

CITY OF CELINA, TEXAS  
ORDINANCE 2002- 20

AN ORDINANCE OF THE CITY COUNCIL OF CELINA, TEXAS, AMENDING COMPREHENSIVE ZONING ORDINANCE NO. 97-10 OF THE CITY OF CELINA, TEXAS, AS HERETOFORE AMENDED, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY CHANGING THE ZONING CLASSIFICATION ON A CERTAIN TRACT OF LAND DESCRIBED AS A 10.83 ACRE TRACT OF LAND OUT OF THE W. H. HERRON SURVEY, ABSTRACT NO. 380, COLLIN COUNTY, TEXAS, BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN, FROM ITS CURRENT ZONING CLASSIFICATION OF "AG-AGRICULTURE" TO "PD-PLANNED DEVELOPMENT DISTRICT, SETTLERS RIDGE," FOR NURSING CARE AND ASSISTED LIVING USES, AND COMMERCIAL USES"; PROVIDING FOR COMPLIANCE WITH CITY OF CELINA COMPREHENSIVE ZONING ORDINANCE NO. 97-10, AS AMENDED, AND THE SETTLERS RIDGE DEVELOPMENT STANDARDS, AS DESCRIBED HEREIN; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO PUBLIC HEALTH AND SAFETY; PROVIDING A CUMULATIVE REPEALER; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Celina is a Type A General Law Municipality located in Collin County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council of the City of Celina, Texas is empowered under Local Government Code §54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

**WHEREAS**, Title 7, Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

**WHEREAS**, a change in the classification of a zoning district has been requested by Prusak Family Limited Partnership, for the property more specifically described in Exhibit "A" attached hereto; and

**WHEREAS**, the City Council has considered, among other things, the character of the land and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and does hereby find that the requested rezoning accomplishes such objectives and is consistent with the provisions of The Comprehensive Plan of the City of Celina; and

**WHEREAS**, the Planning and Zoning Commission of the City of Celina and the City Council of the City of Celina, in compliance with the laws of the State of Texas and the ordinances of the City of Celina, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

**WHEREAS**, the City Council, in the exercise of its legislative discretion has concluded that Comprehensive Zoning Ordinance No. 97-10, as heretofore amended, of the City of Celina should be amended as herein described.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS:**

**SECTION 1.**  
**INCORPORATION OF PREMISES**

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

**SECTION 2.**  
**ZONING ORDINANCE AMENDED**

That Comprehensive Zoning Ordinance No. 97-10, of the City of Celina, Texas as heretofore amended, be and the same is hereby amended by providing a change in the zoning from "AG-Agricultural Uses" to "PD-Planned Development District, Settlers Ridge, for Nursing Care and Assisted Living, and Commercial Uses" on a 10.83 acre tract of land out of the W.H. Herron Survey, Abstract 380, Collin County, Texas, more particularly described in Exhibit "A" attached hereto and incorporated herein.

**SECTION 3.**  
**ZONING MAP REVISED**

That the City Administrator for the City of Celina is hereby directed to mark and indicate on the official Zoning District Map of the City the zoning change herein made.

**SECTION 4**  
**COMPLIANCE REQUIRED**

That the property described in Exhibit "A" shall be used only in the manner and for the purposes provided for in Comprehensive Zoning Ordinance No. 97-10, of the City of Celina as heretofore amended, and in compliance with the Development Standards attached hereto as Exhibit

“B,” provided that a detailed Site Plan shall be submitted and approved by the City Council, prior to the submittal and approval of any preliminary plat of the property.

**SECTION 5.**  
**PENALTY CLAUSE**

5.01 That any person violating any of the provisions of this Ordinance shall be deemed guilty of a Class C misdemeanor upon conviction and shall be fined, except as otherwise provided herein, in a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

5.02 That if the governing body of the City of Celina determines that a violation of this Ordinance creates a threat to the public safety, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity. The City of Celina is not required to give bond as a condition to the issuance of injunctive relief.

**SECTION 6.**  
**CUMULATIVE CLAUSE**

That this Ordinance shall be cumulative of all provisions of ordinances of the City of Celina, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 7.**  
**SAVINGS**

That all rights and remedies of the City of Celina are expressly saved as to any and all violations of the provisions of any Ordinances affecting Comprehensive Zoning Ordinance No. 97-10 or the zoning and development of land within the City of Celina, 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 8.**  
**SEVERABILITY**

That it is hereby declared to be the intention of the City Council of The City of Celina that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall

not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 9.**  
**PUBLICATION**

That the City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, Penalty Clause and Effective Date of this Ordinance as required by Section 52.011 of the Local Government Code.

**SECTION 10.**  
**ENGROSSMENT AND ENROLLMENT**

That the City Secretary of the City of Celina is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty Clause and the Effective Date in the minutes of the City Council of the City of Celina and by filing this Ordinance in the Ordinance records of the City.

