

CITY OF CELINA, TEXAS

ORDINANCE 2016-13
CHAMPION WASTE - PD-63

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING ORDINANCE NO. 2006-57, AS HERETOFORE AMENDED, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY DESIGNATING THE ZONING OF LAND THAT IS AN APPROXIMATELY 8.931 ACRE TRACT OF LAND SITUATED IN LOT 1, BLOCK A, OF THE TRI DAL ADDITION, CITY OF CELINA TEXAS; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT NUMBER 63; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF ZONING CLASSIFICATION; PROVIDING FOR ZONING DESIGNATION AND DEVELOPMENT STANDARDS; PROVIDING FOR REVISION OF ZONING MAP; PROVIDING FOR COMPLIANCE; 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 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, The Texas Constitution 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 classification has been requested for the property more specifically described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the tract comprising the property has been depicted in detail in Exhibit "B" attached hereto; and incorporated herein; and

WHEREAS, the concept plan, and development regulations set forth in Exhibit "B," and Exhibit "D" attached hereto and incorporated herein define the base zoning districts and provide for certain modifications to such district regulations.

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 is in the interest of public health, safety, and welfare, and does hereby find that the requested zoning accomplishes such objectives and is consistent with the provisions of the 2030 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

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

SECTION 2
FINDINGS

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

SECTION 3
AMENDMENT OF ZONING CLASSIFICATION

That the zoning classification is hereby established as “PD” Planned Development District, #63 on a certain tract of land described in in Exhibit “A” and depicted in Exhibit “B.”

SECTION 4
ZONING DESIGNATION AND DEVELOPMENT STANDARDS

4.01 That Ordinance No. 2006-57 of the City of Celina, Texas, as heretofore amended, the same being the City’s Comprehensive Zoning Ordinance, is hereby amended by designating the zoning on the land, depicted in Exhibit “A” attached hereto and incorporated herein, as “PD” Planned Development District #63.

4.02 This ordinance only regulates the uses allowed for the property identified above. All development and construction shall occur in accordance with the requirements of this ordinance; the concept plan set forth in Exhibit “B”; the plan for development set forth in Exhibit “C” and the development standards set forth in Exhibit “D” and all other applicable ordinances, rules, and regulations of the City.

SECTION 5
REVISION OF ZONING MAP

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 6
COMPLIANCE REQUIRED

That the property depicted on Exhibit "A" 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 7
PENALTY

7.01 Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

7.02 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 8
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 this 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 9
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 zoning regulation 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 10
SEVERABILITY

The provisions of the 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 or 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 decisions or enactment.

SECTION 11
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, and Effective Date of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

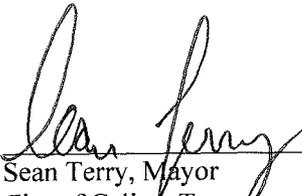
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

This Ordinance shall become effective 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 8th day of March, 2016.



Sean Terry, Mayor
City of Celina, Texas

ATTEST:


Vicki Faulkner, City Secretary
City of Celina, Texas

Vicki Faulkner, City Secretary
City of Celina, Texas



APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

Description of Tract 1
6.03 Acres in Collin County, Texas

Being a tract of land, situated in the M.E.P. & R.R. Co. Survey, Abstract No.653, in Collin County, Texas, and being all of Lot 1, Block A, of TRIDAL ADDITION, an addition to Collin County, Texas, as recorded in Volume 2006, Page 66, of the Map Records, Collin County, Texas (M.R.C.C.T.), and also being a portion of the right-of-way for State Highway No. 289 (Preston Road), said tract being more particularly described as follows:

BEGINNING at a point being the northwestern corner of Tract 2 at a 1 1/2" iron rod with a plastic cap stamped "WA1" found for the northwesterly corner of Lot 1, Block A, same being the southwesterly corner of the tract of land described by deed to Susie Cannady King, as recorded in Volume 5811, Page 2817, of the Deed Records, Collin County, Texas (D.R.C.C.T.) bearing South 89°22'01" East, a distance of 619.16' to the northeastern corner of Tract 1;

THENCE South 00°40'51" West, a distance of 255.13' to a point that is the southeast corner of Tract 2;

THENCE North 89°12'26" West a distance of 179.99' to a point that is the southeast corner of Tract 2;

THENCE South 00°41'40" West, along the westerly line of Tract 3 a distance of 188.51' to a point that is the southeastern corner of Tract 1;

