to appoint a Mayor Pro Tempore for a one-year term that expires in November 2025.**

City Council members discussed and nominated a candidate for Mayor Pro Tempore.

MOTION: APPOINT MIKE COOK AS MAYOR PRO TEMPORE FOR A ONE-YEAR TERM THAT EXPIRES IN NOVEMBER 2025.

MOTION MADE: SHEPARD
SECONDED: HEDGE
APPROVED: UNANIMOUS (Absent: Dill)

- J. Discussion and action regarding Board and Commission appointments – Lavon Economic Development Corporation Board of Directors and Planning and Zoning Commission.**

City Council members discussed appointments for open board positions.

MOTION: APPOINT JOSH EDWARDS TO THE UNEXPIRED TERM OF PLACE 7 OF THE LAVON ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.

MOTION MADE: COOK

SECONDED: HEDGE
APPROVED: UNANIMOUS (Absent: Dill)

MOTION: APPOINT HENRY VALLEJO TO THE UNEXPIRED TERM OF SEAT 4 ON THE PLANNING AND ZONING COMMISSION.

MOTION MADE: JACOB
SECONDED: SHEPARD
APPROVED: UNANIMOUS (Absent: Dill)

DEPARTMENT REPORTS

- A. Police Services** – Chief Mike Jones provided information regarding reports, programs, and referenced information provided in the meeting packet.
- B. Fire Services** – 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 public works operations.
- D. Administration** – Ms. Dobbs referenced reports in the meeting packet including building permits; CWD service; Collin County tax collection; sales tax; finance report; TxDOT projects report; and administration and staff report.

11. SET FUTURE MEETINGS AND AGENDA

December 3, 2024 –at 6:30 pm Regular meeting.
December 17, 2024- at 6:30 pm Regular meeting.

12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 10:24 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 3rd day of December 2024.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary



CITY OF LAVON Agenda Brief

MEETING: December 3, 2024

ITEM: 5 - B

Item:

CONSENT AGENDA

Approve and authorize execution of the Texas Settlement Subdivision Participation and Release Form for the Kroger Opioid Settlement Action.

Background:

The State of Texas has reached a final settlement agreement with Kroger to resolve legal claims relating to the opioid crisis. The proposed Settlement requires Kroger to pay \$83 million (the “Settlement Amount”) to Texas and its political subdivisions. Of the Settlement Amount, the vast majority is earmarked for use by Texas and its subdivisions to remediate and abate the impacts of the opioid crisis. The Settlement also contains injunctive relief provisions governing the opioid marketing as well as the sale and dispensing practices at the heart of the opioid claims in the lawsuits.

The subdivisions within Texas are entitled to decide whether they wish to participate in the settlement. Any subdivision that does not participate cannot directly share in any of the settlement funds. The City of Lavon adopted the Texas Term Sheet in March 2022.

To be eligible to receive the settlement funds, the City must approve the Texas Settlement Subdivision Participation and Release Form.

Financial Implication:

The use of the settlement funding is restricted to expenditures that support a wide variety of strategies to fight the opioid crisis. Examples of priority uses include expanding training for first responders in the use of FDA-approved drugs to reverse opioid overdoses, funding for prevention programs, and providing medication-assisted treatment education and awareness training to EMTs, law enforcement and other first responders.

Staff Notes:

The City Attorney’s office reviewed the documents and approval is recommended.

Attachments: Subdivision Participation and Release Form
Settlement Summary Information

From: [Rae Norton](#)
To: [Kim Dobbs](#)
Subject: FW: NOTICE: KROGER OPIOID SETTLEMENT
Date: Thursday, November 14, 2024 4:37:11 PM
Attachments: [Kroger Subdivision Participation Form 10.30.24.pdf](#)

Rae Norton
City Secretary, TRMC
City of Lavon
rnorton@lavontx.gov
972-843-4220 Office

ATTENTION ALL PUBLIC OFFICIALS:
A “Reply to All” of this e-mail could lead to violations of the Texas Open Meeting Act.
Please reply only to the sender.

IMPORTANT NOTICE.....

This email account is the property of the City of Lavon, a local government entity. As such the information in any email and attachment sent or received via this email account may be subject to the open records laws of the State of Texas.

From: Opioids <opioids@oag.texas.gov>
Sent: Thursday, November 14, 2024 4:10 PM
To: Opioids <opioids@oag.texas.gov>
Subject: RE: NOTICE: KROGER OPIOID SETTLEMENT

Our apologies—the participation form for the Kroger settlement is now attached.

From: Opioids
Sent: Thursday, November 14, 2024 4:06 PM
To: Opioids <opioids@oag.texas.gov>
Subject: NOTICE: KROGER OPIOID SETTLEMENT
Importance: High



TO LOCAL POLITICAL SUBDIVISIONS:
IMPORTANT INFORMATION ABOUT NEW OPIOID SETTLEMENT WITH KROGER.
SUBDIVISIONS MUST SUBMIT SIGNED DOCUMENTATION TO PARTICIPATE.
THE DEADLINE FOR PARTICIPATION IS DECEMBER 29, 2024.

This letter is part of the formal notice required by the Settlement.

If your subdivision is represented by an attorney with respect to opioid claims, please immediately contact them.

Please note that this settlement is a NEW opioid settlement; your subdivision may have previously submitted documents for the Distributors, Janssen/J&J, Endo, Teva, Allergan, Walmart, Walgreens, CVS, and Mallinckrodt settlements.

To participate in the Kroger settlement, you will need to submit new documentation.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

You are receiving this letter because Texas settled with Kroger, and your subdivision may participate in this Settlement. This notice is being sent directly to subdivisions who are not litigating against Kroger. If you are represented by an attorney with respect to opioid claims, please immediately contact them. Please note that there is no need for subdivisions to be represented by an attorney or to have filed a lawsuit to participate in the Settlement.

Your subdivision may have already signed on to other opioid settlements and adopted the Texas Term Sheet. **If so, do not disregard this notice. This is a new settlement with Kroger.** If you have already signed on to the Kroger Settlement, you may disregard this notice.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

All required documentation must be executed and submitted to the email address: opioids@oag.texas.gov. Your subdivision will need to submit the **Subdivision Participation Form** for the Kroger settlement to opioids@oag.texas.gov. Please also be sure to include in the Form the identity and email address of the individual who is authorized to sign formal and binding documents on behalf of your subdivision.

SETTLEMENT OVERVIEW

The proposed Settlement requires Kroger to pay \$83 million (the "Settlement Amount") to Texas and its political subdivisions. Of the Settlement Amount, the vast majority is earmarked for use by Texas and its subdivisions to remediate and abate the impacts of the opioid crisis. The Settlement also contains injunctive relief provisions governing the opioid marketing as well as the sale and dispensing practices at the heart of the opioid claims in the lawsuits.

The subdivisions within Texas are entitled to decide whether they wish to participate in the settlement. Any subdivision that does not participate cannot directly share in any of the settlement funds.

WHERE CAN YOU FIND MORE INFORMATION?

This email is intended to provide a brief overview of the Settlement. Detailed information about the Settlement may be found at the website set up by Office of the Attorney General of Texas: <https://www.texasattorneygeneral.gov/globalopioidsettlement>.

WHY YOU SHOULD PARTICIPATE

Texas and the Litigating Political Subdivisions in Texas support of this settlement.

Subdivision participation is strongly encouraged, for the following reasons:

First, the amounts to be paid under the Settlement, while insufficient to abate the epidemic fully, will contribute to allowing Texas and its local governments to commence with meaningful change designed to curb opioid addiction, overdose, and death, following on the Distributors and Johnson & Johnson/Janssen settlements from 2021, the Teva and Endo settlements from 2022, the Mallinckrodt bankruptcy settlement in 2023, and the Allergan, CVS, Walmart, and Walgreens settlements from 2023;

Second, time is of the essence. The opioid epidemic continues to devastate communities around the country, and it is critical that the funds begin to flow to allow governments to address the epidemic in their communities **as soon as possible**; and

Third, you know first-hand the effects of the opioid epidemic on your community. Funds from this settlement will be used to commence abatement of the crisis and provide relief to your citizens while litigation and settlement discussions proceed against numerous other defendants in the opioid industry.

HOW WILL SETTLEMENT FUNDS BE ALLOCATED IN TEXAS?

The Texas Term Sheet, which sets the allocation between subdivisions and the State, can be found on the Texas Attorney General's website. Any questions concerning the status or terms of the Texas Term Sheet and allocations in Texas can be directed to the Texas Attorney General's Office.

You may be contacted by the Texas Attorney General's Office with additional information regarding the allocation of settlement funds in Texas. Subdivisions with representation can expect information from their attorneys. We encourage you to review all materials and to follow up with any questions. The terms of these settlements are complex, and we want to be sure you have all the information you need to make your decision.

As with the other opioid settlements, the Texas Comptroller of Public Accounts and the Texas Opioid Council will disburse funds to participating political subdivisions in Texas.

NEXT STEPS

This settlement requires that you take affirmative steps to 'opt in' to the settlement. If you do not act, you will not receive any settlement funds.

First, have your authorizing person(s) or body begin to review the materials on the website concerning the settlement agreement terms and the Texas Term Sheet. Develop a list of questions for your counsel or the Texas Attorney General's Office. Your subdivision will need to begin the process of deciding whether to participate in the proposed settlement, and subdivisions are encouraged to work through this process well before the **December 29, 2024**, deadline. Again, the Texas Attorney General's Office, your counsel, and other contacts within the state are available to discuss the specifics of the settlements within your state and we encourage you to discuss the terms and benefits of the settlements with them.

Second, should you decide to proceed with participating, your subdivision will need to submit your signed Subdivision Participation Form to opioids@oag.texas.gov.

NOTE: If your subdivision has not already done so, your subdivision will need to adopt the Texas Term Sheet and its intrastate allocation schedule. If your subdivision has previously signed on to the Distributors, J&J/Janssen, Endo, Teva, Allergan, CVS, Walmart, and Walgreens settlements, you will have already adopted the Texas Term Sheet. There is no need to readopt the Texas Term Sheet. If you have NOT adopted the Texas Term Sheet, please contact opioids@oag.texas.gov.

We urge you to view the Texas Attorney General's website at your earliest convenience. Information and documents regarding the settlement can be found on the settlement website at: <https://www.texasattorneygeneral.gov/globalopioidsettlement>

Questions regarding the opioid settlements can be directed to: opioids@oag.texas.gov.

FREQUENTLY ASKED QUESTIONS

1. My subdivision already signed up for opioid settlements, is that good enough for these new settlements?

No, you will need to submit a new **Subdivision Participation Form** for the Kroger Settlement; opting into the other settlements does not sign you up for this one.

2. Does my subdivision need to pass a resolution to sign up for this settlement?

This depends on the specifics of what your county or city is required to do to release legal claims. If your city manager, for example, is authorized to generally enter into opioid settlements, you may not need a resolution. Consult your legal counsel for advice.

If your subdivision has already adopted the Texas Term Sheet to sign on to a previous opioid settlement, you do NOT need to adopt an additional resolution to readopt the Texas Term Sheet.

3. When will my subdivision receive funds from this settlement and/or the other settlements?

Funds for the Distributors, J&J/Janssen, Endo, Teva, Allergan, CVS, Walmart, and Walgreens, and Mallinckrodt settlements have been paid to the Texas Comptroller of Public Accounts and the Texas Opioid Council, and those funds continue to be distributed to participating subdivisions.

4. How much will my subdivision receive from the Kroger Settlement?

If you have questions about your subdivision’s individual allocation amount, please contact opioids@oag.texas.gov.

5. What are all the different Texas opioid settlements?

Here is a summary of all the opioid settlements between Texas and its political subdivisions and the various manufacturers, distributors, and retail pharmacies:

Date Announced	Company	Amount
February 2021	McKinsey	\$38.4 million
July 2021	AmerisourceBergan, Cardinal Health, and McKesson	\$1.271 billion
July 2021	Janssen	\$296.9 million
December 2021	Endo	\$63 million
February 2021	Teva	\$150 million plus \$75 million in product plus \$57 million from MFN
June 2021	Mallinckrodt	\$26.6 million
December 2022	Allergan	\$135.7 million
December 2022	Walmart	\$170 million
December 2022	CVS	\$300.3 million
December 2022	Walgreens	\$326.6 million
February 2024	Publicis	\$21.5 million
October 2024	Kroger	\$83 million

Total	13 companies	\$3.016 billion
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Exhibit A

TEXAS SETTLEMENT SUBDIVISION PARTICIPATION AND RELEASE FORM

Political Subdivision:	Texas
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Texas Political Subdivision”), in order to obtain and in consideration for the benefits provided to the Texas Political Subdivision pursuant to the Kroger Texas Settlement Agreement and Full Release of All Claims dated October 30, 2024 (“Kroger Texas Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Texas Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Texas Political Subdivision above is aware of and has reviewed the Kroger Settlement Agreement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Texas Political Subdivision elects to participate in the Kroger Texas Settlement and become a Participating Texas Political Subdivision as provided therein.
2. The Texas Political Subdivision shall immediately cease any and all litigation activities as to the Released Entities and Released Claims and, within 14 days of executing this Participation and Release Form, its counsel shall work with Kroger’s counsel to dismiss with prejudice any Released Claims that it has filed.
3. The Texas Political Subdivision agrees to the terms of the Kroger Texas Settlement pertaining to Texas Political Subdivisions as provided therein.
4. By agreeing to the terms of the Kroger Texas Settlement and becoming a Releasor, the Texas Political Subdivision is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date of the Release.
5. The Texas Political Subdivision agrees to use any monies it received through the Kroger Texas Settlement solely for the purposes provided therein.

6. The Texas Political Subdivision submits to the exclusive jurisdiction and authority of the Texas Consolidated Litigation Court as defined in the Kroger Texas Settlement. For the avoidance of doubt, nothing contained in this Participation and Release Form, or the Kroger Texas Settlement, constitutes consent to jurisdiction, express or implied, over the Texas Political Subdivision or its selected counsel to the jurisdiction of any other court (including without limitation MDL 2804, the MDL 2804 Fee Panel, the MDL 2804 Enforcement Committee, or the Court in which any Texas Consent Judgment is filed) for any purpose whatsoever.
7. The Texas Political Subdivision, as a Participating Texas Subdivision, has the right to enforce the Kroger Texas Settlement in the Texas Consolidated Litigation Court as provided therein.
8. The Texas Political Subdivision, as a Participating Texas Subdivision, hereby becomes a Releasor for all purposes in the Kroger Texas Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Texas Political Subdivision hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entities in any forum whatsoever. The releases provided for in the Kroger Texas Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entity the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Texas Political Subdivision to release claims. The Kroger Texas Settlement shall be a complete bar to any Released Claim.
9. The Texas Political Subdivision hereby takes on all rights and obligations of a Participating Texas Subdivision as set forth in the Kroger Texas Settlement.
10. In connection with the releases provided for in the Kroger Texas Settlement, each Texas Political Subdivision expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Texas Political Subdivision hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Texas Settlement.

11. The Texas Political Subdivision acknowledges, agrees, and understands that the Maximum Texas Settlement Amount to be paid under the Kroger Texas Settlement for the benefit of the Participating Texas Political Subdivision, is less than or equal to the amount, in the aggregate, of the Alleged Harms allegedly suffered by the governmental entity, constitutes restitution and remediation for damage or harm allegedly caused by Kroger in order to restore, in whole or part, the governmental entity to the same position or condition that it would be in had it not suffered the Alleged Harms; and constitutes restitution and remediation for damage or harm allegedly caused by the potential violation of a law and/or is an amount paid to come into compliance with the law.
12. Nothing herein is intended to modify in any way the terms of the Kroger Texas Settlement Agreement, to which the Texas Political Subdivision hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Kroger Texas Settlement, the Kroger Texas Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Texas Political Subdivision.

Signature: _____
Name: _____
Title: _____
Date: _____



CITY OF LAVON

Agenda Brief

MEETING: December 3, 2024

ITEM: 6 - A

Item:

Public Hearing, discussion, and action regarding an application for a proposed amendment to Article 9.03 Zoning Ordinance of the City of Lavon Code of Ordinances to amend Ordinance No. **2022-10-03** that established the Planned Development regulations for commercial, business park and mixed uses in the Elevon development project, more specifically to amend the regulations for Land Use Parcel 8 and Land Use Parcel 9 to define the use of data center and amend associated screening, dimensional standards, building materials, and setback requirements on approximately 79.3 acres situated in the Drury Anglin Survey, Abstract No. 2, Tract 75, southwest of the intersection of FM 2755 and Watkins Road (CR 541), Lavon, Collin County, TX (CCAD Property ID 2543097).

- 1) Presentation of proposed amendment.
- 2) **PUBLIC HEARING** to receive comments regarding the proposed amendment.
- 3) Discussion and action regarding the proposed amendment.

Application Information

Owner(s): Petro-Hunt L.L.C.

Applicant: Lovett Industrial

Representative: James Yu

Location: Southwest of the intersection of FM 2755 and Watkins Road (CR 541)

Description: 79.3 acres situated in the Drury Anglin Survey, Abstract No. 2, Tract 75
City of Lavon, Collin County, Texas

Current Zoning: Planned Development (PD)

Request: Modifications to the PD

Request Details

The proposed zoning change application seeks to amend the Planned Development District regulations adopted by Ordinance No. **2022-10-03** for the commercial, business, park, and mixed uses in Elevon on Land Use Parcel 8 and Land Use Parcel 9, referred to as the Business Park. The applicant proposes to further define the use of data center, include it in Land Use Parcel 8, and to amend associated screening, dimensional standards, building materials, and setback requirements. Except as proposed for

amendment, the provisions of Ordinance No. 2022-10-03 govern the development of the property.

Background:

The proposed application is consistent with the Future Land Use Plan and the Comprehensive Plan.

The applicant agreed to include a provision in the amendment requiring that existing trees and vegetation along any property boundary that is adjacent to properties zoned or used for residential uses shall be preserved.

The applicant has provided a concept plan for the proposed layout for development of the parcel as well as a conceptual architectural elevation of structures anticipated to be developed. Neither the concept plan nor conceptual building elevation are part of the proposed amendment and are provided to illustrate the plans.

Prior to development, an approved site plan and landscape plan will be required.

The requisite public hearing notice was published in the newspaper and posted on the website and zoning change signs were placed on the property. In accordance with state and local laws, twenty-five (25) neighbor notices were mailed to the owners of property located within 200 feet of the applicant's property. No notices have been returned in favor of or opposition to the proposed amendment.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE APPLICATION FOR A PROPOSED AMENDMENT TO ARTICLE 9.03 ZONING ORDINANCE OF THE CITY OF LAVON CODE OF ORDINANCES TO AMEND ORDINANCE NO. 2022-10-03 THAT ESTABLISHED THE PLANNED DEVELOPMENT REGULATIONS FOR COMMERCIAL, BUSINESS PARK AND MIXED USES IN THE ELEVON DEVELOPMENT PROJECT, MORE SPECIFICALLY TO AMEND THE REGULATIONS FOR LAND USE PARCEL 8 AND LAND USE PARCEL 9 TO DEFINE THE USE OF DATA CENTER AND AMEND ASSOCIATED SCREENING, DIMENSIONAL STANDARDS, BUILDING MATERIALS, AND SETBACK REQUIREMENTS ON APPROXIMATELY 79.3 ACRES SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, TRACT 75, SOUTHWEST OF THE INTERSECTION OF FM 2755 AND WATKINS ROAD (CR 541), LAVON, COLLIN COUNTY, TX .

MOTION MADE: NABORS
SECONDED: VALLEJO
APPROVED: UNANIMOUS (Absent: Cox)

Staff Notes:

Approval is recommended.

- Attachments:**
1. Application
 2. Location exhibits
 3. Neighbor notices
(a data source of property owners who were mailed notices is available upon request from cityhall@lavontx.gov)



CITY OF LAVON
 120 School Road - P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220
 lmccleendon@lavontx.gov

**Request for a Change in
 Zoning District Classification**

Complete and submit via MyGov at www.cityoflavon.com

Lovett Industrial 11/22/24

Applicants Name Date

James Yu 972-489-5570

Representative or Agent Phone Number

3811 Turtle Creek Blvd #1050 Dallas, TX 75219
 Street City, State, Zip

17000 FM 2755, Lavon, TX 75166

Location of Property

Part of the Drury Anglin Survey, Abstract #2
 and part of called Tract One of Petro-Hunt LLC Planned Development

Legal Description of Property Current Zoning

Check which zoning category you wish to change to:

- | | |
|--|--|
| <input type="checkbox"/> Residential Single Family – 1-acre (SF-1) | <input type="checkbox"/> Retail (R) |
| <input type="checkbox"/> Residential Single Family – 2 (SF-2) | <input type="checkbox"/> Main Street (M) |
| <input type="checkbox"/> Residential Single Family – 4 (SF-4) | <input type="checkbox"/> Business Park (B) |
| <input checked="" type="checkbox"/> Planned Development (PD) | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Special or Conditional Use Permit | |

Signature of Applicant or Representative: James Yu

For Office Use Only

Date Received: _____ Date Paid: _____ Fee Paid: _____

Next P & Z Meeting: _____ Next City Council Meeting: _____



CITY OF LAVON
120 School Road • P.O. Box 340
Lavon, TX 75166
Phone (972) 843-4220

Authorization of Representation

Date: 11/22/24

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Petro-Hunt, 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 Lovett Industrial 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 (Owner)

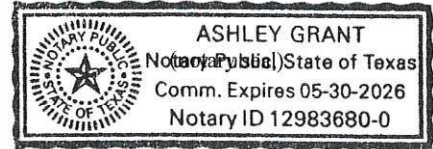
Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared J.M. Mason,
on this the 25th day of November, 2024.





Notary Public in and for Dallas County, Texas



CITY OF LAVON
 120 School Road - P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220
 lmclendon@lavontx.gov

Declaration of Ownership

Date: _____

To the City of Lavon
 Collin County, Texas

This letter will serve as notice that I/we, Petro-Hunt, 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.

J. M. Mason
 Signature (Owner)

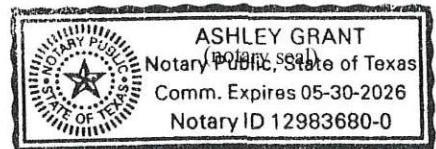
 Signature (Owner)

 Signature (Owner)

The State of Texas
 County of Dallas

Before me, the undersigned authority, appeared J. M. Mason,
 on this the 25th day of November, 2024.

Ashley Grant



Notary Public in and for Dallas County, Texas

CITY OF LAVON

ORDINANCE NO. 2024-12-

Planned Development Zoning – Elevon Business Park - Amendment

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING THE ZONING REGULATIONS ON APPROXIMATELY 79.3 ACRES OF LAND, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “B” AND DEPICTED IN EXHIBIT “A”; 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 Home Rule 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, the City Council approved Ordinance No. 2022-10-03 setting out Planned Development District regulations for Elevon Commercial, Business Park, and Mixed Use areas; and

WHEREAS, owners of the Property hereinafter defined have submitted an application to amend the regulations adopted by Ordinance No. 2022-10-03 on approximately 79.3 acres of land, generally located as depicted on Exhibit “A” and as legally described in Exhibit “B” (the “**Property**”); and

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

WHEREAS, the Zoning Ordinance may incorporate design standards and building materials standards that are differentially applicable to residential structures and non-residential buildings, and such standards substantially further the preservation of property values and the promotion of economic development within the City, and 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 development 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 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 amend the zoning of the Property as established in Exhibit C, which exhibit is incorporated as if fully set forth herein, and all applicable City ordinances and regulations governing except as may be modified by the Ordinance.

SECTION 4. 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 5. 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 6. 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 7. 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 8. 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 9. Publication and Effective Date. That this Ordinance shall be in full force and effect immediately upon its adoption and its publication as required by law.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on this _____ day of _____, 20_____.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

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to be updated accordingly

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EXHIBIT A. LOCATION MAP

EXHIBIT B. LEGAL DESCRIPTION

LEGAL DESCRIPTION

(79.312 ACRES)

Being a parcel of land located in Collin County, Texas, a part of the Drury Anglin Survey, Abstract Number 2, and being a part of that called Tract One – 80.324 acre tract of land described in deed to Petro-Hunt, L.L.C. as recorded in Volume 5569, Page 2651, Official Public Records of Collin County, Texas, and being further described as follows:

BEGINNING at a point for corner in the south line of said 80.324 acre tract, said point also being the southwest corner of that called 1.00 acre tract of land described in deed to Craig Gorsuch and Zandrea Gorsuch as recorded in Document Number 20191125001502520, Official Public Records of Collin County, Texas;

THENCE North 89 degrees 04 minutes 31 seconds West, 1081.65 feet to the southwest corner of said 80.324 acre tract;

THENCE along the west line of said 80.324 acre tract as follows:

North 01 degrees 17 minutes 28 seconds East, 1296.52 feet to a point for corner;

North 01 degrees 08 minutes 04 seconds East, 1381.25 feet to a point for corner, said point being the northwest corner of said 80.324 acre tract, said point also being in the south right-of-way line of Farm-to-Market Highway Number 2755;

THENCE along the north and east line of said 80.324 acre tract and along the south and west right-of-way line of Farm-to-Market Highway Number 2755 as follows:

South 89 degrees 24 minutes 15 seconds East, 650.11 feet to a point for corner;

Southeasterly, 1221.78 feet along a curve to the right having a central angle of 90 degrees 30 minutes 00 seconds, a radius of 773.51 feet, a tangent of 780.29 feet, and whose chord bears South 44 degrees 09 minutes 15 seconds East, 1098.67 feet to a point for corner;

South 01 degrees 05 minutes 45 seconds West, 378.73 feet to a point for corner;

THENCE continuing along the east line of said 80.324 acre tract as follows:

North 88 degrees 48 minutes 59 seconds West, 610.31 feet to a point for corner;

South 01 degrees 11 minutes 01 seconds West, 350.00 feet to a point for corner;

South 88 degrees 48 minutes 59 seconds East, 610.85 feet to a point for corner, said point being in the west right-of-way line of Farm-to-Market Highway Number 2755;

THENCE continuing along the east line of said 80.324 acre tract and along the west right-of-way line of Farm-to-Market Highway Number 2755 as follows:

South 01 degrees 05 minutes 45 seconds West, 155.00 feet to a point for corner;

South 00 degrees 49 minutes 45 seconds West, 900.56 feet to a point for corner, said point being the northeast corner of said 1.00 acre tract;

THENCE North 89 degrees 04 minutes 32 seconds West, 358.98 feet to the northwest corner of said 1.00 acre tract;

THENCE South 00 degrees 44 minutes 56 seconds West, 121.37 feet to the POINT OF BEGINNING and containing 3,454,820 square feet or 79.312 acres of land.

DRAFT

EXHIBIT C. DEVELOPMENT STANDARDS

LAND USE PARCEL 8

The following regulations shall apply to the tract designated as **LAND USE PARCEL 8** on **Exhibit C – Concept Plan**.

1.3.52 Uses

Permitted uses shall be in accordance with the development standards below.

1.3.53 Development Standards: Development shall be in accordance with the standards established in the **Business Park District (B)** or the Retail District (R) in the City's Code of Ordinances as it exists on the date of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9 years, unless otherwise identified below.

1.3.53.1 Maximum Building Size: 30,000 square feet.

- Should a larger building be proposed, a Conditional Use Permit shall be required. All Conditional Use Permit (CUP) Applications shall follow the guidelines set forth in Sec. 9.03.211 (Conditional Use) of the Zoning Ordinance, and as amended, and shall be reviewed by the City Administrator, or their designee, for completeness. Failure by the applicant to provide all required information shall constitute grounds for refusal for processing and review. Once the Application has been deemed complete, the Planning and Zoning Commission shall hold a Public Hearing to provide a recommendation to City Council. Following the Commission's recommendation, City Council shall hold a Public Hearing and approve, approve with conditions, or deny the conditional use permit, per the review criteria stated above.
- **The maximum building size restriction does not apply to a data center.**

1.3.53.2 Building Placement, Orientation and Site Design:

- ~~Minimum Front Yard setback is 25 feet~~
- Prior to the issuance of any building permit, a site plan shall be submitted for review and approval to the City in accordance with the Zoning Ordinance and the Concept Plan. There is no Minimum Building Size.
- ~~Maximum Height is 45 feet (45') with the exception of hotel uses, which shall be 65 feet (65') and 85 feet (85') for data center uses. Proximity slope shall be provided: for the first 50 feet (50') adjacent to single family residential, the maximum height shall be 30 feet (30').~~
- **Data Center Standards: The following standards shall apply to Data Center uses.**
 - o **Landscape Buffers: A minimum 15-foot-wide landscape buffer shall be provided adjacent to FM 2755 and McClendon Road. All street rights-of way and shall be maintained as permanent green space. Said**

landscape buffer shall be comprised of, at a minimum, the following materials:

- Shade Trees: Shade trees shall be 3 caliper inches in size, measured 12” above the planting surface, at the time of planting
- Ornamental Trees: Ornamental trees shall be 2 caliper inches in size at the time of planting.
- o Screening
 - A minimum six foot (6’) tall screening wall shall be provided along the side and rear property lines. In addition to the building materials prescribed herein, the screening wall may be constructed of tilt wall concrete.
 - Evergreen shrubs that are at least three feet in height at time of planting and spaced no further apart than 3 feet on center shall be placed along any property boundary that is adjacent to properties zoned or used for residential uses. The screening shall form a continuous, unbroken, solid visual screen 6 feet in height within 2 years after time of planting.
 - Existing trees and vegetation, located along any property boundary that is adjacent to properties zoned or used for residential uses, shall be preserved.
- o The structures may be built using tilt wall construction. If the structures are built using this method, a diversity of patterns and/or designs shall be placed on the surface of the walls.
- o Open spaces that are visible from the public street shall qualify as open spaces required in Section 1.3.5 Plazas and Open Spaces.
- o For secured data center uses, the Non-Residential requirements of Section 1.3.4 Plazas and Open Spaces and Section 1.3.4.31 Open Space Connectivity will only be implemented where reasonably feasible or possible.
- o Utility lines internal to the site and not visible from the public street may be above ground.

