

CITY OF CELINA, TEXAS

ORDINANCE 2008-06

AN ORDINANCE OF THE CITY OF CELINA, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY APPROVING THE ZONING ON A 71.059 ACRE TRACT OF LAND DESCRIBED AS BEING A TRACT OF LAND SITUATED IN THE J. MCKIM SURVEY, ABSTRACT NO. 889 IN DENTON COUNTY, TEXAS, AND BEING PART OF TRACT ONE A CALLED 101.1651 ACRE TRACT AS DESCRIBED IN A DEED RECORDED IN VOLUME 5683 PAGE 4414 OF DEED RECORDS OF DENTON COUNTY AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND DEPICTED ON EXHIBIT "B" WHICH ARE ATTACHED HERETO AND INCORPORATED HEREIN TO "PD-33, PLANNED DEVELOPMENT DISTRICT" WITH A BASE ZONING DESIGNATION OF MF-2, MULTIFAMILY RESIDENTIAL HIGH DENSITY DISTRICT; PH, PATIO HOME RESIDENTIAL DISTRICT; AND SF-7.5, SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR ZONING CLASSIFICATION AMENDMENT; PROVIDING THAT THE ZONING MAP SHALL BE REVISED TO REFLECT THE PD ZONING DISTRICT FOR THE SUBJECT PROPERTY; PROVIDING FOR COMPLIANCE WITH THE CITY'S COMPREHENSIVE ZONING ORDINANCE; PROVIDING 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; PROVIDING A CUMULATIVE REPEALER CLAUSE; 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 home rule municipality located in Collin County, Texas, created in accordance with the 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, the establishment of a zoning district classification has been requested 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 property 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 zoning 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 the zoning classification on the tract of land described herein should be changed and the zoning map so amended.

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 CLASSIFICATION AMENDED

That the zoning classification is hereby established as PD-33, Planned Development District on that certain tract of land more particularly described in Exhibit "A" and shown on Exhibit "B".

SECTION 3
ZONING AND DEVELOPMENT STANDARDS

3.01 That Chapter 160 of the City of Celina, Texas, the same being the City's Comprehensive Zoning Ordinance, is hereby amended by designating the zoning on the land, more particularly described in Exhibit "A", and depicted on Exhibit "B", attached hereto and incorporated herein, as "PD-33, Planned Development District" with a base zoning district of MF-2, Multifamily Residential High Density District; PH, Patio Home Residential District; and SF-7.5, Single Family Residential District. All development and construction shall occur in accordance with the requirements of this Ordinance and all other applicable ordinances, rules, and regulations of the City, as amended with the additional standards described in Exhibit "C".

3.02 Unless specifically excepted in this Ordinance all property within this planned development shall be used and developed in accordance with the MF-2, Multifamily Residential High Density District; PH, Patio Home Residential District; and SF-7.5, Single Family Residential District.

SECTION 4
ZONING MAP REVISED

That the City Manager 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 5
COMPLIANCE REQUIRED

That the property described in Exhibit "A" and depicted on Exhibit "B" hereto shall be used only in the manner and for the purposes provided for in this ordinance and the Comprehensive Zoning Ordinance, of the City of Celina as amended.

SECTION 6
PENALTY CLAUSE

6.01 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.

6.02 If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, 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.

SECTION 7
CUMULATIVE REPEALER CLAUSE

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 other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 8
SAVINGS CLAUSE

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting the Comprehensive Zoning Ordinance or the zoning and development of land within the City of Celina, which have secured 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 court.

SECTION 9
SEVERABILITY

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decision or enactment.

SECTION 10
PUBLICATION CLAUSE

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 and Effective Date Clause of this Ordinance as required by the Texas Local Government Code.

SECTION 11
ENGROSSMENT AND ENROLLMENT

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

SECTION 12
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its date of passage and publication as required by law.

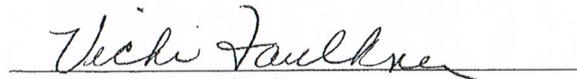
AND IT IS SO ORDAINED

PASSED AND APPROVED by the City Council of the City of Celina, Texas, this the 10th day of March, 2008.