THENCE North 89°20'32" West, along the southerly line of said Lot 1, Block A, same being the northerly line of said Shmaisani tract, a distance of 539.38' to a point for corner, from which a 3/8" iron rod found, bears, South 79°27'41" West, a distance of 0.79', said point for corner being the southwesterly corner of said Lot 1, Block A, said point for corner also being the northwesterly corner of said Shmaisani tract, said point for corner also being in the southeasterly monumented line of the Burlington - Northern Railroad (100' right-of-way);

THENCE North 13°26'00" East, along said southeasterly monumented line of the Burlington - Northern Railroad, same being the westerly line of said Lot 1, Block A, a distance of 454.19' to a 1 1/2" iron rod with a plastic cap stamped "WA1" found for the northwesterly corner of Lot 1, Block A, same being the southwesterly corner of the aforementioned King tract to the point of beginning and containing 6.03 acres of land more or less.

Note: Tract 1 is part of the 8.931-acre property as described in this zoning application.

Description of Tract 2
1.76 Acres in Collin County, Texas

Being a tract of land, situated in the M.E.P. & R.R. Co. Survey, Abstract No.653, in Collin County, Texas, and being part of Lot 1, Block A, of TRIDAL ADDITION, an addition to Collin County, Texas, as recorded in Volume 2006, Page 66, of the Map Records, Collin County, Texas (M.R.C.C.T.), and also being a portion of the right-of-way for State Highway No. 289 (Preston Road), said tract being more particularly described as follows:

BEGINNING at a point for corner in State Highway No. 289, said point for corner bears, South $00^{\circ}58'50''$ West, a distance of 169.51' from a 1 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found for the northeasterly corner of said Lot 1, Block A, said capped iron rod found being in the southerly line of that tract of land described by deed to Susie Cannady King, as recorded in Volume 5811, Page 2817, of the Deed Records, Collin County, Texas (DR.C.C.T.);

THENCE South $00^{\circ}50'11''$ West, along said State Highway No. 289, a distance of 86.64' to the Southeast corner of Tract 2;

THENCE North $89^{\circ}20'32''$ West, from a 1 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found, for the southeasterly corner of said Lot 1, Block A, and continuing along the common line between said Lot 1, Block A, and said Hallford remainder tract, in all, a total distance of 305.84' to the southwest corner of Tract 2;

THENCE North $00^{\circ}53'50''$ East, along the westerly line of Tract 2 a distance of 255.13' to a point that is the northeast corner of Tract 2;

THENCE South $89^{\circ}22'01''$ East, along the common line between said King tract and Lot 1, Block A, a distance of 306.03' to the POINT OF BEGINNING and containing 1.76 acres of land, more or less.

Note: Tract 1 is part of the 8.931-acre property as described in this zoning application.

Description of Tract 3
1.14 Acres in Collin County, Texas

Being a tract of land, situated in the M.E.P. & R.R. Co. Survey, Abstract No.653, in Collin County, Texas, and being all of Lot 1, Block A, of TRI DAL ADDITION, an addition to Collin County, Texas, as recorded in Volume 2006, Page 66, of the Map Records, Collin County, Texas (M.R.C.C.T.), and also being a portion of the right-of-way for State Highway No. 289 (Preston Road), said tract being more particularly described as follows:

BEGINNING at a point a 1 1/2" iron rod with a plastic cap stamped "WAI" found for the most southerly southeast corner of said Lot 1, Block A, same being the southwesterly corner of the remainder of said Hallford tract, said corner also being in the northerly line of that tract of land, described by deed to Issam Al Shmaisani, as recorded under Document No. 20120530000624860, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.) bearing North 89°20'32" West, along the southerly line of said Lot 1, Block A, same being the northerly line of said Shmaisani tract, a distance of 199.44' to a point that is the southeast corner of Tract 1;

THENCE North 00°41'40" East, along the easterly line of Tract 1 a distance of 188.51' to a point for corner;

THENCE North 89°12'26" East a distance of 179.99 to a point that is the southwest corner of Tract 2,

