

CITY OF CELINA, TEXAS

ORDINANCE 2016-60
ACE HARDWARE PD#71

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 1.889 ACRE TRACT OF LAND SITUATED IN THE HERRIN ADDITION, LOT 1R, BLOCK A, AND THE COLLIN COUNTY SCHOOL LAND SURVEY #14 AS DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD #71" PLANNED DEVELOPMENT ZONING DISTRICT WITH THE BASE DESIGNATION OF C-1, RETAIL DISTRICT AND PRO, PRESTON ROAD OVERLAY; 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, and Denton 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 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 "C," 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#71" 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#71" C-1, Retail District and PRO, Preston Road Overlay.

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 "C"; 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, City of Celina, Ordinance No. 2016- 60 Ace Hardware

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

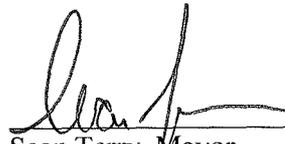
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

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 9th day of August, 2016.

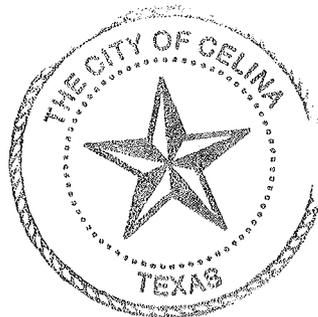


Sean Terry, Mayor
City of Celina, Texas

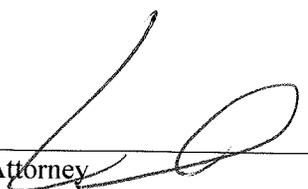
ATTEST:


Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]



APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

EXHIBIT A

Being a 1.889 acre tract of land situated in the Collin County School Land Survey, Abstract Number 167, Collin County, Texas, and being Lot 1R, Block A, Herrin Addition, an addition to the City of Celina according to the plat recorded in Volume 2015, Page 202, Plat Records of Collin County, Texas, said 1.889 acre tract being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a cap stamped "Pacheco Koch" found in the northwesterly line of Preston Road (a variable width right-of-way) for the southeast common corner of said Lot 1R and Lot 2, Block A, Celina Fire Station #1, an addition to the City of Celina according to the plat recorded in Volume 2015, Page 398, Plat Records of Collin County, Texas;

THENCE North 70 degrees 28 minutes 15 seconds West, with the common line of said Lot 1R and Lot 2, Block A, a distance of 54.28 feet to a 1/2 inch iron rod with a cap stamped "Pacheco Koch" found for corner;

THENCE North 60 degrees 28 minutes 06 seconds West, continuing along said common line, a distance of 156.83 feet to a 1/2 inch iron rod with a cap stamped "Pacheco Koch" found for corner;

THENCE South 89 degrees 08 minutes 01 second West, continuing along said common line, passing a 1/2 inch iron rod with a cap stamped "Pacheco Koch" found for the west common corner of said Lot 1R and Lot 2, Block A, and being in the east right-of-way line of Business Highway 289 (a 100 foot wide right-of-way) at a distance of 159.48 feet, and continuing a total distance of 209.48 feet to a point for corner in the approximate centerline of said Business Highway 289;

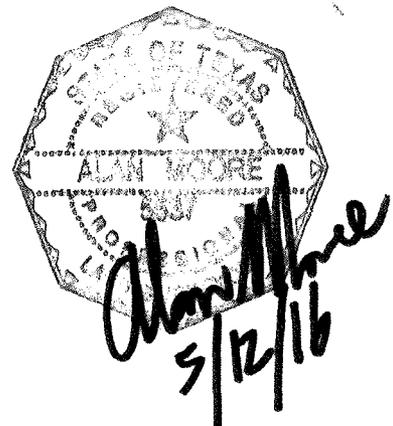
THENCE North 00 degrees 38 minutes 51 seconds West, along said approximate centerline of Business Highway 289, a distance of 119.98 feet to a point for corner;