1.3.54 Location and Types

The location of **LAND USE PARCEL 8** shall be as generally depicted on **Exhibit C – Concept Plan**.

1.3.55 Permitted Uses

1.3.55.1 The following uses are permitted:

- Amenity Center
- Amusement Establishment
- Automobile Fueling Station*
- Automobile Service Establishment*
- Bakery/Confectionary Retail Establishment
- Bed and Breakfast*
- Building Material Sales
- Business Service and Sales
- Car Wash*

- Church or Place of Worship
- Commercial Greenhouse or Nursery
- Commercial Recreational Use
- Community Swimming Pool
- Country Club
- **Data Center**** Data Center is defined as data processing center (hyperscale) facilities used to house, and in which are operated, maintained and replaced from time to time, computer systems and associated components, such as telecommunications and storage systems, cooling systems, power supplies and systems for managing property performance (including generators and mechanical and electrical yards), and equipment used for the transformation, transmission, distribution and management of electricity (including private substations), internet-related equipment, data communications connections, private communication towers, environmental controls and security devices, structures and site features, as well as certain accessory uses or buildings located on the land and other related or associated uses, buildings or structures such as utility buildings; private utility facilities; office; buildings for support staff; warehousing for logistics, storage and/or other similar uses; cafeteria; guardhouse; diesel storage tanks; fuel storage for emergency generators; water storage tanks; security fencing; and other structures, improvements and appurtenances. Any accessory uses to a Data Center use shall be in direct relation to or support of the primary Data Center use.
- Day Care and Education Facility (Privately-owned)
- Dog Park*
- Dry-cleaning Retail Establishment
- Educational Facility (Public)
- Alcohol: mixed beverage sales (on-premises consumption)
- Alcohol: wine and malt beverage sales (on-premises consumption)
- Alcohol: mixed beverage package store (on- and/or off-premises consumption)*
- Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)*
- Alcohol: manufacturing and distribution (on- and/or off-premises consumption)*
- Alcohol: brewpub (on- and/or off-premises consumption)*
 1. Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (use regulations).
- Exercise and Sports Establishment
- Federal, State or City Owned or Controlled Facilities
- Financial Institution
- Franchise-holding Facilities and Utilities
- Golf Course
- Home and Residence Services
- Hotel
- Insurance
- Medical and State Licensed Health Services

- Merchandise Rental
- Municipal Uses
- Nursery, Garden, Landscape Materials Sales
- Nursing Home or Assisted Living Facility
- Outdoor or Drive-Thru Sales or Service
- Open Space Preserves
- Personal Services
- Pet Grooming and Care Services*
- Pharmacy
- Private Clubs and Organizations (indoor)*
- Professional Service and Sales
- Public Parks and Playgrounds
- Public Recreational Facilities
- Real Estate Services
- Restaurant
- Retail Sales
- Technical Service and Sales
- Vehicle Parking Garage
- Veterinarian Service, Animal Clinic*

**Conditional Use*

1.3.56 Dimensional Standards

The tract designated as **LAND USE PARCEL 8** on **Exhibit C – Concept Plan** shall comply with the following Dimensional Standards:

Dimensional Standard	
Minimum Front Yard Setback	25’/100’ for data center
Minimum Side Yard Setback	25’/100’ for data center
Minimum Side Yard corner	25’/100’ for data center
Minimum Rear Yard Setback	25’/100’ for data center
Maximum Lot Coverage	75%
Maximum Main Structure Height	45’/65’/85’ 65’ for hotel use 85’ for data center use
Maximum Accessory Structure Height	40’
<i>* Proximity slope shall be provided for the first 50 feet (50’) adjacent to single-family residential, the maximum height shall be 30 feet (30’).</i>	

LAND USE PARCEL 9

The following regulations shall apply to the tract designated as **LAND USE PARCEL 9** on **Exhibit C – Concept Plan**.

1.3.57 Uses

Permitted uses shall be in accordance with the development standards below.

1.3.58 Business Park Development Standards: Development shall be in accordance with the standards established in the Business Park District (B) in the City’s Code of Ordinances as it exists on the date of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9 years, unless otherwise identified below.

1.3.59 Site Design, Building Placement, Orientation and Process Controls:

- Service doors for loading or for auto or similar service shall not face a public street unless screened.
- Landscape Buffers: A minimum 15-foot-wide landscape buffer shall be provided adjacent to FM 2755. All street rights-of way and shall be maintained as permanent green space. Said landscape buffer shall be comprised of, at a minimum, the following materials:
 - ~~Buffer Vegetation:~~
 - Shade Trees: Shade trees shall be 3 caliper inches in size, measured 12” above the planting surface, at the time of planting
 - Ornamental Trees: Ornamental trees shall be 2 caliper inches in size at the time of planting.
 - Data Center Standards: The following standards shall apply to Data Center uses.
 - Screening
 - A minimum six foot (6’) tall screening wall shall be provided along the side and rear property lines. In addition to the building materials prescribed herein, the screening wall may be constructed of tilt wall concrete.
 - Evergreen shrubs that are at least three feet in height at time of planting and spaced no further apart than 3 feet on center shall be placed along any property boundary that is adjacent to properties zoned or used for residential uses. The screening shall form a continuous, unbroken, solid visual screen 6 feet in height within 2 years after time of planting.
 - Existing trees and vegetation, located along any property boundary that is adjacent to properties zoned or used for residential uses, shall be preserved.
 - The structures may be built using tilt wall construction. If the structures are built using this method, a diversity of patterns and/or designs shall be placed on the surface of the walls.
 - Open spaces that are visible from the public street shall qualify as open spaces required in Section 1.3.5 Plazas and Open Spaces.
 - For secured data center uses, the Non-Residential requirements of Section 1.3.4 Plazas and Open Spaces and Section 1.3.4.31 Open Space Connectivity will only be implemented where reasonably feasible or possible.
 - Utility lines internal to the site and not visible from the public street may be above ground.

1.3.60 Location and Types

The location of **LAND USE PARCEL 9** shall be as generally depicted on **Exhibit C – Concept Plan**.

1.3.61 Permitted Uses

1.3.61.1 The following uses are permitted:

- Alcohol: mixed beverage sales (on-premises consumption)
- Alcohol: wine and malt beverage sales (on-premises consumption)
- Alcohol: mixed beverage package store (on- and/or off-premises consumption)*
- Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)*
- Alcohol: manufacturing and distribution (on- and/or off-premises consumption)*
- Alcohol: brewpub (on- and/or off-premises consumption)*
 1. Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (use regulations).
- Animal-related Medical, Grooming or Boarding
- Auto, Tool or Equipment Rental*
- Business Service and Sales
- Commercial Cleaning or Laundry Plant*
- Data Center** Data Center is defined as data processing center (hyperscale) facilities used to house, and in which are operated, maintained and replaced from time to time, computer systems and associated components, such as telecommunications and storage systems, cooling systems, power supplies and systems for managing property performance (including generators and mechanical and electrical yards), and equipment used for the transformation, transmission, distribution and management of electricity (including private substations), internet-related equipment, data communications connections, private communication towers, environmental controls and security devices, structures and site features, as well as certain accessory uses or buildings located on the land and other related or associated uses, buildings or structures such as utility buildings; private utility facilities; office; buildings for support staff; warehousing for logistics, storage and/or other similar uses; cafeteria; guardhouse; diesel storage tanks; fuel storage for emergency generators; water storage tanks; security fencing; and other structures, improvements and appurtenances. Any accessory uses to a Data Center use shall be in direct relation to or support of the primary Data Center use.
- Federal, State or City Owned or Controlled Facilities
- Hospital
- Information Data Processing
- Information Distribution, Publication, Production
- Information Telecommunication, Sellers
- Insurance
- Light Manufacturing Clean
- Manufacturing – Appliance, Instrument, Controller

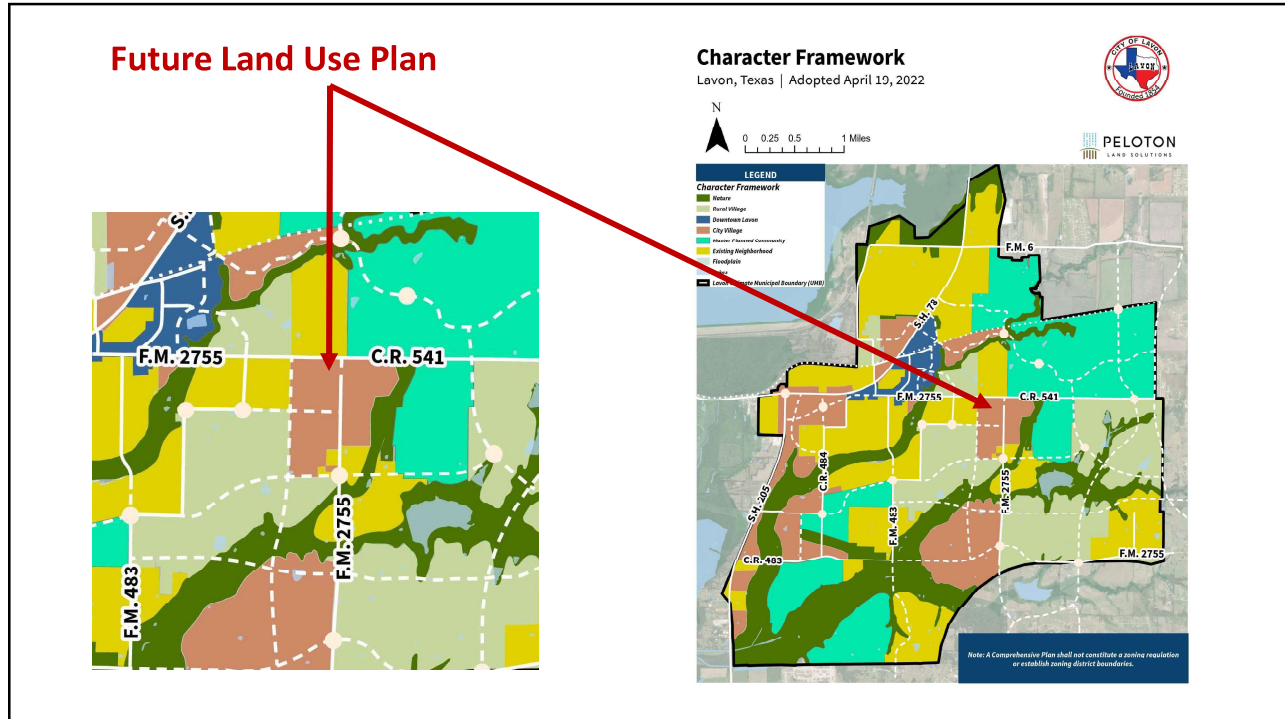
- Manufacturing – Device, Parts, Vehicles
- Manufacturing – Die, Tooling, Equipment, Machinery*
- Materials Bending, Cutting, Machining, Molding, Welding*
- Medical Office
- Medical or Scientific Laboratory*
- Municipal Uses
- Open Space
- Packing of Parts and Materials Previously Manufactured
- Parts Assembly, Materials Sorting Previously Manufactured
- Personal Services
- Pharmacy
- Professional, Scientific, and Technical Services
- Professional Service and Sales
- Public Parks and Playgrounds
- Public Recreational Facilities
- Restaurant
- Retail Sales
- Storage of Flammable Liquids and Materials*
- Studios: Photo, Music, Art, Health, Etc.
- Technical Service and Sales
- Trade Contractor Office and Dispatch
- Truck Repairs and Service*
- Warehousing and Distribution Facilities*
- Wholesale Enterprises without Materials Storage and Distribution

**Conditional Use*

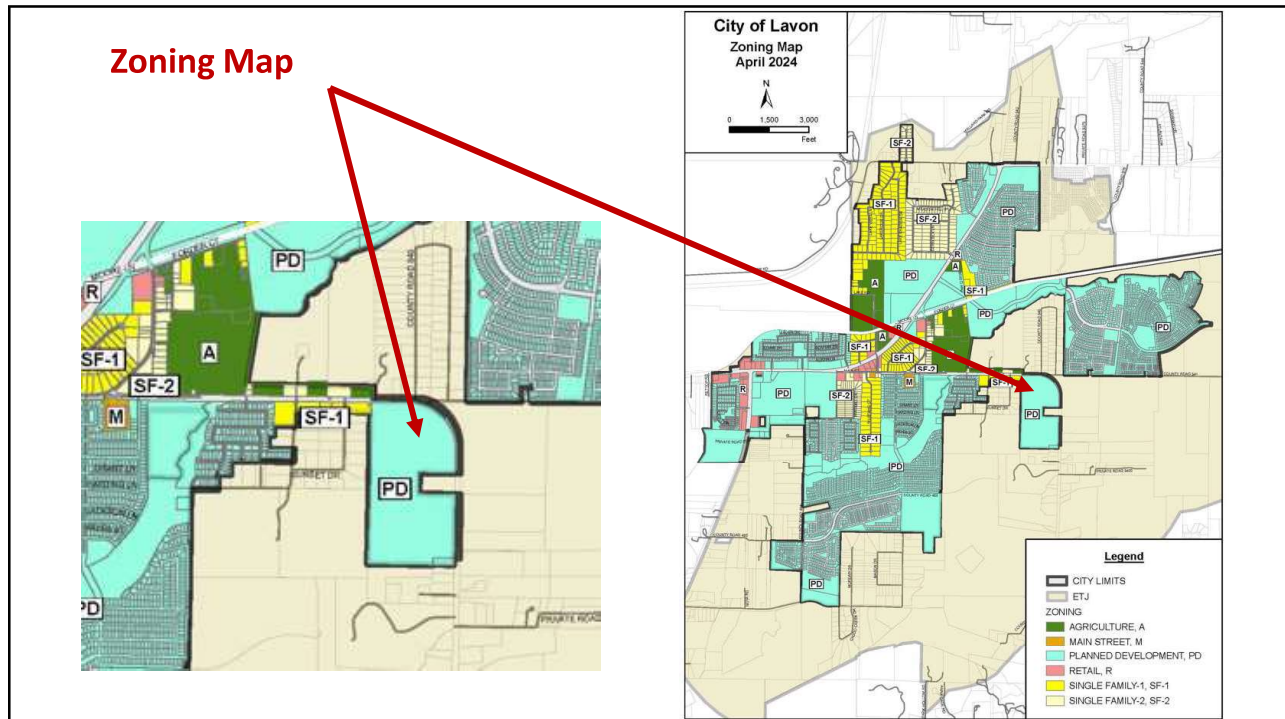
1.3.62 Dimensional Standards

The tract designated as **LAND USE PARCEL 9** on **Exhibit C – Concept Plan** shall comply with the following Dimensional Standards:

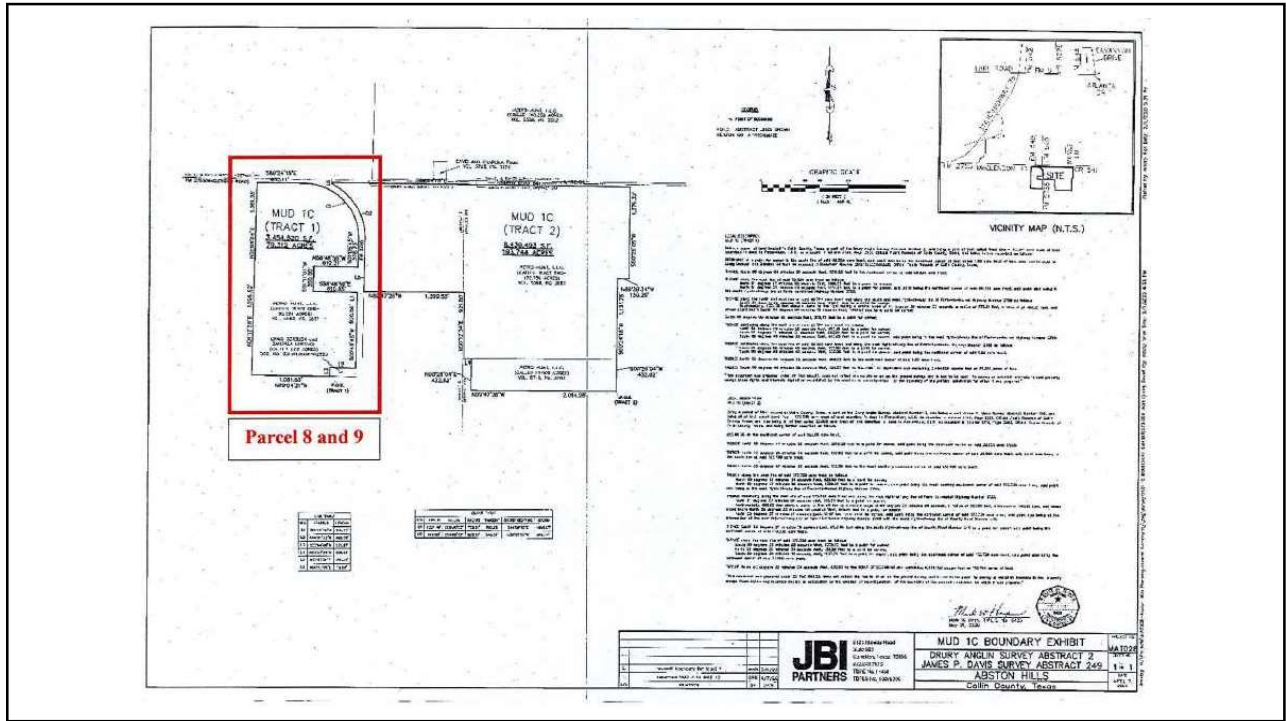
Dimensional Standard	
Minimum Front Yard Setback	25'/100' for data center
Minimum Side Yard Setback	25'/100' for data center
Minimum Side Yard corner	25'/100' for data center
Minimum Rear Yard Setback	25'/100' for data center
Maximum Lot Coverage	75%
Maximum Main Structure Height	45' / 65' / 85' 65' for hotel use 85' for data center use
Maximum Accessory Structure Height	40'
<i>* Proximity slope shall be provided for the first 50 feet (50') adjacent to single-family residential, the maximum height shall be 30 feet (30').</i>	



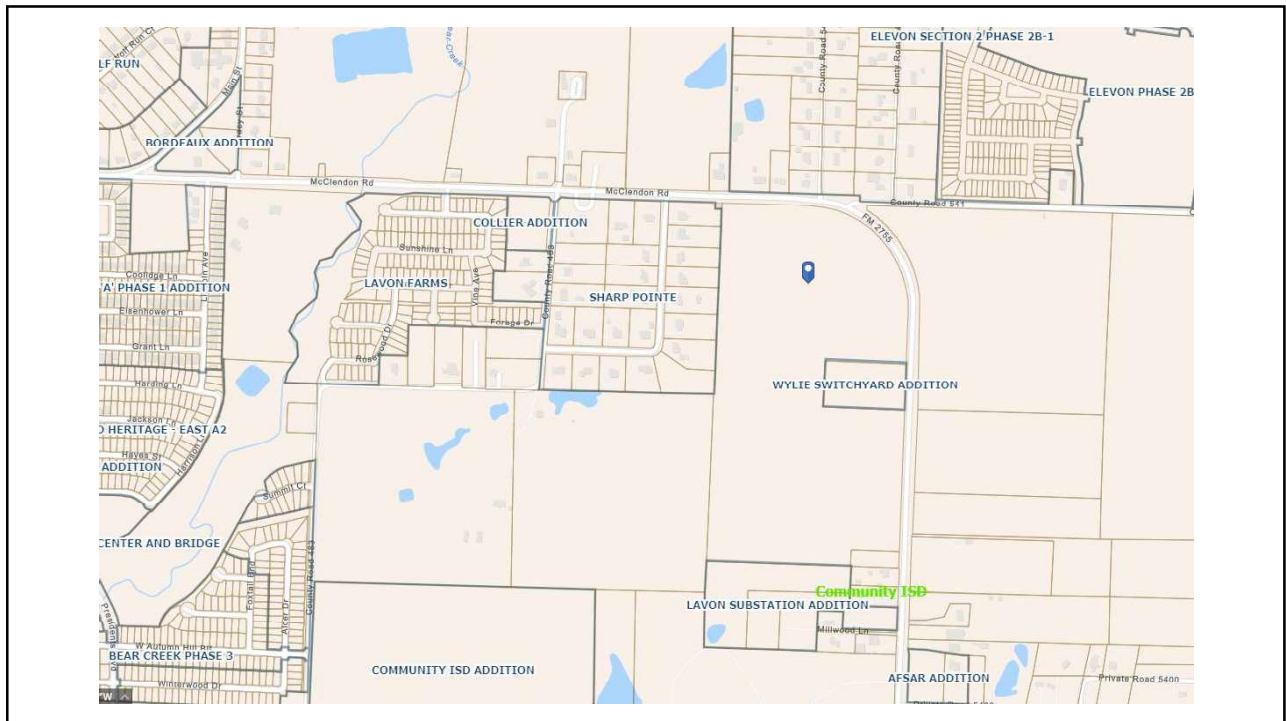
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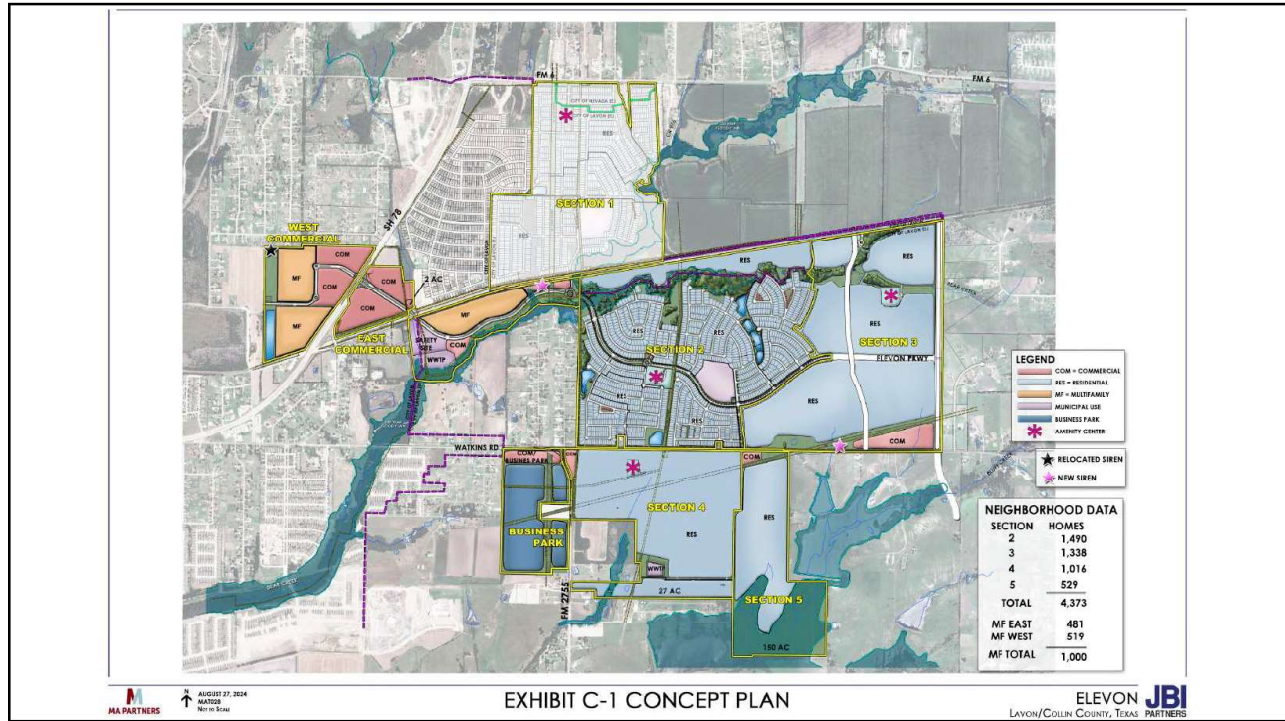
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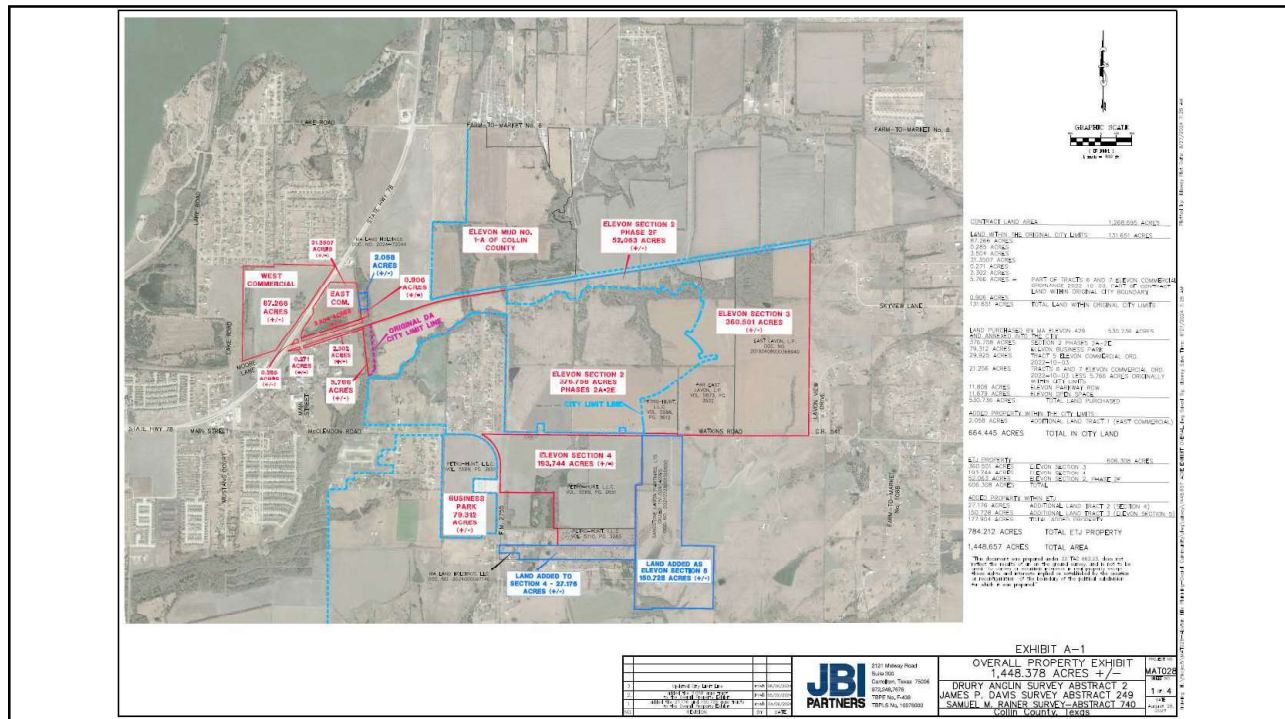
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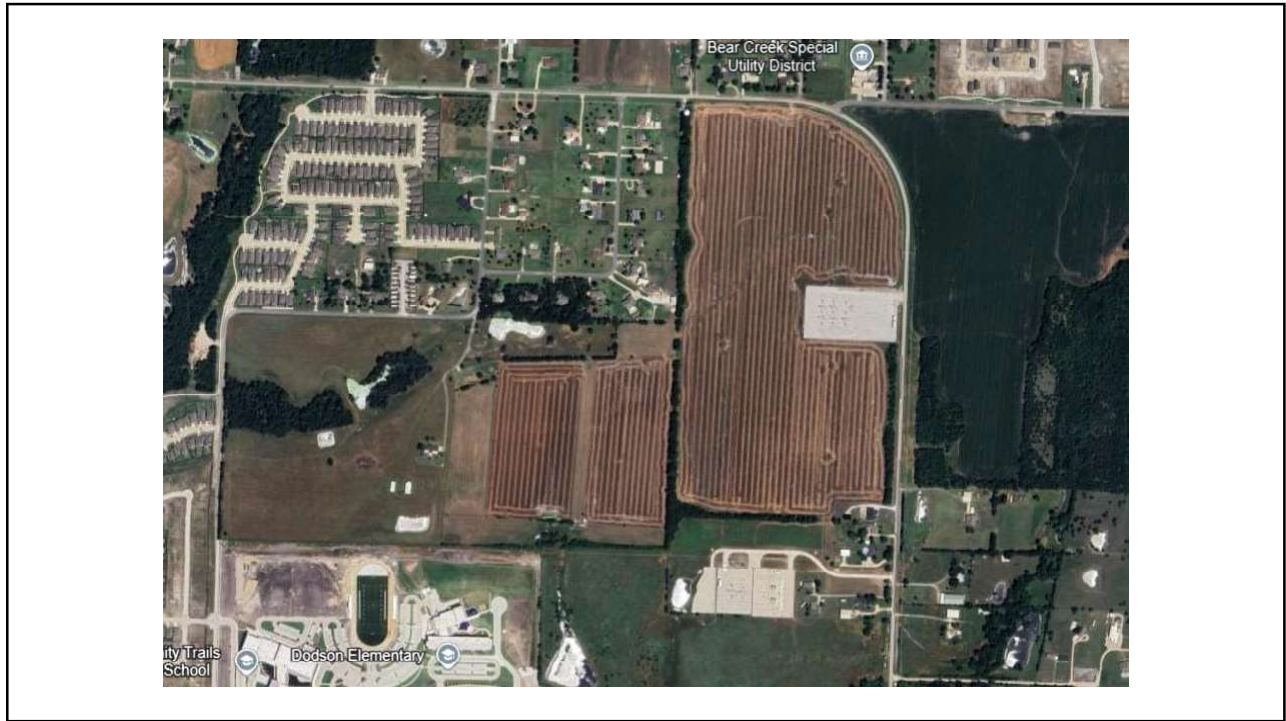
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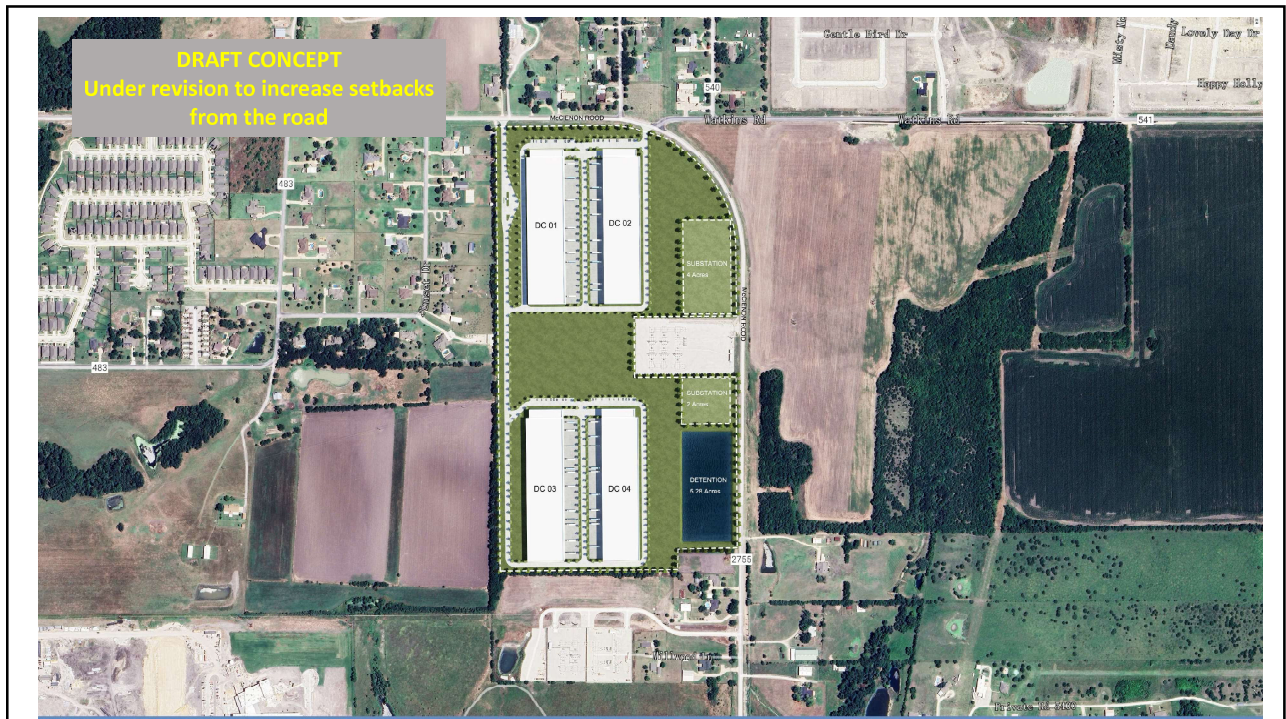
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9



10



11



12



**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 a meeting starting at 6:30 PM on November 26, 2024 at Lavon City Hall, 120 School Road, Lavon, Texas. Further notice is given that the City Council will hold a public hearing at a meeting starting at 6:30 PM on December 3, 2024 at Lavon City Hall. At such times and place, the Commission and the City Council will receive testimony and consider applications for:

Request: Consider an application for a proposed amendment to Article 9.03 Zoning Ordinance of the City of Lavon Code of Ordinances to amend Ordinance No. **2022-10-03** that established the Planned Development regulations for commercial, business park and mixed uses in the Elevon development project, more specifically to amend the regulations for Land Use Parcel 8 and Land Use Parcel 9, Business Park, to define the use of data center and amend associated screening, dimensional standards, building materials, and setback requirements.