Corbett Howard, Mayor
City of Celina, Texas

ATTEST:


Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:


City Attorney
City of Celina, Texas

**** EXHIBIT A ****

All that certain tract or parcel of land situated in the J. McKim Survey, Abstract Number 889, City of Celina, County of Denton, State of Texas, said tract being part of Tract One a called 101.1651 acre tract as described in deed to County Corner Partners, L.P., filed 04 June 2004, and recorded in volume 5683 page 4414 of the deed records of the County of Collin, State of Texas, and being more fully described as follows:

Beginning for the northeast corner of the tract being described herein at a found 1½ inch rebar, said rebar being the northeast corner of said Tract One, same being the southeast corner of a called 35.249 acre tract as described in deed to James Chan Wu et ux, Chin-Chad Wu, filed 27 January 1989, and recorded in volume 2522 page 1005 of the real property records of Denton County, Texas, and said rebar being on the west line of a called 33.000 acre tract as described in deed to Mary C. Mays, filed 27 December 1990 and recorded in volume 3415 page 98 of said Collin County deed records, said rebar also being in the center of Collin County Road Number 6 also known as N. Legacy Drive;

Thence: South 02 degrees 08 minutes 05 seconds West, with the east line of said Tract One, and with the west line of said Mays tract, and with said road, and passing at 30.66 feet a found 3¼ inch rebar being the southwest corner of said Mays tract, same being the northwest corner of a called 125.52 acre tract as described in deed to Celina Investment Partners, LTD, filed 11 May 2005, and recorded in volume 5916 page 862 of said Collin County deed records, and continuing on said course with the west line of said Celina Investment tract, a total distance of 910.24 feet to a set 1½ inch steel square tubing for the most easterly southeast corner of this tract;

Thence: North 88 degrees 53 minutes 30 seconds West, a distance of 227.04 feet to a set 1½ inch steel square tubing for the start of a curve to the left having a central angle of 40 degrees 56 minutes 46 seconds, and a radius of 235.00 feet, and a chord bearing of South 70 degrees 38 minutes 08 seconds West, and a chord distance of 164.39 feet;

Thence: With said curve to the left an arc length of 167.94 feet to set 1½ inch steel square tubing for the end of said curve;

Thence: South 50 degrees 09 minutes 45 seconds West, a distance of 159.09 feet to a set 1½ inch steel square tubing for the start of a curve to the right having a central angle of 19 degrees 40 minutes 57 seconds, and a radius of 565.00 feet, and a chord bearing of South 60 degrees 00 minutes 13 seconds West, and a chord distance of 193.14 feet;

Thence: With said curve to the right an arc length of 194.09 feet to set 1½ inch steel square tubing for the end of said curve to the right, same being the start of a curve to the left having a central angle of 34 degrees 19 minutes 00 seconds, and a radius of 200.00 feet, and a chord bearing of South 52 degrees 41 minutes 12 seconds West, and a chord distance of 118.01 feet;

Thence: With said curve to the left an arc length of 119.79 feet to set 1½ inch steel square tubing for the end of said curve;

Thence: South 35 degrees 31 minutes 42 seconds West, a distance of 213.79 feet to a set 1\2 inch steel square tubing for the start of a curve to the left having a central angle of 34 degrees 33 minutes 51 seconds, and a radius of 140.00 feet, and a chord bearing of South 18 degrees 14 minutes 46 seconds West, and a chord distance of 83.18 feet;

Thence: With said curve to the left an arc length of 84.46 feet to set 1\2 inch steel square tubing for the end of said curve;

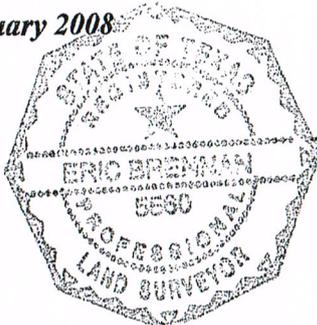
Thence: South 02 degrees 07 minutes 00 seconds West, a distance of 96.52 feet to a set 1\2 inch steel square tubing for the most southerly southeast corner of this tract;

Thence: North 88 degrees 53 minutes 26 seconds West, a distance of 845.25 feet to a set 1\2 inch steel square tubing for the southwest corner of this tract, said tubing being on the west line of said Tract One;

Thence: North 02 degrees 07 minutes 39 seconds East, with the west line of said Tract One, a distance of 2464.63 feet to a found 1\2 inch rebar for the northwest corner of said Tract One, and said rebar being the southwest corner of said Wu tract;

