CITY OF CELINA, TEXAS

ORDINANCE 2017-69
CELINA CROSSING PD #86

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 #86 WITH A BASE ZONING DESIGNATION OF C-2, GENERAL COMMERCIAL DISTRICT; 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, #86 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 #86.

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 while 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 14th day of November, 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

Coleman & Assoc. Land Surveying

P. O. Box 686
Denton, Texas 76202
Phone (940)565-8215 Fax (940)565-9800
REGISTRATION #10095100

Exhibit A

20.09 Acres of Land for Zoning

FIELD NOTES to all that certain tract of land situated in the Collin County School Land Survey Abstract Number 167, City of Celina, Collin County, Texas and being a part of the remainder of the called 22.318 acre tract described in the deed from Peter D. Fondberg et al to Celina Crossing Number 1, LP recorded in Document Number 2002-115285 of the Deed Records of Collin County, Texas; the subject tract being more particularly described as follows with Bearings relative to Texas Coordinate System of 1983 North Central Zone (4202) based on GPS ties to Geodetic Control:

BEGINNING at the Northerly Northwest corner of the tract being described herein at a 1/2 inch iron rod found at the Northerly Northwest corner of the said 22.318 acre tract on the North side of Ash Street also being the Southwest corner of the called 6.025 acre tract described in the correction deed to Frisco Real Estate Investment Group, LLC recorded in Document Number 20170920001262310 of the said Deed Records;

THENCE South 86 Degrees 00 Minutes 59 Seconds East along the North side of Ash Street with the North line of the 22.318 acre tract passing a 1/2 inch iron rod found at the Northeast corner thereof on the West right-of-way line of U. S. Highway 289 and continuing along the same course, in all, a total distance of 485.0 feet, more or less, to the centerline thereof;

THENCE South 18 Degrees 44 Minutes 59 Seconds West with the center line of U. S. Highway 289 a distance of 744.8 feet, more or less;

THENCE South 88 Degrees 56 Minutes 46 Seconds West across U. S. Highway 289 passing a 1/2 inch iron rod found on the West right-of-way thereof and the Southeast corner of the 22.318 acre tract and continuing along the same course, in all, a total distance of 1,072.3 feet, more or less, to the Southeast corner of the called 3.714 acre tract described in the deed from Celina Crossing Number 1, LP to Celina W. F., LLC recorded in Document Number 20160714000901390 of the Deed Records;

THENCE North 00 Degrees 55 Minutes 45 Seconds West with the East line of the said 3.714 acre tract a distance of 405.5 feet, more or less, to the Northeast corner thereof;

