

CITY OF CELINA, TEXAS
ORDINANCE 2018-10
NAJARI/MOORE ZONING PD-85

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 2.112 ACRE TRACT OF LAND SITUATED IN THE L LEWIS SURVEY, ABSTRACT NO. 532, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED EAST OF PRESTON ROAD AND SOUTH OF OWNSBY PARKWAY, 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. 85; 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. 70 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 an addition to "PD" Planned Development District No. 85 and incorporates the development standards already adopted for that PD, attached as "Exhibit C."

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 13th day of March, 2018.



Sean Terry, Mayor
City of Celina, Texas

ATTEST:


Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]



APPROVED AS TO FORM:

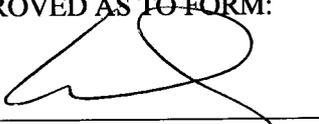

City Attorney
City of Celina, Texas

Exhibit A
Legal Description
Najari/Moore - PD-85 Addition

DESCRIPTION OF PROPERTY

DESCRIPTION, of a 2.112 acre tract of land situated in the L. Lewis Survey, Abstract No. 532, Collin County, Texas; said tract being part of that certain tract of land described in Warranty Deed to Jack Moore Et Al recorded in Volume 332, Page 345 of the Deed Records of Collin County, Texas; said 2.112 acre tract being more particularly described as follows:

COMMENCING, at a point at the intersection of the centerline of Preston Road and the centerline of County Road No. 83; said point also being the southwest corner of that certain tract of land described in Right Of Way Warranty Deed to City of Celina recorded in County Clerk's File No. 20170227000254710 of the said Deed Records;

THENCE, North 89 degrees, 21 minutes, 41 seconds East, along the centerline of said County Road No. 83 and the south line of said City of Celina tract, a distance of 428.87 feet to a "PK" nail set at POINT OF BEGINNING; said point also being the northeast corner of that certain tract of land described in General Warranty Deed to Emerald Center, LLC recorded in County Clerk's File No. 20170926001287880 of the said Deed Records;

THENCE, North 89 degrees 21 minutes 41 seconds East, continuing along the centerline of said County Road No. 83 and the south line of said City of Celina tract, a distance of 81.20 feet to a point for corner;

THENCE, South 00 degrees, 08 minutes, 35 seconds East, departing the centerline of said County Road No. 83 and the south line of said City of Celina tract, a distance of 837.66 feet to a 1/2-inch iron rod with "Westwood PS" cap set for corner; said point also being the northeast corner of that certain tract of land described in General Warranty Deed to Celina Plaza, LLC recorded in County Clerk's File No. 20170926001287970 of the said Deed Records;

THENCE, South 89 degrees, 27 minutes, 52 seconds West, along the north line of said Celina Plaza tract, a distance of 125.46 feet to a point for corner; said point also being the most southerly southeast corner of said Emerald Center tract;

THENCE, in a northerly direction, departing the said north line of Celina Plaza tract and along the east line of said Emerald Center tract, the following three (3) calls:

North 00 degrees, 32 minutes, 08 seconds West, a distance of 527.40 feet to a 1/2-inch iron rod with "Westwood PS" cap set for corner;

North 89 degrees, 21 minutes, 41 seconds East, a distance of 50.00 feet to a 1/2-inch iron rod with "Westwood PS" cap set for corner;

North 00 degrees, 32 minutes, 08 seconds West, a distance of 310.00 feet to the POINT OF BEGINNING;

