

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-09-03

Zoning Change SH 78 and SH 205 - Retail

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF LAVON, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING DISTRICT FROM PLANNED DEVELOPMENT DISTRICT (ORD. NO. 2004-09-05 RESIDENTIAL AND COMMERCIAL PLANNING AREAS) TO RETAIL (R) ON 12.123 ACRES OF LAND ADJACENT TO GRAND HERITAGE WEST C ABUTTING ENDEAVOR AND ATLANTIS, SOUTHWEST OF THE INTERSECTION OF SH 78 AND SH 205; PROVIDING SAVINGS, CUMULATIVE REPEALER, AND SEVERABILITY CLAUSES; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas (the “City”) is a Type A general law municipality; and

WHEREAS, Chapter 211 “Municipal Zoning Authority” of the Texas Local Government Code authorizes a city to adopt ordinances regulating the zoning of property within the city and Chapter 109; and

WHEREAS, the Planning and Zoning Commission of the City and the City Council of the City (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 should be granted and that the Comprehensive Zoning Ordinance and Map should be amended;

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

SECTION 1. INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT

That the Comprehensive Zoning Ordinance and Zoning Map of the City of Lavon, Texas, heretofore duly passed by the governing body of the City of Lavon, as heretofore amended, be hereby amended by granting a change in zoning district from Planned Development District (Ord. No. 2004-09-05 Residential and Commercial Planning Areas) to Retail (R) on 12.123 acres of land adjacent to Grand Heritage West C abutting Endeavor and Atlantis, southwest of the intersection of SH 78 and SH 205; and amending the Official Zoning Map to reflect the approved change in zoning district.

SECTION 3. SAVINGS

That all rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 4. CUMULATIVE REPEALER

That this Ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance, provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that ordinance and for that purpose the ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. 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.

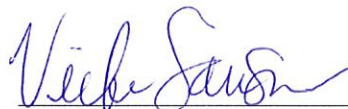
SECTION 7. PUBLICATION

The City Secretary of the City is hereby directed to publish the Caption, Penalty, and Effective Date of this Ordinance as required by law.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 6th day of September 2022.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary



LEGEND	
N.T.M.W.D.	NORTH TEXAS MUNICIPAL WATER DISTRICT
B.L.	BUILDING LINE
U.E.	UTILITY EASEMENT
IRF	IRON ROD FOUND
IRS	IRON ROD SET WITH CAP STAMPED "USA INC."
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
M.R.C.C.T.	MAP RECORDS COLLIN COUNTY, TEXAS
C.M.	CONTROLLING MONUMENT
D.E.	DEMOTES STREET NAME CHANGE
S.S.E.	DRAINAGE EASEMENT
S.S.E.	SANITARY SEWER EASEMENT
W.E.	WALL EASEMENT
W.M.E.	WALL MAINTENANCE EASEMENT
L.E.	LANDSCAPE EASEMENT
XX	INDICATES A LOT-TO-LOT DRAINAGE PATTERN. ALL LOTS SHOWN WITH A BOXED LOT NUMBER ARE UTILIZING LOT-TO-LOT DRAINAGE AND DO HEREBY GRANT A 2.5 FOOT DRAINAGE EASEMENT ALONG ALL LOT LINES TO PREVENT BLOCKAGE OF SURFACE DRAINAGE.

Line Table		
Line #	Length	Direction
L1	40.64	S00° 46' 02"E
L2	62.69	N01° 14' 34"E
L3	70.85	S01° 12' 53"W

Curve Table				
Curve #	Delta	Radius	Length	Chord Direction
C3	10°47'28"	240.50'	45.30'	S04°37'41"W
C4	06°13'30"	325.00'	35.31'	S06°54'41"W

TRACT 1
FIELD NOTES:
 Being a 2.801 acre tract of land, more or less, in the W.A.S. Bohanna Survey, Abstract Number 121, Collin County, Texas, and being part of a 3.68 acre tract of land conveyed as Tract one by Special Warranty Deed from Bear Creek, L.P. to World Land Developers, L.P., recorded in Instrument Number 20071213001657580, Official Public Records Collin County, Texas, also being part of a 1.175 acre tract as described in deed to World Land Developers, L.P., recorded in Instrument Number 20121200011628260 Official Public Records Collin County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod at the Northwest corner of Grand Heritage West C a subdivision as recorded in Instrument number 2008059010001810 of the Official Public Records Collin County Texas, said corner also being the South West corner of said World Land Developers, L.P. Tract One, also being in the East Line of a Tract of land as conveyed to S.R. Equipment Company LTD recorded in Instrument Number 20100610000588700 of the Official Public Records Collin County Texas.

