

CITY OF CELINA, TEXAS

ORDINANCE 2017-50

STELZER PD #83

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 15.471 ACRE TRACT OF LAND LOCATED IN THE COLLIN COUNTY LAND #14 SURVEY, ABSTRACT NO. 167, CITY OF CELINA, COLLIN COUNTY, TEXAS; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT #83 WITH A BASE ZONING DESIGNATION OF HI, HEAVY INDUSTRIAL; 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 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 "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" Planned Development District, #83 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 #83.

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, 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 12th day of September, 2017.



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

LEGAL DESCRIPTION

BEING a tract of land situated in the Collin County School Land #14 Survey, Abstract No. 167, Collin County, Texas and being all of a 14,471 acre tract as conveyed to BG-GBT Celina 15 LP and recorded in County Clerks No. 20161121001582420, Official Public Records of Collin County (O.P.R.C.C.T.), Texas, also being all of a 1,000 acre tract as conveyed to BG-GBT Celina 15 LP and recorded in Instrument No. 20161121001581690, Official Public Records of Collin County (O.P.R.C.C.T.), Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a mag nail found at the southeast corner of said 14,471 acre tract, said nail being in the west line of Burlington Northern Santa Fe Railroad Company tract as created in a deed recorded in Volume 121, Page 20, Land Records of Collin County, Texas, said nail also being in the approximate centerline of Frontier Parkway;

THENCE South 89°32'17" West, along the south line of said 14,471 acre tract, the south of said 1,000 acre tract and along the centerline of said Frontier Parkway, a distance of 322.20 feet to a mag nail found for the southwest corner of said 1,000 acre tract, also being the southeast corner of a called 161.51 acre tract conveyed to LFC Land Company II, LLC in Instrument No. 20140107000015410, O.P.R.C.C.T., same also being the intersection of the centerline of said Frontier Parkway with the centerline of Prairie Crossing (County Road No. 51);

THENCE North 01°06'16" West, along the west line of said 1,000 acre tract, and the west line of said 14,471 acre tract, and along the east line of said 161.51 acre tract, and along the centerline of said Prairie Crossing (County Road No. 51) a distance of 1572.78 feet to a "X" cut found for the northwest corner of said 14,471 acre tract, same being at the southwest corner of a called 22.334 acre tract conveyed to Kirk and Laurie Andrews as recorded in Instrument No. 20130328000416390, O.P.R.C.C.T.;

THENCE South 62°54'30" East, along the north line of said 14,471 acre tract and the south line of said 22.334 acre tract, a distance of 679.81 feet to the northeast corner of said 14,471 acre tract and the southeast corner of said 22.334 acre tract in the west line of aforesaid Burlington Northern Santa Fe Railroad Company tract;

THENCE South 11°20'18" West, along the west line of Burlington Northern Santa Fe Railroad Company tract and the east line of said 14,471 acre tract, a distance of 1285.38 feet to the **POINT OF BEGINNING** and containing 15,470 acres of land, more or less.

Exhibit C
Planned Development Standards

Use and development of the subject property shall conform to the regulations of Section 14.03.004.5 "HI Heavy Industrial District", and as amended, subject to the following conditions:

- 1.) The following additional uses shall be Permitted uses:
 - a. Mini warehouse/self-storage
 - b. Automobile driving school
 - c. Martial Arts / Dance / Gymnastics School
 - d. Tool and equipment rental (no outside displays allowed in front yard or visible from public street)
 - e. All-terrain vehicle dealer/sales or service (no outside displays allowed in front yard or visible from public street)
 - f. Antique store
 - g. Art dealer/gallery
 - h. Bikes sales and/or repair (no outside displays allowed in front yard or visible from public street)
 - i. Building material sales/lumber (no outside displays allowed in front yard or visible from public street)
 - j. Consignment shop
 - k. Garden shop (no outside displays allowed in front yard or visible from public street)
 - l. Gift/toy store
 - m. Handicraft/artisans shop
 - n. Hardware store
 - o. Home improvement center (no outside displays allowed in front yard or visible from public street)
 - p. Jewelry store
 - q. Lawnmower sales and/or repair (no outside displays allowed in front yard or visible from public street)
 - r. Major appliance sales
 - s. Public market (no outside displays allowed in front yard or visible from public street)

