CITY OF CELINA, TEXAS

ORDINANCE 2018-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING ORDINANCE NO 2014-32, BY AMENDING THE CONCEPT PLAN AND DEVELOPMENT REGULATIONS CONTAINED IN PD#46 THE LAND BEING APPROXIMATELY 368.346 ACRES SITUATED IN THE WILLIAM DAVENPORT SURVEY, ABSTRACT NUMBER 262, THE F.D. GRAY SURVEY, ABSTRACT NUMBER 361, COLLIN COUNTY, TEXAS, THE JOHN MCKIM SURVEY, ABSTRACT NUMBER 889 THE WM. PHILLIPS SURVEY, ABSTRACT 1029, AND THE ANTHONY THOMASSON SURVEY, ABSTRACT 1265, DENTON COUNTY, TEXAS., AND MORE FULLY DESCRIBED IN EXHIBIT "A" AND SHOWN GRAPHICALLY IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN; THE REVISED CONCEPT PLAN SET FORTH IN EXHIBIT "C" WHCH IS ATTACHED HERE TO AND INCORPORATED HEREIN; AND THE REVISED DEVELOPMENT REGULATIONS SET FORTH IN EXHIBIT D WHICH IS ATTACHED HERE TO AND INCORPORATED HERE IN; 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 County, 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 revised concept plan and revised 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 tracts comprising the property have been depicted in detail in Exhibit "B" attached hereto; and incorporated herein; and

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 Celina by Choice, 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 revised concept plan and revised development regulations 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 CONCEPT PLAN AND DEVELOPMENT REGULATIONS

3.01 That the Concept Plan for "PD" Planned Development District, #46 is hereby amended as contained in Exhibit "C"

3.02 That the Development Regulations for Planned Development District #46 are hereby amended as contained in Exhibit "D"

SECTION 4
ZONING DESIGNATION AND DEVELOPMENT STANDARDS

4.01 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
COMPLIANCE REQUIRED

That the property described in Exhibit "A" and depicted on Exhibit "B" 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 6
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 7
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 8
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 9
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 10
PUBLICATION CLAUSE

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaperof the City of Celina the Caption and Effective Date of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 11
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 12
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage and publication as required by.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 10 day of July, 2018.

Chad Anderson, Mayor Pro tempore
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"
DESCRIPTION OF
314.052 ACRES OF LAND
TRACT 1

BEING a tract of land situated in the Wm. Davenport Survey, Abstract Number 262 and the F.D. Gray Survey, Abstract Number 361, Collin County, Texas and the J. McKinn Survey, Abstract Number 889, the Wm. Phillips Survey, Abstract Number 1029 and the A. Thomasson Survey, Abstract Number 1265, Denton County, Texas, being all of Creeks of Legacy, Phase 1A recorded in Instrument Number 20160310010000990, Phase 1B recorded in Instrument Number 2015112001004290, Phase 1C recorded in Instrument Number 20160304010000960, Phase 2C recorded in Instrument Number 20171016010004850, and the Model Park recorded in Instrument Number 20151125010004320, being a portion of Phase 2B recorded in Instrument Number 20170801010003670, being all of Clear Creek Parkway, Doe Branch Boulevard and a portion of Frontier Parkway recorded in Instrument Number 20161213010005260, all of Official Public Records, Collin County, Texas, being a portion of that (remainder) tract of land described by deed to CTMGT Frontier 80, LLC., recorded in Instrument Number 20140624000644620, said Official Public Records, being all of that tract of land described by deed to Creeks of Legacy, West, LLC., recorded in Instrument Number 2017-89907, Deed Records, Denton County, Texas, and being all of that tract of land described by deed to Creeks of Legacy, Stonegate, LLC., recorded in Instrument Number 2017-89840, said Deed Records, being all of those certain tracts of land described by deed to the City of Celina recorded in Instrument Numbers 20140708000701570 (1.198 acres) and 20140708000701510 (1.437 acres and 1.477 acres), said Official Public Records and Instrument Numbers 2014-65868 (1.254 acres and 1.217 acres) and 2008-9821 (1.358 acres), said Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of said Phase 1A, being the northwest corner of that tract of land described by deed to 117 Farm on Tollway, LTD., recorded in Instrument Number 2005-0088512, said Official Public Records and being in the south line of that tract of land described by deed to David Baxter recorded in Volume 2160, Page 194, said Official Public Records;