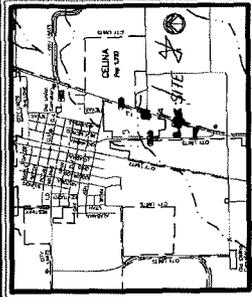
THENCE North 89 degrees 10 minutes 50 seconds East, departing said approximate centerline, passing the west common corner of said Lot 1R and Lot 4, Block A, Herrin Addition, an addition to the City of Celina according to the plat recorded in Volume O, Page 570, Plat Records of Collin County, Texas at 50.00 feet, and passing a 1/2 inch iron rod with an illegible cap found in northwesterly right-of-way line of said Preston Road for the east common corner of said Lot 1R and Lot 2, Block A, of said Herrin Addition, as recorded in said Volume O, Page 570 at 472.16 feet, and continuing a total distance of 544.96 feet to a point for corner in the approximate centerline of said Preston Road;

THENCE South 18 degrees 44 minutes 48 seconds West, along the approximate centerline of said Preston Road, a distance of 256.38 feet to a point for corner;

THENCE North 70 degrees 28 minutes 15 seconds West, a distance of 88.00 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 1.889 acres (82,298 square feet) of land.





VICINITY MAP
NOT TO SCALE

AREA CALCULATIONS

TOTAL LOT AREA	58,948	SF
IMPERVIOUS AREA	4,433	SF
PERVIOUS AREA	12,389	SF
BUILDING AREA	13,511	SF
AREA UNDER ROOF	14,770	SF
FLOOR AREA RATIO	0.265	
WEIGHTED "C" FACTOR: 0.78		

PARKING SUMMARY

PARKING PROVIDED	42	SPACES
MANUAL LAP PROVIDED	2	SPACES
TOTAL	42	SPACES

NOTES:
1. NO 100-YR FLOOD PLAIN IS LOCATED ON THIS PROPERTY AND PUBLIC THROUGHFEE'S WILL BE LOCATED ON THIS PROPERTY.

LEGEND:
○ FOUND PO
⊗ DUMPSTER
● TODOT MONUMENT

PRELIMINARY
TECHNICAL DRAWING AND FOR
REVISIONS ONLY. THIS DRAWING
IS NOT TO BE USED FOR
CONSTRUCTION OF ANY
STRUCTURE OR FOR ANY
OTHER PURPOSES WITHOUT THE
WRITTEN CONSENT OF
DUNAWAY ENGINEERING, P.C.
DATE: 08/03/2016