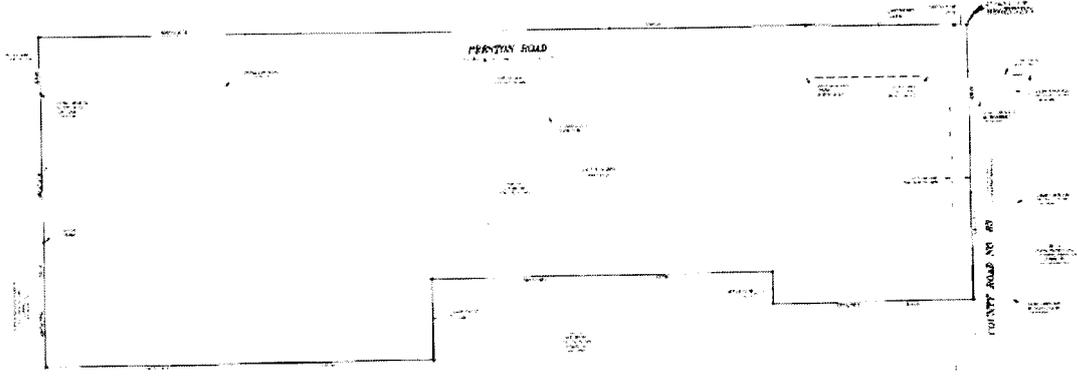
CONTAINING, 91,980 square feet or 2.112 acres of land, more or less.

R. Groysman
12/26/17



**Exhibit B
Zoning Exhibit
Najari/Moore - PD-85 Addition**

Original Zoning (approved on 9/12/17)



Proposed Zoning Area

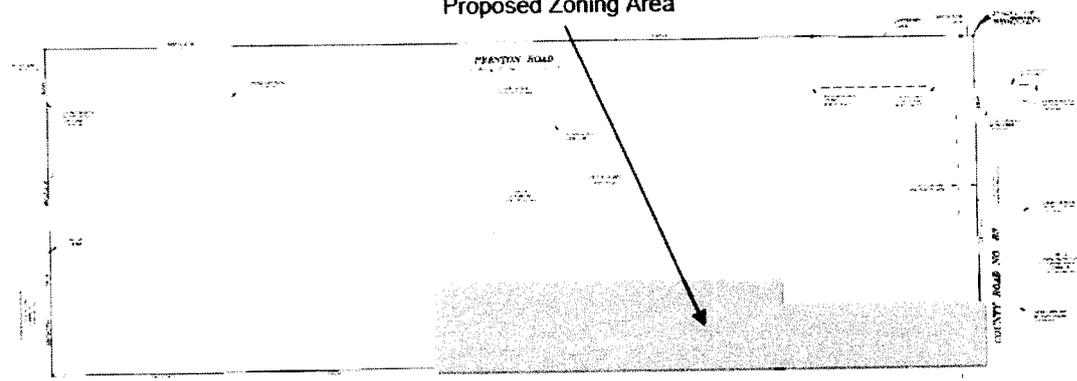


EXHIBIT C
Najari PD-85
Planned Development Regulations

- (a) General purpose and description. This district is established to provide areas for retail sales and professional offices which are not part of an overall larger development. These retail and office buildings will be freestanding buildings, fully contained on a single lot or tract of land. The retail and office district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.
- (b) This Planned Development shall adhere to the R-O, Retail Office Zoning regulations as they exist or may be amended except for as follows:
 - a. Area regulations.
 - i. Size of lots. Maximum lot size. There shall be no maximum lot size.

(c) Permitted (P) or conditional (C) uses:

Armed services recruiting center	P
General retail store	P
Artist studio	P
Kiosk (providing a service), only with main use	P
Auto laundry or carwash	P
Laundry/dry cleaning (drop off/pick up)	P
Auto supply store for new & rebuilt parts	P
Motorcycle sales and repair	C
Bakery or confectionery (retail)	P
Nursing/convalescent home	C
Bank/credit unions	P
Offices (professional and general business)	P
Child day care (business)	C
Parking lot structure, commercial (auto)	P
Church/place of worship	P
Personal services shop	P
Concrete or asphalt batching plant (temporary)	C
Pet and animal grooming shop	P
Convenience store (with beer and wine sales)	P
Recycling kiosk	P
Convenience store (with or without gas sales)	P
Restaurant (with drive-through service)	P

Farmers market (public)	C
Restaurant (with no drive-through service)	P
Food or grocery store	P
Retirement home/home for the aged	P
Theater or playhouse (indoor)	P
Funeral home (no crematorium)	C
Veterinarian (indoor kennels)	P
Garden shop (inside storage)	P