THENCE with the east lines of said Phase 1A, Phase 1B and Phase 2B the following bearings and distances:

S 00°06'38"E, 2764.19 feet;

S 85°36'04"E, 30.36 feet;

S 00°25'31"E, 76.50 feet, with said east line to the northeast of that tract of land described by deed to Frontier Tollway Partners, L.P., recorded in Instrument Number 20170801010003670, said Official Public Records;

THENCE departing said west line with the north line of said Frontier Tollway Partners tract the following bearings and distances:

S 81°14'02"W, 241.16 feet;

S 69°06'28"W, 145.37 feet;

S 89°12'35"W, 374.73 feet;

N 81°39'03"W, 210.01 feet;

S 64°21'31"W, 94.87 feet, to the northeast corner of said Frontier Tollway Partners tract;

THENCE S 26°09'35"E, 131.05 feet, with the west line of said Frontier Tollway Partners tract;

THENCE S 85°40'46"W, 91.34 feet, continuing with said west line;

THENCE S 00°25'56"E, continuing with said west line at 55.68 feet the south line of said Frontier Tollway Partners tract and the north right-of-way line of Frontier Parkway (a variable width right-of-way), in all 115.68 feet to the approximate centerline of said Frontier Parkway;

THENCE S 89°34'04"W, 500.07 feet, with said approximate centerline;

THENCE S 89°18'16"W, 848.97 feet, with said approximate centerline to the southeast corner of that (remainder) tract of land described by deed to CADG Frontier 192, LLC., recorded in Instrument Number 20130903001267570, said Official Public Records;

THENCE departing said approximate centerline with the east line of said CADG Frontier 192 tract the following courses and distances:

N 01°02'21"W, 98.76 feet, to the beginning of a non-tangent curve to the right;

With said non-tangent curve to the right, an arc distance of 317.50 feet, through a central angle of 19°36'49", having a radius of 927.50 feet, the long chord which bears N 05°39'07"E, 315.95 feet;

N 12°50'12"E, 147.31 feet, to the beginning of a curve to the left;

With said curve to the left, at an arc distance of 810.29 feet the northeast corner of said remainder, being in the east line of aforementioned CTMGT Frontier 80 tract (remainder), continuing over and across said CTMGT Frontier 80 tract, in all an arc distance of 1711.39 feet, through a central angle of 115°50'12", having a radius of 846.50 feet, the long chord which bears N 44°20'28"W, 1434.46 feet;

THENCE S 74°15'00"W, 179.56 feet, to the beginning of a curve to the right;

THENCE with said curve to the right, an arc distance of 131.01 feet, through a central angle of 10°29'28", having a radius of 715.50 feet, the long chord which bears S 80°48'51"W, 130.83 feet;

THENCE N 89°39'26"W, 37.42 feet, to the west line of said CTMGT Frontier 80 tract, being the east line of aforementioned City of Celina tract (1.477 acres);

THENCE S 00°30'48"W, 37.50 feet, with said common line to the southwest corner of said CTMGT Frontier 80 tract, being the southeast corner of said City of Celina tract (1.477 acres) and being in the north line of that tract of land described by deed to Celina Investment Partners, LTD., recorded in Volume 5916, Page 862, said Official Public Records;

THENCE N 89°39'20"W, 60.00 feet, with the south line of said City of Celina tract (1.477 acres) and the north line of said Celina Investment Partners tract to the southwest corner of said City of Celina tract (1.477 acres), being the north west corner of said Celina Investment Partners tract Nd being in the east line of that tract of land described by deed to 28 Frontier Partners, LLC., recorded in Instrument Number 2017-61624, said Deed Records, the approximate centerline of Legacy Drive (a variable width right-of-way);