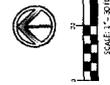


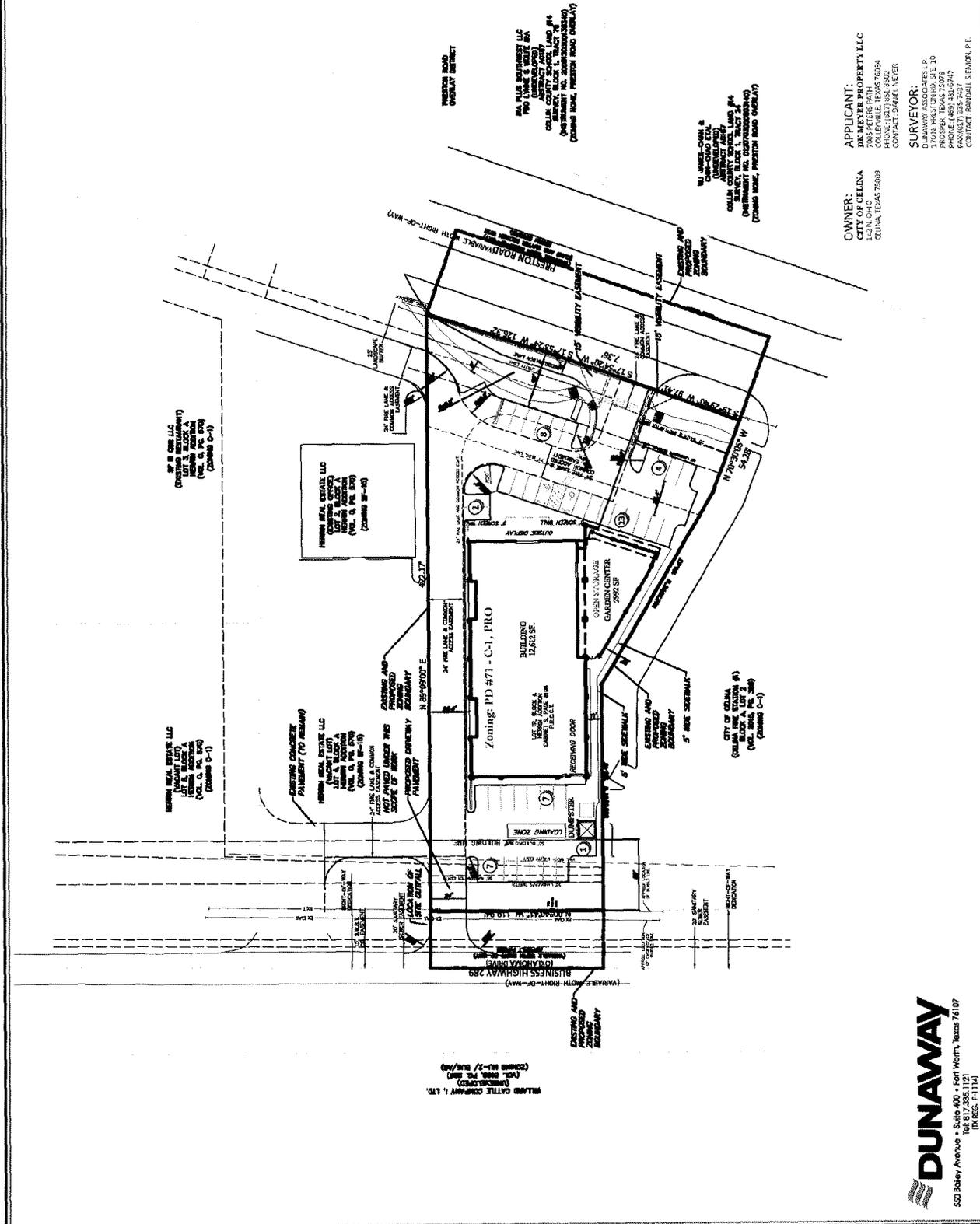
EXHIBIT B
1.374 ACRES
LOT 1R, BLOCK A
HERRIN ADDITION
COLLIN COUNTY SCHOOL
LAND ABST. # 167
COLLIN COUNTY, TEXAS

CELINA ACE HARDWARE
AUGUST 03, 2016

OWNER:
CITY OF CELINA
2200 W. BUSINESS HIGHWAY 289, SUITE 110
CELINA, TEXAS 75708

APPLICANT:
DK MEYER PROPERTY LLC
2001 W. BUSINESS HIGHWAY 289, SUITE 110
CELINA, TEXAS 75708
PHONE: (817) 931-5502
CONTACT: DANIEL MEYER

SURVEYOR:
DUNAWAY ASSOCIATES, L.P.
3700N. HAUENSTEIN, SUITE 110
DALLAS, TEXAS 75244
PHONE: (469) 481-6747
FAX: (972) 335-7297
CONTACT: RANDALL MEMON, P.E.



DUNAWAY
550 Bailey Avenue • Suite 409 • Fort Worth, Texas 76107
Tel: 817.583.1170
Fax: 817.583.1174
TX REG. F-1114

Exhibit D
Ace Hardware
Planned Development District

(July 27, 2016)

These development regulations are intended for a ±1.374 acre tract described in Plat (replat) S8198, Lot 1R, Block A, Herrin Addition, Collin County Plat Maps and within the Collin County School Land Survey, Abstract No. 167, City of Celina, Collin County, Texas. The property is generally located on the west side of SH 289 (Preston Road), extends to Oklahoma Drive and is approximately 1,500 feet north of the County Road 55 and 89 intersection of SH 289 Preston Road.

1. Purpose

The purpose of the proposed Planned Development District is to provide flexibility of the regulations in the City of Celina's C-1 Retail District within the Preston Road Overlay District. The proposed use is in compliance with the Comprehensive Plan dated April, 2013. The following are changes that are allowed within the PD without an amendment to this Planned Development:

2. General Regulations

All regulations for this PD District not redefined by this document shall conform to the regulations set forth in the City of Celina Zoning Ordinance, C-1, Retail including the Preston Road Overlay District.

