

CITY OF CELINA, TEXAS

ORDINANCE 2019-11

COIT BUSINESS PARK – PD-96

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 10 ACRE TRACT OF LAND SITUATED IN THE MCKINZIE WILHITE SURVEY, ABSTRACT NUMBER 1008, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED APPROXIMATELY 1,200 FEET NORTH OF THE INTERSECTION OF FUTURE COIT ROAD AND COUNTY ROAD 84, 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 NO. 95; 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" Planned Development District No. 95 on a certain tract of land described in in Exhibit "A" and depicted in Exhibit "B."

SECTION 4
ZONING DESIGNATION AND DEVELOPMENT STANDARDS

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-95, and incorporates the concept plan attached hereto as Exhibit "C" and the development standards attached hereto as Exhibit "D."

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 February, 2019.



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

WHEREAS, CROSSMAR TEXAS INVESTMENTS 1 LLC, is the sole owner of a tract of land situated in the McKinzie Wilhite Survey, Abstract Number 1008 in Collin County, Texas, being a tract of land described in a deed from Tambros Land Company, LLC to Crossmar Texas Investments 1, LLC as recorded in Instrument Number 20170512000612000, Official Public Records of Collin County, Texas; the subject tract being more particularly described as follows:

BEGINNING at a mag nail found in the centerline of County Road 86, being the Southeast corner of the herein described tract, and the Northeast corner of a tract of land described in a deed to William & Kathy Wood as recorded in Instrument Number 20071029001470070, Official Public Records of Collin County, Texas;

THENCE South 89 degrees 09 minutes 02 seconds West with the Northern boundary line of said Wood tract, a distance of 508.77 feet to a 1/2" capped iron rod stamped "Metroplex" found for the Southwest corner of the herein described tract, said point also being the Southeast corner of a separate tract of land conveyed to William & Kathy Wood as recorded in Instrument Number 20080310000279150, Official Public Records of Collin County, Texas;

THENCE North 60 degrees 43 minutes 31 seconds West with the East boundary line of said Wood tract, a distance of 924.33 feet to a 1/2" iron rod found for the Northwest corner of the herein described tract, said point also being the Northeast corner of said Wood tract and lies in the Southern boundary line of a tract of land described in a deed to Westgate 115 Investors, L.P. as recorded in Instrument Number 20130621000869270, Official Public Records of Collin County, Texas;

THENCE North 88 degrees 12 minutes 18 seconds East with the Southern boundary line of said Westgate tract, a distance of 1309.22 feet to a mag nail found near the centerline of said County Road for the Northeast corner of the herein described tract, and being the Southeast corner of said Westgate tract;

THENCE South 00 degrees 45 minutes 21 seconds East with the centerline of said County Road, a distance of 485.51 feet to the POINT OF BEGINNING and there terminating, enclosing 10.00 acres of land, more or less.

Exhibit D Development Regulations

The base zoning for the subject property shall be Light Industrial (I-1) and shall generally develop per the attached Concept Plan, in addition to the following special ordinance provisions:

1. The purpose of this PD is to provide zoning for a project generally built in 2018 and completed in 2019. The integrity of the project is desired to be maintained per the original, pre-annexed vision to allow for a broad use of its land and buildings, including contemplated future expansions, with design standards that reflect its pre-annexed beginnings.
2. Additional allowed land uses include light manufacturing, winery/distillery, contractor yard, recycling center, and outdoor storage/open storage.
3. The subject property shall maintain a front yard setback, or landscape buffer, of 40' along the ultimate right-of-way width of Coit Road. Other yard setbacks do not apply.
4. Perimeter screening is not required of the subject property. Allowed on-site fencing includes chain link, but not razor wire nor other injurious material.
5. Allowed open or outdoor storage may have a gravel/flex base surface. Area limitations do not apply to open storage; however, no open/outdoor storage shall be allowed between the front building line of the eastern-most buildings and Coit Road (or generally within the front yard setback).
6. Parking shall be provided per the attached concept plan.
7. Metal buildings are allowed on the subject property. Any future buildings shall provide a 4' masonry wainscot on its front façade facing Coit Road, but may still be metal otherwise on other facades.
8. Landscaping requirements shall be limited to the planting of live oaks along Coit Road, generally every 40 feet, within a minimum 30' wide landscape buffer adjacent to the ultimate ROW line, at time of any future expansion. No other landscaping shall be required.
9. Any future lighting (wall packs; light poles) shall provide proper shielding (i.e. full cut-offs).