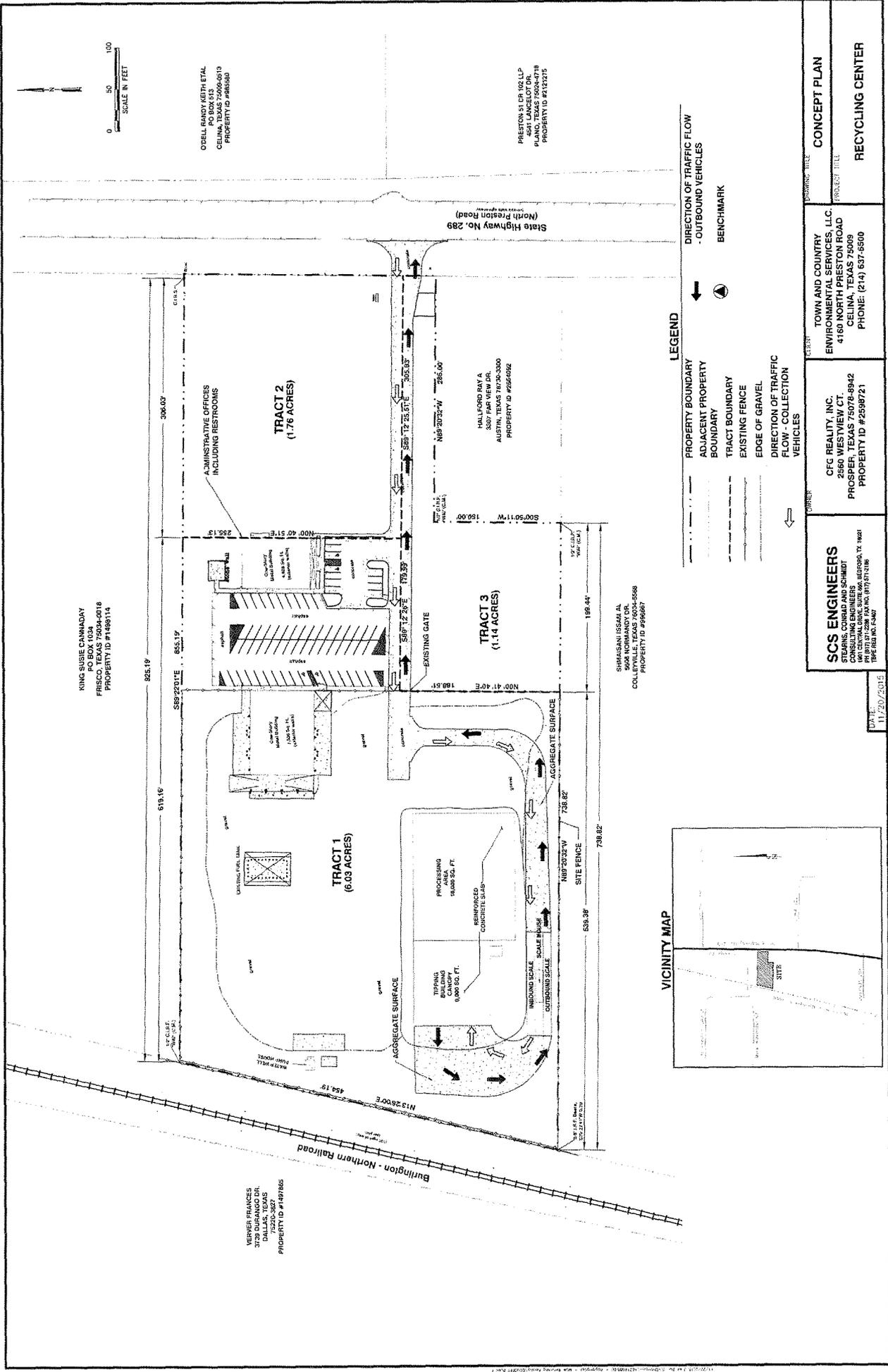
THENCE South 89°12'25" East, along the southerly line of Tract 2 a distance of 305.74' to a point that is the northeast corner of tract 3;

THENCE South 00°53'50" West, along the easterly line of Tract 3, a distance of 37.20' to a point for corner;

THENCE North 89°20'32" West, along the southerly line of Tract 3 a distance of 285.00' along the common line between said Lot 1, Block A, and said Hallford remainder tract, to a 1 1/2" iron rod with a plastic cap stamped "WAI" found for an "ell" corner of said Lot 1, Block A, same being the northwesterly corner of the remainder of said Hallford tract;

THENCE South 00°50'11" West, along the westerly line of the remainder of said Hallford tract, same being the most southerly east line of said Lot 1, Block A, a distance of 150.00' to a 1 1/2" iron rod which is the POINT OF BEGINNING and containing 1.14 acres more or less.