Any significant changes to the land uses as depicted on the Concept Plan (Exhibit B) shall require approval by the City of Celina Planning and Zoning Commission as well as the City of Celina City Council through a Planned Development/Zoning amendment. Any minor changes to the Conceptual Site Plan regarding building locations and individual uses within the PD are allowed by staff approval, so long as the general character within the base zoning district in the PD is maintained and the general location of the land uses remains as shown in *Exhibit B*.

3. Planned Development Regulations

- (A) **Landscape Setback** – A 5' perimeter landscape set back is not a requirement for conditions in which a shared, previously platted, fire lane and access easement is located adjacent to a lot line common to two tracts that depend on the use of the shared fire lane and access easement.
- (B) **Open Storage** Open storage will be allowed within the Garden Center as shown on Exhibit B. The Garden Center - Open Storage area will be enclosed with a 10-foot-high screening wall that will be a combination of 3 foot masonry base and wrought iron fence covered with mesh screening as shown on Exhibit C. All other uses shall be in accordance with City standards.
- (C) **Parking Spaces** Parking for the retail store shown on *Exhibit B* shall be at a rate of 1 parking space per 300 square feet of gross floor area. All other uses shall be in accordance with City standards, refer to article 14.05, Division 2.

(D) **Outside Display** Permanent outside display areas shall be located and limited to the front sidewalk that is covered by the front façade and canopy roof as shown on *Exhibit B*. This area will be partially screened with a 36 inch masonry wall across the front edge of the façade and canopy with the exception of the entry area.

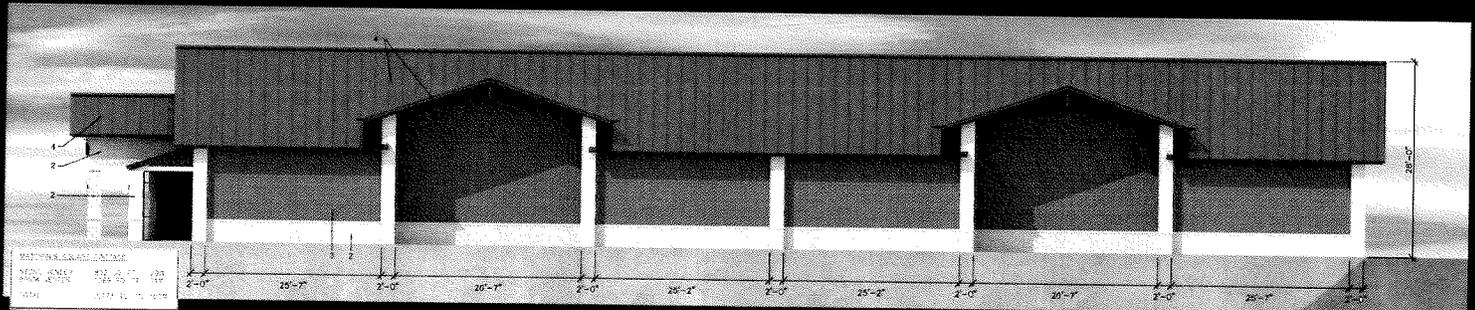
- a. Merchandise displays will be limited to 50% of the space and will be maintained in a neat, orderly manner clean and litter free.
- b. Outside display areas shall not pose a safety or visibility hazard nor impede pedestrian circulation in and out of the building.
- c. All other uses shall be in accordance with City standards for Outdoor Activities and Uses.

(E) **Exterior Wall Signing** The building faces and will have driveway entrances from both Preston Road and Oklahoma Drive and will be allowed a wall sign on both the East and West Elevations. Additionally, due to the angle of Preston Road to the building the Southeast facing Gable will have prime visibility to North bound traffic and will be allowed a third wall sign. The elevations with signing are noted within Exhibit C. All other requirements of sign sizing and wall location placement will follow the application and approval process as defined in City Building Regulations, Article 3.07 Signs.