THENCE North 00 Degrees 28 Minutes 03 Seconds East, along the Common line of S.R. Equipment Company LTD Tract, and said, World Land Developers, L.P. Tract One, passing the South West corner of said 1.175 acre World Land Developers, L.P. Tract a distance 121.31 feet and continuing for a total distance of 326.91 feet to a point for corner, said corner being in the South Right-of-Way of State Highway Number 78;

THENCE North 84 degrees 13 minutes 46 seconds East along the South Right-of-Way of State Highway Number 78 a distance of 178.33 feet to a point for corner, said corner being a Northerly corner of said 1.175 acre World Land Developers, L.P. Tract;

THENCE South 85 degrees 57 minutes 48 seconds East, along South Right-of-Way of State Highway Number 78 a distance of 52.55 feet to a point for corner, said corner being the North East corner of said 1.175 acre World Land Developers, L.P. Tract;

THENCE South 00 degrees 46 minutes 02 seconds East along the common line of said 1.175 acre World Land Developers, L.P. Tract, and said World Land Developers, L.P. Tract One, a distance of 197.44 feet to a point for corner;

THENCE North 84 degrees 14 minutes 47 seconds East crossing said World Land Developers, L.P. Tract One, a distance of 387.47 feet to a point for corner, said point being in the common line of said World Land Developers, L.P. Tract One, and said Grand Heritage West C subdivision;

THENCE South 00 degrees 46 minutes 02 seconds East along the common line of said World Land Developers, L.P. Tract One, and said Grand Heritage West C subdivision, in the West Right-of-Way of Atlantis Boulevard, said corner being at the beginning of a non-tangent curve to the right whose chord bears South 04 degrees 37 minutes 41 seconds West, a chord distance of 45.23 feet;

THENCE Continuing along said curve to the right a central angle of 10 degrees 47 minutes 28 seconds, a radius of 240.50 feet, an arc length of 45.30 feet to a point for corner, said corner being at the beginning of a non-tangent curve to the left whose chord bears South 06 degrees 54 minutes 41 seconds West, a chord distance of 35.29 feet;

THENCE Continuing along said curve to the left a central angle of 06 degrees 13 minutes 30 seconds, a radius of 325.00 feet, an arc length of 35.31 feet to a point for corner; said corner being the South East corner of said World Land Developers, L.P. Tract One, also being a L corner of said Grand Heritage West C subdivision;

THENCE South 84 degrees 14 minutes 47 seconds West along the common line of said World Land Developers, L.P. Tract 1, and said Grand Heritage Subdivision a distance of 616.44 feet to the POINT OF BEGINNING containing 121,990, or 2,801 acres of land more or less;

TRACT 2
FIELD NOTES:
 Being a 3.028 acre tract of land, more or less, in the W.A.S. Bohanna Survey, Abstract Number 121, Collin County, Texas, and being part of a 6.70 acre tract of land conveyed as tract Two by Special Warranty Deed from Bear Creek, L.P. to World Land Developers, L.P., recorded in Instrument Number 20071213001657580, Official Public Records Collin County Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch rod at the Northeast corner of Grand Heritage West C a subdivision as recorded in Instrument Number 2008059010001810 of the Official Public Records Collin County Texas, also being in said World Land Developers, L.P. Tract Two West line and the South East corner of said 1.067 acre tract of land as described in deed to 205-78 LTD recorded in Instrument Number 20200911001539020 of the Official Public Records Collin County Texas;

THENCE North 01 degrees 14 minutes 34 seconds East along the common line of said World Land Developers L.P. Tract Two, and said 1.067 acre 205-78 LTD Tract, a distance of 62.69 feet to a point for corner, said corner being in the South line of a 0.211 acre Tract as described in deed to Peppercorn Inc. recorded in Instrument Number 20200911001539010 of the Official Public Records Collin County Texas;