Property Description: Approximately 79.3 acres situated southwest of the intersection of FM 2755 and Watkins Road (CR 541), (CCAD Property ID 2543097).

Additional information regarding the request may be obtained at cityhall@lavontx.gov or at 972-843-4220. You are receiving this notice because you own property within the subject property and/or within 200 feet of the subject 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*



CITY OF LAVON

Agenda Brief

MEETING: December 3, 2024

ITEM: 6 - B

Item:

Discussion and action regarding the replat of Lot 29R, Block E, Lake Breeze Estates consisting of a single commercial lot on one acre northwest of the intersection of SH 78 and Oak Street, situated in the S. M. Rainer Survey, Abstract No. 740, Lavon, Collin County, Texas, (CCAD Property ID 2923357).

Application Information

Owner(s): Llumine, L.L.C.

Applicant: Beacon Projects

Location: Northwest of the intersection of SH 78 and Oak Street

Description: Lake Breeze Estates, Block E, Lot 29R
City of Lavon, Collin County, Texas, (CCAD Property ID 2923357)

Current Zoning: Planned Development District (PD)

Request: Replat

Request Details

The applicant is seeking approval of a replat of commercial Lot 29R to modify and adjust access easements and sanitary sewer easements.

The property is presently undeveloped.

Excerpts:

TEXAS LOCAL GOVERNMENT CODE
Sec. 212.014. REPLATTING WITHOUT VACATING PRECEDING PLAT.

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) is signed and acknowledged by only the owners of the property being replatted;
- (2) is approved by the municipal authority responsible for approving plats; and
- (3) does not attempt to amend or remove any covenants or restrictions.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE APPLICATION FROM JBI ON BEHALF OF M.A. PARTNERS FOR THE SITE PLAN AND LANDSCAPE PLAN FOR MARINE GROVE PARK ON APPROXIMATELY 7.113 ACRES IN ELEVON WEST COMMERCIAL ADDITION PHASE 1 ON LOT 2, BLOCK A AND ON APPROXIMATELY 7.086 ACRES IN ELEVON WEST COMMERCIAL ADDITION PHASE 2 ON CA1, BLOCK B NORTH AND SOUTH OF VILLAS DRIVE, LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: NABORS
SECONDED: ROSENQUIST
APPROVED: UNANIMOUS (Absent: Cox)

Staff Notes:

The replat conforms with the Planned Development District zoning regulations and meets the technical requirements of the subdivision regulations. The proposed replat has been reviewed by staff and the City Engineer.

Approval is recommended.

- Attachments:**
1. Application and Replat
 2. Location Exhibits
 3. Engineering and Planning 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>Beacon Projects</u>		Name: <u>LLUMINE, LLC</u>			
Address: <u>2828 E Trinity Mills Rd. #300</u>		Address: <u>626 Seminole Trail</u>			
City/State/Zip: <u>Carrollton, TX 75006</u>		City/State/Zip: <u>Murphy, TX 75054</u>			
Phone #: <u>469-875-6719</u> Fax #: _____		Phone # _____ Fax # _____			
Authorized Person: <u>Jone Paguio</u>		Authorized Person: <u>Sonju Park</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 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 checked="" type="checkbox"/> Other (eg. Replat; Development Plat; Short-Form Plat)		<input type="checkbox"/> (one) PDF plats (on separate CD's)			
		<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				
<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)	Authorized Representative (Signature)		Date:		
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:					



Email: leann.mcclelland@cityoflavon.org

PLAT APPLICATION


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

Declaration of Ownership

Date: 6/20/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Sonju Park, 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)

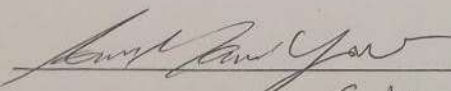
Signature (Owner)

Signature (Owner)

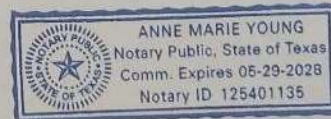
The State of Texas
County of Collin

Before me, the undersigned authority, appeared Sonju Park,
on this the 20 day of June, 2024.

(notary seal)



Notary Public, State of Texas





CITY OF LAVON

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166
Office 972-843-4220 - Fax 972-843-0397 - 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: 6/20/2024

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Sonju Park, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize Ryan Kim 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)

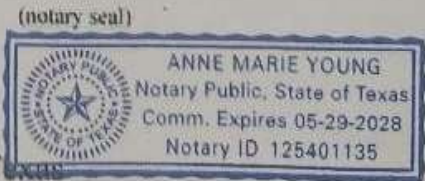
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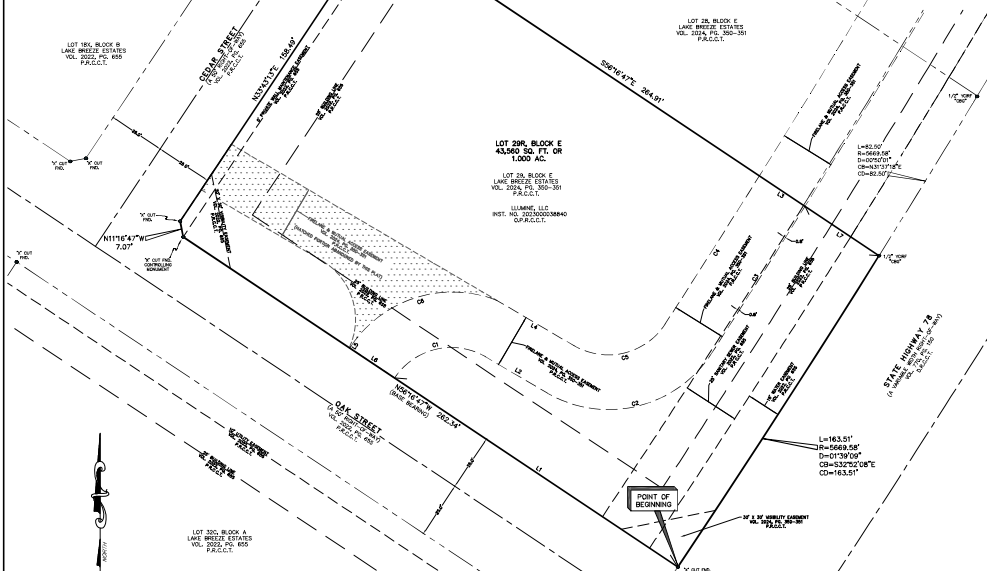
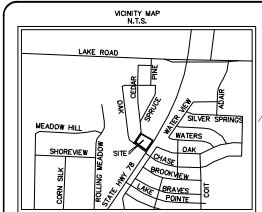
The State of Texas
County of Collin

Before me, the undersigned authority, appeared Sonju Park,
on this the 20 day of June, 2024.

[Signature]

Notary Public in and for Collin County, Texas





CHIRK	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	100.00	45.64	21.79	S 72°02'42" W	88°02'42"
C2	100.00	65.01	32.56	S 62°02'42" W	78°02'42"
C3	100.00	78.84	38.26	S 52°02'42" W	68°02'42"
C4	100.00	85.96	41.74	S 42°02'42" W	58°02'42"
C5	100.00	92.37	44.23	S 32°02'42" W	48°02'42"
C6	100.00	97.17	45.93	S 22°02'42" W	38°02'42"
C7	100.00	100.00	46.99	S 12°02'42" W	28°02'42"

LINE	BEARING	LENGTH
1	S 89°02'42" W	120.25
2	S 89°02'42" W	24.22
3	S 89°02'42" W	24.22
4	N 89°02'42" W	59.31
5	N 89°02'42" W	59.31
6	S 89°02'42" W	120.25

OWNER CERTIFICATE AND DEDICATION
 STATE OF TEXAS -
 COUNTY OF COLLIN -

WHEREAS LUMINE, LLC IS THE SOLE OWNER OF A 1.000 ACRE TRACT OF LAND SITUATED IN THE S. M. RAINIER SURVEY, ABSTRACT NO. 740, CITY OF LAVON, COLLIN COUNTY, TEXAS, AND BEING ALL THAT CERTAIN TRACT OF LAND CONVEYED TO LUMINE, LLC, BY GENERAL WARRANTY DEED, RECORDED IN INSTRUMENT NUMBER 20230300060, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS, AND BEING ALL OF LOT 29R, BLOCK E, LAKE BREEZE ESTATES, AN ADDITION TO THE CITY OF LAVON, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAN THEREOF RECORDED IN VOLUME 2024, PAGE 350-351, PLAT RECORDS, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN "X" CUT FOUND FOR THE SOUTH CORNER OF SAID LOT 29, SAME BEING IN THE NORTH INTERSECTION OF STATE HIGHWAY 78 (A VARIABLE WIDTH RIGHT-OF-WAY PER VOLUME 770, PAGE 150, DEED RECORDS, COLLIN COUNTY, TEXAS) AND OAK STREET (A 50 FOOT RIGHT-OF-WAY);

THENCE NORTH 86 DEG. 18 MIN. 47 SEC. WEST, ALONG THE COMMON LINE OF SAID LOT 29 AND SAID OAK STREET, A DISTANCE OF 262.34 FEET TO AN "X" CUT FOUND FOR THE MOST SOUTHWEST CORNER OF SAID LOT 29, SAME BEING THE SOUTH END OF A CORNER CLIP IN THE INTERSECTION OF SAID OAK STREET AND CEDAR STREET (A 50 FOOT RIGHT-OF-WAY);

THENCE NORTH 11 DEG. 16 MIN. 47 SEC. WEST, ALONG THE COMMON LINE OF SAID LOT 29 AND SAID CORNER CLIP IN THE INTERSECTION OF SAID OAK STREET AND CEDAR STREET, A DISTANCE OF 7.07 FEET TO AN "X" CUT FOUND FOR THE MOST NORTHERLY WEST CORNER OF SAID LOT 29, SAME BEING THE NORTH END OF SAID CORNER CLIP;

THENCE NORTH 83 DEG. 43 MIN. 13 SEC. EAST, ALONG THE COMMON LINE OF SAID LOT 29 AND SAID CEDAR STREET, A DISTANCE OF 158.49 FEET TO A 5/8 INCH IRON ROD WITH YELLOW "RPLS" PLASTIC CAP FOUND FOR THE NORTH CORNER OF SAID LOT 29, SAME BEING THE WEST CORNER OF LOT 28, SAID BLOCK E, LAKE BREEZE ESTATES;

THENCE SOUTH 86 DEG. 18 MIN. 47 SEC. EAST, ALONG THE COMMON LINE OF SAID LOTS 29 AND 28, A DISTANCE OF 262.11 FEET TO A 1/2 INCH IRON ROD WITH YELLOW "RPLS" PLASTIC CAP FOUND FOR THE EAST CORNER OF SAID LOT 29, SAME BEING THE SOUTH CORNER OF SAID LOT 28, SAME BEING IN THE NORTHWESTERLY RIGHT-OF-WAY LINE OF ARDEN STATE HIGHWAY 78, SAME BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 5669.58 FEET AND A DELTA ANGLE OF 01 DEG. 39 MIN. 09 SEC.;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AND ALONG THE COMMON LINE OF SAID LOT 29 AND SAID STATE HIGHWAY 78, AN ARC DISTANCE OF 143.50 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 32 DEG. 02' MIN. 08 SEC. EAST, 143.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 43,560 SQUARE FEET OR 1,000 ACRES OF COMPUTED LANDS, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT LUMINE, LLC, ACTING HEREBY BY AND THROUGH THEIR DULY AUTHORIZED OFFICER, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LAKE BREEZE ESTATES, AN ADDITION TO THE CITY OF LAVON, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON, THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED FOR THE PUBLIC USE FOREVER, FOR THE PURPOSE INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER, OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF LAVON. IN ADDITION, 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 PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITY BEING SUBORDINATE TO THE PUBLICS AND CITY OF LAVON'S USE THEREOF. THE CITY OF LAVON AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY MANNER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF THE RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF LAVON AND PUBLIC UTILITY ENTITIES SHALL, AT ALL TIMES, HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF LAVON, TEXAS.

WITNESS MY HAND, THIS _____ DAY OF _____ 2024.

LUMINE, LLC

BY: _____
 SONJA PARK, OWNER

STATE OF TEXAS -
 COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED SONJA PARK, 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 CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AT _____, TEXAS THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S STATEMENT

I, TWOTHY R. MANKIN, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, AFFIRM THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, FROM RECORDED DOCUMENTATION, EVIDENCE COLLECTED ON THE GROUND DURING FIELD OPERATIONS AND OTHER RELIABLE DOCUMENTATION.

PRELIMINARY ONLY, NOT FOR RECORDING

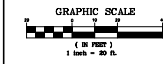
TWOTHY R. MANKIN, DATE _____
 TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 6122

STATE OF TEXAS
 COUNTY OF TARRANT

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED TWOTHY R. MANKIN, KNOWN TO ME TO BE THE PERSON OR PERSONS WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY HEREIN STATED AND THE ACT AND DEED OF SAID COMPANY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC IN AND FOR TARRANT COUNTY, TEXAS



- NOTES:**
- BASES OF BEARING - BASED ON THE SOUTHWEST LINE (NORTH 56 DEG. 18 MIN. 47 SEC. WEST) OF LOT 24C, BLOCK E, LAKE BREEZE ESTATES, AN ADDITION TO THE CITY OF LAVON, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2024, PAGE 855, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS.
 - NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
 - FLOOD CERTIFICATE: AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS FOR COLLIN COUNTY, THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN A SPECIAL FLOOD HAZARD AREA (100 YEAR FLOOD). MAP DATE 06/02/2009 COMMUNITY PANEL NO. 480630C0403 SUBJECT LOT IS LOCATED IN ZONE "V". IF THIS SITE IS NOT WITHIN AN IDENTIFIED FLOOD HAZARD AREA, THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, OR RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
 - THE EASEMENT & MUTUAL ACCESS EASEMENT ENDS INTO THE SANITARY SEWER EASEMENT AND DIMENSIONS SHOWN HEREON. ANY REPAIRS OR REPLACEMENT OF IMPROVEMENTS WITHIN THE ENCROACHMENT DUE TO THE CITY OF LAVON WITHIN THE SANITARY SEWER EASEMENT, SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER TO REPAIR AND/OR REPLACE SAID IMPROVEMENTS.
 - THE PURPOSE OF THIS REPLAT IS TO ABANDON AND DEDICATE EASEMENTS FOR DEVELOPMENT.

LEGEND

SQ. FT. = SQUARE FEET
 INST. NO. = INSTRUMENT NUMBER
 O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
 S.R.C.C.T. = DEED RECORDS, COLLIN COUNTY, TEXAS
 P.A.C.C.T. = PLAT RECORDS, COLLIN COUNTY, TEXAS
 YORP = IRON ROD FOUND WITH YELLOW PLASTIC CAP
 V.L. = VOLUME
 P.L. = PAGE

Recommended for Approval:

Date: _____

 Chairman, Planning and Zoning Commission
 City of Luvon, Texas

Approved for Construction:

Date: _____

 Mayor, City of Luvon, Texas

Acceptance:

Date: _____

 Mayor, City of Luvon, Texas

The undersigned, the city secretary of the City of Luvon, Texas, hereby certifies that the foregoing report of the LAKE BREEZE ESTATES subdivision or addition to the City of Luvon 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 hereinafter subscribed.

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

 City Secretary, City of Luvon, Texas

OWNER:
 LUMINE, LLC
 635 SEMAROLE TRAIL
 MURPHY, TEXAS 75054
 CONTACT: SONJA PARK
 ENGINEER:
 JW ENGINEERING, LLC
 RYAN KIM
 617-308-4243
 ROUN@JWENGINEERING.COM

JOB NO. 23-1008
DATE: 10/27/2023
REV: 10/29/2024
REV DATE: 10/29/2024
SCALE: 1" = 20'
DATE: 11/11/24
TIME: 2:14
DRAWN: 1244

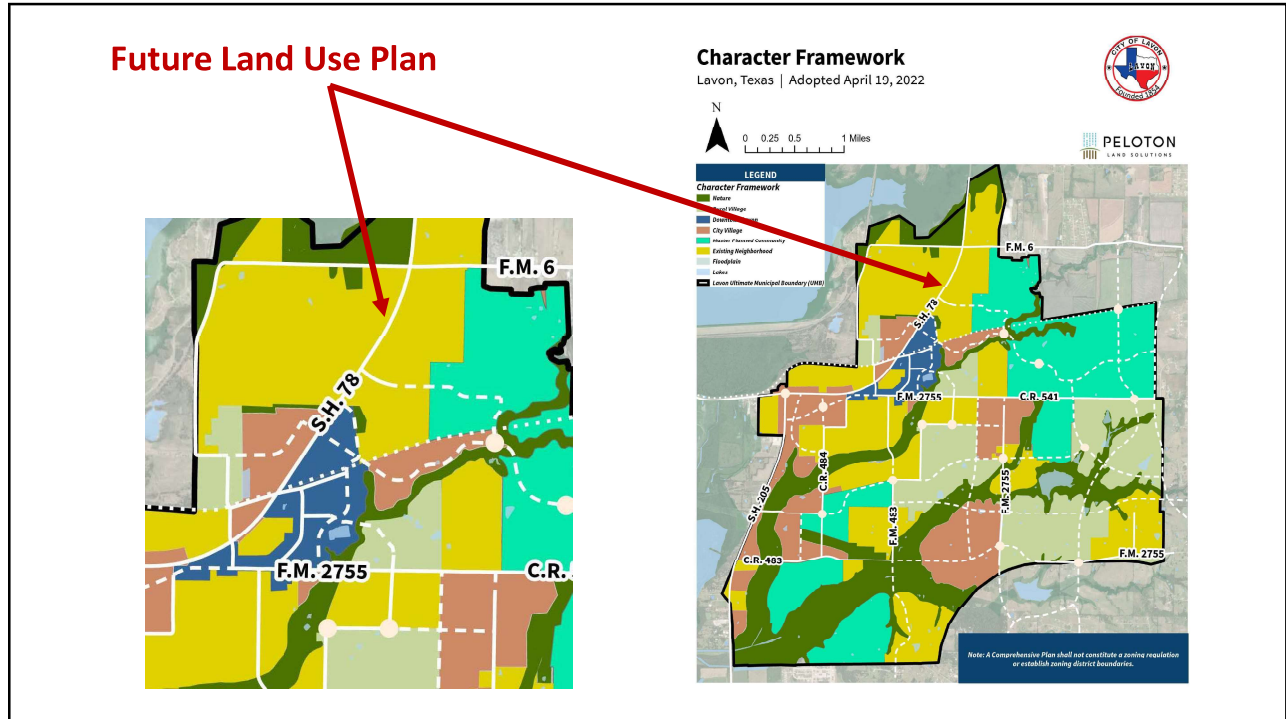
PEISER & MANKIN SURVEYING, LLC
 www.peisersurveying.com

1825 HART STREET
 SUITE 207
 DALLAS, TEXAS 75202
 817-481-1908 (O)
 817-481-1908 (F)

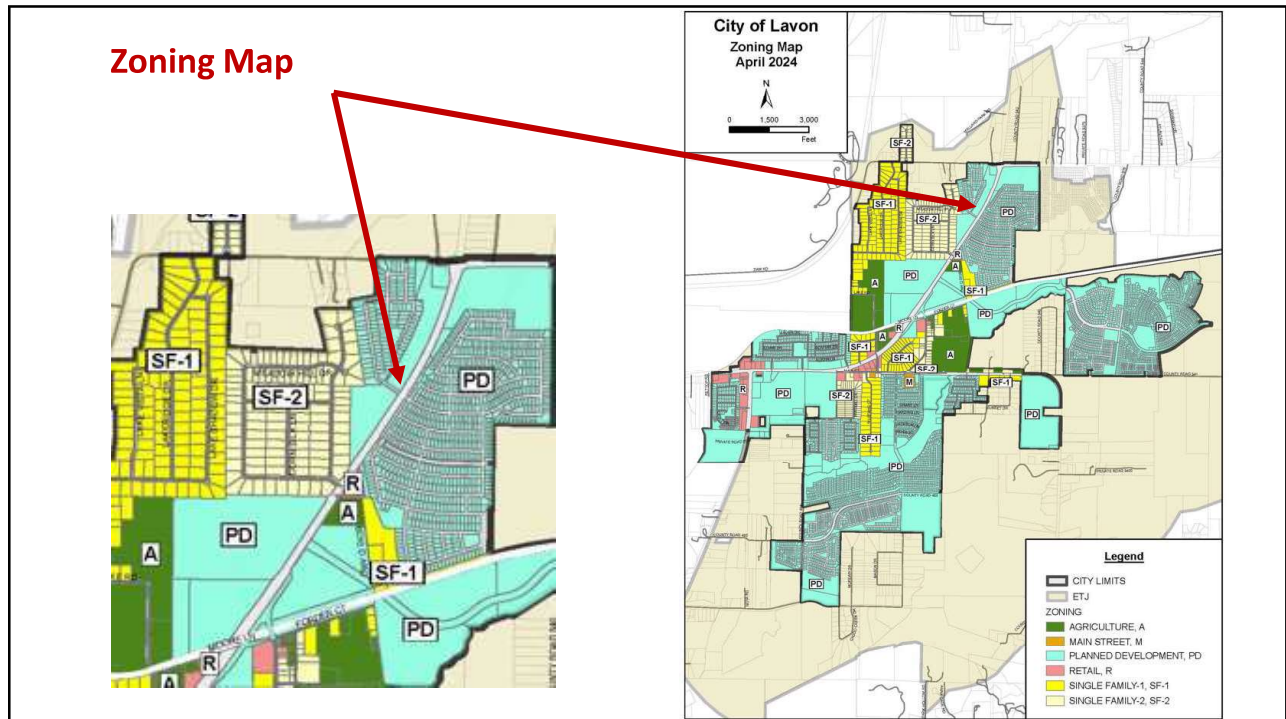
COMMERCIAL
 RESIDENTIAL
 BOUNDARIES
 EASEMENTS
 CONVEYANCE

Surveyor
 of
 Texas

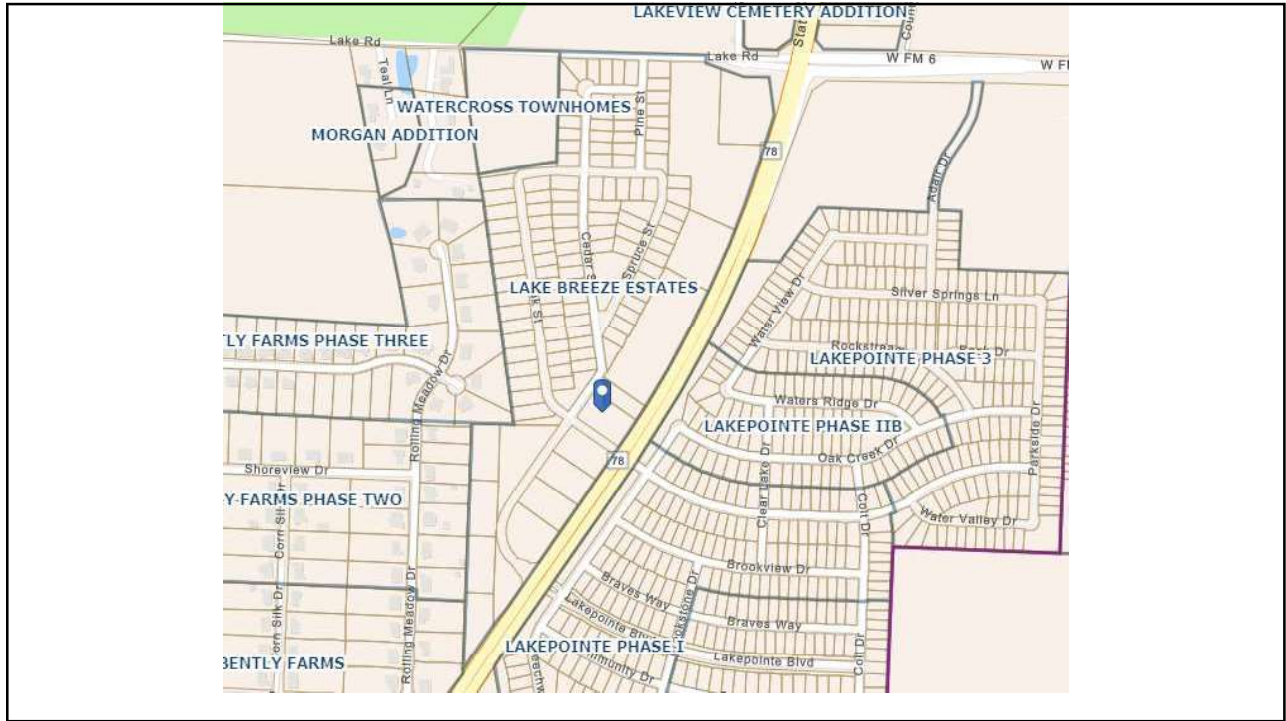
FIRM No. 100999-00
 Member since 1977



14



15



16



17



November 14, 2024

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

Re: Lake Breeze Estates, Lot 29R Block E
Replat Review
LJA Job No. NTP-40467
MyGov Submittal: November 13, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above, per your request, for planning- and design-related requirements.