*Thence: South 88 degrees 53 minutes 20 seconds East, with the north line of said Tract One, and with the south line of said Wu tract, and passing at 1714.06 feet a set 1\2 inch steel square tubing on the west side of said Collin County Road Number 6, and continuing on said course a total distance of 1739.06 feet to the **POINT OF BEGINNING** and containing **69.701 acres** of land.*

15 January 2008



Eric Brennan
Eric Brennan, Texas Registered
Professional Land Surveyor
Number 5560

EXHIBIT "C"
PLANNED DEVELOPMENT
County Corner Partners LP

SUMMARY AND INTENT

The following request for zoning change address 71.059 Acres near the Northwest corner of Collin County Road No. 6 (Countyline) and Collin County Road No. 5 (FM 1461) in the City of Celina and more fully described on Exhibit A (the "Property"). The proposed uses for the Property conform with the intent of the City of Celina Comprehensive Plan dated December 2001. The purpose and intent of this Planned Development (PD) is to allow flexibility in planning to better adapt to adjacent developments and to utilize the components of the development to transition and buffer the various other elements of the development.

The approach proposed addresses utilization of higher density residential sections to transition from the established Commercial zoning on the corner. It also allows the adaptability to fit and form the transition areas based on the future layout and development of the commercially zoned property.

PROJECT LOCATION

As indicated in EXHIBIT B the proposed PD is located in Denton County within the City of Celina. A legal description and survey of the Property are attached as part of this document.

The Planned Development's location, according to the City Master Thoroughfare Plan, is at the intersection of two (2) major arterial roads, adjacent to two commercially zoned tracts and at the edge of the employment center as planned in the City's Comprehensive Plan. This proposed

Planned Development offers the flexibility of combining uses in a complementary manner to the adjacent zoning that cannot be accomplished with multiple single zoning districts established in the City's Zoning Ordinance 2006-57. Consequently, we are proposing according to the City of Celina's Zoning ordinance a superior development that adapts to the existing environment and is the best complement to the existing and proposed zoning and thoroughfare system. The Concept Plan is attached as provided in the City of Celina's Zoning Ordinance 2006-57. Final Development Site Plans will be submitted for approval at the time of platting.

This Planned Development, in accordance with the City of Celina's Comprehensive Plan will provide:

- A range of residential land uses ranging from medium density detached single family to higher density uses such as patio home residential and multi-family.
- Higher density uses will be located to complement and buffer the commercial uses.
- Parks or open spaces will be used to transition and buffer density changes

EXISTING CONDITIONS

The property to the North, West and South is located within the Extra Territorial Jurisdiction of the City of Celina. It is neither zoned nor developed. The property immediately east is undeveloped, has been annexed into the City of Celina, has been zoned commercial and is under a different ownership. Similarly the Property on the Northeast corner of Collin County Road No. 6 (Countyline) and Collin County Road No. 5 (FM 1461) is undeveloped, has been annexed into the City of Celina, and has been zoned. The residential portion of that PD is similar to the proposed zoning request for this parcel.

Existing Thoroughfares/Thoroughfare Plan

The subject property is accessible from the North and South by Collin County Road No. 6 (Countyline) and from the East by Collin County Road No. 5 (FM 1461). The City of Celina Master Thoroughfare Plan calls for both County Road No. 6 and County Road No. 5 to be major arterials with one hundred and twenty foot (120') right of ways with County Road No. 5 being extended to the west and eventually curving south to Parvin Road. The Preferred alignment of Dallas North Tollway (DNT) is one mile west of the property.

PROPOSED CONDITIONS

Proposed Land Uses

The development as proposed generally complies with the City of Celina Comprehensive Plan dated December 2001 which recommends the following land uses.

- Retail
- Commercial
- Professional Office
- Office/Commercial Complexes
- Higher-Density Residential
- Medium-Density Residential

Proposed Access

The development will utilize the major arterials proposed by the Master Thoroughfare Plan and the December 2001 Comprehensive Plan for the City of Celina. Major entries are envisioned from both County Road No. 6 and County Road No. 5.

Concept Plan

The attached Exhibit C is attached in conformance with the requirements of (Planned Development District) to identify the property and to show general location of the uses on the property. The configuration may be realigned to better adapt to future adjoining developments so as to provide transitions, screening, buffers or to complement similar uses. The development should be unified through design elements, providing an integrated development that complements the City.