Note: Tract 1 is part of the 8.931-acre property as described in this zoning application.



KING SUSIE CANNADY
 2050 S. WILSON ST.
 FRISCO, TEXAS 75034-0018
 PROPERTY ID #1489314

O'BELL RANDY KEITH ET AL
 PO BOX 613
 CELINA, TEXAS 75009-0613
 PROPERTY ID #486595

PRESTON ST DR 102, LLP
 4841 LANCELOT DR.
 P.O. BOX 100000
 DALLAS, TEXAS 75210-0000
 PROPERTY ID #4202715

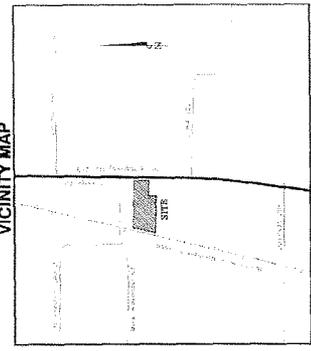
MILLERSON RAY A
 3007 FARM VIEW DR
 AUSTIN, TEXAS 78730-5300
 PROPERTY ID #2554892

SHIRASANI ISSAM AL
 3000 W. WILSON ST.
 COLLEVILLE, TEXAS 75034-5588
 PROPERTY ID #996687

VENNER FRANCES
 3739 DURANGO DR.
 DALLAS, TEXAS
 PROPERTY ID #1497865



- LEGEND**
- PROPERTY BOUNDARY
 - ADJACENT PROPERTY BOUNDARY
 - TRACT BOUNDARY
 - EXISTING FENCE
 - EDGE OF GRAVEL
 - DIRECTION OF TRAFFIC FLOW - OUTBOUND VEHICLES
 - DIRECTION OF TRAFFIC FLOW - COLLECTION VEHICLES
 - BENCHMARK



SCS ENGINEERS
 SCHMITZ
 CONSULTING ENGINEERS
 1801 CENTRAL EXPLORER SUITE 400, ARLINGTON, TX 76010
 TEL: 817.462.2847
 FAX: 817.462.2847

CFG REALTY, INC.
 2560 WESTVIEW CT.
 PROSPER, TEXAS 75078-6942
 PROPERTY ID #2598721

TOWN AND COUNTRY ENVIRONMENTAL SERVICES, LLC.
 4160 NORTH PRESTON ROAD
 CELINA, TEXAS 75009
 PHONE: (214) 637-5500

CONCEPT PLAN
 PROJECT TITLE
RECYCLING CENTER

DATE: 11/20/2015

Exhibit "D"
PD Development Regulations

1. **Definitions.** All terms used in these PD Development Regulations shall be as defined by the Zoning Ordinance, except as follows:
 - a. Concept Plan means the concept plan attached as **Exhibit B.**
 - b. Plan for Development means the Plan for Development attached as **Exhibit C.**
 - c. Property means the property described by metes and bounds on **Exhibit A** and depicted on the Concept Plan, which Property consists of Tract 1, Tract 2, and Tract 3.
 - d. Recycling center means a transfer station and material recovery facility subject to a registration or Notice of Intent from the Texas Commission on Environmental Quality (TCEQ) that meets the applicable requirements of the TCEQ, requires a minimum of 50 percent recycling and excludes recycling of putrescible waste and recycling of hazardous waste as such terms are defined by the TCEQ. A recycling center may include offices, wholesale (but not retail) sales of recycled products, a fueling station, a maintenance and repair shop, scales and a scale station, a truck maintenance facility, outdoor storage (including storage pods or trailers), equipment for the processing of materials, and other uses and equipment that are customary and incidental to a recycling center.
 - e. Zoning Ordinance means the comprehensive zoning ordinance of the City of Celina, as amended from time to time.
2. **Applicable Regulations; Base Zoning; Conflicts.**
 - a. Development and use of the Property shall comply with these PD Development Regulations, the Concept Plan, the Plan for Development, and the Zoning Ordinance. In the event of a conflict between the Zoning Ordinance and these PD Development Regulations, these PD Development Regulations shall control. In the event of a conflict between the exhibits and the text of these PD Development Regulations, the text shall control. In the event of a conflict between the Concept Plan and the Plan for Development, the Plan for Development shall control.
 - b. Tract 1 shall be governed by the I-1 light industrial zoning district regulations in the Zoning Ordinance, unless specifically amended by these PD Development Regulations.
 - c. Tract 2 shall be governed by the RO Retail Office zoning district regulations and the Preston Road Overlay zoning district regulations in the Zoning Ordinance, unless specifically amended by these PD Development Regulations.