We have no further comments and recommend approval.

Please do not hesitate to let us know if you have any questions.

Thank you,

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

November 13, 2024

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

Re: Lake Breeze Estates, Lots 29R, Block E, Replat - 1 Lots, 1.000 Acres
Replat Review

Dear Ms. Dobbs:

As requested, we have reviewed the revised Replat dated October 28, 2024, as prepared by Peiser & Manin Surveying, Inc. for the above referenced property. The property is part of the Lake Breeze Estates commercial development consisting of a lot bounded on the southeast by SH 78, southwest by Oak St. and northwest by Cedar St. Additional comments may be provided by the City Planner. FMI comments should be considered supplemental to the Planner comments.

All previous comments have been satisfactorily addressed.

This concludes our review of the above-referenced Replat. **We recommend APPROVAL of the Replat.**

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\Lake Breeze Estates\Commercial\Lot 29R Replat (Sweet Shop)\Lake Breeze Estates North Commercial - Lot 29R REPLAT - Rev 2.docx

PEISER & MANKIN SURVEYING, LLC

1612 Hart Street, Suite 201
Southlake, Texas 76092
PHONE: 817-481-1806
TBPLS Firm No. 100999-00

October 29, 2024

Timothy Mankin
Peiser & Mankin Surveying
tmankin@peisersurveying.com
jill@peisersurveying.com
jessica@peisersurveying.com

Re: Lake Breeze Estates, Lot 29R, Block E
Replat Review Response Sheet
LJA Job No. NTP-40467
MyGov Submittal: September 12, 2024

PLANNING & DESIGN COMMENT RESPONSE

1. We are working on the review comments and have a question concerning the placement of the sanitary sewer easement on the 2024 plat versus wanting the sanitary sewer easement out of the access easement. The 2024 plat we are told to match dedicates the sanitary sewer easement inside the access easement. Should we abandon the portion of the access easement within the sanitary sewer easement and dedicate an extension of the existing access easement to make it 24 feet wide? I'm afraid if we do this the access easement will not align with Lot 28. Please advise.
2. Added to plat as note number 5.
3. Revision date has been added to the plat.
4. Approval Certificate has been update on the plat.

September 30, 2024

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

Re: Lake Breeze Estates, Lots 29R, Block E, Replat - 1 Lots, 1.000 Acres
Replat Review

Dear Ms. Dobbs:

As requested, we have reviewed the Replat dated October 27, 2023, as prepared by Peiser & Manin Surveying, Inc. for the above referenced property. The property is part of the Lake Breeze Estates commercial development consisting of a lot bounded on the southeast by SH 78, southwest by Oak St. and northwest by Cedar St. Additional comments may be provided by the City Planner. FMI comments should be considered supplemental to the Planner comments. Our comments are as follows:

GENERAL

1. The apparent purpose of the Replat is to remove a portion of the Firelane & Mutual Access Easement connecting to Cedar St. This will result in a single entrance to the site until the firelane is connected northerly as development occurs.

REPLAT

2. There are 2 distances and 1 chord bearing that differ from the Final Plat for this lot. This should be verified.
3. The Surveyor should verify if Volume 2024 is in the Official Public Records or the Plat Records.
4. There is a misspelling in the dedication statement.
5. The signature block does not conform to City standards and should be corrected.
6. The Replat shows an encroachment of the firelane & mutual access easement into the sanitary sewer easement. This encroachment should be dimensioned. In addition, a note should be added to reflect that any repairs or replacement of improvements within the encroachment due to the City of Lavon work within the sanitary sewer easement, shall be the responsibility of the property owner to repair and/or replace said improvements.

This concludes our review of the above-referenced Replat. A copy of Replat, with markups, is attached for your convenience.

Ms. Kim Dobbs
Lake Breeze Estates Lots 29R, Block E - Replat Review
September 30, 2024
Page 2 of 2

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.

A handwritten signature in blue ink that reads "Mark D. Hill, P.E." with a stylized flourish at the end.

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

Cc: David Carter, Mike Jones, Danny Anthony

F:\17024 - LAV General Servies\9 - Review\Lake Breeze Estates\Commercial\Lot 29R Replat\Lake Breeze Estates North Commercial - Lot 29R REPLAT - Rev 0.docx



September 20, 2024

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

Re: Lake Breeze Estates, Lot 29R, Block E
Replat Review
LJA Job No. NTP-40467
MyGov Submittal: September 12, 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. The Replat shows the 25' Sanitary Sewer easement, along State Highway 78, overlapping the Firelane & Mutual Access easement. Verify with the City Engineer that these easement locations are permitted and approved.
2. Revise the Replat to add a purpose statement in the Notes section.
3. Revise the Replat to update the plat date.
4. Revise the Replat to remove the Recommended for Approval block and add the Approval Certificate as provided in Section 9.02.004.d(14) of the Subdivision Ordinance.
5. It does not appear that a Plat Application was uploaded into MyGov. Please submit a Plat Application in conjunction with this Replat.
6. Upon resubmittal, please provide a comment response letter indicating acknowledgement or clarification of how each comment has been addressed.

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: December 3, 2024

ITEM: 6 - C

Item:

Discussion and action regarding the final plat of the Watercross Townhomes Addition consisting of four lots and one common area lot on 6.448 acres out of the Samuel M. Rainer Survey, Abstract No. 740 situated west of the Lake Breeze Addition, south of Gage Road in the vicinity of 2343 Gage Road, in the extraterritorial jurisdiction of the City of Lavon, Collin County, Texas, (CCAD Property ID 2798568).

Application Information

Owner(s): KBC Homebuilders, LLC

Applicant: Scott Evans, Watercross Townhomes

Location: Samuel M. Rainer Survey, Abstract No. 740, situated west of the Lake Breeze Addition, south of Gage Road in the vicinity of 2343 Gage Road

Description: Approximately 6.448 acres, Samuel M. Rainer Survey, Abstract No. 740, City of Lavon extraterritorial jurisdiction (ETJ), Collin County, Texas, (CCAD Parcel ID 2798568)

Current Zoning: No zoning in the ETJ

Request: Final Plat

Request Details

The applicant is seeking approval of the final plat of a subdivision consisting of 4 residential lots and 1 open space on approximately 6.448 acres. The intended use of the property is the development of 16 townhomes. The preliminary plat was approved by the City Council on November 5, 2024.

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.

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 will take access from Gage Rd. The owner is dedicating right of way for the road as set out in the Thoroughfare Plan.

The final plat is prepared in accordance with the City's Subdivision Ordinance. The application and plans generally satisfy the criteria for approval.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE FINAL PLAT OF THE WATERCROSS TOWNHOMES ADDITION CONSISTING OF FOUR LOTS AND ONE COMMON AREA LOT ON 6.448 ACRES OUT OF THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740 SITUATED WEST OF THE LAKE BREEZE ADDITION, SOUTH OF GAGE ROAD IN THE VICINITY OF 2343 GAGE ROAD, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS, (CCAD PROPERTY ID 2798568).

MOTION MADE: NABORS
SECONDED: VALLEJO
APPROVED: UNANIMOUS (Absent: Cox)

Staff Notes:

Approval of the final plat is recommended.

- Attachments:**
1. Application and Final Plat
 2. Location Exhibits
 3. Engineering and planning 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>KBC Homebuilders LLC</u>	Name: <u>Watercross Townhomes/ ^{Scott} Evans</u>
Address: <u>1591 Gage Rd</u>	Address: <u>1591 Gage Rd</u>
City/State/Zip: <u>Lavon, TX 75166</u>	City/State/Zip: <u>Lavon, TX</u>
Phone #: <u>214-778-7272</u> Fax #: _____	Phone #: <u>214-578-9999</u> Fax #: _____
Authorized Person: <u>William Sorrels</u>	Authorized Person: <u>Scott Evans</u>

Type of Submission	Date	Check List of Items Submitted
<input type="checkbox"/> Preliminary Plat		<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 type="checkbox"/> (one) PDF plats (on separate CD's) <input type="checkbox"/> (one) PDF construction plans (can be included on plat CD)
<input checked="" type="checkbox"/> Final Plat		
<input type="checkbox"/> Re-Submittal		
<input type="checkbox"/> Construction Plans		
<input type="checkbox"/> Other (eg. Replat; Development Plat; Short-Form Plat)		

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) <u>SCOTT EVANS</u>	Authorized Representative (Signature) 	Date: <u>8/31/24</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"/> 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	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<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: lmccleendon@lavontx.gov

PLAT APPLICATION

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

Authorization of Representation

Date: 8/31/24

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Scott Evans, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize William Sorrels 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)

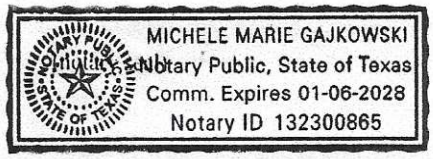
Signature (Owner)

Signature (Owner)

The State of Texas
County of Collin

Before me, the undersigned authority, appeared Scott Evans,
on this the 31st day of August, 2024.

[Signature]



Notary Public in and for Collin 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: 8/31/24

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Scott Evans, 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.

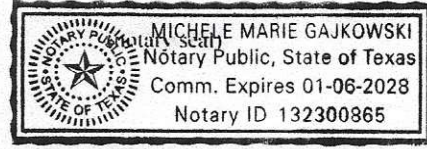
[Signature]
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Collin

Before me, the undersigned authority, appeared SCOTT EVANS,
on this the 31st day of AUGUST, 2024.



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

COUNTY OF DALLAS
STATE OF TEXAS

WATERCROSS Via Water Cross Townhomes LLC, the sole owner of a tract of land situated in the S. M. RAJNER SURVEY ABSTRACT NO. 740, in the Unincorporated jurisdiction of the City of Laron, Collin County, Texas, as described in deed to Scott Evans in County Clerk's Instrument No. 201902200075600, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINS at a magnetic north with a metal disk found the Northwest corner of a 240-foot right-of-way dedication by plat of Lake Breese Estates, an Addition to the City of Laron, Collin County, Texas, according to the plat thereof recorded in Volume 2022, Page 950, Official Public Records, Collin County, Texas;

THENCE South 00 degrees 31 minutes 02 seconds West, along the East line of said Scott Evans tract and the West line of said Lake Breese Estates, passing a 1/2-inch iron rod found with yellow plastic cap stamped "P.L.S. 5074" found for the Northwest corner of Lot 8, Block A, of said Lake Breese Estates and the North corner of Lot 8, Block A, of said Lake Breese Estates, at a distance of 50.00 feet, continuing along the same course, an additional distance of 338.33 feet, a total distance of distance of 388.33 feet to an "X" cut formed in concrete for the Northwest corner of Lot 130, Block A, of said Lake Breese Estates;

THENCE South 70 degrees 47 minutes 22 seconds West, along the South line of said Scott Evans tract and the North line of said Lot 130, Block A, a distance of 410.81 feet to a point for corner from which a 5/8-inch iron rod found with yellow plastic cap stamped "P.L.S. 5074" found South 72 degrees 58 minutes 42 seconds East, 633.76 feet;

THENCE North 10 degrees 12 minutes 30 seconds West, along the West line of said Scott Evans tract and the East line of a tract of land described in deed to Ray Revocable Living Trust as recorded in County Clerk's Instrument No. 20170202018420, Official Public Records, Collin County, Texas, a distance of 1855.00 feet to a 1/2" iron rod found for the Northeast corner of said MJJ Revocable Living Trust tract and the Southeast corner of a tract of land described in deed to George R. & Cagle D. Whitley as recorded in County Clerk's Instrument No. 201902200060400, Official Public Records, Collin County, Texas;

THENCE North 10 degrees 01 minutes 02 seconds West, continuing along the West line of said Scott Evans tract and along the East line of said George R. & Cagle D. Whitley tract, a distance of 211.31 feet to an aluminum monument in concrete stamped "Corp of Engineers" found for the Northwest corner of said George R. & Cagle D. Whitley tract and the Southeast line of a tract of land described in deed to Community Church of Christ, Inc., Texas, as recorded in Volume 5127, Page 918, Official Public Records, Collin County, Texas;

THENCE North 04 degrees 28 minutes 07 seconds West, continuing along the West line of said Scott Evans tract and along the East line of said Community Church of Christ, Inc., Texas, a distance of 348.83 feet to a rebar set for corner in Cagle Road;

THENCE South 88 degrees 28 minutes 58 seconds East, along the North line of said Scott Evans tract, over and across said Cagle Road, a distance of 500.00 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 6.448 acres or 280,873 square feet of land, more or less.

Boundaries shown herein are based upon an on-the-ground survey performed in the field on the 14th day of October, 2022, utilizing a GPS, leveling related to the Texas Coordinate System, North Texas Central Datum (4202), NAD 83, and values from the GeoCheck WRS network.

OWNERS DECLARATION
HOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
That Water Cross Townhomes LLC, acting by and through its duly authorized agent, does hereby adopt this plat, designating the herein described property as **WATERCROSS TOWNHOMES**, an addition to the City of Laron, ET, Collin County, Texas, and do hereby declare, in fee simple, to the public use forever any streets, alleys, and footway improvements shown thereon. The easements shown hereon are hereby reserved for the purposes indicated. The utility and the line easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private lines for each particular use. The maintenance of any gas, water, sewer, and fire easements and the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or grounds shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the use and accommodation of all public utility lines or utilities of any name, and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or grounds which in any way may interfere or conflict with the construction, maintenance or efficiency of its respective system on the easements, and all public utility shall at all times have the full right of ingress and egress to and from the said easements for the purpose of constructing, reconstructing, inspecting, repairing, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility.

Water main and wastewater easements shall also include additional areas of working space for construction and maintenance of the systems. Additional easement areas in also conveyed for installation and maintenance of manholes, dropouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as indicated.

This plat approved subject to all zoning ordinances, rules, regulations, and resolutions of the City of Laron.

WITNESS, my hand at Dallas, Texas, this _____ day of _____, 2024.

Water Cross Townhomes LLC

By: _____
Signatory for owner

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

Notary Public in and for the State of Texas

My Commission Expires On _____

SURVEYOR'S STATEMENT

I, Leonard J. Luster, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation, and that this plat accurately conforms with the Rules and Regulations of the Texas Board of Professional Land Surveying and Texas Local Government Code, Chapter 212. I further affirm that no measurement shown hereon was either found or given in compliance with the City of Laron Subdivision Regulations, and that the digital drawing file accompanying this plat is a precise representation of this Signed Final File.

Dated this _____ day of _____, 2024.

PRELIMINARY: This document shall not be recorded for any purpose and shall not be viewed or relied upon as a final survey document.

LEONARD J. LUSTER
Registered Professional Land Surveyor
Texas Registration # 8714
WaltWhinn & Associates, Inc.
6200 Merens Place, Suite 215
Dallas, Texas 75230
(972) 460-0960

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 Leonard J. Luster, 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.

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

Notary Public in and for the State of Texas

My Commission Expires On _____

HEALTH DEPARTMENT CERTIFICATION

I, as a representative of Collin County Development Services, do hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSF laws of the State of Texas, that site evaluation has been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

Designated Representative for Collin County Development Services

This plat correctly presents the required easements and certifications required by 1st Bear Creek Special Utility District in this subdivision.

Name/TID: _____
Date: _____

Recommended for Approval

Date: _____
Chairman, Planning and Zoning Commission
City of Laron, Texas

Approved for Construction

Date: _____
Mayor, City of Laron, Texas

Date: _____
Mayor, City of Laron, Texas

The undersigned, the city secretary of the City of Laron, Texas, hereby certifies that the foregoing final plat of the subdivision or addition to the City of Laron was submitted to the city council on the _____ day of _____, 2024, and the council by formal action, then and there accepted the declaration of streets, alleys, parks, easements, public places and water and sewer lines as shown and set forth in 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____.

Date: _____

City Secretary, City of Laron, Texas

OWNER:
Water Cross Townhomes LLC
1581 Lake Road
Laron, Texas 75144

SURVEYOR:
WaltWhinn & Associates, Inc.
8750 Hillcrest Plaza Drive
Suite 215
Dallas, Texas 75230
and (972) 460-0960

FINAL PLAT
WATERCROSS TOWNHOMES
LOTS 6A-48 ACRES OUT OF THE S. M. RAJNER SURVEY, ABSTRACT NO. 740
CITY OF LARON ET, COLLIN COUNTY, TEXAS

FOR COLLIN COUNTY
FILING INFORMATION

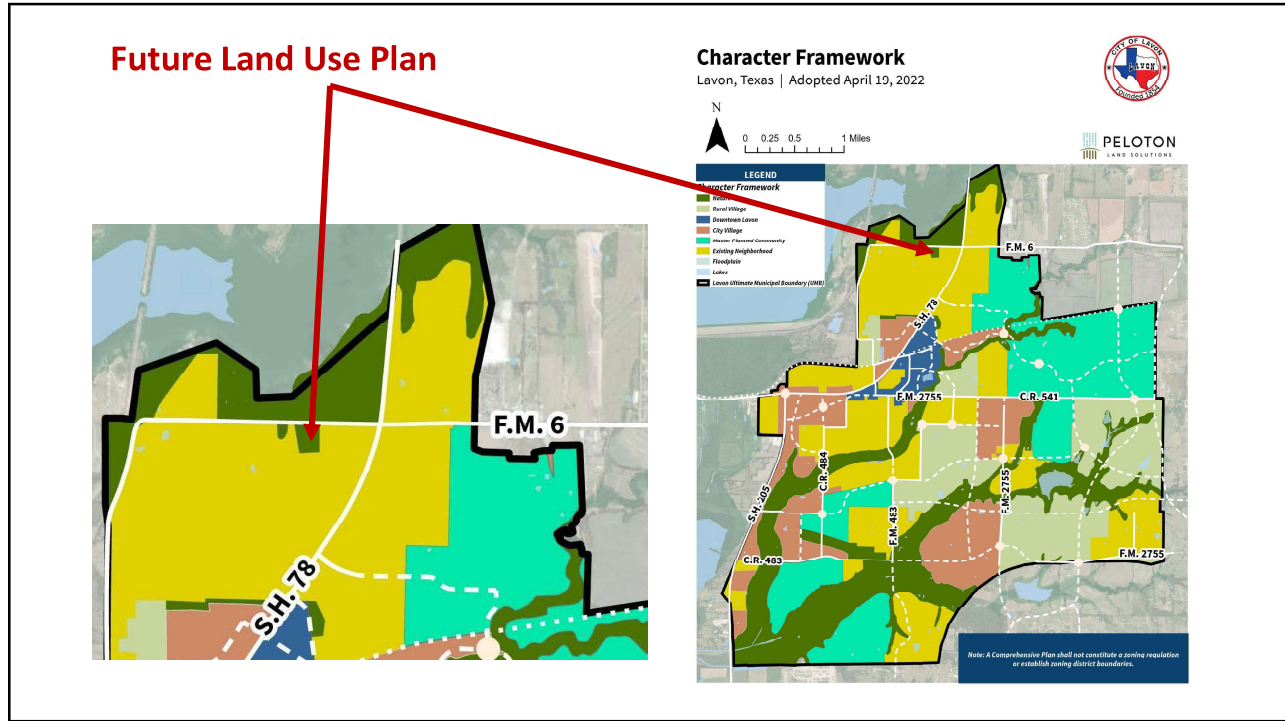


S. M. RAJNER SURVEY ABSTRACT NO. 740
COLLIN COUNTY, TEXAS
WATERCROSS TOWNHOMES LLC
LARON, TEXAS 75144

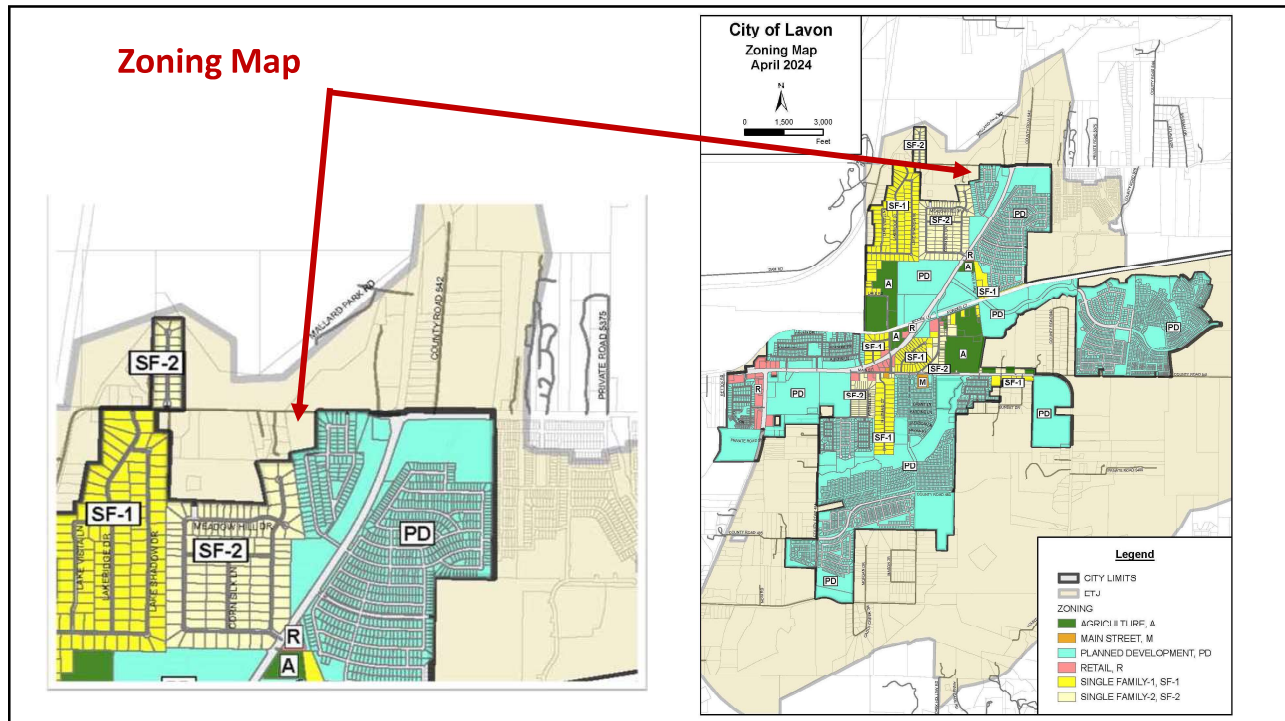
FINAL PLAT
WATERCROSS TOWNHOMES
LOTS 6A-1, 1, 2, 3, & 4, BLOCK A

Date: 11/13/24
Book: 158A
Page: 10734-10741
Project No.: 210730P

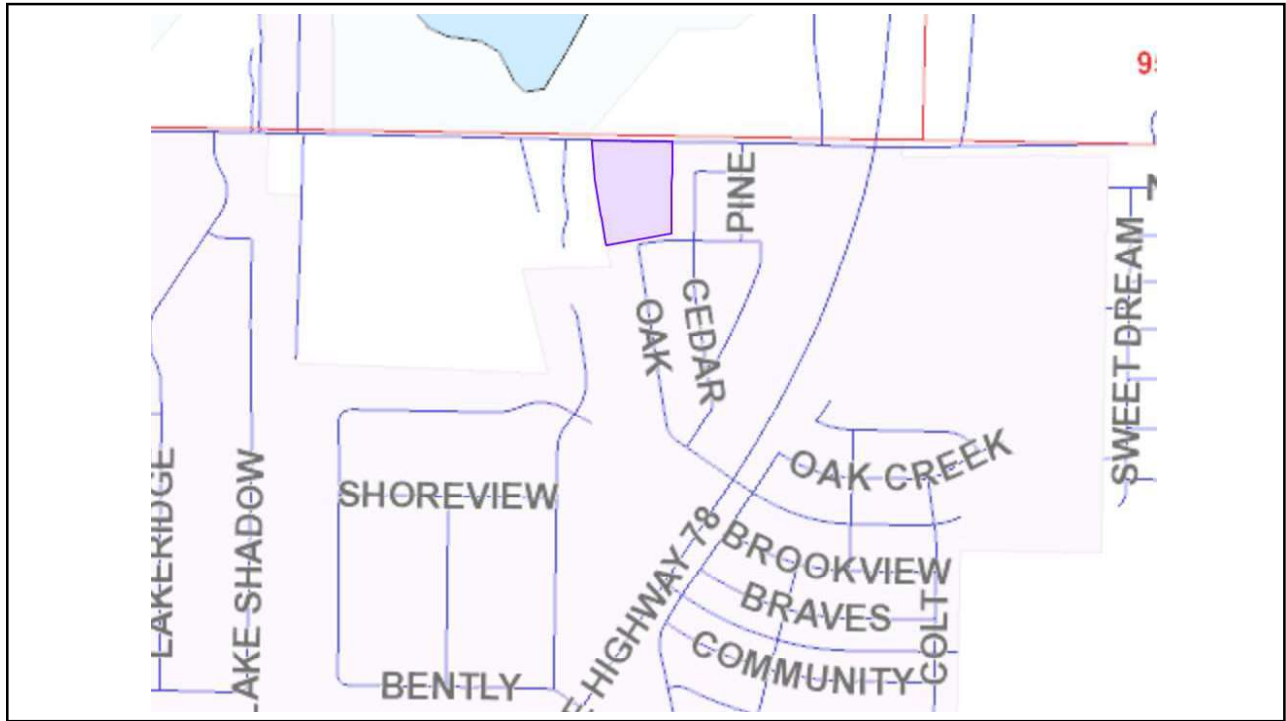




33



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36



November 13, 2024

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

Re: Watercross Townhomes
Final Plat Review
LJA Job No. NTP-40467
Email Submittal: November 12, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above, per your request, for planning- and design-related requirements.

We have no further comments and recommend approval.

Please do not hesitate to let us know if you have any questions.

Thank you,

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

November 12, 2024

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

Re: Watercross Townhomes - 5 Lots, 6.448 Acres
Final Plat Review

Dear Ms. Dobbs:

As requested, we have reviewed the revised Final Plat dated November 12, 2024, as prepared by Winkelmann & Associates, Inc., for the above referenced property. The property is located on the south side of Gage Road, north and west of Lake Breeze Estates within the City of Lavon ETJ. Additional comments may be provided by the City Planner. FMI comments should be considered supplemental to the Planner comments.

All comments have been satisfactorily addressed.

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

F:\17024 - LAV General Servies\9 - Review\Watercross Townhomes\Watercross Townhomes - Final Plat - Rev 1.docx



November 12, 2024

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

Re: Watercross Townhomes
Final Plat Review
LJA Job No. NTP-40467
MyGov Submittal: October 23, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. We **recommend approval with the following conditions:**

1. Revise plat note #13 to remove the repeated number. Complete
2. Revise the plat to add the City Approval block and City Secretary signature block as listed in Section 9.02.004.d (14) of the Subdivision Ordinance.
Complete

Please do not hesitate to let us know if you have any questions.

Thank you,

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

November 7, 2024

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

Re: Watercross Townhomes - 4 Lots, 6.448 Acres
Final Plat Review

Dear Ms. Dobbs:

As requested, we have reviewed the Final Plat dated September 23, 2024, as prepared by Winkelmann & Associates, Inc. and Civil Engineering Plans dated October 30, 2024 (no revision date) as prepared by Ion Design Group, for the above referenced property. The property is located on the south side of Gage Road, north and west of Lake Breeze Estates within the City of Lavon ETJ. Additional comments may be provided by the City Planner. FMI comments should be considered supplemental to the Planner comments. Our comments are as follows:

GENERAL

1. The property is located within the City of Lavon ETJ. The City of Lavon is authorized for Plat Approval within the ETJ per the City-County Plat Approval Agreement between the City of Lavon and Collin County dated March 25, 2002.
2. Sanitary sewer is to be provided with on-site facilities. This will require Collin County permitting and approval.
3. Water service is provided by Bear Creek SUD.

PLAT

4. The date should be updated for each submission. Complete
5. The City Signature Block should be updated for the Final Plat version per the Subdivision Ordinance. Only one (1) signature block is required on the last page that includes all other signatures. Complete
6. The signature block is required for Bear Creek SUD. Complete

CIVIL ENGINEERING PLANS

7. Plans will be required to be submitted to Bear Creek SUD for review and comment.

This concludes our review of the above-referenced Final Plat and Civil Engineering Plans. A copy of documents, with markups, is attached for your convenience. We recommend APPROVAL of the Final Plat subject to addressing the items above.

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.

Ms. Kim Dobbs
Watercross Townhomes – Final Plat Review
November 7, 2024
Page 2 of 2

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.

A handwritten signature in blue ink that reads "Mark D. Hill" with a stylized flourish at the end.

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

Cc: Mike Jones, Danny Anthony, David Carter, Abra Nusser, AICP, Tiffany McLeod, EIT

Attachments

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



CITY OF LAVON

Agenda Brief

MEETING: December 3, 2024

ITEM: 6 – D

Item:

Discussion and action regarding the preliminary plat of the Elevon Section 4 Addition consisting of 1,016 residential lots, 2 commercial lots, 1 amenity center lot, 1 wastewater treatment plant lot, and 29 common area lots on 220.879 acres out of the Drury Anglin Survey, Abstract No. 2, and the James P. Davis Survey, Abstract No. 249, situated adjacent to and southeast of the intersection of FM 2755 (McClendon Road) and CR 541 (Watkins Road), in the extraterritorial jurisdiction of the City of Lavon, Collin County, Texas, (CCAD Property IDs 2543098, 1287164, 1287173, 1287182, 2137095, and 2137096).