DEVELOPMENT REQUIREMENTS

Purpose

This Planned Development is proposed to provide flexible, compatible and complementary residential uses to the previously zoned adjacent retail commercial tract and proposed thoroughfares. This is intended to be accomplished with a mix of single family detached residential dwellings transitioning to multi-family attached dwellings and patio home uses are intended to be included as lesser included uses provided the overall densities are not exceeded. The cumulative number of residential units within the property shall not exceed 375 units. The multi-family dwellings will be no more than 30% with the single-family comprising a minimum of 70%. Open Space will be provided in accordance with the City's open space requirements in effect at the time of submittal.

Applicability

The PD is established in accordance with Section 3.26 (2c, 2e and 2g). The property to the east is zoned commercial and the future land use plan proposes the property to the north and west as

residential. The Property should provide transition by means of mixed residential zoning of decreasing density. The Parcel location at a major interchange, adjacent to two commercially zoned tracts and at the edge of the employment center makes the parcel of such character that it is in the community's best interest to have a high quality development adapted to the adjacent uses.

Nature of the District

The PD District is proposed to contain the following base zoning districts MF2 Multi-Family Residential, PH Patio Home Residential and Single Family Residential-7.5 all of which comply with the City of Celina Comprehensive Plan as noted above.

Maximum Density

The multi-family dwellings will be no more than 30% with the single-family comprising a minimum of 70%. The Residential Density will not exceed 5.25 du/acre on the entire property or 375 units total.

Authorized Uses

The Uses noted above for the Base Zoning District shall be allowed. The following uses shall also be allowed:

- a) Community Facility Uses
 - a. Public, semi-public and private parks;
 - b. Recreation and Open Space

- c. Country Clubs, tennis courts and such additional recreation uses as are for private recreation purposes or private club recreation purposes;
 - d. Libraries and/or museums;
 - e. Hospitals, sanitariums, nursing homes and personal care facilities;
 - f. Other uses of a similar nature and character.
- b) Temporary structures for storage of building materials and equipment used for initial residential construction, when on the same or adjacent lot, for a period not to exceed the duration of the construction period.

Conditional Uses

Uses allowed as conditional uses in the MF2, PH or SF 7.5 Residential Districts, as specified in the City of Celina Zoning Ordinance No. 2006-57 are hereby allowed subject to the provisions of that Ordinance.

Overlay Zoning Standards

All area regulations for MF2, and PH shall conform with the base zoning requirements the overlay standards for SF 7.5 are changed as follows:

Size of Lots

Minimum Lot Area – Six Thousand fifty (6,050) square feet.

Minimum Lot Width – Fifty-five feet (55')

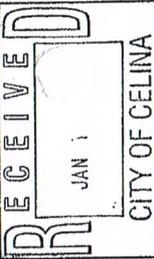
Minimum Lot Depth – One hundred ten feet (110').

Minimum Floor Area per Dwelling Unit

One thousand six hundred (1,600) square feet

All other provisions of SF 7.5 would conform to the base district requirements.