THENCE North 87 degrees 10 minutes 04 seconds East along the common line of said World Land Developers L.P. Tract Two, and said Peppercorn Inc Tract, a distance of 151.24 feet to a point for corner, said corner being the South East corner of said 0.211 acre Peppercorn Inc Tract, also being the most Northeasterly corner of said World Land Developers Tract Two, also being the most Southerly corner of a Tract of land as described in deed to Peppercorn Inc. recorded in Instrument Number 20200911001539010 of the Official Public Records Collin County Texas, also being the North West corner of a Tract of land as described in deed to 205-78 LTD recorded in Document Number 2007011600069210 of the Official Public Records Collin County Texas;

THENCE South 01 degrees 13 minutes 03 seconds West along the common line of said World Land Developers L.P. Tract Two, and said 205-78 LTD Document Number 2007011600069210, passing the North line of a tract of land as described in deed to D.P. Brown Trust as recorded in Instrument Number 20100040600329400 of the Official Public Records Collin County Texas, a distance of 367.44 feet and continuing for a total distance of 1021.16 feet to a point for corner, said corner being in the North Right-of-Way line of Endeavour Boulevard, Grand Heritage West C subdivision;

THENCE North 88 degrees 46 minutes 57 seconds West along the common line said World Land Developers L.P. Tract Two, and said Grand Heritage West C subdivision, and said Right-of-Way line a distance of 299.14 feet to a point for corner, said corner being the South West corner of said World Land Developers L.P. Tract 2, also being a L corner of said Grand Heritage West C subdivision;

THENCE North 01 degrees 13 minutes 03 seconds East along the common line of said World Land Developers L.P. Tract Two, and said Grand Heritage West C subdivision a distance of 948.28 feet to the POINT OF BEGINNING containing 131,887 square feet, or 3,028 acres of land more or less;

TRACT 3
FIELD NOTES:
 Being a 2.174 acre tract of land, more or less, in the W.A.S. Bohanna Survey, Abstract Number 121, Collin County, Texas, and being part of a 2.04 acre tract of land conveyed as tract Three by Special Warranty Deed from Bear Creek, L.P. to World Land Developers, L.P., as recorded in Instrument Number 20071213001657580, Official Public Records Collin County Texas, also being part of a remainder tract of a called 42.75 acre tract as described in deed to World Land Developers, L.P., as recorded in Instrument Number 20071213001657580, Official Public Records Collin County Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the Southeast corner of Grand Heritage West C a subdivision as recorded in Instrument number 2008059010001810 of the Official Public Records Collin County Texas;