- t. Motorcycle dealer (new and/or repair) (no outside displays allowed in front yard or visible from public street)
- u. Personal watercraft sales (new and/or repair) (no outside displays allowed in front yard or visible from public street)
- v. Pet shop/supplies
- w. Plant nursery
- x. Printing/tee shirt shop
- y. Sporting goods
- z. Stamps, coin and other collectibles
- aa. Used merchandise
- bb. Vacuum cleaner sales and repair
- cc. Woodworking shop
- dd. Auto glass repair/tinting
- ee. Auto laundry or carwash (attended or unattended)
- ff. Auto muffler shop
- gg. Auto tire repair/sales (no outside displays allowed in front yard or visible from public street)
- hh. Automobile accessory installation
- ii. Full service car wash
- jj. Limousine/taxi service
- kk. Quick lube/oil change/minor inspection
- ll. Tire dealer (no outside displays allowed in front yard or visible from public street)
- mm. Feed and grain store (no outside displays allowed in front yard or visible from public street)
- nn. Manufacturing
- oo. Office showroom
- pp. Warehousing
- qq. RV/boat parking
- rr. Heating and air-conditioning sales/service
- ss. Pawn shop

- tt. Propane sales (refill and exchange only. Refill must be setback 150' from FM 1461 and Prairie Crossing).

2.) The following additional uses shall be Prohibited uses:

- a. Motels
- b. Sexually Oriented Businesses
- c. Check Cashing/Payday Loans
- d. Recycling Kiosk
 - i. Kiosks are allowed in conjunction with a main structure and set back 200' from ROW.
- e. Auto Dealer
- f. Auto Repair, Major
- g. Rental Car/Sales

3.) Open/outside storage: open/outside storage shall be allowed in any location on the subject property except within 150' of the right-of-way for Prairie Crossing. Screening shall be required as outlined in the following "Screening" section. Open/outside storage shall comply with the City's Code of Ordinances as it currently exists or may be amended. Not visible from public street or stacked higher than the building.

4.) Screening: the property shall be required to provide a 4' earthen berm, within the 40' landscape setback (measured from the future ROW) along Prairie Crossing and Frontier Parkway, and 3" caliper trees (at the time of planting) (or alternate as approved by the City Planning Director) generally located on 40' centers. The landscape screening along with the exterior building orientation shall provide the screening for the overall project (a separate masonry screen wall is not required along the perimeter of the site).

5.) Building orientation: the buildings along the exterior of the site, as generally depicted on the attached Zoning Exhibit "D", shall face one side of the building outward toward the right-of-way of Prairie Crossing and Frontier Parkway. Interior buildings shall be allowed to orient the buildings as needed upon the approval of the City Fire Department and in compliance with the International Building Code.

6.) Building Materials: any building materials (masonry, concrete, blocks, metal, stucco, etc.) shall be allowed within the property except as noted below:

- a. Any of the buildings located along the exterior of the site, as generally shown on the attached zoning exhibit "D", shall be required to have a 100% masonry wall that faces the right-of-way. All other buildings can be constructed with materials other than masonry. For example, the buildings that face Prairie Crossing shall be required to have a western face made of 100% masonry and all other sides of the buildings can be made with other materials.
- b. Masonry shall be defined as fired brick, natural and manufactured stone, granite, marble,

architectural concrete block, tilt wall concrete, and concrete block.

- c. All interior facades and facades facing the railroad shall have a 3' masonry wainscot.
 - d. Any buildings located at the corner of Prairie Crossing and Frontier Parkway shall provide 100% masonry on both sides facing the right-of-way and all other sides of the buildings can be made with other materials.
- 7.) Conceptual site plan: Zoning Exhibit "D" is included with the proposed zoning as a graphical explanation of the masonry and screening requirements.
- 8.) Parking:
- a. No on-street parking associated with this site will be permitted on Prairie Crossing or Frontier Parkway.