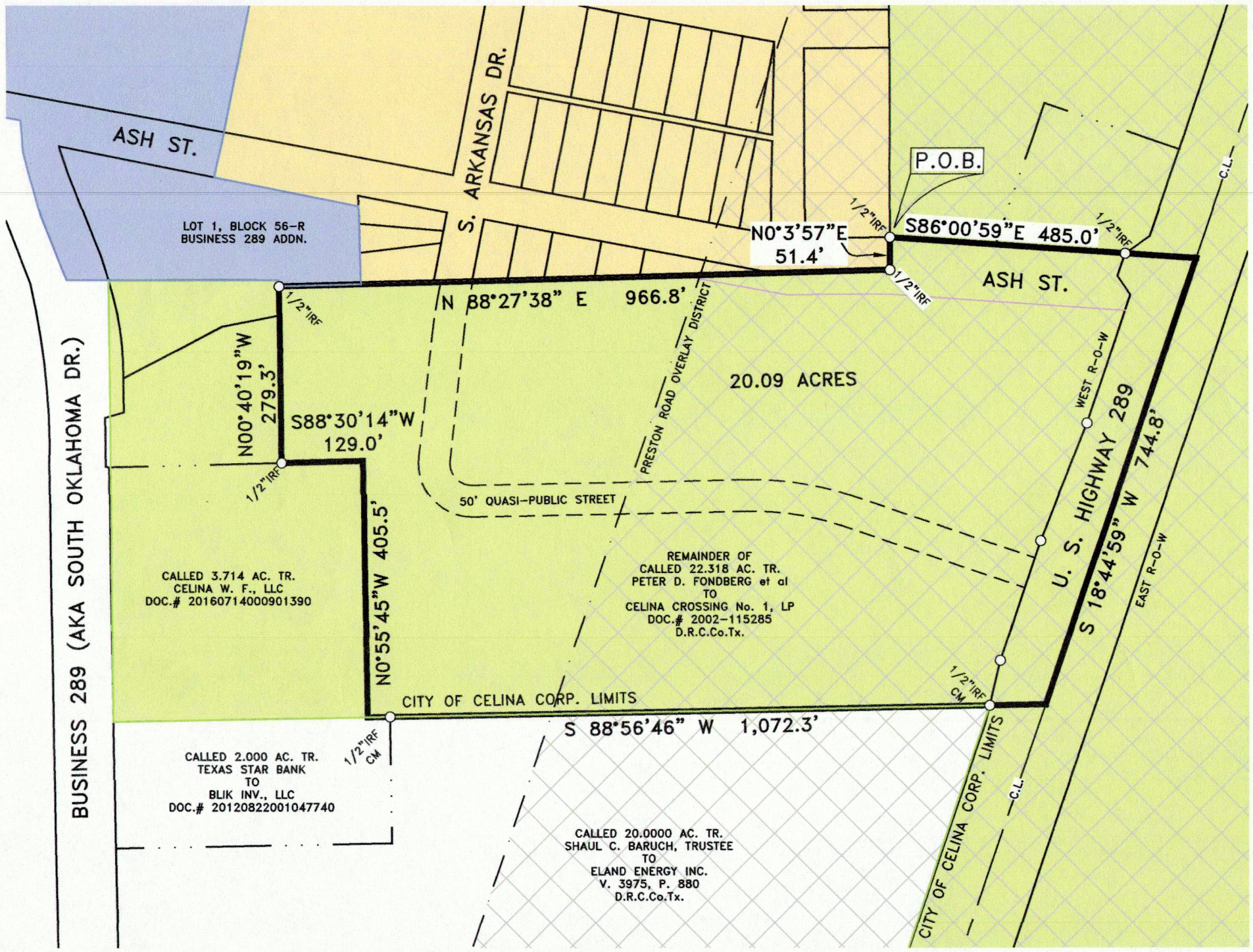
THENCE South 88 Degrees 30 Minutes 14 Seconds West with the North line of the 3.714 acre tract a distance of 129.0 feet, more or less, to a 1/2 inch iron rod found at a reentrant corner of the 22.318 acre tract;

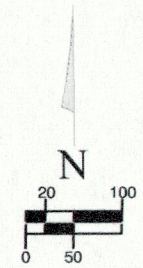
THENCE North 00 Degrees 40 Minutes 19 Seconds West with the West line of the 22.318 acre tract a distance of 279.3 feet to a 1/2 inch iron rod with a plastic cap stamped "GEER 4117" found at the Northwest corner thereof;

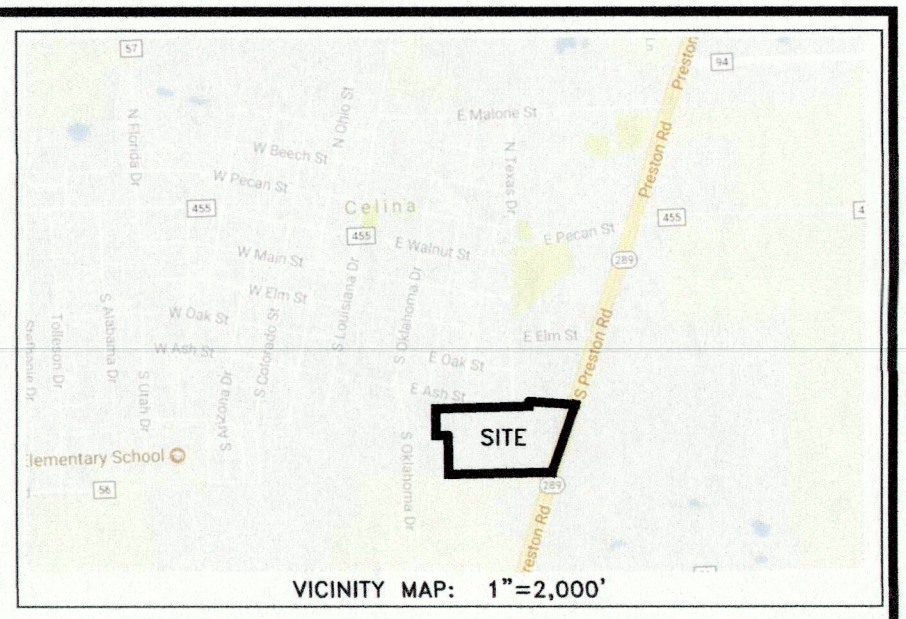
THENCE North 88 Degrees 27 Minutes 38 Seconds East with the North line of the 22.318 acre tract a distance of 966.8 feet to a 1/2 inch iron rod found at a reentrant corner thereof on the South side of Ash Street;