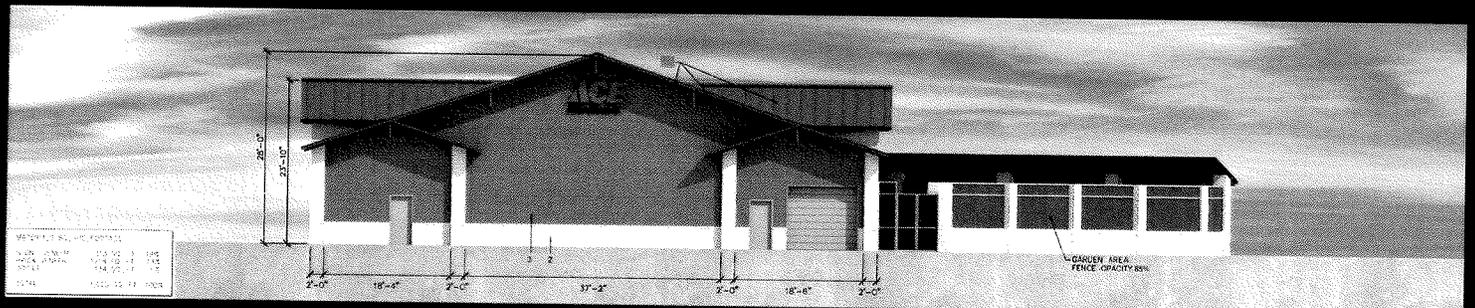
(July 27, 2016)



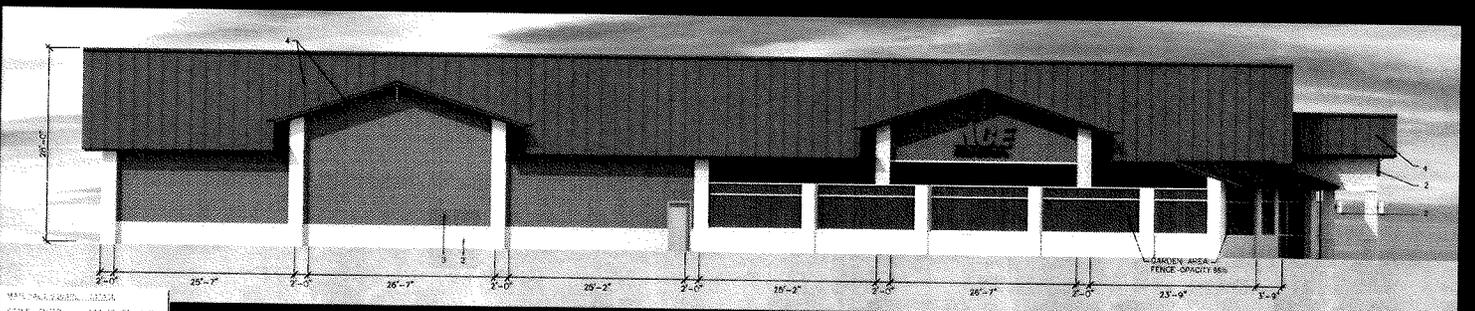
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

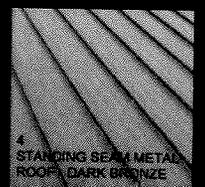
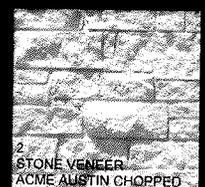
ACE Hardware

1371 S. Preston Rd, Celina, TX 75009
 Lot 1R, Block A Herring Addition
 Collin County School Land Survey
 Abstract No. 167, Collin County, TX 1.374 acres

FJLC
 ARCHITECTS

GENERAL MATERIALS QUANTITY LISTING	
STUCCO	147 99 11 15
STONE VENEER	2,214 52 11 255
BRICK	2,284 22 11 112
GLAZING	219 99 11 25
ROOFING	138 41 11 17
TOTAL	3,809 53 11 525

PRESTON ROAD OVERLAP AT
 CORNER FEATURES:



CORBET DESIGN BUILD

Exhibit E