Application Information

Owner(s): MA Elevon 429, LLC

Applicant: JBI Partners

Location: Southeast of the intersection of FM 2755 (McClendon Road) and CR 541 (Watkins Road)

Description: Approximately 220.8979 acres, Drury Anglin Survey, Abstract No. 2, and the James P. Davis Survey, Abstract No. 249, City of Lavon extraterritorial jurisdiction (ETJ), Collin County, Texas, (CCAD Property IDs 2543098, 287164, 1287173, 1287182, 2137095, and 2137096)

Current Zoning: No zoning in the ETJ

Request: Preliminary Plat

Request Details

The applicant is seeking approval of the preliminary plat of a subdivision consisting of 1,016 residential lots, 2 commercial lots, 1 amenity center lot, 1 wastewater treatment plant lot, and 29 common area lots on 220.879 acres. The site will be developed in accordance with a concept plan and design guidelines as provided in an Amended and Restated Development Agreement. The parcel is presently situated in a Municipal Utility District (MUD) and will ultimately be disannexed from the MUD and annexed into the City. The project is proposed to be developed in three phases.

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.

Since the date of the initial submission, the applicant has negotiated an Amended and Restated Development Agreement (A&R DA), purchased and added property to the plat area, and requested and obtained a Master Thoroughfare Plan Amendment.

The preliminary plat is prepared in accordance with the design guidelines of the A&R DA and in accordance with the City's Subdivision Ordinance. The proposed project contains block lengths that exceed the length permitted in the A&R DA and subdivision regulations and for which a waiver was considered by the City Council on November 19, 2024, with no action taken. The applicant provided adjustment illustrations and is amending the submittal to comply with the provisions of the A&R DA.

Water

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

Sewer

The development will be served by the City of Lavon.

Roads

There are multiple access points along CR 541 and FM 2755. The applicant will improve CR 541 adjacent to the development. The applicant and City are working with the Texas Department of Transportation (TxDOT) to realign the intersection of FM 2755 and CR 541.

A Traffic Impact Analysis has been prepared and reviewed.

Parks and Trails

The site will contain appropriate pedestrian connections and open space common areas to be maintained by the homeowners association.

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 SECTION 4 ADDITION CONSISTING OF 1,016 RESIDENTIAL LOTS, 2 COMMERCIAL LOTS, 1 AMENITY CENTER LOT, 1 WASTEWATER TREATMENT PLANT LOT, AND 29 COMMON AREA LOTS ON 220.879 ACRES OUT OF THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, AND THE JAMES P. DAVIS SURVEY, ABSTRACT NO. 249, SITUATED ADJACENT TO AND SOUTHEAST OF THE INTERSECTION OF FM 2755 (MCCLENDON ROAD) AND CR 541 (WATKINS ROAD), IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: TIEGS
SECONDED: NABORS
APPROVED: UNANIMOUS (Absent: Cox)

Staff Notes:

Approval of the preliminary plat is recommended, subject to the city engineer's and planner's final approval.

- Attachments:**
1. Application and Preliminary Plat
 2. Location Exhibits
 3. Engineering and planning 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>JBI Partners</u>			Name: <u>MA Elevon 429, 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	Check List of Items Submitted		
<input checked="" type="checkbox"/> Preliminary Plat (Elevon Section 4 Preliminary Plat)		12/19/23	<input type="checkbox"/> (two) full size sets of plats (24x36)		
<input 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 (eg. Replat; Development Plat; Short-Form Plat)			<input checked="" type="checkbox"/> (one) PDF plats (on separate CD's) <small>(Via MyGov)</small>		
			<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			
<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) Daniel Dewey		Authorized Representative (Signature) 			Date: 12-19-23
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.

Authorization of Representation

Date: DECEMBER 19, 2023

To the City of Lavon
Collin County, Texas

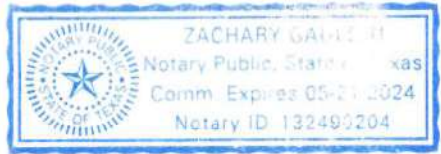
This letter will serve as notice that I/we, MA FLEJON 429, LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize JB Partners to represent me (us) and my (our) interests in the property described in the attached 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 Al'cn Jones,
on this the 19 day of December, 20 23.

(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: December 19, 2023

To the City of Lavon
Collin County, Texas

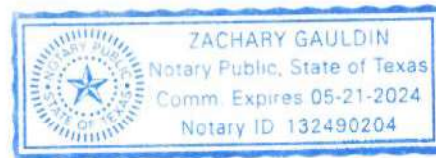
This letter will serve as notice that I/we, MR ELEVON 429, LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request (s) relating to this property.

Signature (Owner)

Signature (Owner)

Signature (Owner)

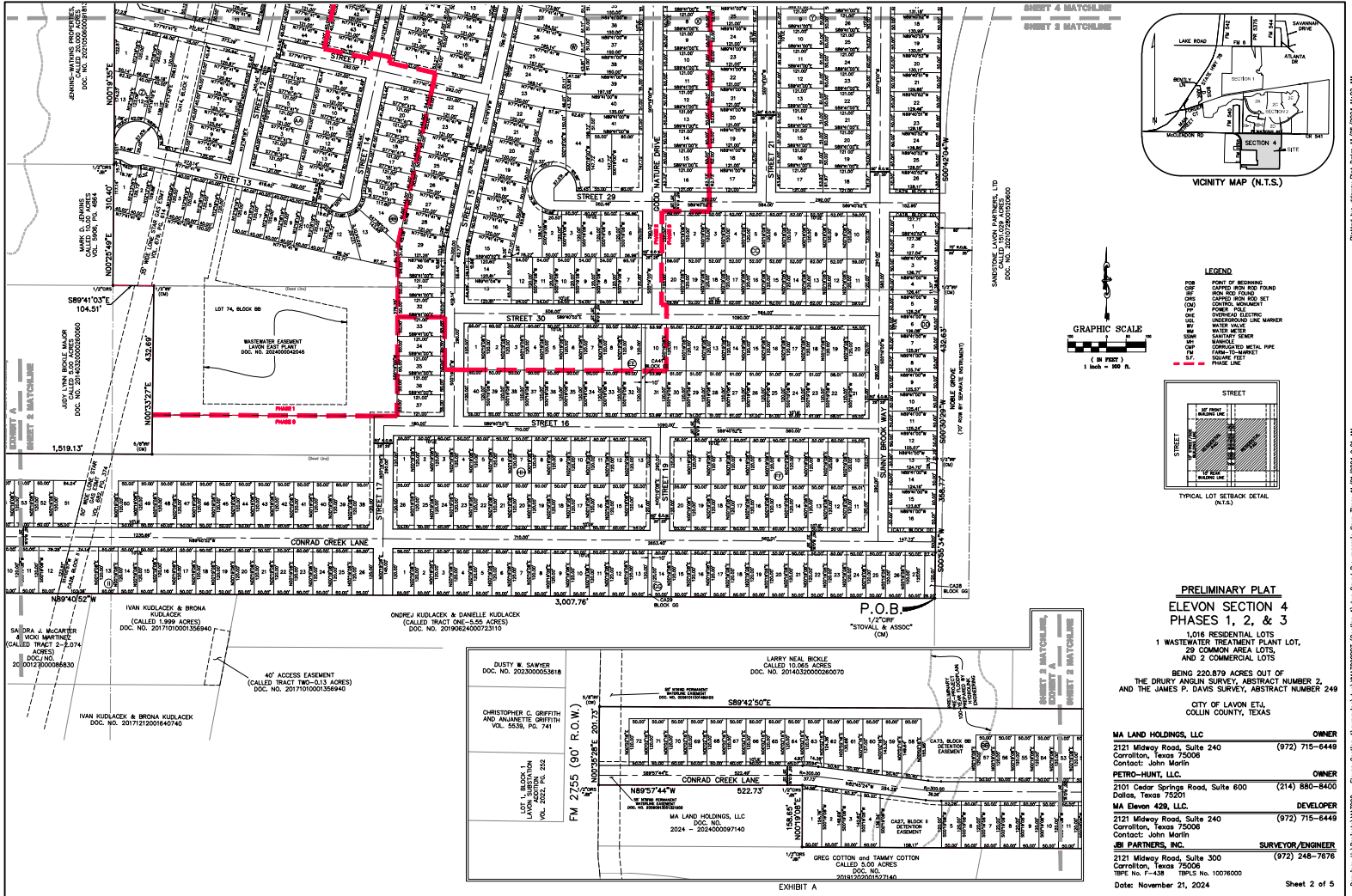
The State of Texas
County of Dallas

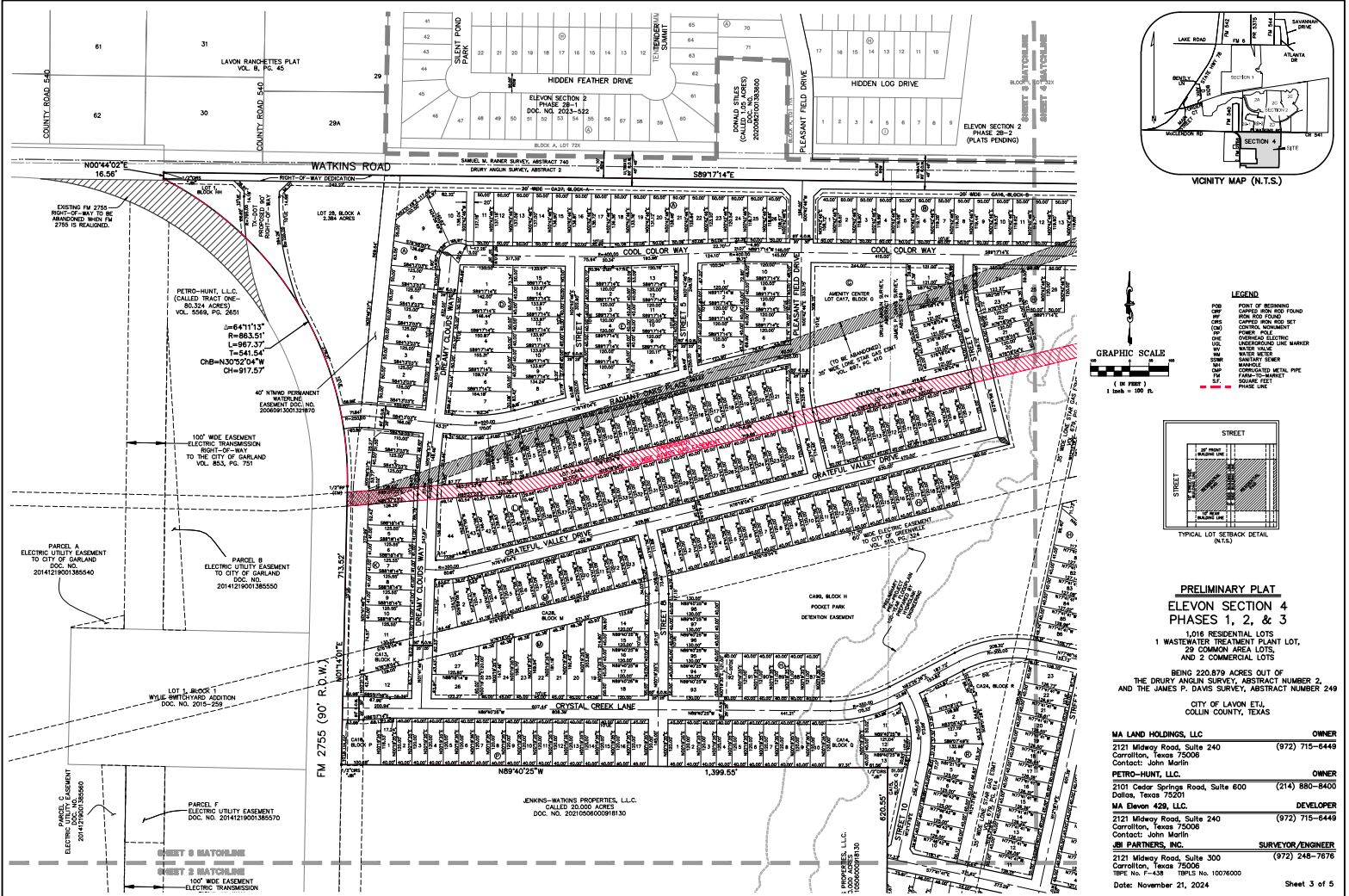


Before me, the undersigned authority, appeared Allen Jones,
on this the 19 day of December, 20 23.

(notary seal)

Notary Public in and for Dallas County, Texas





LEGEND

- POB POINT OF BEDDING
- CON CONTROL
- CPM CONTROL POINT MARKER
- PP POWER POLE
- WV WATER VALVE
- SS SANITARY SEWER
- FM FORGOTTEN METAL PIPE
- MS MARKER
- PL PHASE LINE

GRAPHIC SCALE
 1" = 100'

TYPICAL LOT SETBACK DETAIL (N.T.S.)

PRELIMINARY PLAT
ELEVATION SECTION 4
PHASES 1, 2, & 3

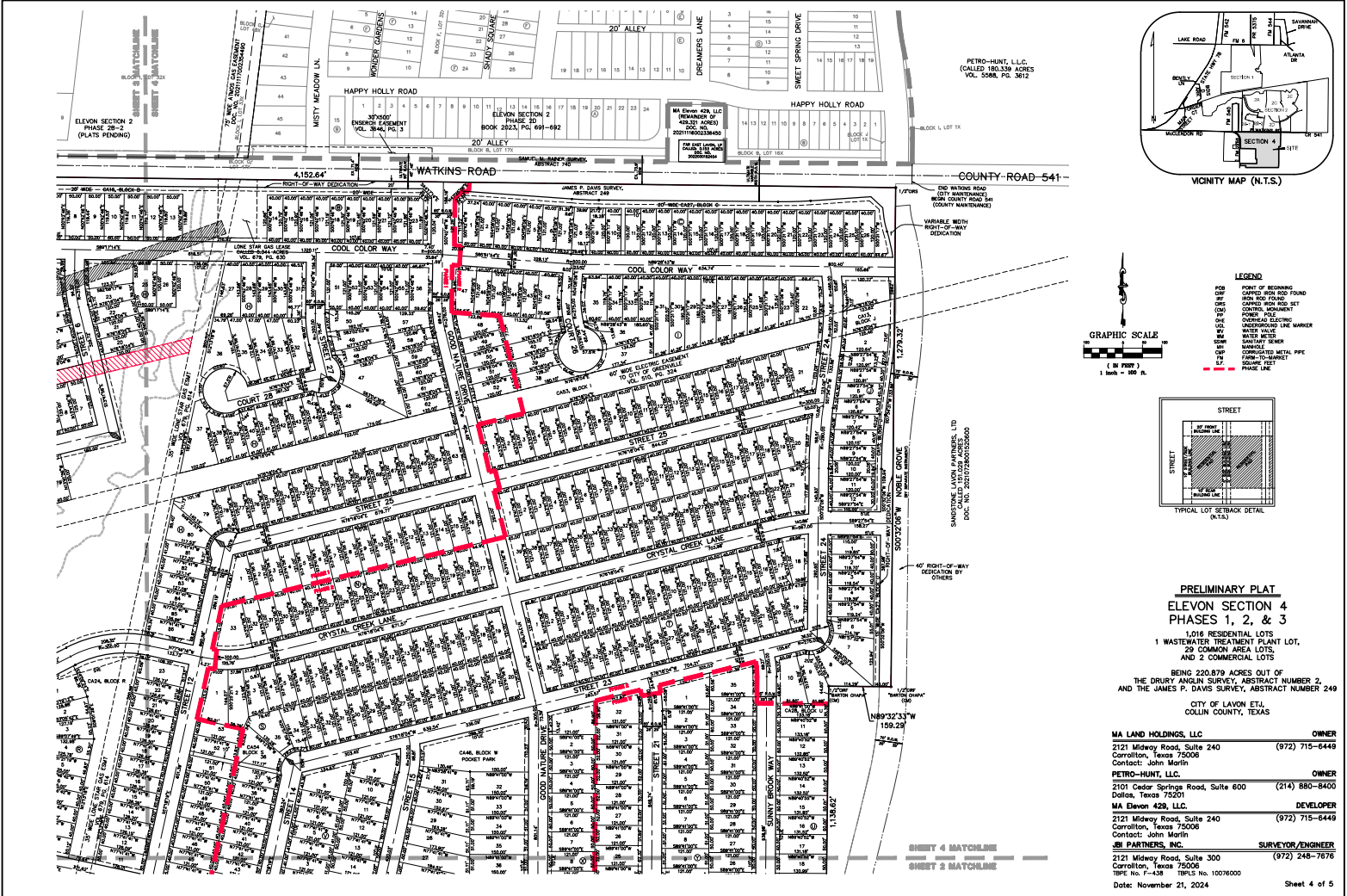
1,016 RESIDENTIAL LOTS,
 29 COMMON AREA LOTS,
 AND 2 COMMERCIAL LOTS

BEING 220.679 ACRES OUT OF
 THE DRYRY ANGLIN SURVEY, ABSTRACT NUMBER 2,
 AND THE JAMES P. DAVIS SURVEY, ABSTRACT NUMBER 249

CITY OF LAVON ET AL,
 COLLIN COUNTY, TEXAS

MA LAND HOLDINGS, LLC	OWNER
2121 Midway Road, Suite 240 Corrington, Texas 75006 Contact: John Martin	(972) 715-6448
PETRO-HUNT, LLC.	OWNER
2101 Cedar Springs Road, Suite 600 Dallas, Texas 75201	(214) 880-8400
MA Eleven 429, LLC	DEVELOPER
2121 Midway Road, Suite 240 Corrington, Texas 75006 Contact: John Martin	(972) 715-6448
JBI PARTNERS, INC.	SURVEYOR/ENGINEER
2121 Midway Road, Suite 300 Corrington, Texas 75006 TIRE No. T-408 TRIS No. 10076000	(972) 248-7876

Date: November 21, 2024 Sheet 3 of 5



LEGAL DESCRIPTION
(220,879 ACRES)

BEING a parcel of land located in the City of Lavon, ETL, Collin County, Texas, a part of the Drury Anglin Survey, Abstract Number 2, and being a part of James P. Davis Survey, Abstract Number 249, and being all of that called Tract Two - 173,739 acre tract of land described in deed to Petro-Hunt, LLC, as recorded in Volume 5966, Page 2625, Official Public Records of Collin County, Texas, being all of that called 20,029 acre tract of land described in deed to Petro-Hunt, LLC, as recorded in Volume 5710, Page 1283, Official Public Records of Collin County, Texas, and also being all of that called 29,071 acre tract of land described in deed to MA LAND HOLDINGS, LLC as recorded in Document Number 202400097140, Official Public Records of Collin County, Texas, and being further described as follows:

BEING also a one-half inch iron rod with cap stamped "S10VAL" & "AS500" found at the southeast corner of said 29,071 acre tract, said point also being the northeast corner of that called Tract One - 8.53 acre tract of land described in deed to Oakes/Kudack & Donahue Holdings, as recorded in Document Number 2019242400221010, Official Public Records of Collin County, Texas, said point also being in the West line of that called 151,029 acre tract of land described in deed to Sandstone Lavon Partners, LTD as recorded in Document Number 20210728001520600, Official Public Records of Collin County, Texas.

THENCE North 89 degrees 40 minutes 43 seconds East, 3,007.76 feet to a one-half inch iron rod with yellow cap stamped "J8" set for corner in the south line of said 29,071 acre tract, said point being in the north line of that called 5,000 acre tract of land described in deed to Greg Cotton & Tommy Cotton, as recorded in Document Number 2019120200107140, Official Public Records of Collin County, Texas.

THENCE North 00 degrees 19 minutes 08 seconds East, 158.65 feet to a one-half inch iron rod with yellow cap stamped "J8" set for corner; in the west line of said 27,182 acre tract, said point also being in the east right-of-way line of F.M. 2755, a 90-foot right-of-way at this point;

THENCE North 00 degrees 35 minutes 28 seconds East, 201.73 feet along the east line of F.M. 2755 to a five-eighths inch iron rod found at the northeast corner of said 27,182 acre tract, said point being the southwest corner of that called 5,000 acre tract of land described in deed to Larry Neal Wolfe, as recorded in Document Number 2014032000260070, Official Public Records of Collin County, Texas;

THENCE North 89 degrees 42 minutes 50 seconds East along the north line of said 27,182 acre tract, 1,519.13 feet to a five-eighths inch iron rod found at the southwest corner of said 20,005 acre tract, said point being the southwest corner of that called 5,000 acre tract of land described in deed to Judy Lynn Blake Major, as recorded in Document Number 2014032000260060, Official Public Records of Collin County, Texas.

THENCE North 00 degrees 33 minutes 27 seconds East, 432.69 feet to a one-half inch iron rod found, said point being in the south line of said Tract Two - 173,739 acre tract, said point also being the northeast corner of said 5,000 acre tract;

THENCE North 89 degrees 41 minutes 03 seconds West, 104.51 feet along the north line of said Judy Lynn Blake Major's 5,000 acre tract to a one-half inch iron rod with yellow cap stamped "J8" set for corner, said point being the southwest corner of said Tract Two - 173,739 acre tract, said point also being the southeast corner of that called 10,000 acre tract of land described in deed to Mark D. Jenkins as recorded in Volume 5906, Page 4864, Official Public Records of Collin County, Texas;

THENCE along a west and south line of said Tract Two - 173,739 acre tract as follows:

North 00 degrees 25 minutes 49 seconds East, 310.40 feet to a one-half inch iron rod with yellow cap stamped "J8" set for corner, said point being the northeast corner of said 10,000 acre tract, said point also being the southeast corner of that called 20,000 acre tract of land described in deed to Jenkins-Welch Properties, LLC as recorded in Document Number 2021050900091910, Official Public Records of Collin County, Texas;

North 00 degrees 19 minutes 35 seconds East, 620.55 feet to a one-half inch iron rod with yellow cap stamped "J8" set for corner, said point being the northeast corner of said 20,000 acre tract;

North 89 degrees 40 minutes 25 seconds West, 1,399.95 feet to a one-half inch iron rod with yellow cap stamped "J8" set for corner, said point being the most westerly southwest corner of said Tract Two - 173,739 acre tract, said point being the northeast corner of said 20,000 acre tract, said point also being in the east right-of-way line of Farm-to-Market Road (FM) 2755;

THENCE along the west line of said Tract Two - 173,739 acre tract and along the east right-of-way line of Farm-to-Market Highway Number 2755:

North 01 degrees 14 minutes 01 seconds East, 713.52 feet to a one-half inch iron rod found for corner;

Northwesterly, 967.37 feet along a curve to the left, having a radius of 863.01 feet, a tangent of 541.24 feet, and whose chord bears North 30 degrees 52 minutes 04 seconds West, 912.67 feet to a one-half inch iron rod with yellow cap stamped "J8" set for corner;

North 00 degrees 44 minutes 02 seconds East, 16.56 feet to a one-half inch iron rod with yellow cap stamped "J8" set for corner, said point being the northeast corner of said Tract Two - 173,739 acre tract, said point also being at the intersection of the east right-of-way line of Farm-to-Market Highway Number 2755 with the south right-of-way line of County Road Number 541;

THENCE South 89 degrees 17 minutes 14 seconds East, 6102.84 feet along the south right-of-way line of County Road Number 541 to a one-half inch iron rod with yellow cap stamped "J8" set for corner, said point being the northeast corner of said Tract Two - 173,739 acre tract, said point also being in the west line of said 151,029 acre tract;

THENCE along the common line of said Tract Two - 173,739 acre tract and said 151,029 acre tract as follows:

South 00 degrees 32 minutes 06 seconds West, 1,278.32 feet to a one-half inch iron rod stamped "BARTON CHAPA" found for corner;

North 89 degrees 32 minutes 33 seconds West, 159.29 feet to a one-half inch iron rod stamped "BARTON CHAPA" found for corner;

South 00 degrees 42 minutes 04 seconds West, 1,136.62 feet to a one-half inch iron rod found at the southeast corner of said Tract Two - 173,739 acre tract;

THENCE South 00 degrees 30 minutes 29 seconds West, 432.63 feet along the common line of said 20,005 acre tract and 151,029 acre tract to a one-half inch iron rod found at the southeast corner of said 20,005 acre tract, said point being the northeast corner of said 29,071 acre tract;

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

DEDICATION STATEMENT

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That PETRO-HUNT, LLC and MA LAND HOLDINGS, LLC, acting hereby by and through its duly-authorized officers, does hereby adopt this plat designating the herein above described property as ELEVON SECTION 4, PHASE 1, 2, & 3, on addition to the City of Lavon ETL, 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 hereon. 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, and 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 growth 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, repairing, replacing, 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.

PETRO-HUNT, 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 whatsoever 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.

PETRO-HUNT, LLC
A Texas limited liability company

By: _____
Name: _____
Title: _____

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 _____ 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 _____

WITNESS MY HAND THIS ____ DAY OF _____, 2024.

MA LAND HOLDINGS, LLC,
A Texas limited liability company

By: _____
Name: _____
Title: _____

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 _____ 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, R.P.L.S. 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 ____th day of _____, 2024.

FOR PRELIMINARY USE 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 ____th day of _____, 2024.

Notary Public in and for the State of Texas _____

Preliminary Plat for Review Purposes Only	
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 SECTION 4
PHASES 1, 2, & 3
1,016 RESIDENTIAL LOTS
1 WASTEWATER TREATMENT PLANT LOT,
29 COMMON AREA LOTS,
AND 2 COMMERCIAL LOTS

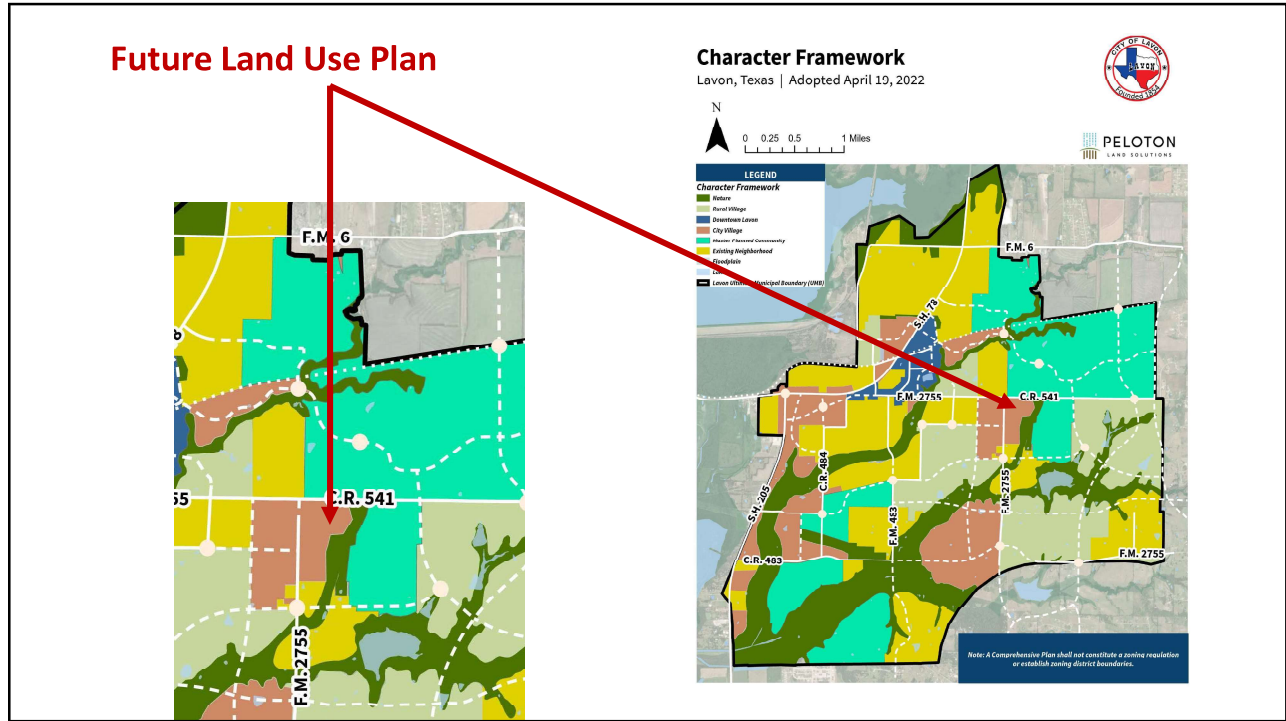
BEING 220,879 ACRES OUT OF
THE DRURY ANGLIN SURVEY, ABSTRACT NUMBER 2,
AND THE JAMES P. DAVIS SURVEY, ABSTRACT NUMBER 249