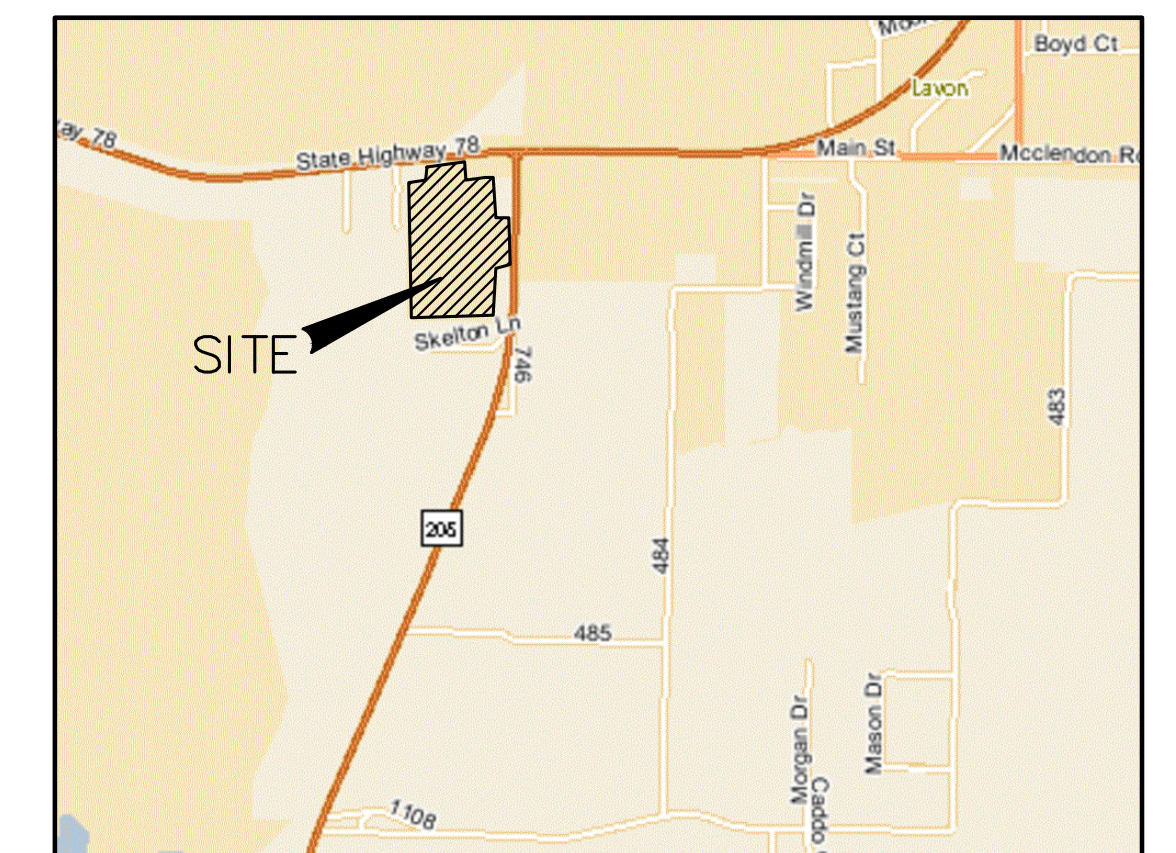
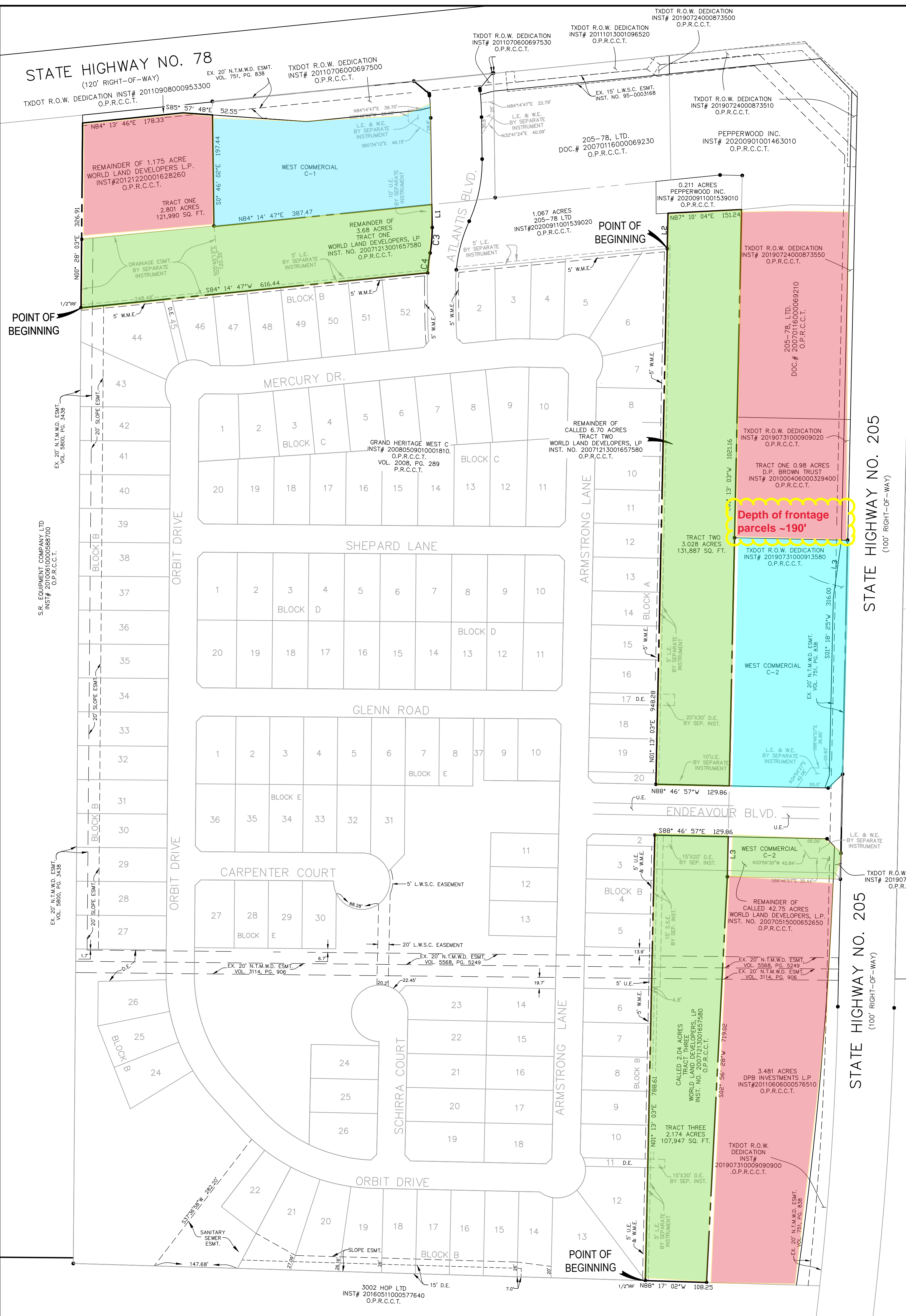
THENCE North 01 degrees 13 minutes 03 seconds East along the common line of said World Land Developers L.P. Tract 3, and said Grand Heritage West C subdivision passing the North property line of said World Land Developers, L.P. as recorded in Instrument Number 20071213001657580 at a distance of 728.61 feet continuing for a total distance of 788.61 feet to a point for corner, said corner being the North West corner of said World Land Developers L.P. Tract Three, also a L corner of said Grand Heritage West C subdivision, in the South Right-of-Way line of Endeavour Boulevard