THENCE N 00°30'48"E, 131.77 feet, departing said common line with said east line and the west line of said City of Celina tract (1.477 acres) to the northeast corner of said 28 Frontier Partners tract and being the southeast corner of aforementioned City of Celina tract (1.254 acres);

THENCE S 89°28'55"W, departing said west line with the south line of said City of Celina tract (1.254 acres) and the north line of said 28 Frontier Partners tract, at 60 feet the southwest corner of said City of Celina tract (1.254 acres), being the an easterly corner of aforementioned Creeks of Legacy, Stonegate tract, in all 227.18 feet to the beginning of a curve to the left;

THENCE with the east line of said Stonegate tract and the north and west lines of said 28 Frontier Partners tract the following courses and distances:

> With said curve to the left, an arc distance of 167.94 feet, through a central angle of 40°56'46", having a radius of 235.00 feet, the long chord which bears S 69°00'32"W, 164.39 feet;
>
> S 48°32'09"W, 159.09 feet, to the beginning of a curve to the right;
>
> With said curve to the right, an arc distance of 194.09 feet, through a central angle of 19°40'57", having a radius of 565.00 feet, the long chord which bears S 58°22'38"W, 193.14 feet to the beginning of a reverse curve to the left;
>
> With said reverse curve to the left, an arc distance of 119.79 feet, through a central angle of 34°19'00", having a radius of 200.00 feet, the long chord which bears S 51°03'36"W, 118.01 feet;
>
> S 33°54'06"W, 214.10 feet, to the beginning of a curve to the left;

With said curve to the left, an arc distance of 81.66 feet, through a central angle of 33°25'18", having a radius of 140.00 feet, the long chord which bears S 17°11'27"W, 80.51 feet;

S 00°28'48"W, at 965.97 feet the southeast corner of said Stonegate tract, being the northeast corner of aforementioned City of Celina tract (1.358 acres), in all 1035.98 feet to the southeast corner of said City of Celina tract (1.358 acres), approximate centerline of Frontier Parkway;

THENCE S 89°28'22"W, 845.26 feet, with the south line of said City of Celina tract (1.358 acres) and approximate centerline to the southwest corner of said City of Celina tract (1.358 acres) and being an ell corner of that tract of land describe by deed to Merritt/Thornton Farm Partnership, L.P., recorded in Instrument Number 99-096579, said Deed Records;

THENCE N 00°29'27"E, departing said common line with the west line of said City of Celina tract (1.358 acres) and the east line of said Merritt/Thornton Farm Partnership tract, at 70.01 feet the northwest corner of said City of Celina tract (1.358 acres) and the southwest corner of said Stonegate tract, continuing with the west line of said Stonegate tract at 939.87 feet the most westerly northwest corner of said Stonegate tract, being the southwest corner of aforementioned Creeks of Legacy, West tract, in all 2534.64 feet;

THENCE N 00°29'21"E, 882.00 feet, continuing with the west line of said West tract and the east line of said Merritt/Thornton Farm Partnership tract to the northwest corner of said West tract and the northeast corner of said Merritt/Thornton Farm Partnership tract, being in the south line of that tract of land described by deed to Roys & Randy Allen, Trustees of the RG Allen Revocable Trust recorded in Instrument Number 2015-46639, said Deed Records;

THENCE N 89°24'21"E, with the north line of said West tract and the south line of said Roys & Randy Allen tract and then that tract of land described by deed to Sangani Properties II, L.P., recorded in Instrument Number 2007-65515, said Deed Records, at 1680.03 feet the northeast corner of said West tract, being the northwest corner of aforementioned City of Celina tract (1.217 acres), in all 1740.02 feet to the northeast corner of said City of Celina tract (1.217 acres), being the southeast corner of said Sangani Properties tract and being in the west line of that tract of land described by deed to IDGAF Investment, Inc., recorded in Instrument Number 20141014001119940, said Official Public Records;

THENCE S 00°30'15"W, 855.07 feet, with the east line of said City of Celina tract (1.217 acres) and the west line of said IDGAF Investment tract and the west line of that tract of land described by deed to Carl P. Parrish recorded in Volume 5335, Page 7579, said Official Public Records to the southwest corner of said Carl P. Parrish tract and the northwest corner of aforementioned City of Celina tract (1.477 acres);