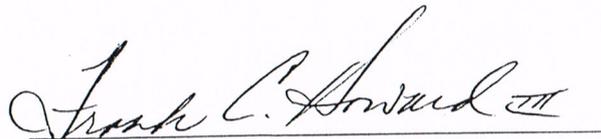
**SECTION 11.**  
**EFFECTIVE DATE**

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law.

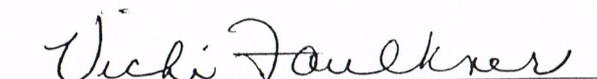
**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Celina, Texas this 14  
day of May 2002.

(Seal)

  
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Frank C. Howard III, Mayor  
City of Celina, Texas

ATTEST:

  
\_\_\_\_\_  
Vicki Faulkner, City Secretary  
City of Celina, Texas

APPROVED AS TO FORM:

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City Attorney  
City of Celina, Texas

## EXHIBIT B

### DEVELOPMENT STANDARDS

#### Phase One

Nursing Care Facility	43,483 sq. ft./18.8%
Total Parking and Drives	52,424 sq. ft./22.7%
Landscaped Area	134,961 sq. ft./58.5%
Site: Approx. 5.3 acres	230,868 sq. ft./100%

#### Phase Two

Assisted Living	32,000 sq. ft.
Bank	7400 sq. ft.
Offices	7200 sq. ft.
Total Buildings	46,600 sq. ft./18.8%
Total Parking and Drives	78,401 sq. ft./31.5%
Landscaped Area	123,291 sq. ft./49.7%
Site: Approx. 5.53 acres	248,292 sq. ft./100%

#### Total Site

Buildings	90,083 sq. ft./19.0%
Total Parking and Drives	130,825 sq. ft./27.0%
Landscaping	258,253 sq. ft./54.0%
Total Site: 10.83 acres	479,160 sq. ft./100%

### Setbacks

25 ft. setback to parking lot adjacent to SH 289 with landscape buffer

50 ft. setback to structures adjacent to SH 289

Fencing and landscape screening adjacent to boundary with Morgan Lakes Estates

### Road improvements

Provision of 45 ft. right of way from centerline of Lake View Road (CR 96)

Improvement of northern half of Lake View Road (CR 96) to concrete curb and gutter upon initiation of Phase Two

# UNDERWOOD

DRAFTING & SURVEYING, INC.

## LEGAL DESCRIPTION

Situated in the County of Collin, State of Texas, being a part of the W. H. Herron Survey, Abstract No. 380, and being the same 10.83 acre tract of land conveyed by H. L. Merritt Enterprises, Inc. to Jane M. Huddleston by deed dated June 6, 1985, recorded in Volume 2147, Page 61, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

**Beginning** at a 1/2" steel rod set marking the Southwest corner of the said 10.83 acre tract in the South line of the said Herron Survey and East right-of-way line of State Highway No. 289, and being in the center of the North lane of a public road locally known as County Road No. 96;

**Thence** in a Northerly direction with said right-of-way line of Highway No. 289 the following calls and distances:

North 06°09'00" East, a distance of 15.13 feet to the base of a wooden monument marking an angle point;

North 41°59'00" West, a distance of 40.04 feet to the base of a wooden monument marking an angle point;

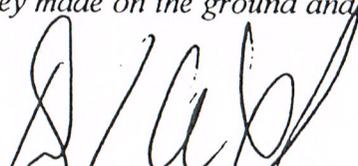
North 06°09'00" East, a distance of 421.11 feet to a 3/8" steel rod found maintaining the Northwest corner of the said 10.83 acre tract and the Southwest corner of the 10.851 acre tract of land conveyed by April Leigh Walton and Wesley C. Walton to Young M. Lee by deed dated January 24, 2000, recorded in Volume 4590, Page 1982, said Deed Records;

**Thence** South 89°12'32" East a distance of 1017.91 feet to a 1/2" steel rod found maintaining the Northeast corner of the said 10.83 acre tract and the Southeast corner of the said 10.851 acre tract in a fence along the West line of Morgan Lake Estates Phase One, an addition to the City of Celina, Texas, as shown by plat of record in Cabinet "I", Page 591, Plat Records, Collin County, Texas;

**Thence** South 01°11'00" East with said fence a distance of 439.02 feet to a 1/2" steel rod set marking the Southeast corner of the said 10.83 acre tract on the North edge of a concrete roadway in said County Road No. 96;

**Thence** South 89°25'29" West, entering and continuing within said concrete, exiting said concrete and continuing with the said center of the North asphalt lane for a total distance of 1046.89 feet to the Point-of-Beginning and containing 10.83 acres of land more or less.....

I, Douglas W. Underwood, Registered Professional Land Surveyor, hereby certify that the above legal description was prepared from an actual survey made on the ground and is true and correct to the best of my knowledge and belief.

 02/15/02