THENCE South 88 degrees 46 minutes 57 seconds East along the common line of said World Land Developers L.P. 42.75 acre Tract, and said Grand Heritage West C subdivision a distance of 129.86 feet to a point for corner, said corner being in South Right-of-Way line of said Endeavour Boulevard;

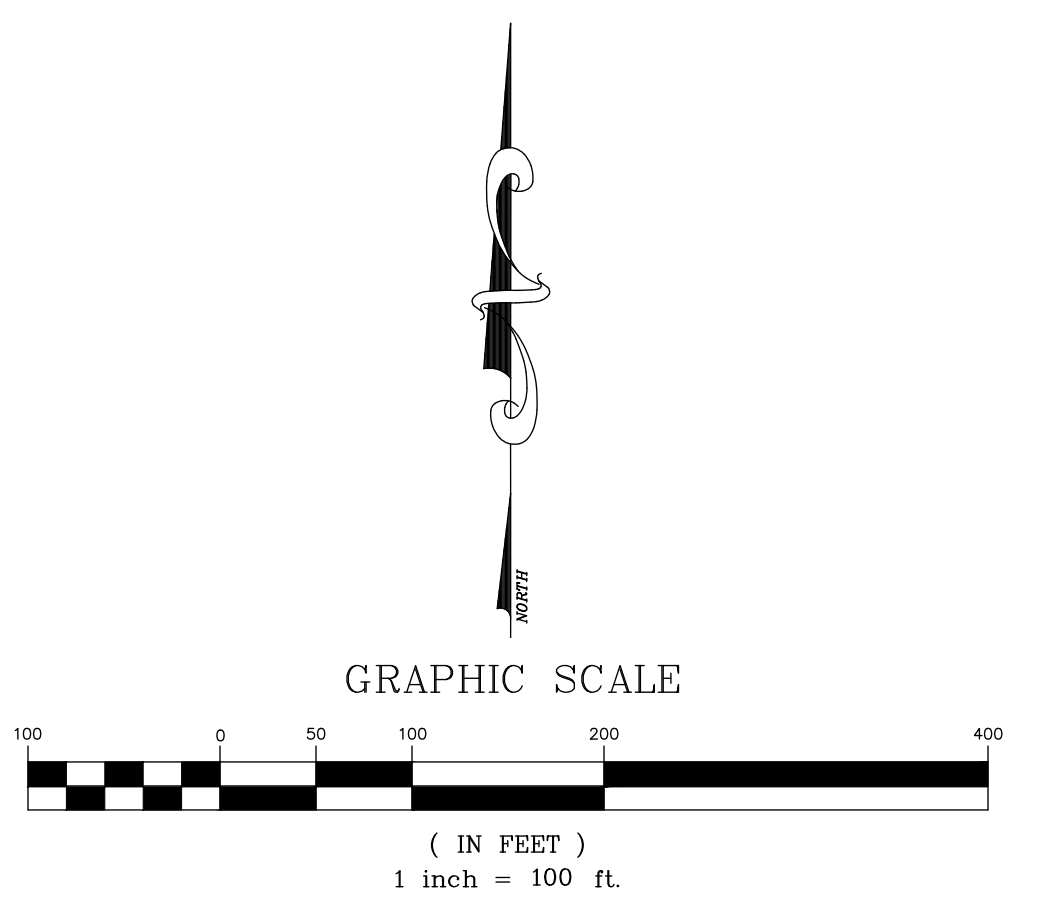
THENCE South 01 degrees 12 minutes 53 seconds West along the common line of said World Land Developers L.P. Tract Three, and said DPB Investments LP. Tract a distance of 70.85 feet to a point for corner, said corner being an Easterly corner of said World Land Developers L.P. Tract Three, and a Westerly corner of said DPB Investments LP. Tract;