THENCE N 89°09'02"E, with the south line of said Carl P. Parrish tract and the north line of said City of Celina tract (1.477 acres), at 60 feet the northeast corner of said City of Celina tract (1.477 acres), being the northwest corner of aforementioned CTMGT Frontier 80 tract, in all

752.08 feet to the southeast corner of said Carl P. Parrish tract and the southwest corner of Parcel 1, aforementioned Phase 1A;

THENCE N 00°16'45"W, 600.61 feet, with the west line of said Parcel 1, Phase 1A and the east line of said Carl P. Parrish tract to the northwest corner of said Parcel 1, Phase 1A, being the northeast corner of said Carl P. Parrish tract and being in the south line of aforementioned IDGAF Investment tract;

THENCE N 88°13'57"E, 1062.60 feet, with the north line of said Parcel 1, Phase 1 and the south line of said IDGAF Investment tract;

THENCE S 89°51'14"E, with the north line of Parcel 1, Phase, at 69.67 feet the northeast corner of Parcel 1, Phase 1, being the northwest terminus of Doe Branch Boulevard (a variable width right-of-way), at 159.69 feet the northeast terminus of said Doe Branch Boulevard, being the northwest corner of Parcel 2, aforementioned Phase 1A, in all 348.31 feet;

THENCE N 89°27'22"E, 753.95 feet, continuing with the north line of said Parcel 2, Phase 1A;

THENCE N 89°45'31"E, 804.65 feet, continuing with said north line to the **Point of Beginning** and containing 13,680,102 square feet or 314.052 acres of land more or less.

EXHIBIT "A"
DESCRIPTION OF
47.754 ACRES OF LAND
TRACT 2

BEING a tract of land situated in the Wm. Davenport Survey, Abstract Number 262, City of Celina, Collin County, Texas, being all of that tract of land described by deed to Celina Investment Partners, LTD., recorded in Volume 5916, Page 862, Official Public Records, Collin County, Texas, being all of that (remainder) tract of land described by deed to CADG Frontier 192, LLC., recorded in Instrument Number 20130903001267570, said Official Public Records and being a portion of that (remainder) tract of land described by deed to CTMGT Frontier 80, LLC., recorded in Instrument Number 20140624000644620, said Official public Records and being more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of said Celina Investment Partners tract, being the northwest corner of that tract of land described by deed to Legacy Frontier, LLC., recorded in Instrument Number 20150203000121210, said Official Public Records and being at the approximate centerline intersection of Frontier Parkway (a variable width right-of-way) and Legacy Drive (a variable width right-of-way);

THENCE N 00°30'48"E, 1492.66 feet, with the west line of said Celina Investment Partners tract and the approximate centerline of said Legacy Drive to the northwest corner of said Celina Investment Partners tract, being the southwest corner of that (1.477 acre) tract of land described by deed to the City of Celina recorded in Instrument Number 2014070800701510, said Official Public Records;

THENCE S 89°39'20"E, 60.00 feet, departing said common line with the north line of said Celina Investment Partners tract and the south line of said City of Celina tract (1.477 acres) to the southeast corner of said City of Celina tract (1.477 acres), being the southwest corner of said CTMGT Frontier 80 tract;

THENCE N 00°30'48"E, 37.50 feet, departing said common line with the west line of said CTMGT Frontier 80 tract and the east line of said City of Celina tract (1.477 acres);

THENCE departing said common line over and across said CTMGT Frontier 80 tract the following courses and distances:

S 89°39'26"E, 37.42 feet, to the beginning of a curve to the left;

With said curve to the left, an arc distance of 131.01 feet, through a central angle of 10°29'28", having a radius of 715.50 feet, the long chord which bears N 80°48'51"E, 130.83 feet;

N 74°15'00"E, 179.56 feet, to the beginning of a curve to the right;