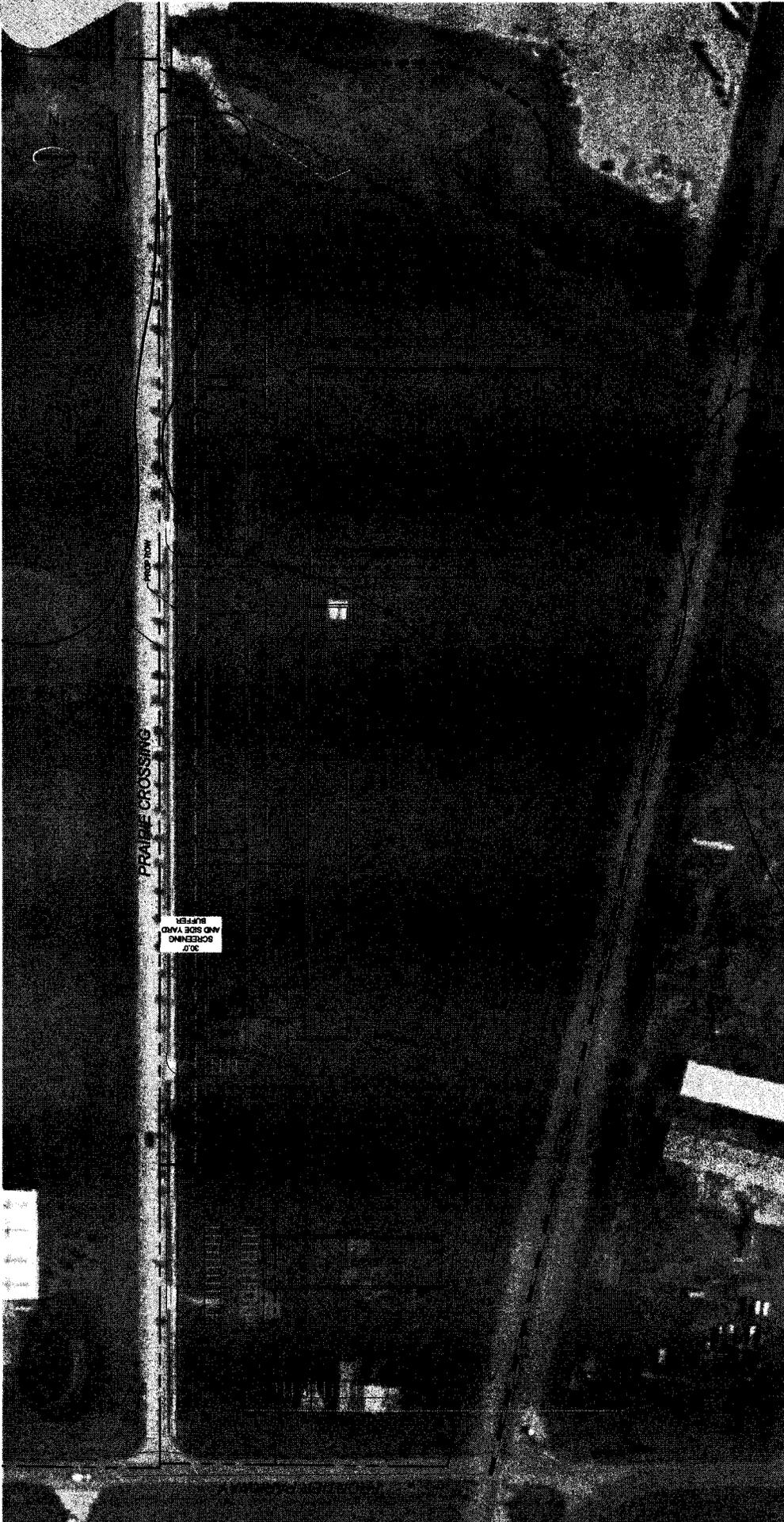


EXHIBIT "D" CONCEPT PLAN

NOTES:
 1. CITY HAS NOT REVIEWED THIS CONCEPT PLAN.
 2. OPERATIONS BY CITY OF CELINA.
 3. CITY HAS NOT REVIEWED THIS CONCEPT PLAN.

Celina Industrial
 Celina, Texas
 September 2017