COUNTY LINE ROAD #0



TABLATIONS

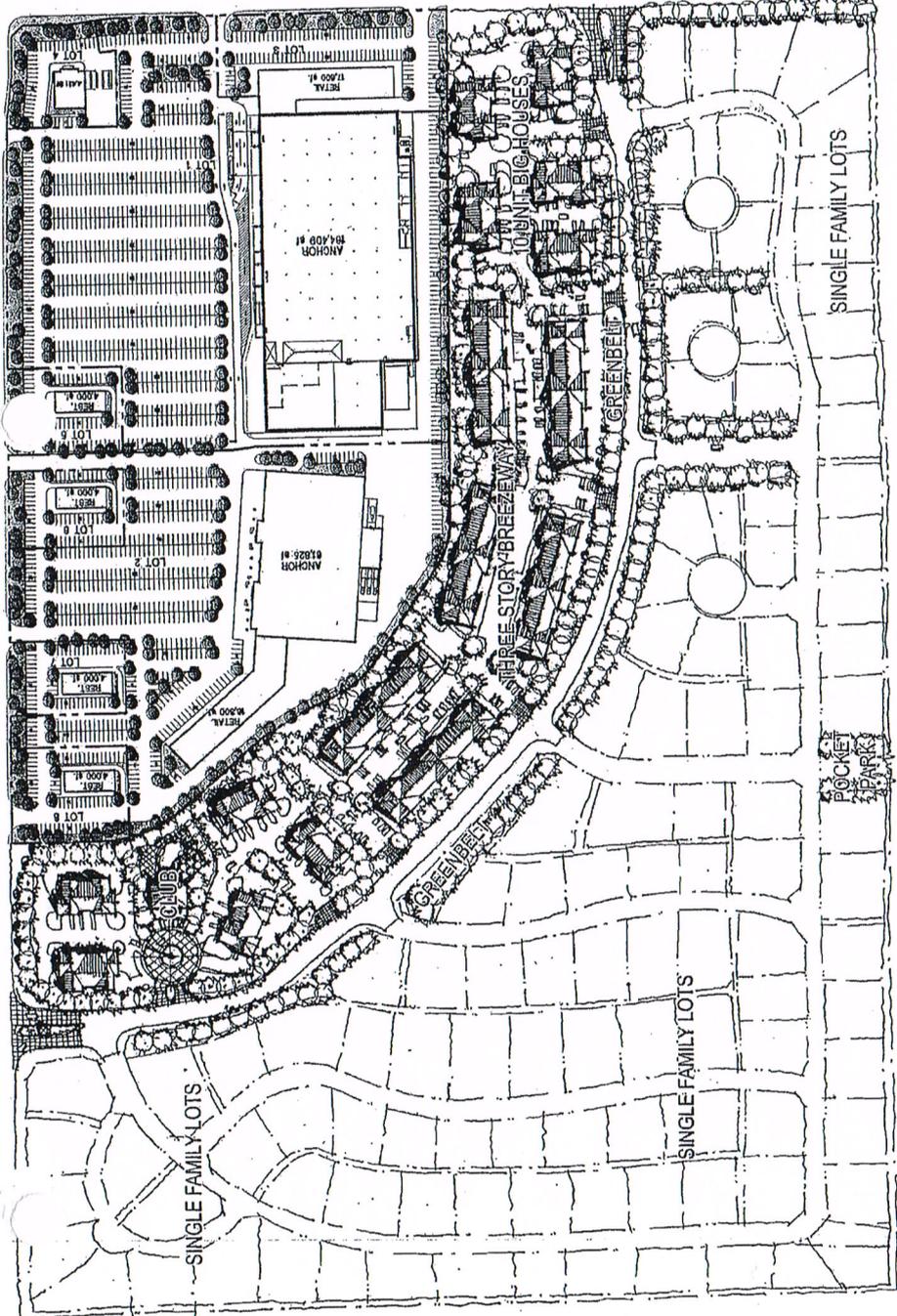
260 MULTIFAMILY UNITS
111 SINGLE FAMILY LOTS
5.25 UNITS/ACRE

PARKING

MULTIFAMILY PARKED AT 1.8 SPACES/UNIT
SINGLE FAMILY PARKED AT 2 SPACES/LOT

Note: Retail area is shown for illustrative purposes only and is not a part of this development.

NOTE: THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAT.



F.M. 1461



**EXHIBIT C-1
POWER CENTER SCHEME**

Z07-18

**MASTERPLAN
STONEGATE PARTNERS
CELINA, TX**

HPA#07499

1/10/08

HUMPHREYS & PARTNERS ARCHITECTS, LP
6337-A PMA BLVD, SUITE 300 • DALLAS, TX 75240 • (972) 701-9433 • (972) 701-9639
www.humphreysandpartners.com • hump@hpa.com



THIS IS A PRELIMINARY PLAN. HUMANITIES & PARTNERS ARCHITECTS, LP (H&P) HAS PREPARED THIS PLAN FOR THE CITY OF CELINA, TEXAS. THE CITY OF CELINA, TEXAS HAS REVIEWED THIS PLAN AND HAS GRANTED A PERMIT FOR THE CITY OF CELINA, TEXAS TO RECORD THIS PLAN. THE CITY OF CELINA, TEXAS HAS REVIEWED THIS PLAN AND HAS GRANTED A PERMIT FOR THE CITY OF CELINA, TEXAS TO RECORD THIS PLAN. THE CITY OF CELINA, TEXAS HAS REVIEWED THIS PLAN AND HAS GRANTED A PERMIT FOR THE CITY OF CELINA, TEXAS TO RECORD THIS PLAN.