THENCE North 00 Degrees 03 Minutes 57 Seconds East with a West line of the 22.318 acre tract crossing Ash Street a distance of 51.4 feet to the PLACE OF BEGINNING and enclosing 20.09 acres of land, more or less.

STATE OF TEXAS
REGISTERED
WM. M. COLEMAN
4001
PROFESSIONAL
LAND SURVEYOR







VICINITY MAP: 1"=2,000'

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SURVEYOR:
COLEMAN & ASSOC. LAND SURVEYING
PO BOX 686
DENTON, TX 76202
(940) 565-8215

APPLICANT:
PARKHILL SMITH & COOPER
2600 NETWORK BLVD, SUITE 190
FRISCO, TEXAS 75034
(972) 987-1670

OWNER:
CELINA CROSSING No. 1, LP
5029 AMHURST LN.
THE COLONY, TX. 76056
(214) 243-8989

Coleman & Assoc. Land Surveying
P. O. BOX 686 · DENTON, TEXAS 76202
PH(940)565-8215,FAX (940)565-9800,
WWW.COLEMANSURVEYING.COM
REGISTRATION # 10095100

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C-1 ZONING DISTRICT (RETAIL DISTRICT)

C-2 ZONING DISTRICT (GENERAL COMMERCIAL DISTRICT)

OT-R ZONING DISTRICT (OLD TOWN RESIDENTIAL DISTRICT)

PRO ZONING DISTRICT (PRESTON ROAD OVERLAY DISTRICT)

NOTES:

1. PROPERTY IS CURRENTLY ZONED C-1 (RETAIL DISTRICT).

2. A PORTION OF THE PROPERTY IS CURRENTLY WITHIN THE PRESTON ROAD OVERLAY DISTRICT (PRO).

3. BEARINGS BASED ON TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202) ESTABLISHED BY GPS TIES TO GEODETIC CONTROL REFERENCE FRAME: NAD83 (2011) EPOCH 2010.

4. THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.

STATE OF TEXAS
REGISTERED
WM. M. COLEMAN
4001
PROFESSIONAL
LAND SURVEYOR

EXHIBIT B

CITY CASE #: _____

CELINA CROSSING

BEING

20.09 ACRES OF LAND

IN THE

COLLIN COUNTY SCHOOL LAND SURVEY

ABSTRACT NUMBER 167

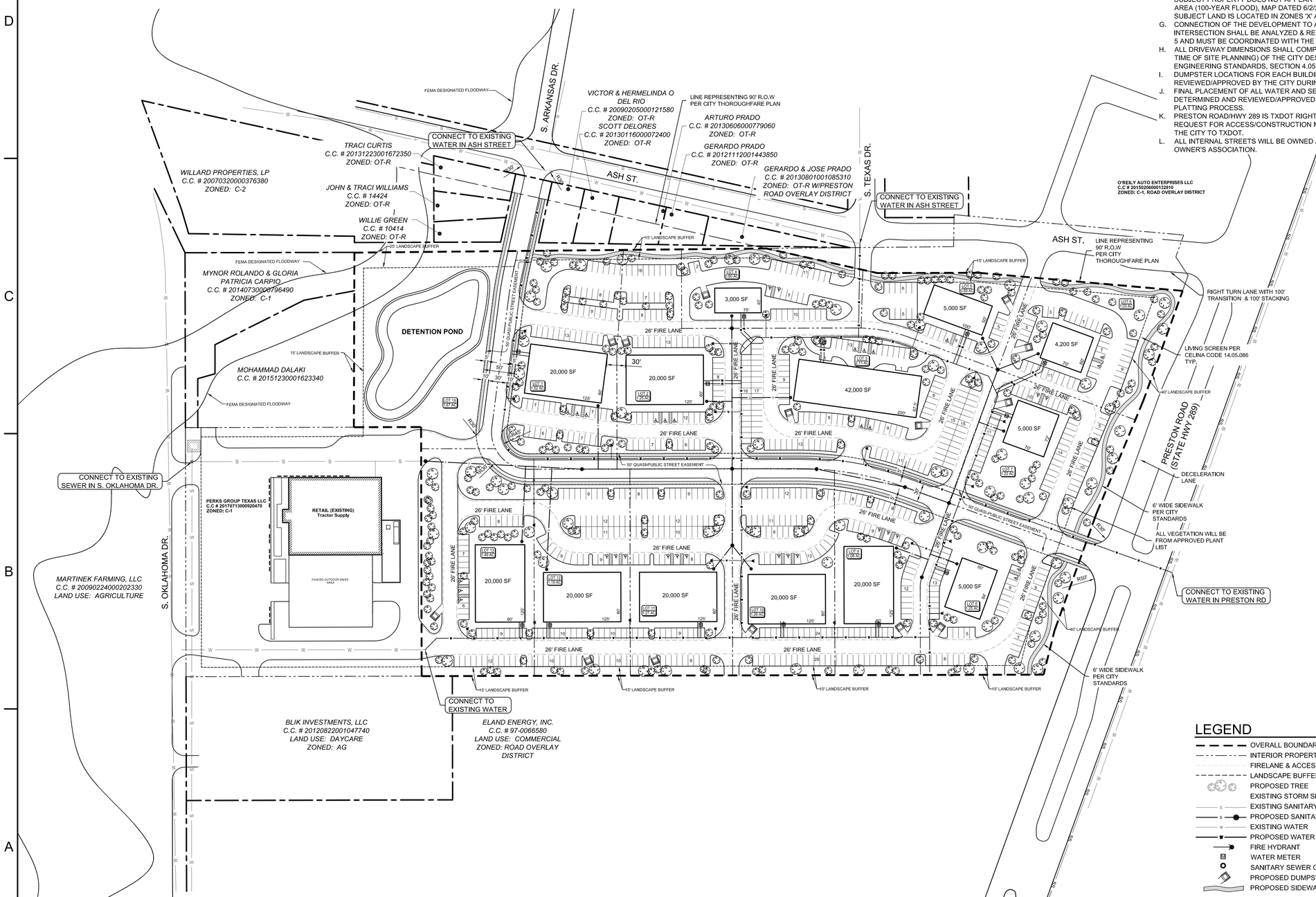
IN

CITY OF CELINA, COLLIN COUNTY, TEXAS

10-11-17

GENERAL NOTES

A. ALL FIRE LANES HAVE INTERNAL RADII NOT LESS THAN 20'.
B. ANY LOSS OF PROTECTED TREE SPECIES AS DEFINED BY SUBMITTED TREE SURVEY WILL BE MITIGATED APPROPRIATELY ON A LOT BY LOT BASIS.
C. PRIOR TO DEVELOPMENT OF ANY LOT, A DOWNSTREAM ASSESSMENT IS REQUIRED UNLESS ONSITE DETENTION IS PROVIDED. ONCE 3.5% OF THE SITE IS DEVELOPED THE DETENTION POND MUST BE CONSTRUCTED.
D. ONCE 3.5% OF THE SITE IS DEVELOPED, A LOOPED WATERLINE PRESTON RD. (SH 289) MUST BE CONSTRUCTED TO SERVE THE SITE.
E. ALL LOTS SHALL MEET THE FIRE CODE REQUIREMENT AT THE TIME OF CONSTRUCTION.
F. AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS FOR COLLIN COUNTY, THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN A SPECIAL FLOOD HAZARD AREA (100-YEAR FLOOD), MAP DATED 6/2/2009 COMMUNITY PANEL NO. 48085C0110J SUBJECT LAND IS LOCATED IN ZONES 'X' AND 'X-SHADED'.
G. CONNECTION OF THE DEVELOPMENT TO ASH STREET AT THE S. ARKANSAS DR. INTERSECTION SHALL BE ANALYZED & RECONCILED BEFORE DEVELOPMENT OF LOT 5 AND MUST BE COORDINATED WITH THE CITY AT THAT TIME.
H. ALL DRIVEWAY DIMENSIONS SHALL COMPLY WITH THE (CURRENT VERSION AT THE TIME OF SITE PLANNING) OF THE CITY DESIGN STANDARDS (CITY OF CELINA, TEXAS ENGINEERING STANDARDS, SECTION 4.05 DRIVEWAY DESIGN.)
I. DUMPSTER LOCATIONS FOR EACH BUILDING SHALL BE DETERMINED & REVIEWED/APPROVED BY THE CITY DURING THE SITE PLAN PROCESS.
J. FINAL PLACEMENT OF ALL WATER AND SEWER APPURTENANCES SHOWN SHALL BE DETERMINED AND REVIEWED/APPROVED BY THE CITY DURING THE CONSTRUCTION PLATTING PROCESS.
K. PRESTON ROAD/HWY 289 IS TXDOT RIGHT-OF-WAY WITHIN THE CITY OF CELINA. REQUEST FOR ACCESS/CONSTRUCTION MUST BE APPROVED AND SUBMITTED BY THE CITY TO TXDOT.
L. ALL INTERNAL STREETS WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION.