THENCE South 02 degrees 56 minutes 28 seconds West along the common line of said World Land Developers L.P. Tract Three, and said DPB Investments LP. Tract a distance of 719.02 feet to a point for corner, said corner being the South East corner of said World Land Developers L.P. Tract 3, also the South West corner of said DPB Investments LP, also being in the North line of a Tract of land as described in deed to 3002 Hop LTD as recorded in Instrument Number 20160511000577640 of the Official Public Records Collin County Texas;

THENCE North 88 degrees 17 minutes 02 seconds West along the common line of said World Land Developers L.P. Tract Three, and said 3002 Hop LTD Tract a distance of 108.25 feet to the POINT OF BEGINNING Containing 94,715 square feet or 2.174 acres of land more or less



VICINITY MAP - N.T.S.



SURVEY NOTES

1. There was no evidence of current earth moving work, building construction or building additions.
2. There was no observable evidence of the site being used as a solid waste dump, sump or sanitary land fill.
3. There was no observable evidence of "Wetlands as delineated by appropriate authorities" The Surveyor did not engage any authority to locate any wetlands.
4. The Surveyor has not abstracted subject property.
5. THIS EXHIBIT WAS CREATED FROM CURRENT OWNERSHIP DEEDS AND NO ON THE GROUND SURVEY WAS PERFORMED.

FLOOD NOTE:
 INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS PRECLUDE A SURVEYOR FROM CERTIFYING TO THE ACCURACIES OF LOCATIONS BASED ON SUCH MAPS.

FLOOD PLANE NOTE: THIS TRACT IS ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD ZONE, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR KAUFMAN COUNTY, TEXAS AND INCORPORATED AREAS MAP NO. 48257001550, DATED JULY 3, 2012.

LAND EXHIBIT
WORLD LAND DEVELOPERS LP TRACTS ONE, TWO, AND THREE
 SITUATED IN THE
 W.S. BOHANNON SURVEY, ABSTRACT NO. 121
 CITY OF LAVON, COLLIN COUNTY, TEXAS



USA PROFESSIONAL SERVICES GROUP, INC.
 CIVIL ENGINEERS - SURVEYORS - PLANNERS LANDSCAPE ARCHITECTS
 TEXAS BOARD OF PROFESSIONAL ENGINEERS - REGISTERED ENGINEERING FIRM F-1845
 TEXAS BOARD OF LAND SURVEYORS - REGISTERED FIRM 101074-00
 1525 VICEROY DRIVE
 DALLAS, TEXAS 75235
 (214) 634-3300 FAX (214) 634-3338
 EMAIL: mail@usaengineers.com

P:\Submittal\2021\10222021\11:30:19 AM - John Ross