CITY OF LAVON ETL,
COLLIN COUNTY, TEXAS

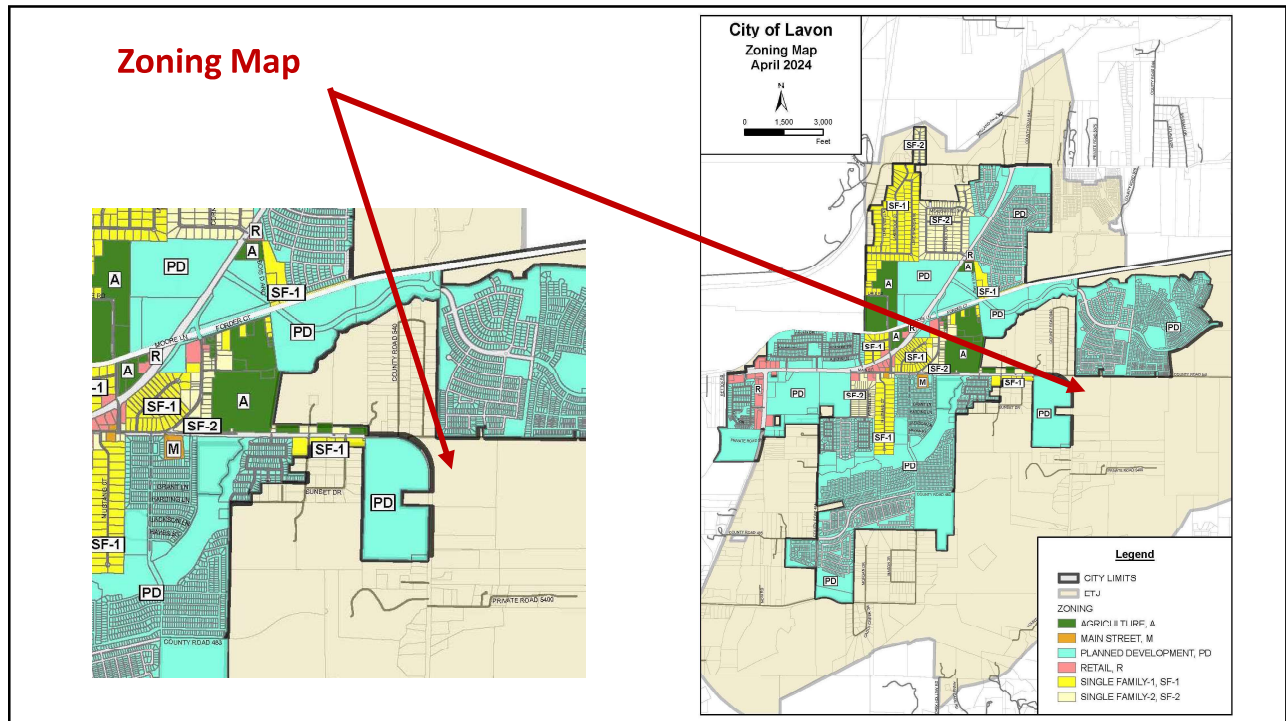
MA LAND HOLDINGS, LLC	OWNER
2121 Midway Road, Suite 240 Corrilton, Texas 75006 Contact: John Martin	(972) 715-6448
PETRO-HUNT, LLC	OWNER
2101 Cedar Springs Road, Suite 600 Dallas, Texas 75201 Contact: John Martin	(214) 880-8400
MA Eleven 429, LLC	DEVELOPER
2121 Midway Road, Suite 240 Corrilton, Texas 75006 Contact: John Martin	(972) 715-6448
JBI PARTNERS, INC.	SURVEYOR/ENGINEER
2121 Midway Road, Suite 300 Corrilton, Texas 75006 SRE No. T-408 TRS No. 10076000	(972) 248-7876

Date: November 21, 2024 Sheet 5 of 5

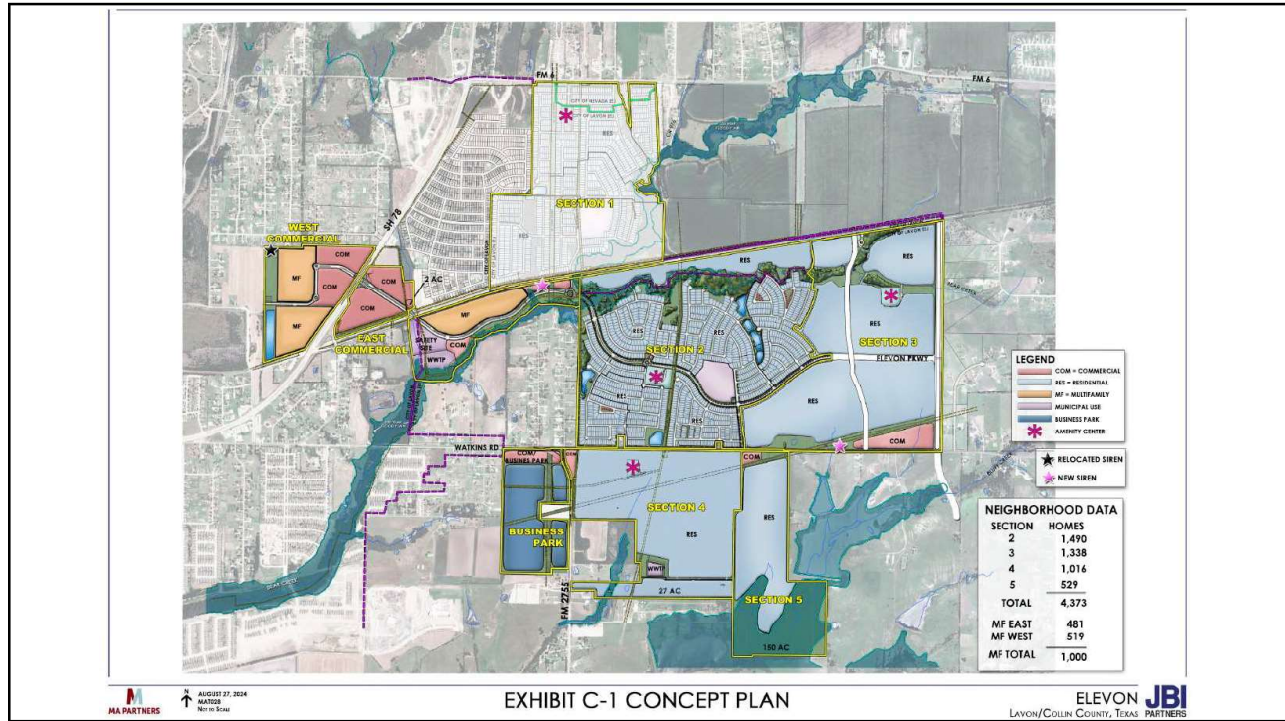
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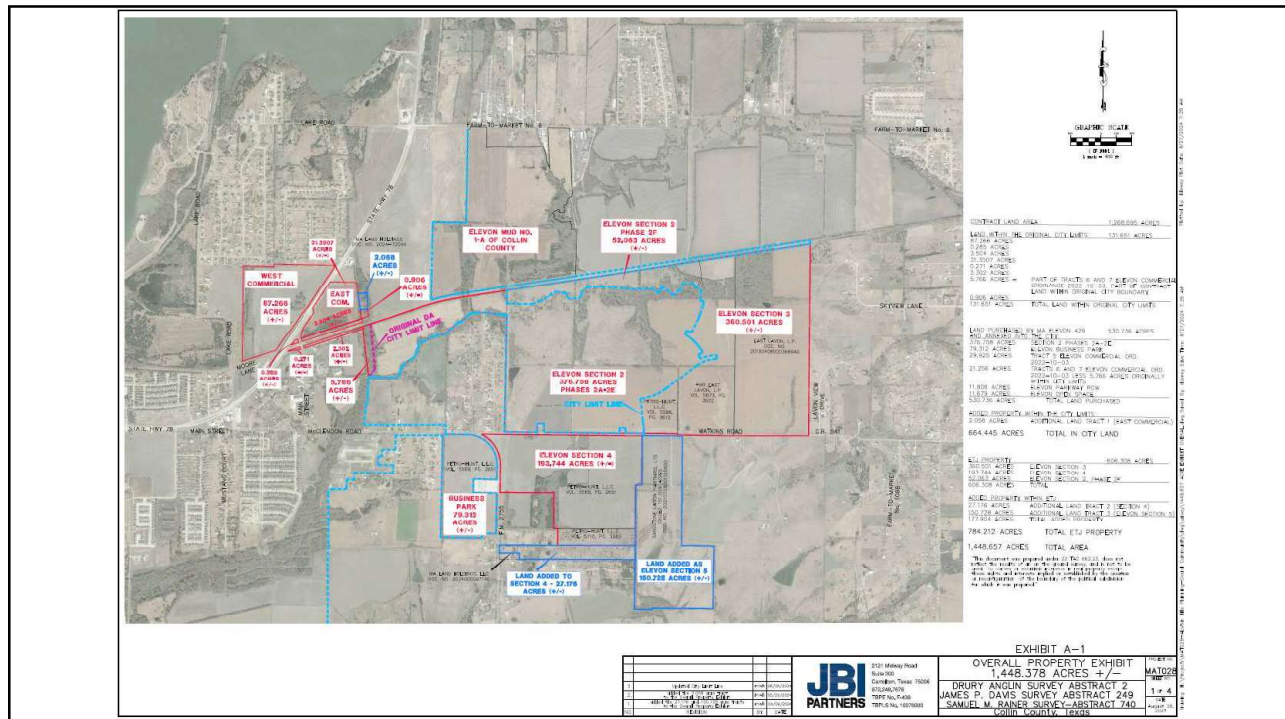
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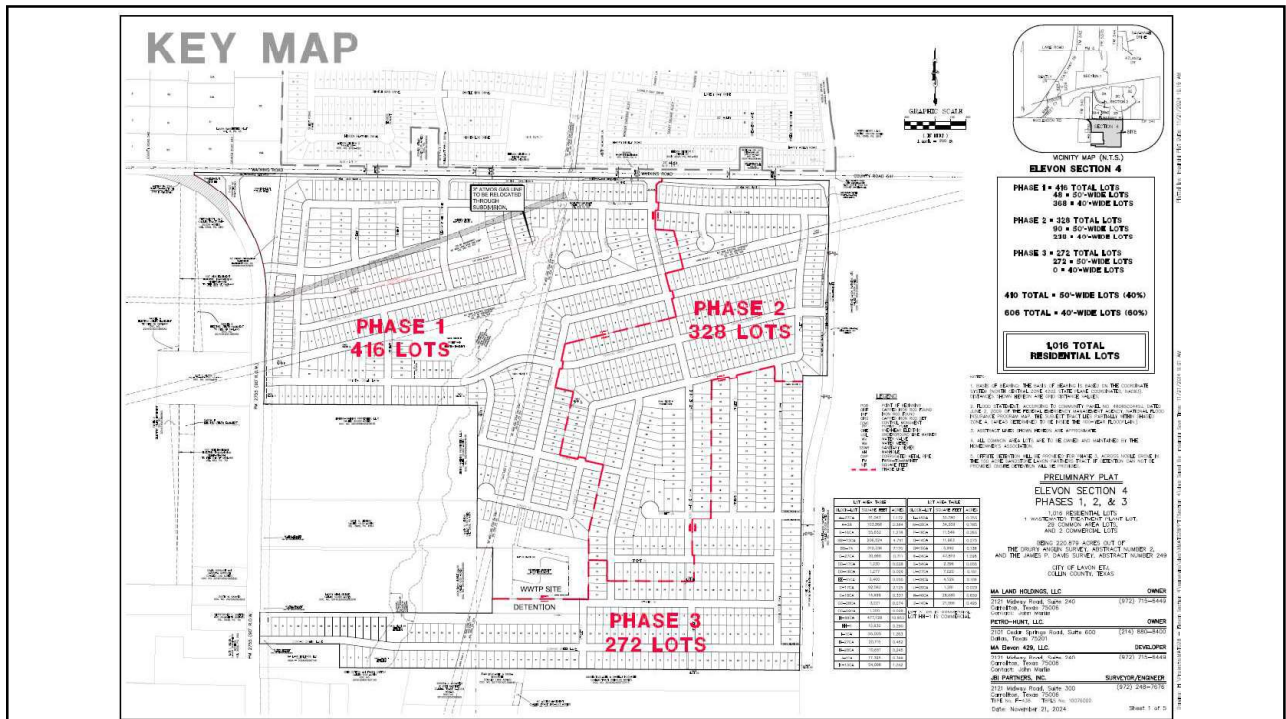
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November 26, 2024

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

**Re: Elevon Section 4, 1,045 total lots, 220.879 Acres
Preliminary Plat
City of Lavon, ETJ**

Dear Ms. Dobbs

JBI Partners received your comments via email form on November 21, 2024 from Freeman-Millican, Inc. for the review of the Elevon Section 4 preliminary plat. We have revised the preliminary plat and preliminary engineering to address the City's comments and are resubmitting for review.

Below is a summary of how each comment is addressed.

ENGINEERING COMMENTS

GENERAL

1. The TIA provided for Section 4 does not address this new FM 2755 connection. The TIA should be updated. It should be noted that the engineering plans do show left and right turn lanes at the intersection. This has been acknowledged, but the updated TIA has not been provided.
We are working with the traffic impact group on updating the TIA for the latest road connections in Sections 3, 4 & 5.
2. The proposed improvements/realignment of FM 2755 at Watkins Road will require TxDOT approval and may change from what is currently shown.
Correct. We will work with the City and TxDOT on the FM2755 and Watkins Road intersection as we proceed to the final plat and engineering plans stage.
3. Noble Grove right-of-way is being dedicated by separate instrument. A copy of the dedication documents have been provided to the City for review.
Correct.
4. Note that Phase 3 drainage is anticipated to flow to the adjacent Sandstone Lavon Partners, LTD property. In the event that scenario is not feasible, the drainage plan within Phase 3 will change with additional detention per Note 5 on the Preliminary Plat.
Noted. We are working with the adjacent property owner (Section 5) on combined detention but know that if we could not connect to their system onsite detention would be required.



PRELIMINARY PLAT

5. All previous comments have been addressed.
Noted. An updated preliminary plat was submitted on 11/25 as a response to the latest planning comments.
6. The Plat is subject to re-review depending upon the resolution of the block length variance requests.
Noted. An updated preliminary plat was submitted on 11/25 as a response to the latest planning comments.

ENGINEERING PLANS

7. Note that a portion of Noble Grove will need to be constructed to connect Street 1 for Phase 2 development. The remainder of Noble Grove will be required for development of Phase 3.
Noted. We are working with the adjacent property owner (Section 5) on Noble Grove connections between the two tracts and timing of each phase. We understand that Phase 2, as is currently shown, will require a portion of Noble Grove to be built if Section 5 is put on hold. Currently we believe the first phase of Section 5 is on a similar timeline to Phase 1 of Section 4.
8. The proposed force main along Noble Grove will be required to be constructed within a sanitary sewer easement since it is currently shown within common areas. If it is to be placed in ROW (as per response), it should be drawn as such.
The force main along Noble Grove is now shown within the road's ROW on the east side.
9. A waterline should be extended to the proposed WWTP site for fire protection and potable water availability. The fire hydrant should be located near the site boundary. The waterline should extend into the plant boundary to allow for future extension for potable water at site.
The 8" waterline has been extended through the WWTP site and now loops with Phase 3 water.
10. The sanitary sewer plan should be designed to accept wastewater flow from the Business Park west of FM 2755 . This can be addressed during detailed engineering design. Draft easements have been provided for City review to address this, but the plans do not show any connection point.
The proposed sanitary sewer main to the business park is now shown. We are treating this line as a separate project from Section 4 so we previously did not show it but have been working on plans and easements for the line. The line gets deep since it has to cross the 84" NTMWD waterline east of FM 2755 and therefore will be in its own easement behind the residential lots.
11. Lots 74 and CA73, Block BB have been included in the Drainage Plan (Areas OS-C1, B3 and B-0) and are shown on Sheet 4.3 and included in the calculations in Sheet 4.0B. However, these areas have not been included in the Existing Drainage Area Map (Sheet 4.0A). This area should be included in the existing area calculations.
Areas EX-1b and EX-2b have been added to the plan and table for the offsite areas that are part of the overall basin.



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

Thank you,

A handwritten signature in blue ink, appearing to read "Daniel Dewey".

Daniel Dewey, PE
JBI Partners, Inc.



November 25, 2024

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

**Re: Elevon Section 4, Phases 1,2, & 3
City of Lavon, ETJ**

Dear Ms. Dobbs

JBI Partners received your comments via email dated November 22, 2024 from LJA for the review of Elevon Section 4, preliminary plat.

Below is a summary of how each comment is addressed.

PLANNING + DESIGN COMMENTS

1. The following blocks exceed the maximum 1,000-foot block length requirement within the governing DA: Block A, Block B, Block C, Block S, Block U, Block EE, Block GG, Block BB, and Block II. **Noted. We have made adjustments to the block length to comply with the Development Agreement, providing the open spaces for the 10' pedestrian access through the blocks. I believe Block A is the only block within Phase 1.**
2. The connection of Street 19 to Good Nature Drive and the extension of Street 19 to the southern property line would not only provide north/south connectivity but also make the length of Block GG compliant. **Noted. We have Street 17 stubbed out to the southern property line. Street 19 could be stubbed out, but we chose to provide open space and pedestrian access to comply with he block length requirement.**
3. Remove the "Commercial Lot" labels from Lot 1, Block HH and Lot 28, Block A. **The plat has been updated.**

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

Thank you,

Daniel Dewey, PE
JBI Partners, Inc.



November 22, 2024

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

Re: Elevon – Section 4
Preliminary Plat Review
LJA Job No. NTP-40467
MyGov Submittal: November 21, 2024

LJA Engineering, Inc. has reviewed the submittal referenced above per your request. **The following are remaining outstanding items:**

1. The following blocks exceed the maximum 1,000-foot block length requirement within the governing DA: Block A, Block B, Block C, Block S, Block U, Block EE, Block GG, Block BB, and Block II.
2. The connection of Street 19 to Good Nature Drive and the extension of Street 19 to the southern property line would not only provide north/south connectivity but also make the length of Block GG compliant.
3. Remove the “Commercial Lot” labels from Lot 1, Block HH and Lot 28, Block A.

Please 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

November 20, 2024

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

Re: Elevon Section 4, 1,045 total Lots, 220.879 Acres
Preliminary Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Preliminary Plat dated October 29, 2024 and revised Preliminary Engineering Plans dated October 29, 2024 as prepared by JBI Partners, Inc. for the above referenced property. In addition, several offsite easements and ROW dedication documents have been provided (November 15, 2024) for City review. These will be reviewed separately. The property is generally located south of Elevon Section 2 and Watkins Rd (CR 541), and east of FM 2755. The property is located within the City's ETJ. Additional comments may be provided by City Planning. Our comments are as follows:

GENERAL

1. The TIA provided for Section 4 does not address this new FM 2755 connection. The TIA should be updated. It should be noted that the engineering plans do show left and right turn lanes at the intersection. This has been acknowledged, but the updated TIA has not been provided.
2. The proposed improvements/realignment of FM 2755 at Watkins Road will require TxDOT approval and may change from what is currently shown.
3. Noble Grove Right-of-Way is being dedicated by separate instrument. A copy of the dedication documents have been provided to the City for review.
4. Note that Phase 3 drainage is anticipated to flow to the adjacent Sandstone Lavon Partners, LTD property. In the event that scenario is not feasible, the drainage plan within Phase 3 will change with additional detention per Note 5 on the Preliminary Plat.

PLAT

5. All previous comments have been addressed.
6. The Plat is subject to re-review depending upon the resolution of the block length variance requests.

ENGINEER PLANS

7. Note that a portion of Noble Grove will need to be constructed to connect Street 1 for Phase 2 development. The remainder of Noble Grove will be required for development of Phase 3.
8. The proposed force main along Noble Grove will be required to be constructed within a sanitary sewer easement since it is currently shown within common areas. If it is to be placed in ROW (as per response), it should be drawn as such.

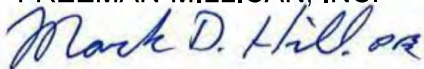
9. A waterline should be extended to the proposed WWTP site for fire protection and potable water availability. The fire hydrant should be located near the site boundary. The waterline should extend into the plant boundary to allow for future extension for potable water at site.
10. The sanitary sewer plan should be designed to accept wastewater flow from the Business Park west of FM 2755. This can be addressed during detailed engineering design. Draft easements have been provided for City review to address this, but the plans do not show any connection point.
11. Lots 74 and CA73, Block BB have been included in the Drainage Plan (Areas OS-C1, B3 and B-0) and are shown on Sheet 4.3 and included in the calculations in Sheet 4.0B. However, these areas have not been included in the Existing Drainage Area Map (Sheet 4.0A). This area should be included in the existing area calculations.

This concludes our review of the above-referenced revised Preliminary Plat and revised Engineering Plans. **We recommend APPROVAL of the Preliminary Plat, subject to addressing the minor comments above.**

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, Daniel Dewey, P.E.

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November 15, 2024

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

Re: Elevon – Section 4
Preliminary Plat Review
LJA Job No. NTP-40467
MyGov Submittal: October 30, 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. **Repeat comment:** Block lengths between intersecting streets shall not exceed 1,000 feet per the governing development agreement. It appears there are blocks that do not meet this requirement. Adjust the lot design and revise the plat accordingly.

A block length modification request is currently being reviewed by staff. Once review is complete, a Technical Review Letter will be issued. At that time, approved Minor Modifications will be issued by staff or the plat will be revised by the applicant, and Major Modifications will be scheduled for City Council consideration. Compliance with the development agreement standards will be required unless or until the modifications are approved.

Blocks S and EE were not included in the submitted block length modification request, however it appears these blocks do not meet the block length requirement. These blocks must comply with the standard or be included in the block length modification request for consideration.

A resubmittal of the block length modification request was reviewed by Staff. It is noted that several of the proposed block length modifications are being requested to move forward to City Council for consideration, despite remaining unchanged. Compliance with the Development Agreement standards will be required unless or until these modifications are approved.

2. **Repeat comment:** Some of the collector network and some blocks have been redesigned. To comply with the Master Thoroughfare Plan collector requirements within the subject property, the north/south collector (Street 19) must be stubbed to the southern property line. The locations of the collectors within the subject property are flexible, but the associated connections to adjacent properties are not. The locations of the collectors within the subject property are flexible, but the associated connections to adjacent properties should still be provided. Street 9 is providing east/west collector connectivity. The north/south collector (Street 19) should be stubbed to the southern property line. The addition of Street 17 does not meet the intent of a north/south collector. Street 22 meets the intent if it connects with Street 19 and stubs to the southern property line.

The connection of Street 19 to Street 22 and the extension of Street 19 to the southern property line would not only provide north/south connectivity but also make the length of Block GG compliant. This issue remains unresolved.

3. **Repeat comment:** It appears that multiple development agreement amendments may be required to accommodate the proposed plat. Requirements, such as park frontage and block length, are among the non-compliant items. Please submit revisions that comply with the governing development agreement or revise the plat to comply accordingly.

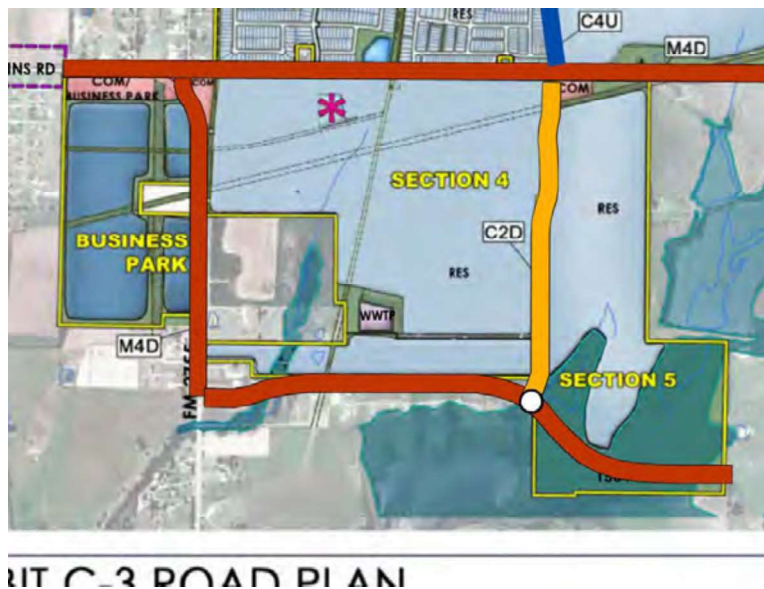
It appears that the remaining non-compliant item is block length for several of the proposed blocks. Compliance with the block length standard will be required unless or until Modifications to this requirement are approved through the required Modification process.

4. **Repeat comment:** Revise the plat to remove “Commercial Lot” from the label for Lot 28, Block A. Land use is not necessary information to include on a plat document. Remove the “Commercial Lot” label on Lot 25, Block A and Lot 1, Block HH.

The “Commercial Lot” label on Lot 1, Block HH still needs to be removed (label should state “Lot 1, Block HH”).

5. **Repeat comment:** The amended Master Thoroughfare Plan shows a 90’ ROW 4LD roadway along the southern property boundary. Confirm the minimum right-of-way that is required to be dedicated with the City Engineer and revise the plat to dimension and label this right-of-way dedication, if/where applicable.

Although the comment was not part of the Engineering comments, the Road Plan (shown below) shows portions of the future 90’ROW 4LD on the Elevon Section 4 property line. Due to the alignment shown on the Road Plan, confirm the minimum right-of-way that is required to be dedicated with the City Engineer and revise the plat to dimension and label this right-of-way dedication, if/where applicable. Please include a comment response when this coordination is completed.



6. Upon resubmittal, please provide a comment response letter indicating acknowledgement or clarification of how each comment has been addressed.

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



October 29, 2024

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

**Re: Elevon Section 4, Phases 1,2, & 3 – Block Length Modification
City of Lavon, ETJ**

Dear Ms. Dobbs

JBI Partners received your comments via email form on October 24th from LJA for the Block Length Modification Request submittal for Elevon Section 4, preliminary plat. At this time we would request the Block Length Modifications be placed on the next council agenda for approval by the council. In the cases where Minor Variances are recommended for denial, we would like to explain our reasoning for variance to council at the next meeting to seek variance approval, prior to making any unnecessary plan changes. In all cases, we can make plan modifications to comply with the criteria but feel the changes do not enhance or add value to Elevon.

Below is a summary of how each comment is addressed.

1. **Block S** - Block S has been added to the Exhibit. The measured length of Block S is 1,005'. Potential mitigation of the 5 feet in over length could be adding a common area at the end of the block at Lot 44. This creates the need for an additional irrigation meter and common area maintenance for the HOA and is not desirable or beneficial for Elevon. The development team is requesting variance from council.
2. **Block EE** – Block EE has been added to the Exhibit. The measured length of Block EE is 1,040'. Potential mitigation of the 40 feet in over length is taking all of the lots to minimum width and providing a pedestrian cut through mid-block. The development team of Elevon do not feel that a mid-block cut through between the houses is desirable to the future homeowners and would like to request a variance from council.
3. **Request 1** – The development team of Elevon do not feel a midblock cut through out to Watkins Road that would break up the screen fencing and landscape is desirable and would like to request a variance from council. The exhibit has been modified to show the 1,000' limits from either side of the block. The alternative is to make the lots minimum width and provide the cut through. The development team is requesting variance from council.
4. **Request 2** – City staff recommends approval.
5. **Request 3** – The development team of Elevon do not feel a midblock cut through out to Watkins Road that would break up the screen fencing and landscape is desirable and would like to request a variance from council. The exhibit has been modified to show the 1,000' limits from either side of the block. The alternative is to reduce the open space width at Noble Grove and provide the cut through. The development team is requesting variance from council.
6. **Request 4** – City staff recommends approval.
7. **Request 5** - Street 17 has been extended to the south property line to an undeveloped parcel. Street 19 could be extended to the south to break up the block, but we do not feel as though multiple stubouts to an undeveloped parcel is necessary. The Exhibit has been modified to show where the midblock pedestrian access points could be added to comply



with a minor request. The pedestrian access points between the houses are undesirable to the development team and are not coordinated nor can be coordinated with the undeveloped parcel they would be stubbing out to. The development team is requesting a variance from council.

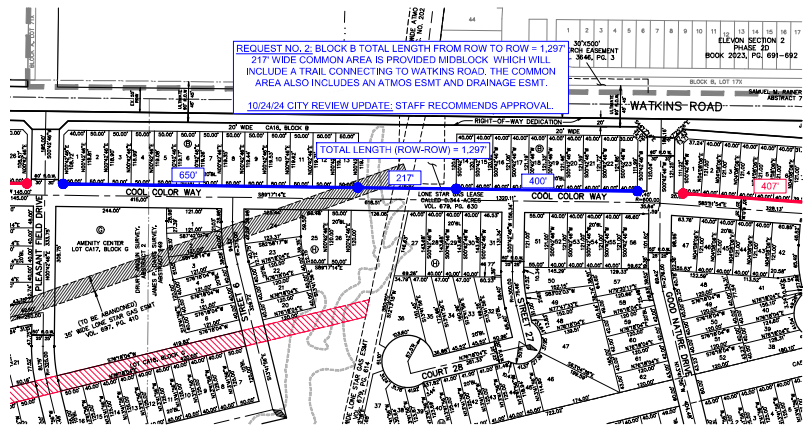
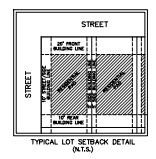
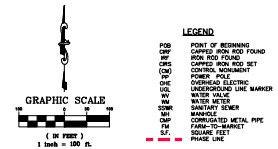
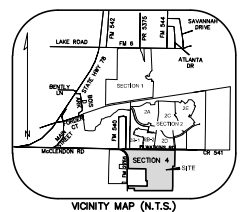
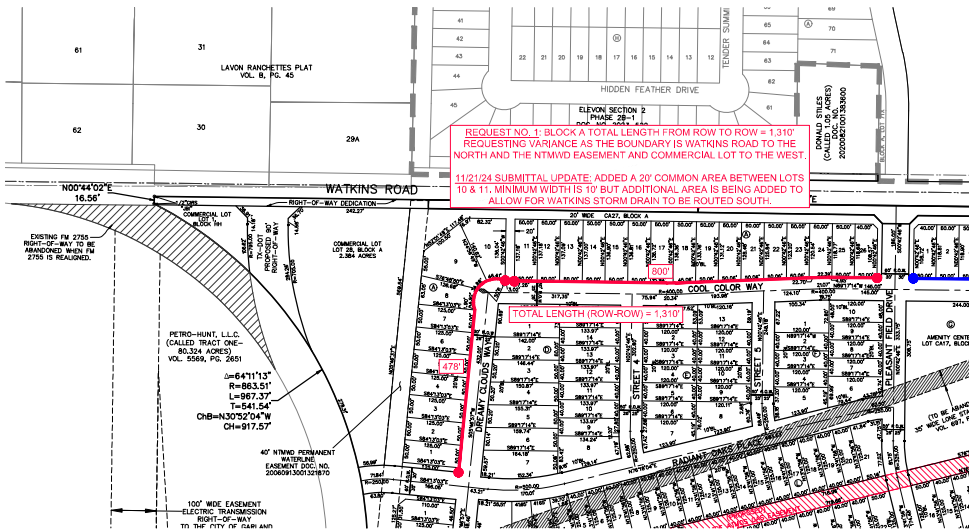
- 8. **Request 6** – City staff recommends approval.
- 9. **Request 7** – City staff recommends approval.