LEGEND

- OVERALL BOUNDARY
- INTERIOR PROPERTY LINE
- FIRELANE & ACCESS EASEMENT
- LANDSCAPE BUFFER
- PROPOSED TREE
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER WITH MANHOLE
- EXISTING WATER
- PROPOSED WATER
- FIRE HYDRANT
- WATER METER
- SANITARY SEWER CLEANOUT
- PROPOSED DUMPSTER AREA
- PROPOSED SIDEWALK

PSC PARKHILL SMITH & COOPER

THIS DOCUMENT IS RELEASED ON SEPTEMBER 27, 2017 FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF KENDRA M HANFELD, P.E., TEXAS LICENSE #118983. IT IS NOT TO BE USED FOR REGULATORY APPROVAL, CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
PARKHILL SMITH & COOPER, INC. F-560

CELINA CROSSING

OWNER CONTACT

JIM LESLIE
WOLVERINE INVESTMENTS LLC
16250 KNOLL TRAIL DRIVE, SUITE 210
DALLAS, TX 75248
T: 972-250-0903

PREPARER

KENDRA M. HANFELD, P.E.
PARKHILL, SMITH & COOPER, INC.
2600 NETWORK BLVD. SUITE 190
FRISCO, TX 75034
T: 325-696-7336

ASH ST BETWEEN OKLAHOMA DR & PRESTON RD

STATE HWY 289
CELINA, TX
75009

KEY PLAN

N

0 80' 160'
SCALE: 1" = 80'

NO	DATE	DESCRIPTION
-	08/25/2017	CITY OF CELINA GDP

ISSUING OFFICE: FRISCO PROJECT NO: 9545.17

Concept Plan Exhibit "C"

LEGAL DESCRIPTION OF LAND:
ABS A0167 COLLIN COUNTY SCHOOL, LAND #14 SURVEY, SHEET 1, TRACT 30, 18.604 ACRES, CC#115285, ZONE C-1 RETAIL DISTRICT, ROAD OVERLAY DISTRICT.

GDP

FILE NAME: X:\2017\9545.17\02_DSGN\02_DWG\050_CIVIL\GDP-9545.dwg LAYOUT NAME: GDP PRINTED: Wednesday, September 27, 2017 - 9:32am USER: JKaskie

EXHIBIT "D"

PD Regulations for Celina Crossing

Unless amended in the regulations set forth below the development shall comply with all current ordinances of the City of Celina, Texas as they exist at the time of development.

Quasi-Public Street definition:

Quasi-public streets are privately owned and maintained drives open to public access. Lots may derive required street frontage from quasi-public streets and may be platted to the centerline of quasi-public streets. A quasi-public street easement shall be dedicated for all quasi-public streets, and a fire lane shall be located within all quasi-public street easements. Sidewalks shall be provided along quasi-public streets and shall be located within the quasi-public street easement. Quasi-public streets are to be owned and maintained by a property owners association.

Quasi-Public Street standards:

Width: 50 feet

Pavement width: 30 feet

Sidewalk width: 5 feet

Parkway: 5 feet

Fire lane easement: 26 feet

Preston Road Overlay:

This tract, in its entirety, shall comply with the Preston Road Overlay District as found in section 14.03.009 of the Celina Code of Ordinances.

Development regulations at development

Unless amended by this PD ordinance, this development shall comply with the Celina Code of Ordinances at the time that it is developed.