COUNTY LINE ROAD #0



TABULATIONS

228 MULTIFAMILY UNITS
142 SINGLE FAMILY LOTS
5.21 UNITS/ACRE

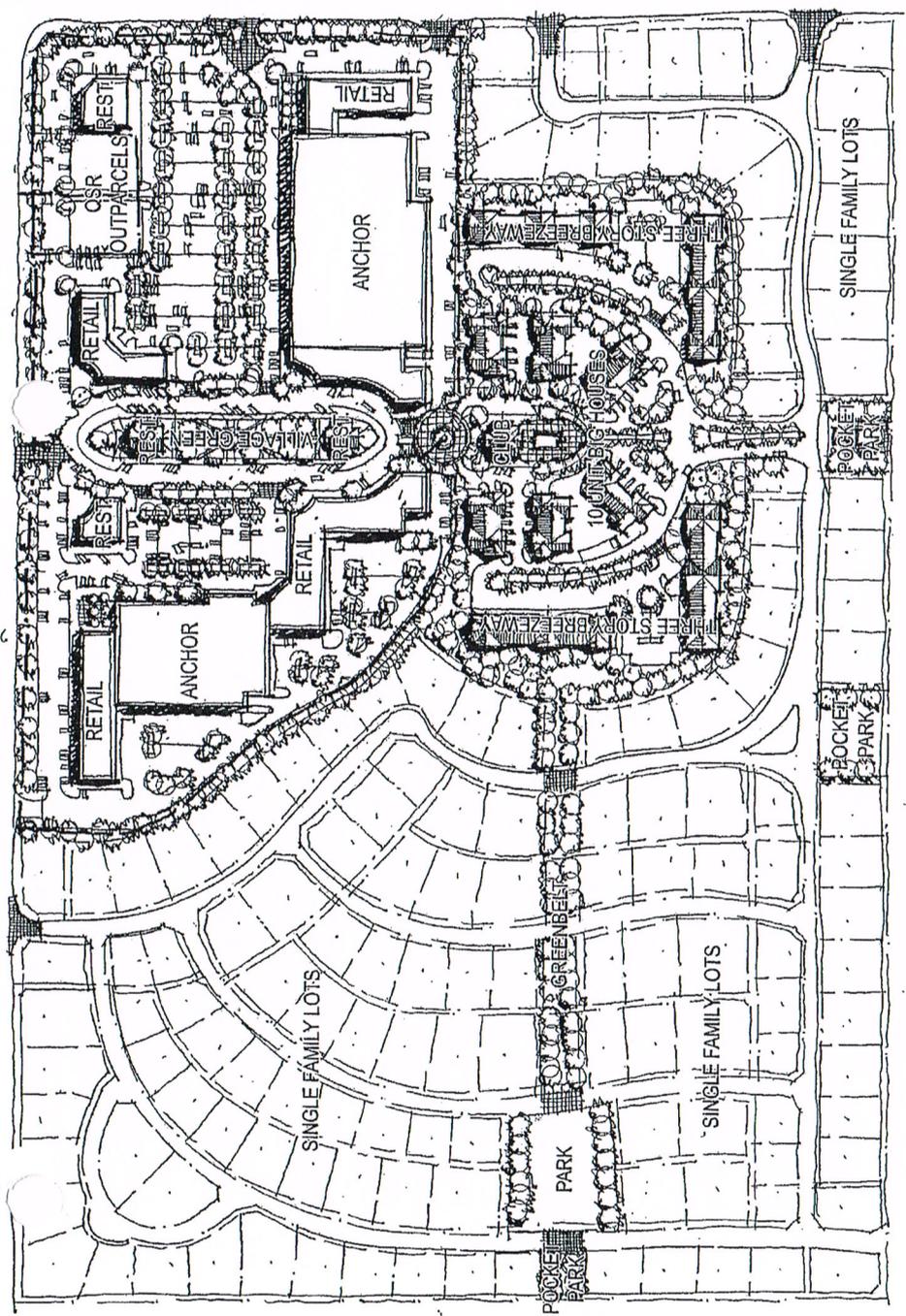
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F.M. 1461



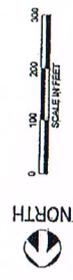
Z07-18

EXHIBIT C-2
T.N.D. SCHEME

MASTERPLAN
STONEGATE PARTNERS
CELINA, TX

HPA#07499

1/10/08



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