With said curve to the right, at an arc distance of an arc distance of 901.10 feet the east line of said CTMGT Frontier 80 tract, being the northeast corner of aforementioned CADG Frontier 192 tract and the most westerly corner of Creeks of Legacy, Phase 2C, an addition to the City of Celina recorded in Instrument Number 20171016010004850, said Official Public Records, continuing with the east line of said CADG Frontier 192 tract and the west line of said Phase 2C, in all 1711.39 feet, through a central angle of 115°50'12", having a radius of 846.50 feet, the long chord which bears S 44°20'28"E, 1434.46 feet;

THENCE S 12°50'12"W, 147.31 feet, continuing with said common line to the beginning of a non-tangent curve to the left;

THENCE continuing with said common line and non-tangent curve to the left, an arc distance of 317.50 feet, through a central angle of 19°36'49", having a radius of 927.50 feet, the long chord which bears S 05°39'07"W, 315.95 feet;

THENCE S 01°02'21"E, continuing with said common line at 38.76 feet the southwest corner of said Phase 2C, being the northwest corner of that (1.198 acre) tract of land described by deed to the City of Celina recorded in Instrument Number 20140708000701570, said Official Public Records, in all 98.76 feet to the southeast corner of said CADG Frontier 192 tract and the southwest corner of said City of Celina tract (1.198 acres), being in the north line of aforementioned Legacy Frontier tract, the approximate centerline of aforementioned Frontier Parkway;

THENCE S 89°18'16"W, with the north line of said Legacy Frontier tract and the south line of said CADG Frontier 192 tract, at 37.50 feet the southwest corner of said CADG Frontier 192 tract, being the southeast corner of aforementioned Celina Investment Partners tract, continuing with the south line of said Celina Investment Partners tract, in all 1353.73 feet, to the **Point of Beginning** and containing 2,080,171 square feet or 47.754 acres of land more or less.

EXHIBIT "A"
DESCRIPTION OF
6.540 ACRES OF LAND
TRACT 3

BEING a tract of land situated in the F.D. Gray Survey, Abstract Number 361, City of Celina, Collin County, Texas, being all of that tract of land described by deed to Frontier Tollway Partners, L.P., recorded in Instrument Number 20170801010003670, Official Public Records, Collin County, Texas and being a portion of Frontier Parkway (a variable width right-of-way) as shown on plat recorded in Instrument Number 20161213010005260, said Official public Records and being more particularly described by metes and bounds as follows;

BEGINNING at the southeast terminus of said Frontier Parkway, being in the north line of that tract of land described by deed to BGY Prosper 221, LLC., recorded in Instrument Number 20171121001544530, said Official Public Records and being the approximate centerline of said Frontier Parkway;

THENCE S 89°34'04"W, 1077.11 feet, with the south line of said Frontier Parkway and the north line of said BGY Prosper 221 tract;

THENCE N 00°25'56"W, departing said common line, at 60.00 feet the north right-of-way line of said Frontier Parkway, being the southwest corner of said Frontier Tollway Partners tract and a southerly corner of Lot 51X, Block A, Creeks of Legacy Phase 2B, an addition to the City of Celina recorded in Instrument Number 20170801010003670, in all 115.68 feet;

THENCE with the west and north lines of said Frontier Tollway Partners tract and the east and south lines of said Lot 51X, Block A the following bearings and distances:

N 85°40'46"E, 91.34 feet;

N 26°09'35"W, 131.05 feet;

N 64°21'31"E, 94.87 feet;

S 81°39'03"E, 210.01 feet;