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

Thank you,

A handwritten signature in blue ink, appearing to read "Daniel Dewey".

Daniel Dewey, PE
JBI Partners, Inc.



BLOCK LENGTH EXHIBIT
ELEVON SECTION 4
PHASES 1, 2, & 3

1,016 RESIDENTIAL LOTS,
 29 COMMERCIAL LOTS,
 AND 2 COMMERCIAL LOTS

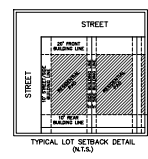
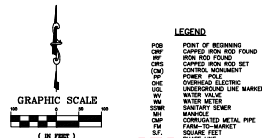
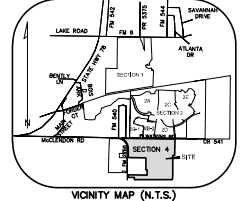
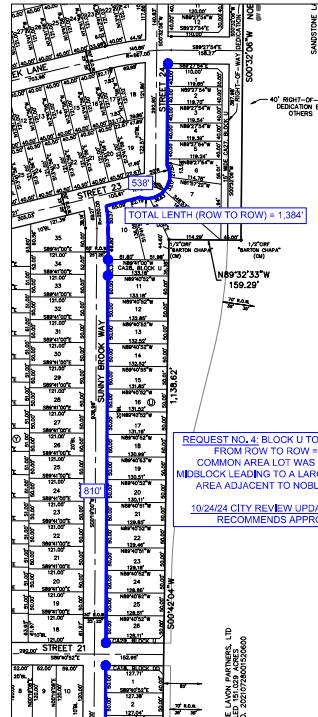
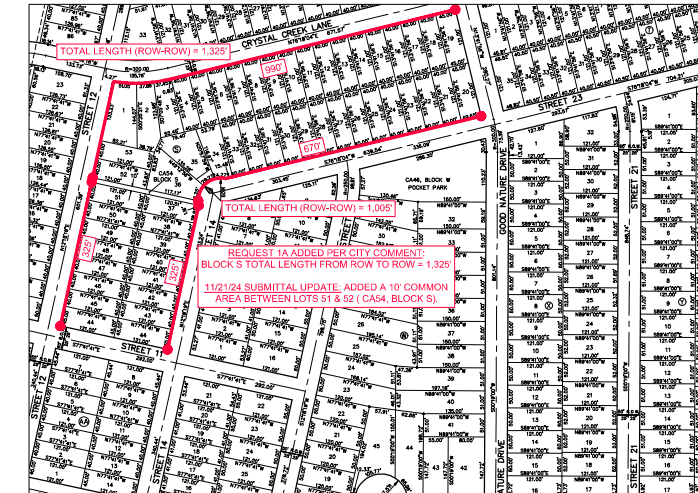
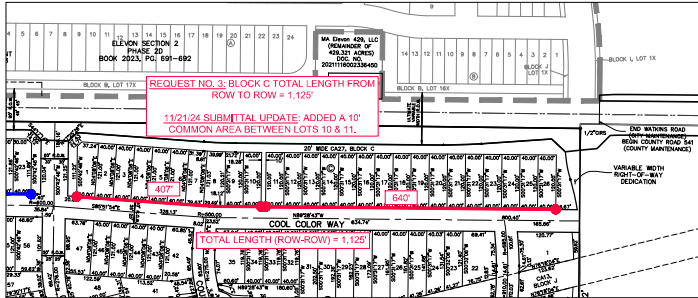
BEING 220.679 ACRES OUT OF
 THE DRURY ANGLIN SURVEY, ABSTRACT NUMBER 2,
 AND THE JAMES P. DAVIS SURVEY, ABSTRACT NUMBER 249

CITY OF LAVON, TEXAS

MA LAND HOLDINGS, LLC	OWNER
2121 Midway Road, Suite 240 Corrilton, Texas 75006 Contact: John Martin	(972) 715-6448
PETRO-HUNT, LLC	OWNER
2101 Cedar Springs Road, Suite 600 Dallas, Texas 75201	(214) 880-8400
MA Elevon 429, LLC	DEVELOPER
2121 Midway Road, Suite 240 Corrilton, Texas 75006 Contact: John Martin	(972) 715-6448
JBI PARTNERS, INC.	SURVEYOR/ENGINEER
2121 Midway Road, Suite 300 Corrilton, Texas 75006 TIRE No. T-408 TRSLS No. 10076000	(972) 248-7876

Date: SEPTEMBER 25, 2024

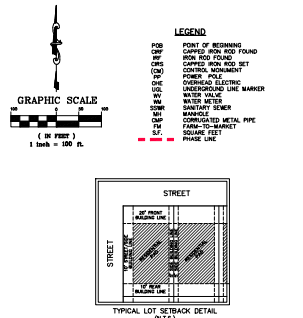
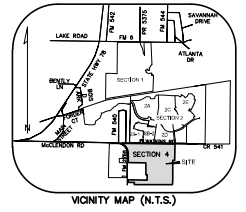
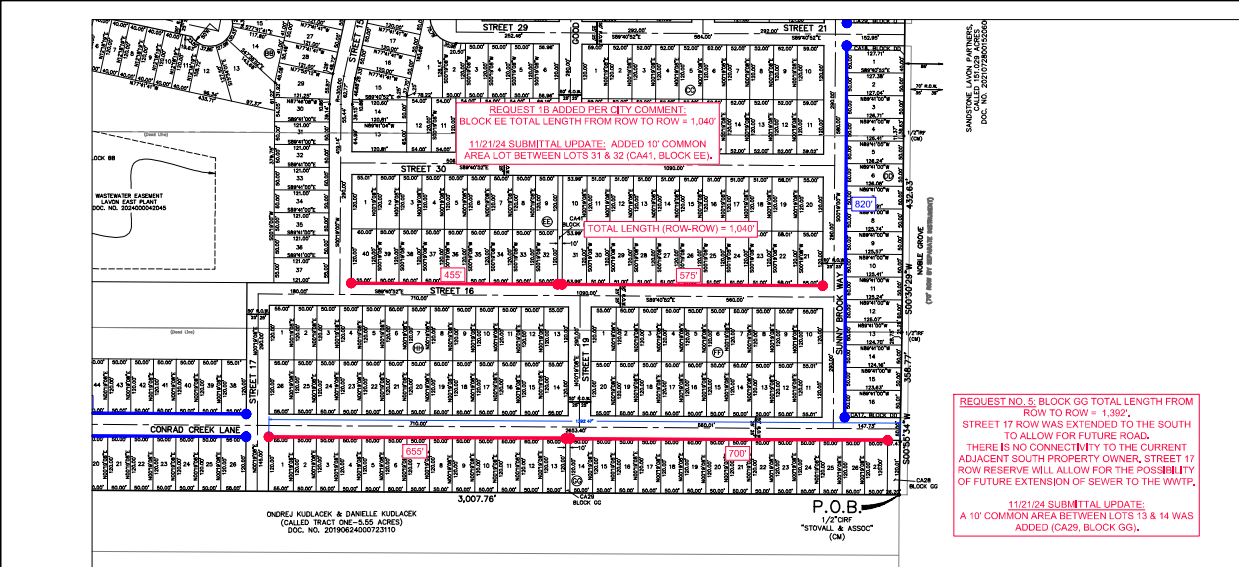
Sheet 1



BLOCK LENGTH EXHIBIT
ELEVON SECTION 4
PHASES 1, 2, & 3
 1,016 RESIDENTIAL LOTS,
 29 COMMON AREA LOTS,
 AND 2 COMMERCIAL LOTS
 BEING 220.679 ACRES OUT OF
 THE DRURY ANGLIN SURVEY, ABSTRACT NUMBER 2,
 AND THE JAMES P. DAVIS SURVEY, ABSTRACT NUMBER 249
 CITY OF LAVON ET AL,
 COLLIN COUNTY, TEXAS

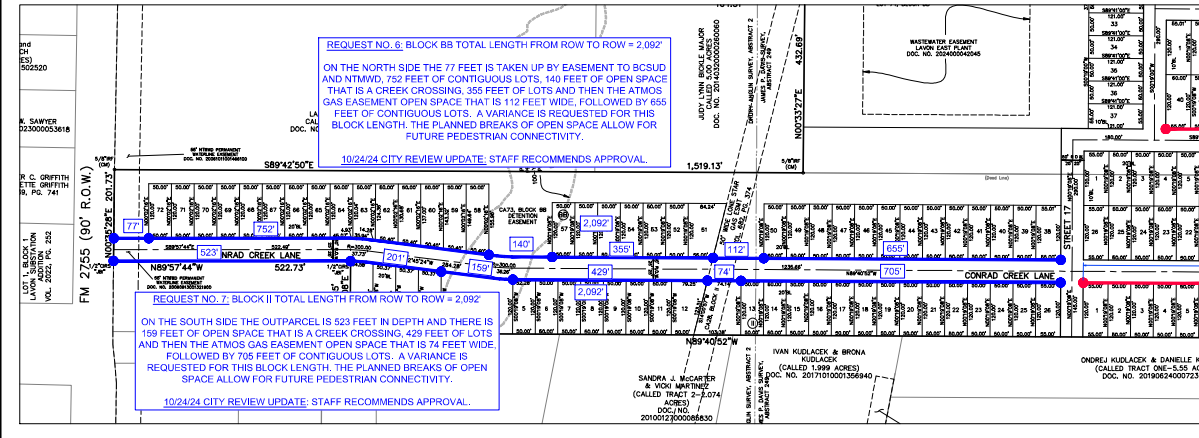
MA LAND HOLDINGS, LLC	OWNER
2121 Midway Road, Suite 240 Corrilton, Texas 75006 Contact: John Martin	(972) 715-6448
PETRO-HUNT, LLC	OWNER
2101 Cedar Springs Road, Suite 600 Dallas, Texas 75201 Contact: John Martin	(214) 880-8400
MA Elevon 428, LLC	DEVELOPER
2121 Midway Road, Suite 240 Corrilton, Texas 75006 Contact: John Martin	(972) 715-6448
JBI PARTNERS, INC.	SURVEYOR/ENGINEER
2121 Midway Road, Suite 300 Corrilton, Texas 75006 TS&E No. T-408 TRS&E No. 10076000	(972) 248-7876

Date: SEPTEMBER 25, 2024 Sheet 2



REQUEST NO. 5, BLOCK GG TOTAL LENGTH FROM ROW TO ROW = 1,992'
 STREET 17 ROW WAS EXTENDED TO THE SOUTH TO ALLOW FOR FUTURE ROAD.
 THERE IS NO CONNECTIVITY TO THE CURRENT ADJACENT SOUTH PROPERTY OWNER, STREET 17 ROW RESERVE WILL ALLOW FOR THE POSSIBILITY OF FUTURE EXTENSION OF SEWER TO THE WWTP.

11/21/24 SUBMITTAL UPDATE:
 A 10' COMMON AREA BETWEEN LOTS 13 & 14 WAS ADDED (CA29, BLOCK GG).



BLOCK LENGTH EXHIBIT
 ELEVON SECTION 4
 PHASES 1, 2, & 3

1 WASTEWATER TREATMENT PLANT, 1,016 RESIDENTIAL LOTS, 29 COMMON AREA LOTS, AND 2 COMMERCIAL LOTS
 BEING 220.679 ACRES OUT OF THE DRURY ANGLIN SURVEY, ABSTRACT NUMBER 2, AND THE JAMES P. DAVIS SURVEY, ABSTRACT NUMBER 249
 CITY OF LAVON ET AL, COLLIN COUNTY, TEXAS

OWNER	OWNER
MA LAND HOLDINGS, LLC	OWNER
2121 Midway Road, Suite 240 Corrilton, Texas 75006 Contact: John Martin	(972) 715-6448
PETRO-HUNT, LLC	OWNER
2101 Cedar Springs Road, Suite 600 Dallas, Texas 75201 Contact: John Martin	(214) 880-8400
MA Eleven 429, LLC	DEVELOPER
2121 Midway Road, Suite 240 Corrilton, Texas 75006 Contact: John Martin	(972) 715-6448
JBI PARTNERS, INC.	SURVEYOR/ENGINEER
2121 Midway Road, Suite 300 Corrilton, Texas 75006 TIRE No. T-408 TRSLE No. 10076000	(972) 248-7876

Date: SEPTEMBER 25, 2024 Sheet 3



October 29, 2024

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

**Re: Elevon Section 4, Phases 1,2, & 3 – Preliminary Plat Comments
City of Lavon, ETJ**

Dear Ms. Dobbs

JBI Partners received your comments via email form on October 24th from Freeman-Millican, Inc. for the Preliminary Plat submittal for Elevon Section 4. Below is a summary of how each comment is addressed.

GENERAL

1. The revised Plat and plans include the additional acreage on the southwest side and a connection to FM 2755.
2. The TIA provided for Section 4 does not address this new FM 2755 connection. The TIA should be updated. It should be noted that the engineering plans do show left and right turn lanes at the intersection. **Noted, we added a connection to FM 2755 with the additional acreage purchased by MA Partners and included into Elevon Section 4 with the latest Amended and Restated Development Agreement.**
3. The proposed improvements/realignment of FM 2755 at Watkins Road will require TxDOT approval and may change from what is currently shown. **Noted, we are working on an exhibit to present to TxDot. We investigated alignments to take the intersection further west, but the design speed and horizontal curve requirements made pushing the intersection to the west problematic. At this time we are proposing moving forward with intersecting at the east side of County Road 540.**
4. Noble Grove Right-of-Way is planned to be dedicated as part of the adjacent Sandstone Lavon Partners LTD property. **We are working on a separate instrument document to have Sandstone dedicate the Noble Grove right-of-way to the city and common areas west of Noble Grove transferred to the HOA prior to final platting.**

PRELIMINARY PLAT

5. A force main easement may be required along Noble Grove. **There is no water main in Noble Grove, so we are proposing placing the force main on the west side of Noble Grove, 5 feet back of curb.**
6. Note that if the adjacent Sandstone Lavon Partners, LTD property does not develop prior to Phase 2, offsite Right-of-Way for Noble Grove will be required for Phase 2 Final Plat approval. **Noted, we are seeking dedication of Noble Grove prior to platting.**
7. A 55' NTMWD easement is called out along FM 2755. This easement should be shown. **The easement was inadvertently deleted and has been added back.**



ENGINEER PLANS

8. Note that a portion of Noble Grove will need to be constructed to connect Street 1 for Phase 2 development. The remainder of Noble Grove will be required for development of Phase 3. **Noted.**
9. The proposed force main along Noble Grove will be required to be constructed within a sanitary sewer easement. **We were proposing the line be constructed with the right-of-way, since there is no water line within Noble Grove.**
10. A waterline should be extended to the proposed WWTP site for fire protection and potable water availability. **Noted, this will be constructed with Phase 1. We also added a fire hydrant down the WWTP driveway.**
11. The sanitary sewer plan should be designed to accept wastewater flow from the Business Park west of FM 2755. This can be addressed during detailed engineering design. **We have designed a sanitary sewer main to the Business Park and MA is working on acquiring an easement from the Bickle Tract.**
12. Lots 74 and CA73, Block BB should be included in drainage calculations. **The areas are now labeled and have been added to the drainage area table.**
13. Note that Phase 3 drainage is anticipated to flow to the adjacent Sandstone Lavon Partners, LTD property. In the event that scenario is not feasible, the drainage plan within Phase 3 will change with additional detention per Note 5 on the Preliminary Plat. **Noted, Hydrolink has prepared a drainage plan for submittal to the City of Lavon and the NRCS for review. This design and work should be completed prior to design of Section 4, Phase 3.**

We would like to request the preliminary plat be placed on the next Planning and Zoning agenda. If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

A handwritten signature in blue ink, appearing to read "Daniel Dewey".

Daniel Dewey, PE
JBI Partners, Inc.



October 29, 2024

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

**Re: Elevon Section 4, Phases 1,2, & 3 – Preliminary Plat Comments
City of Lavon, ETJ**

Dear Ms. Dobbs

JBI Partners received your comments via email form on October 24th from LJA for the Preliminary Plat submittal for Elevon Section 4. Below is a summary of how each comment is addressed.

PLANNING + DESIGN COMMENTS

1. **Repeat comment:** Block lengths between intersecting streets shall not exceed 1,000 feet per the governing development agreement. It appears there are blocks that do not meet this requirement. Adjust the lot design and revise the plat accordingly.

A block length modification request is currently being reviewed by staff. Once review is complete, a Technical Review Letter will be issued. At that time, approved Minor Modifications will be issued by staff or the plat will be revised by the applicant, and Major Modifications will be scheduled for City Council consideration. Compliance with the development agreement standards will be required unless or until the modifications are approved.

Blocks S and EE were not included in the submitted block length modification request, however it appears these blocks do not meet the block length requirement. These blocks must comply with the standard or be included in the block length modification request for consideration.

We are requesting our block length variance be placed on the council agenda for discussion and approval from council.

2. **Repeat comment:** Some of the collector network and some blocks have been redesigned. To comply with the Master Thoroughfare Plan collector requirements within the subject property, the north/south collector (Street 19) must be stubbed to the southern property line. The locations of the collectors within the subject property are flexible, but the associated connections to adjacent properties are not. **The locations of the collectors within the subject property are flexible, but the associated connections to adjacent properties should still be provided. Street 9 is providing east/west collector connectivity. The north/south collector (Street 19) should be stubbed to the southern property line. The addition of Street 17 does not meet the intent of a north/south collector. Street 22 meets the intent if it connects with Street 19 and stubs to the southern property line.**

The cut through collector street is Noble Grove. There is not a desire to have a second cut through street from Watkins Road all the way through the neighborhood that would encourage speeding. Connectivity is provided through Street 17 to the undeveloped parcel to the south.



3. **Repeat comment:** It appears that multiple development agreement amendments may be required to accommodate the proposed plat. Requirements, such as park frontage and block length, are among the non-compliant items. Please submit revisions that comply with the governing development agreement or revise the plat to comply accordingly.
It appears that the remaining non-compliant item is block length for several of the proposed blocks. Compliance with the block length standard will be required unless or until Modifications to this requirement are approved through the required Modification process. We are requesting our variance request be placed on the next council agenda.
4. **Repeat comment:** Revise the plat to remove “Commercial Lot” from the label for Lot 28, Block A. **Land use is not necessary information to include on a plat document. Remove the “Commercial Lot” label on Lot 25, Block A and Lot 1, Block HH. The “Commercial Lot” label has been removed.**
5. The amended Master Thoroughfare Plan shows a 90’ ROW 4LD roadway along the southern property boundary. Confirm the minimum right-of-way that is required to be dedicated with the City Engineer and revise the plat to dimension and label this right-of-way dedication, if/where applicable. **The 90’ ROW 4LD is not on the Elevon Section 4 tract and this comment was not part of the engineering comments.**
6. Revise the plat to remove the building setback lines since the building setbacks are provided in the Typical Lot Setback Detail. **Building setback lines and labels have been removed.**
7. Revise the title block to remove the Amenity Center lot since it is included in the 25 Common Areas listed. **The title block has been modified per comment.**
8. Revise the plat to delineate the boundary of the 55’ NTMWD easement shown to the north and south of Block BB. **The easement lines were mistakenly removed from the reference file and have been added back.**
9. It appears there are two separate streets that are labeled Street 18. Revise the plat to correct this repetition by revising one of the street labels accordingly. **Street designations have been corrected.**
10. Upon resubmittal, please provide a comment response letter indicating acknowledgement or clarification of how each comment has been addressed. **Comment response letter is provided.**

We would like to request the preliminary plat be placed on the next Planning and Zoning agenda. If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

Daniel Dewey, PE
JBI Partners, Inc.

October 25, 2024

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

Re: Elevon Section 4, 1,045 total Lots, 220.879 Acres
Preliminary Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Preliminary Plat dated October 7, 2024 and revised Preliminary Engineering Plans dated October 7, 2024 as prepared by JBI Partners, Inc. for the above referenced property. The property is generally located south of Elevon Section 2 and Watkins Rd (CR 541), and east of FM 2755. The property is located within the City's ETJ. Additional comments may be provided by City Planning. Our comments are as follows:

GENERAL

1. The revised Plat and plans include the additional acreage on the southwest side and a connection to FM 2755.
2. The TIA provided for Section 4 does not address this new FM 2755 connection. The TIA should be updated. It should be noted that the engineering plans do show left and right turn lanes at the intersection.
3. The proposed improvements/realignment of FM 2755 at Watkins Road will require TxDOT approval and may change from what is currently shown.
4. Noble Grove Right-of-Way is planned to be dedicated as part of the adjacent Sandstone Lavon Partners LTD property.

PLAT

5. A force main easement may be required along Noble Grove.
6. Note that if the adjacent Sandstone Lavon Partners, LTD property does not develop prior to Phase 2, offsite Right-of-Way for Noble Grove will be required for Phase 2 Final Plat approval.
7. A 55' NTMWD easement is called out along FM 2755. This easement should be shown.

ENGINEER PLANS

8. Note that a portion of Noble Grove will need to be constructed to connect Street 1 for Phase 2 development. The remainder of Noble Grove will be required for development of Phase 3.
9. The proposed force main along Noble Grove will be required to be constructed within a sanitary sewer easement.

10. A waterline should be extended to the proposed WWTP site for fire protection and potable water availability.
11. The sanitary sewer plan should be designed to accept wastewater flow from the Business Park west of FM 2755. This can be addressed during detailed engineering design.
12. Lots 74 and CA73, Block BB should be included in drainage calculations.
13. Note that Phase 3 drainage is anticipated to flow to the adjacent Sandstone Lavon Partners, LTD property. In the event that scenario is not feasible, the drainage plan within Phase 3 will change with additional detention per Note 5 on the Preliminary Plat.

This concludes our review of the above-referenced revised Preliminary Plat and revised Engineering Plans. **We recommend APPROVAL of the Preliminary Plat, subject to addressing the minor comments above.**

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, Daniel Dewey, P.E.

F:\17024 - LAV General Servies\9 - Review\Elevon\Section 4\Sect 4 - Preliminary Plat - Rev 2.docx

October 24, 2024

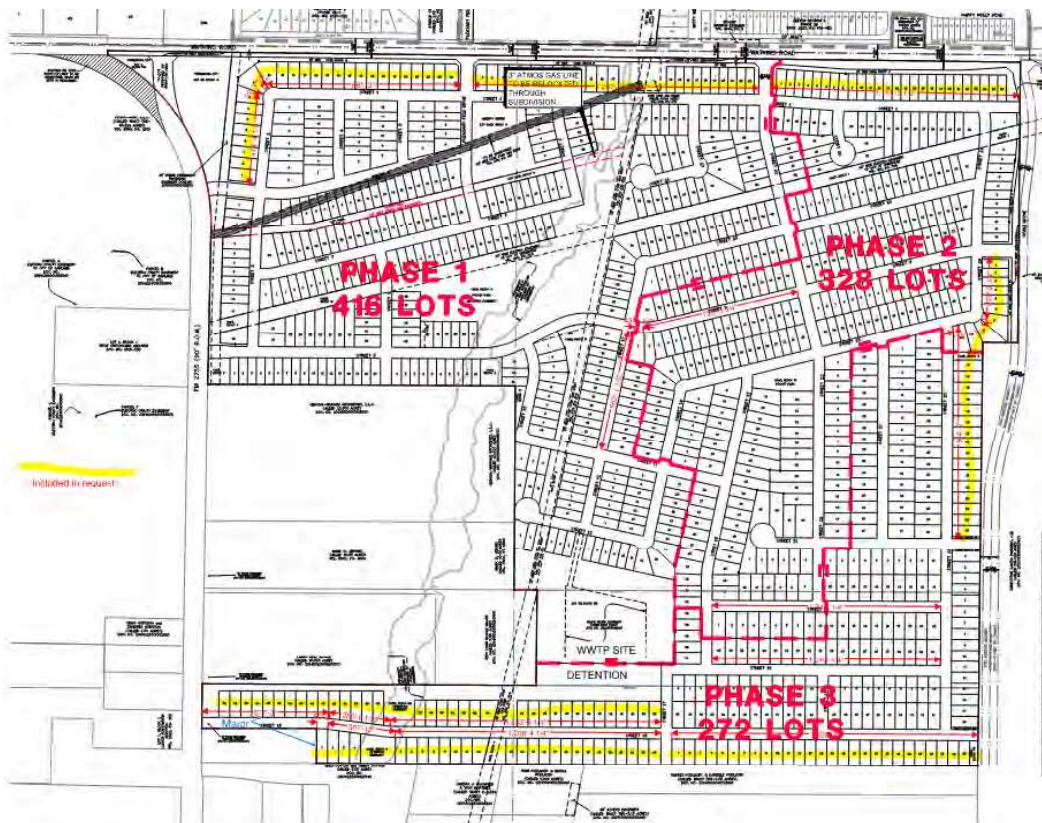
Kim Dobbs
City of Lavon, TX
Via Email Delivery to kdobbs@lavontx.gov

Re: Elevon Section 4 Block Length Modification Request

LJA Engineering, Inc. has reviewed the Modification Request referenced above. Provided below is the technical review determination relating to planning- and design-related requirements. Please do not hesitate to let us know if you have any questions.

APPLICANT REQUEST

The applicant is proposing block lengths that exceed the maximum permitted block length (within the Elevon DA) of 1,000 feet, for several blocks within the proposed Preliminary Plat for Elevon Section 4. The blocks highlighted in yellow are what the applicant has requested for Modifications:



There are additional blocks (Blocks S and EE) that need to be revised to comply to meet the maximum 1,000-foot block length requirement or be included in a revised request.

There is a consideration and approval process that was outlined in the recently amended Elevon DA to address special circumstances, for specific blocks, that divides them into two categories: Minor Modifications (Staff approval) and Major Modifications (City Council approval).

RELEVANT REGULATORY STANDARDS

The amended and restated Elevon Development Agreement requires a maximum block length of 1,000 feet but allows the following modifications:

“ ...

b. Minor Modifications:

The following Minor Modifications can be considered by the City Manager or their designee, upon request, and shall result in blocks of no greater than 1,400 feet and shall include mid-block pedestrian access (minimum 10 feet wide with a sidewalk) when they exceed the 1,000-foot standard:

- i. Where there is a block along perimeter of a proposed subdivision, which backs to floodplain not utilized for open space or some other unusable area;*
- ii. Where there is a block along the perimeter of a proposed subdivision, adjacent to a collector or arterial roadway;*
- iii. Where a unique, topographical, or site-specific feature(s) is or will be present and would result in unreasonable required access; **or***
- iv. Where there is a unique circumstance in the area, the land, or a proposed neighborhood that results in a demonstrated need for a block of up to 1,400 feet.*

c. Major Modifications:

- 1. The City Council is responsible for reviewing Major Modification requests that do not qualify for Staff approval, and to review appeals of Staff decisions/interpretations.*
- 2. The City Council's decision to approve or deny a request for a Modification to this standard shall be based on the following considerations:*

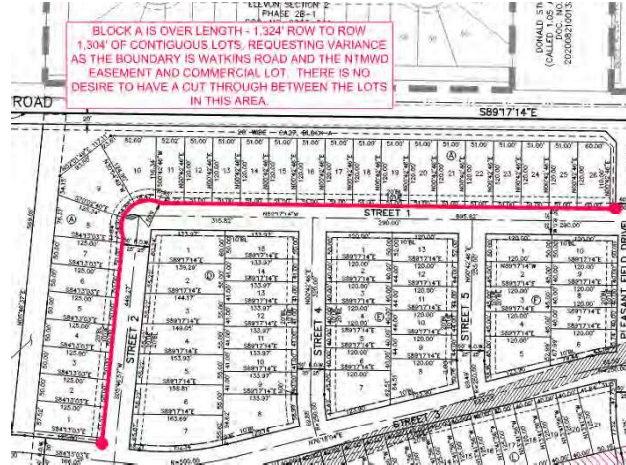
*(A) The physical conditions of the property, such as steep slopes, floodplain, drainage, property shape, make compliance to the specific standard physically impossible, and this hardship is not created by the applicant; **or***

(B) The following three considerations together:

- i. applicant presents an alternative means of compliance that clearly demonstrates how the exception to the standard would equal or exceed the existing standard in terms of achieving connectivity, providing travel choice, and achieving neighborhood walkability; **and***
- ii. The Modification will not significantly impact adjacent property owners, the character of the area, traffic conditions, parking, public infrastructure, water quality management, and other matters affecting the public health, safety, and general welfare; **and***
- iii. The Modification will not result in a substantial departure from the basic design principle that blocks should be short to contribute to direct pedestrian routes that provide for neighborhood walkability.”*

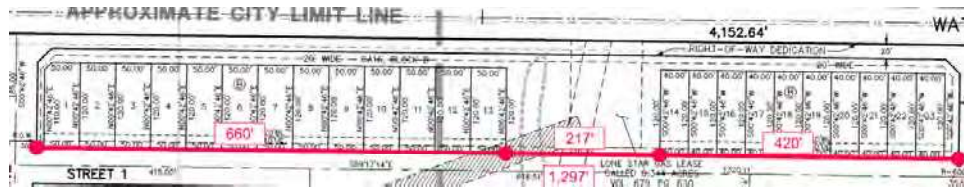
The applicant is requesting the following **Minor Modifications**:

1. Applicant request: Minor modification for Block A (under 1,400' in length) because it is along the perimeter of the property and adjacent to an arterial roadway, an NTMWD easement and a commercial lot.