- d. Tract 3 shall be governed by the RO Retail Office zoning district regulations and the Preston Road Overlay zoning district regulations in the Zoning Ordinance, unless specifically amended by these PD Development Regulations.

3. Permitted Uses.

- a. All of the uses permitted in the I-1 zoning district are permitted on Tract 1 to the same extent they are permitted by the I-1 zoning district regulations. In addition, a recycling center is permitted by right on Tract 1. Recycling operations, including outside storage associated with the recycling center, are permitted without limitation on Tract 1, subject to (i) a height limitation of 40 feet measured from the peak of the outside storage; and (ii) the restrictions on new construction in Section 4 below.
- b. All of the uses permitted in the RO zoning district are permitted on Tracts 2 and 3 to the same extent they are permitted by the RO zoning district regulations. In addition, outside storage of post-processing recycled materials is permitted by right without limitation on Tract 3 so long as a recycling center use is the primary use on Tract 1, subject to (i) a height limitation of 10 feet measured from the peak of the outside storage; and (ii) compliance with the screening requirements in Section 7(b) below.

4. Area Regulations. Construction of new buildings or other structures on Tract 1 is prohibited outside of the approximately 68,000 square foot hatched area labeled "RECYCLING FACILITY" on the Plan for Development. The I-1 zoning district area regulations in Section 14.03.004(d) of the Zoning Ordinance shall not apply to Tract 1.

5. Parking; Driveway.

- a. The existing office building and maintenance building on Tract 1 shall be served by the parking spaces shown on the Concept Plan and Plan for Development, and no additional parking spaces shall be required for these structures. No other minimum parking, loading, or stacking space requirements shall apply to Tract 1.
- b. Gravel, concrete, and asphalt surfaces for Tract 1 are permitted as shown on the Concept Plan and Plan for Development.
- c. The existing driveway that serves Tract 1 may be shared with Tracts 2 and 3 if one or both of those tracts are developed. Upon development of either Tract 2 or 3 with an RO zoning district use, the portion of the existing driveway serving Tracts 2 and 3 must be improved to the current City standards in place at the time of development.

6. Landscaping. Landscaping for Tract 1 shall match the plan for development. Tracts 2 and 3 shall comply with the City's landscaping standards in place at the time of each tracts development with an RO zoning district use.

7. Screening.
 - a. Tract 1 shall not be subject to any regulations requiring screening.
 - b. Outside storage located on Tract 3 shall be screened from adjacent property located outside of this PD with a minimum eight-foot and maximum 10-foot solid masonry wall consisting of rock, stone, or other material that is equivalent, visually and qualitatively. No outside storage located on Tract 3 may exceed the height of the screening wall.
8. Tree Preservation. There are no tree preservation or tree mitigation requirements for Tract 1.
9. Building Materials. No exterior building material requirements or other architectural design standards apply to Tract 1 recycling center uses.
10. Concept Plan, Site Plan, and Plan for Development.
 - a. Tract 1 shall comply with the Concept Plan and Plan for Development, and no other concept plan, development plan, or site plan review or approval is required for Tract 1. Additional asphalt or other paving surfaces may be added to Tract 1 without obtaining approval of a revised Concept Plan or Plan for Development.
 - b. With the exception of outside storage on Tract 3 as permitted by Section 3 above, no development is permitted on Tracts 2 and 3 until a concept plan for the proposed development has been approved as part of an amendment to this PD pursuant to the procedures in Article 14.02, Division 5 of the Zoning Ordinance.
11. Performance Standards. The performance standards in Article 14.05, Division 7 of the Zoning Ordinance in effect at the time of the adoption of this PD ordinance shall be the exclusive performance standards applicable to Tract 1.
12. Water Well. The existing water well and pump house located on Tract 1, as shown on the Concept Plan and Plan for Development, shall be permitted.
13. Lighting. On Tract 1, exterior lights located at least 30 feet above the ground shall be turned off from 8:00 p.m. until 7:00 a.m. There are no time restrictions for other exterior lighting on Tract 1.