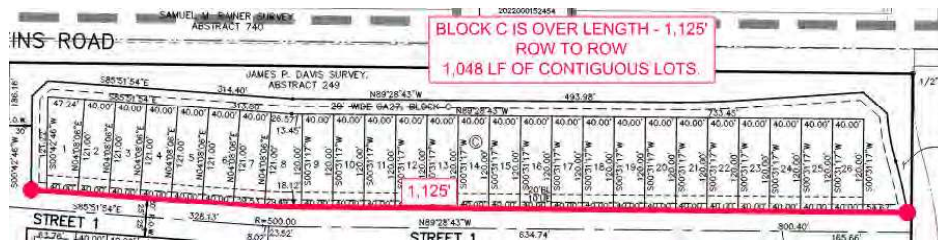
- a. Analysis: Although this request meets the required Considerations, the proposed layout is not providing mid-block pedestrian access as required to qualify for a Minor Modification. Staff recommends denial of this request.

2. Applicant request: Minor modification for Block B (under 1,400' in length) because it is along the perimeter of the property, adjacent to an arterial roadway, and provides mid-block open space which would provide future pedestrian connectivity.



- a. Analysis: This request meets the required Minor Considerations. Staff recommends approval of this request.

3. Applicant request: Minor modification for Block C (under 1,400' in length), because it is along the perimeter of the property and adjacent to an arterial roadway.



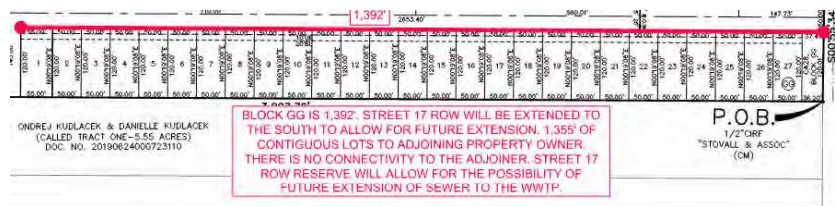
- a. Analysis: Although this request meets the required Considerations, it is not providing mid-block pedestrian access, as required to qualify for a Minor Modification. Staff recommends denial of this request.

4. Applicant request: Minor modification for Block U (under 1,400' in length), because it is along the perimeter of the property, is partially adjacent to an arterial, and provides mid-block open space which would provide future pedestrian connectivity.



- a. Analysis: This request meets the required Minor Considerations. Staff recommends approval of this request.

5. Applicant request: Minor modification for Block GG (under 1,400' in length) because it is along the perimeter of the proposed subdivision.



- a. Analysis: This request does not provide mid-block pedestrian access, as required to qualify for a Minor Modification, nor does it meet the required Considerations. Additionally, there have been multiple comments provided to the applicant requesting that a north/south collector road be stubbed to the southern property line, within the area of Request #5, which would make the block length compliant upon revision. Staff recommends denial of this request.

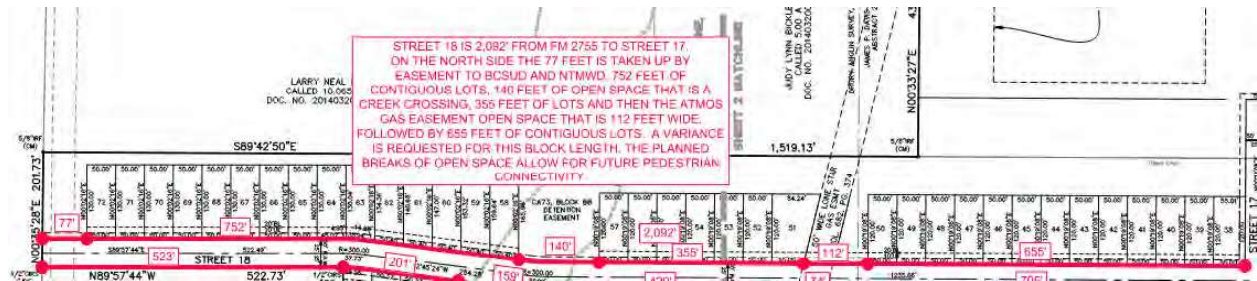
The applicant is requesting the following **Major Modifications**:

6. Applicant request: Major modification for Block II because it is over 1,400' in length, along the perimeter of the property, and provides two mid-block open spaces which would provide future pedestrian connectivity.



- a. Analysis: This request meets the required Considerations. Staff recommends approval of this request.

7. Applicant request: Major modification for Block BB because it is over 1,400' in length, partially located along the perimeter of the property, adjacent to detention and wastewater easements, and provides two mid-block open spaces which would provide future pedestrian connectivity.



- a. Analysis: This request meets the required Considerations. Staff recommends approval of this request.

RECOMMENDATIONS

Minor Modification Requests:

- We recommend Staff approval of Minor Modification Requests # 2 and 4 as outlined in the amended Elevon DA.
- We recommend Staff denial of Minor Modification Requests # 1, 3, and 5 as outlined in the amended Elevon DA.

Major Modification Requests:

- We recommend City Council approval of the Major Modification Requests # 6 and 7 as outlined in the amended Elevon DA.

Thank you,

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

October 15, 2024

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

Re: Elevon – Section 4
Preliminary Plat Review
LJA Job No. NTP-40467
MyGov Submittal: October 7, 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. **Repeat comment:** Block lengths between intersecting streets shall not exceed 1,000 feet per the governing development agreement. It appears there are blocks that do not meet this requirement. Adjust the lot design and revise the plat accordingly.

A block length modification request is currently being reviewed by staff. Once review is complete, a Technical Review Letter will be issued. At that time, approved Minor Modifications will be issued by staff or the plat will be revised by the applicant, and Major Modifications will be scheduled for City Council consideration. Compliance with the development agreement standards will be required unless or until the modifications are approved.

Blocks S and EE were not included in the submitted block length modification request, however it appears these blocks do not meet the block length requirement. These blocks must comply with the standard or be included in the block length modification request for consideration.

2. **Repeat comment:** Some of the collector network and some blocks have been redesigned. To comply with the Master Thoroughfare Plan collector requirements within the subject property, the north/south collector (Street 19) must be stubbed to the southern property line. The locations of the collectors within the subject property are flexible, but the associated connections to adjacent properties are not. **The locations of the collectors within the subject property are flexible, but the associated connections to adjacent properties should still be provided. Street 9 is providing east/west collector connectivity. The north/south collector (Street 19) should be stubbed to the southern property line. The addition of Street 17 does not meet the intent of a north/south collector. Street 22 meets the intent if it connects with Street 19 and stubs to the southern property line.**
3. **Repeat comment:** It appears that multiple development agreement amendments may be required to accommodate the proposed plat. Requirements, such as park frontage and block length, are among the non-compliant items. Please submit revisions that comply with the governing development agreement or revise the plat to comply accordingly. **It appears that the remaining non-compliant item is block length for several of the proposed blocks. Compliance with the block length standard will be required unless**

or until Modifications to this requirement are approved through the required Modification process.

4. **Repeat comment:** Revise the plat to remove “Commercial Lot” from the label for Lot 28, Block A. **Land use is not necessary information to include on a plat document. Remove the “Commercial Lot” label on Lot 25, Block A and Lot 1, Block HH.**
5. The amended Master Thoroughfare Plan shows a 90’ ROW 4LD roadway along the southern property boundary. Confirm the minimum right-of-way that is required to be dedicated with the City Engineer and revise the plat to dimension and label this right-of-way dedication, if/where applicable.
6. Revise the plat to remove the building setback lines since the building setbacks are provided in the Typical Lot Setback Detail.
7. Revise the title block to remove the Amenity Center lot since it is included in the 25 Common Areas listed.
8. Revise the plat to delineate the boundary of the 55’ NTMWD easement shown to the north and south of Block BB.
9. It appears there are two separate streets that are labeled Street 18. Revise the plat to correct this repetition by revising one of the street labels accordingly.
10. Upon resubmittal, please provide a comment response letter indicating acknowledgement or clarification of how each comment has been addressed.

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

September 24, 2024

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

Re: Elevon Section 4, Block Length

Dear Ms. Dobbs,

JBI has submitted the Elevon Section 4, Phases 1-3, Preliminary Plat and is requesting a variance to the 1,000 foot block length maximum at several locations. Attached are Block Length Exhibits 1-3 showing the locations and measurements of the block length.

Street 2 to Street 1 Block A the contiguous lot length is 1,304 feet. The adjoining property to the west is the NTMWD easement and commercial lot, the adjoining property to north will be the common area landscape buffer of Watkins Road. Splitting the lots along Watkins Road for pedestrian access between the houses is not desirable and we are requesting a variance.

Street 1 between Pleasant Fields Drive and Street 22 the block length is 1,297 feet and is broken up by open spaces. This block length should comply with the new block length criteria or be able to be approved by staff.

Street 1 between Street 22 and Noble Grove the block length is 1,125 feet and the adjoining property is the common area landscape buffer of Watkins Road. Splitting the lots along Watkins Road for pedestrian access between the houses is not desirable and we are requesting a variance.

Street 24 and Street 20 the layout has been modified and lots adjusted to have a common area link to the large open space off of Noble Grove. The pedestrian connection to the open space off of Noble Grove seemed appropriate to have a pedestrian connection.

Street 20 to Street 18 the layout has been modified to comply to the 1,000 foot block length maximum.

Street 18 block length is overlength on the southeast side and is 1,392 feet. The layout has been modified to extend Street 17 to the southern adjoiner. There is a 37' wide open space at Noble Grove to get the driveway of Lot 27 pulled back off of Noble Grove. The additional open space there seemed more appropriate than a midblock open space to the adjoiner.

Street 18 west of Street 17 the block is overlength, but is broken up by two open spaces and an out parcel. The open spaces allow for future pedestrian connectivity on both the north and south sides.

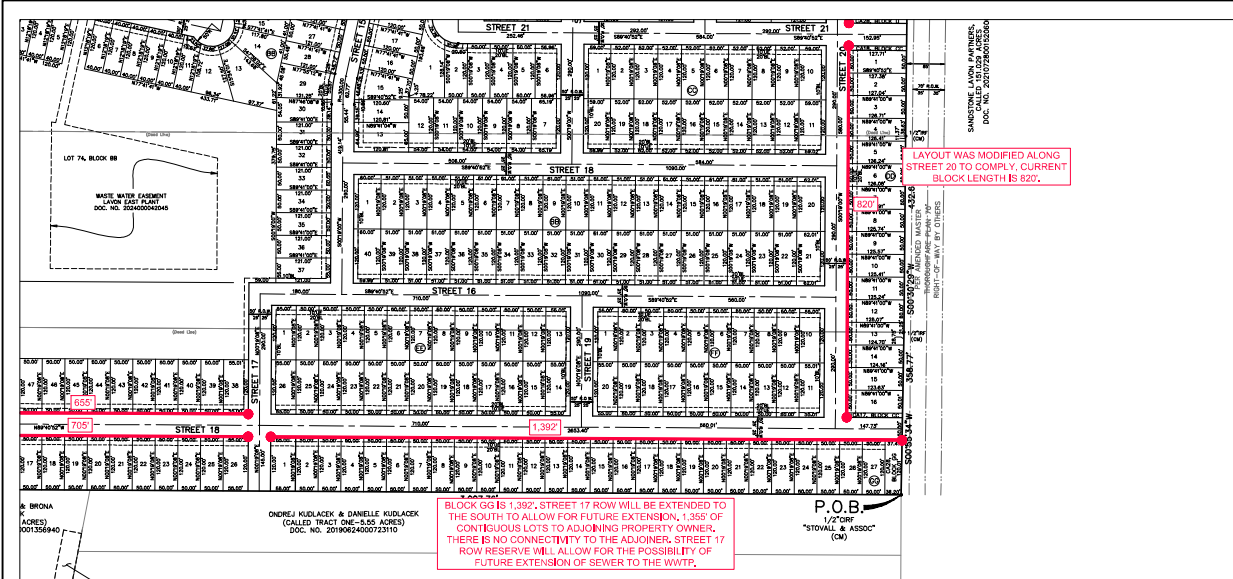
We would request that the block length variance be granted and our plat to proceed through the approval process.

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

Thank you,

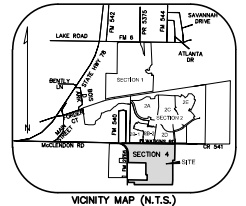
A handwritten signature in blue ink, appearing to read 'Dewey', is positioned above the typed name.

Daniel Dewey, PE
JBI Partners, Inc.

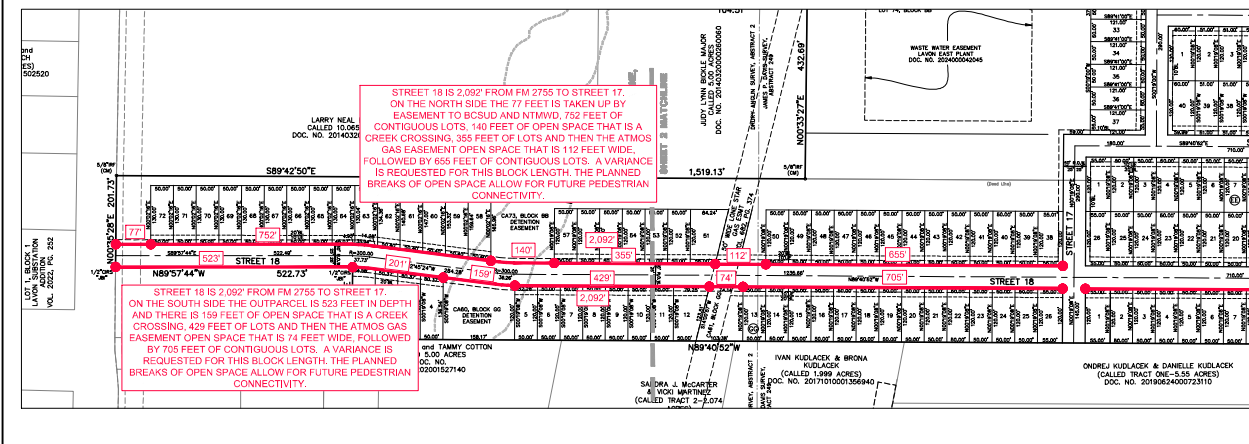
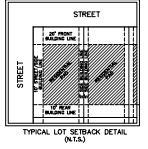


BLOCK LENGTH IS 1,392'. STREET 17 ROW WILL BE EXTENDED TO THE SOUTH TO ALLOW FOR FUTURE EXTENSION, 1,355' OF CONTIGUOUS LOTS TO ADJOINING PROPERTY OWNER, THERE IS NO CONNECTIVITY TO THE ADJOINER. STREET 17 ROW RESERVE WILL ALLOW FOR THE POSSIBILITY OF FUTURE EXTENSION OF SEWER TO THE WWTP.

LAYOUT WAS MODIFIED ALONG STREET 20 TO COMPLY, CURRENT BLOCK LENGTH IS 820\''



- LEGEND**
- POB POINT OF BEGINNING
 - CONV CONVEYOR
 - CONV CONVEYOR FOUND
 - CONV CONVEYOR SET
 - CONV CONVEYOR
 - CONTROL POINT
 - POWER POLE
 - OVERHEAD ELECTRIC
 - UNDERGROUND ELECTRIC
 - WATER VALVE
 - WATER METER
 - SANITARY SEWER
 - SEWER
 - CONCRETE METAL PIPE
 - IRREGULAR
 - PHASE LINE



STREET 18 IS 2,092' FROM FM 2755 TO STREET 17. ON THE NORTH SIDE THE 77 FEET IS TAKEN UP BY EASEMENT TO BCSUD AND NIMWD. 752 FEET OF CONTIGUOUS LOTS, 140 FEET OF OPEN SPACE THAT IS A CREEK CROSSING, 355 FEET OF LOTS AND THEN THE ATMOS GAS EASEMENT OPEN SPACE THAT IS 112 FEET WIDE, FOLLOWED BY 655 FEET OF CONTIGUOUS LOTS. A VARIANCE IS REQUESTED FOR THIS BLOCK LENGTH. THE PLANNED BREAKS OF OPEN SPACE ALLOW FOR FUTURE PEDESTRIAN CONNECTIVITY.

STREET 18 IS 2,092' FROM FM 2755 TO STREET 17. ON THE SOUTH SIDE THE OUTPARCEL IS 523 FEET IN DEPTH AND THERE IS 159 FEET OF OPEN SPACE THAT IS A CREEK CROSSING, 429 FEET OF LOTS AND THEN THE ATMOS GAS EASEMENT OPEN SPACE THAT IS 74 FEET WIDE, FOLLOWED BY 705 FEET OF CONTIGUOUS LOTS. A VARIANCE IS REQUESTED FOR THIS BLOCK LENGTH. THE PLANNED BREAKS OF OPEN SPACE ALLOW FOR FUTURE PEDESTRIAN CONNECTIVITY.

BLOCK LENGTH EXHIBIT
ELEVON SECTION 4
PHASES 1, 2, & 3
 1,018 RESIDENTIAL LOTS
 1 AMENITY CENTER LOT
 1 WASTEWATER TREATMENT PLANT LOT,
 24 OPEN SPACE LOTS,
 AND 2 COMMERCIAL LOTS

BEING 220,879 ACRES OUT OF THE DRURY ANGLIN SURVEY, ABSTRACT NUMBER 2, AND THE JAMES P. DAVIS SURVEY, ABSTRACT NUMBER 249 CITY OF LAVON ETL, COLLIN COUNTY, TEXAS

MA LAND HOLDINGS, LLC OWNER
 2121 Midway Road, Suite 240 (972) 715-6448
 Carrollton, Texas 75006
 Contact: John Martin

PETRO-HUNT, LLC OWNER
 2101 Cedar Springs Road, Suite 600 (214) 880-8400
 Dallas, Texas 75201
 Contact: John Martin

MA Eleven 429, LLC DEVELOPER
 2121 Midway Road, Suite 240 (972) 715-6448
 Carrollton, Texas 75006
 Contact: John Martin

JBI PARTNERS, INC. SURVEYOR/ENGINEER
 2121 Midway Road, Suite 300 (972) 248-7876
 Carrollton, Texas 75006
 TIRE No. T-408 TITLE No. 10076000

Date: SEPTEMBER 25, 2024 Sheet 3



CITY OF LAVON

Agenda Brief

MEETING: December 3, 2024

ITEM: 6 - E

Item:

Discussion and action regarding Board and Commission appointments – Parks and Recreation Board and Board of Adjustment.

Background:

In addition to the elected City Council, several appointed boards and commissions provide invaluable contributions to the city through their service. The members of these boards are appointed by the City Council for specific terms of service.

It is time to consider the annual Parks and Recreation Board, Seats 1, 3, and 5.

On the Board of Adjustment, a vacancy exists in Seat 1 and it is time to consider the annual appointments for Seat 1, 3, 5, and Alternate-2.

Attachments:

- 1) Spreadsheet – Boards & Commissions
- 2) Volunteer Applications available upon request

City of Lavon Boards & Commissions

December 2024

Place	Elected / Appointed	Name	Term Expires	Appointment Notes
City Council Members				Elected
Mayor	6/19/2018	Vicki Sanson	11/2025	
Place One	10/17/2023	Mike Shepard	11/2026	
Place Two	11/7/2017	Mike Cook	11/2025	
Place Three	11/5/2024	Travis Jacob	11/2026	
Place Four	1/15/2019	Ted Dill	11/2025	
Place Five	11/7/2022	Lindsey Hedge	11/2026	
Economic Development Corp Board of Dir - Type B				7 members; 4 CC/staff; county resident
Place 1, Chair	3/1/2009	Kay Wright	7/15/2026	
Place 2	7/17/2018	Manzelle Williams	7/15/2025	
Place 3	9/19/2017	Vicki Sanson	7/15/2026	
Place 4	7/16/2019	Rachel Dumas	7/15/2025	
Place 5	9/17/2019	Joe Serpette	7/15/2026	
Place 6	11/7/2023	Clinton McLure	7/15/2025	
Place 7	11/19/2024	Josh Edwards	7/15/2026	<i>formerly Jordan Williams</i>

Planning & Zoning Commission				5 members, residency req
Seat 1	5/3/2022	Jeffrey Cox	6/1/2025	
Seat 2	7/19/2016	Deborah Nabors	6/1/2026	
Seat 3	6/1/2021	Brad Tiegs	6/1/2025	
Seat 4	11/19/2024	Henry Vallejo	6/1/2026	<i>formerly Travis Jacob</i>
Seat 5, Chair	8/16/2011	David Rosenquist	6/1/2025	

Parks & Recreation Board				5 members; residency req
Seat 1	5/2/2023	Tracy Filo	1/1/2025	
Seat 2	11/7/2023	Mike Kurtz	1/1/2026	
Seat 3	1/17/2023	Julie Franco	1/1/2025	
Seat 4, Chair	3/17/2020	Jennifer White	1/1/2026	
Seat 5	2/2/2021	Joe Serpette	1/1/2025	
Alternate	11/7/2023	Karen Jacob	1/1/2026	

LVFD Board of Directors				3 members
Seat 1	6/19/2018	Mindi Serkland	6/19/2026	
Seat 2	6/20/2023	Alex LeBron	6/19/2025	
Seat 3	5/3/2022	Kay Wright	6/19/2026	

Boards that meet Ad Hoc:

Board of Adjustment				5 members and 2 alternate members
Seat 1	11/7/2023	Henry Vallejo	1/17/2025	
Seat 2	1/17/2023	Rachel Dumas	1/17/2026	
Seat 3, Chair	1/17/2023	John Franco	1/17/2025	
Seat 4	11/7/2023	Hilda Olivarez	1/17/2026	
Seat 5	1/17/2023	Mindi Serkland	1/17/2025	
Alternate -1	2/7/2023	David Rosenquist	1/17/2026	
Alternate -2	2/7/2023	Perry Elliott	1/17/2025	

IFC Building Board of Appeals				6 members
Chairperson	3/1/2022	Mayor		
Seat 1	3/1/2022	City Council - Place 1		
Seat 2	3/1/2022	City Council - Place 2		
Seat 3	3/1/2022	City Council - Place 3		
Seat 4	3/1/2022	City Council - Place 4		
Seat 5	3/1/2022	City Council - Place 5		



CITY OF LAVON Agenda Brief

MEETING: December 3, 2024

ITEM: 6 - F

Item:

Discussion regarding Municipal Development Districts.

Background:

In addition to the 6.25% sales tax collected by the State of Texas, the City of Lavon presently collects 2% sales tax within the corporate limits of the City. The City's 2% sales tax represents the maximum amount that the City may levy, and it is allocated to the funds and the uses authorized by state law as follows:

- 1.0% General Fund to support operations of the City
- 0.5% Road Maintenance Fund to support specific road repairs
- 0.5% Economic Development Fund to support Type B activities of the LEDC

Businesses are responsible for collecting sales tax from customers and remitting it to the State Comptroller's Office. The combined maximum amount of sales tax that can be charged by any combination of entities or for any combination of uses is capped by state law at 8.25%.

Recent years have seen Lavon's neighbors form (Josephine) and attempt to form (Farmersville) municipal development districts (MDDs) that extend into their extraterritorial jurisdictions (ETJ) enabling the MDD to collect sales tax from properties outside the city. MDDs are authorized in Chapter 377 of the Texas Local Government Code. An election in the proposed boundaries is required to form a MDD.

Specifically, a MDD is a specialized local government entity created to generate economic development and growth opportunities within a designated area. The general mission of a MDD is typically to promote investment and business expansion in a region to build a stronger, more diversified tax base and increase economic vitality.

A quick search identified the following cities where voters have supported the creation of a MDD:

Argyle	Josephine
Aubrey	Murphy
Azle	Ovilla
Cross Roads	Pilot Point
Fate	

The 2023 Texas Municipal League Economic Development Handbook can be downloaded here: <https://www.tml.org/DocumentCenter/View/4481/2023-Economic-Development-Handbook> . An excerpt is provided below:

Municipal Development Districts

In 2005, the Texas Legislature passed legislation enabling all cities to establish municipal development districts, which are governed by Chapter 377 of the Local Government Code. Prior to 2005, only cities which were located in two neighboring counties could take advantage of Chapter 377. These districts are financed through an additional sales tax approved by the city's voters, a tax which is similar to the economic development sales tax discussed in Chapter I of this handbook.

There are two possible advantages of a municipal development district sales tax over an economic development sales tax: (1) the municipal development district tax need not be levied over the entire city, which is useful for cities that are at the two-percent sales tax "cap" in some portion of the city but not in others; and (2) it is the only municipal sales tax that may be levied in a city's extraterritorial jurisdiction (ETJ).

Creation of a Municipal Development District

A city may create a municipal development district comprising all or part of its city limits, all or part of its ETJ, or any combination of all or part of these areas. To create a district, a city must call an election through an order that defines the proposed boundaries of the district. The ballot at this election must be printed to allow voting for or against the following Proposition.

Authorizing the creation of the (insert name of district) Municipal Development District and the imposition of a sales and use tax at the rate of (insert one-eighth, one-fourth, three-eighths, or one-half, as appropriate) of one percent for the purpose of financing development projects beneficial to the district.

In the order calling the election, the city may provide that the district boundaries will automatically conform to future changes in the city's boundaries, as when increased through annexation, and also to future changes in the city's ETJ, through annexation and population growth. However, the passage of S.B. 2038 in 2023 may complicate things. S.B. 2038 allows the owner or owners of the majority in value of an area consisting of one or more parcels of land in a city's ETJ to petition the city to: (1) be released from the ETJ; or (2) hold an election to be released from the ETJ. If the ballot language creating the district includes language that the boundaries will automatically conform to future changes, then it is possible that properties removed from the ETJ under the procedures in S.B. 2038 would also be removed from the district.

If the voters turn down creation of the district, a subsequent election to establish a district may not be held within a year of the first election.

Sales Tax

Chapter 323 of the Tax Code generally governs the specifics of assessing and administering the tax.¹²³⁵ The district may not impose a sales and use tax that would result in a combined local tax rate of more than two percent in any location in the district. The sales tax rate adopted must be one-eighth, one-fourth, three-eighths, or one-half of one percent. The rate may be changed at a subsequent election. The ballot at this election must be printed to allow voting for or against the following proposition:

The adoption of a sales and use tax at the rate of (insert one-fourth, three-eighths, or one-half, as appropriate) of one percent.

The adoption of the tax or a change in its rate takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete quarter occurring after the date the

comptroller receives notice of the election's results. Revenue from the sales tax must be deposited in the district's development project fund.

Rights and Powers of the District and its Board

The district must establish a development project fund, which may have separate accounts within the fund. The district must deposit the sales tax proceeds and all revenue from the sale of bonds or other obligations into the fund. The money in the fund may be used to pay costs associated with development projects in the district, including maintenance and operation costs, as well as to pay costs relating to bonds or other obligations. The money in the fund may also be used to pay costs associated with development projects outside the district if: (1) the project is located in the extraterritorial jurisdiction of the city that created the district; (2) the board determines the development project will provide an economic benefit to the district; and (3) the city that created the district and each city in whose corporate limits or extraterritorial jurisdiction where the project is located approves the project by resolution.

A development project may consist of a Type B project as defined by the Development Corporation Act (see Chapter I of this handbook). Also, a project may include a convention center facility or related improvements, including parking facilities and civic center hotels.

The district may:

- accept grants or loans;
- buy, sell, and lease property;
- employ necessary personnel;
- enter into contracts with public and private parties;
- adopt rules to govern its operation; and
- perform any act necessary to the full exercise of the district's power.

It may not levy an ad valorem tax. It may issue bonds or other obligations to pay the costs of a development project after approval by the attorney general. The district is a political subdivision of Texas and the city that created it which makes it subject to the Open Meetings Act and the Public Information Act. The district must comply with other laws that are generally applicable to political subdivisions, as well. This includes Chapter 272 of the Local Government Code, which establishes a notice and bidding process for the sale of real property by a political subdivision.

The district is governed by a board of at least four directors, although it would be best to have an odd number of directors to prevent tie votes. The board is appointed by the district-creating city council. Directors serve staggered two-year terms, so the initial terms must have about half the directors serving two-year terms and about half serving one- or three-year terms. Directors may be removed by the city council without cause. Directors must reside in the city or its ETJ. An employee or officer of the city or a member of the city council may serve as a director, but this person may not have a personal interest in a contract executed by the district. Board members are not compensated, but may be reimbursed for actual and necessary expenses. Board meetings must be in the city that created the district, not in the ETJ or elsewhere.

This item is provided to introduce the subject of MDDs and to gauge Council interest in exploring options related to MDDs.