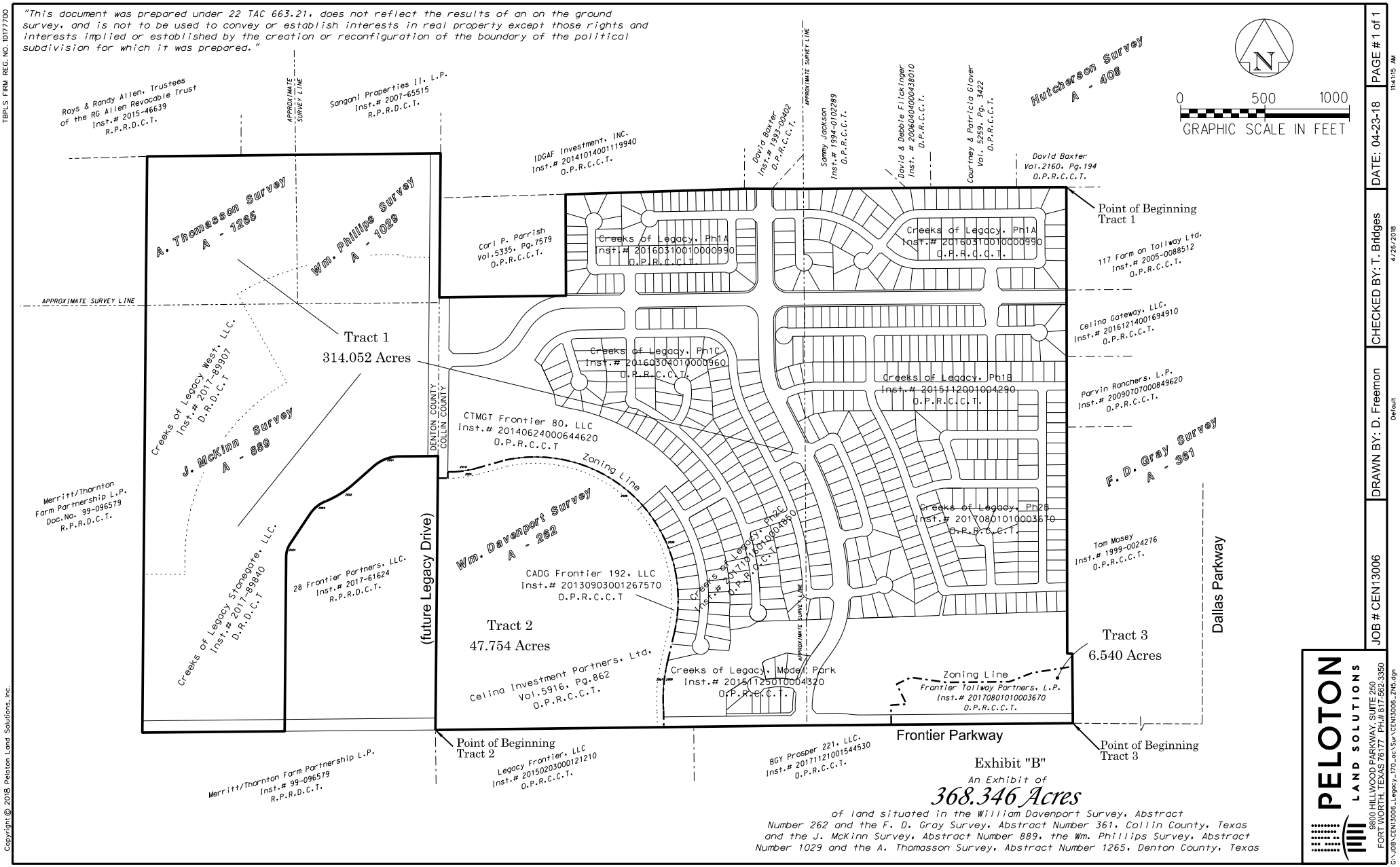
N 89°12'35"E, 374.73 feet;

N 69°06'28"E, 145.37 feet;

N 81°14'02"E, 241.16 feet, to the northeast corner of said Frontier Tollway Partners tract, being the most easterly southeast corner of said Lot 51X, Block A;

THENCE S 00°25'31"E, departing said common line with the east line of said Frontier Tollway Partners tract, at 276.39 feet the southeast corner of said Frontier Tollway Partners tract and the north right-of-way line of aforementioned Frontier Parkway, in all 336.39 feet to the **Point of Beginning** and containing 284,875 square feet or 6.540 acres of land more or less.

EXHIBIT "B"


"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."
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GRAPHIC SCALE IN FEET
Roys & Randy Allen, Trustees of the RG Allen Revocable Trust Inst.# 2015-46639 R.P.R.D.C.T.
APPROXIMATE SURVEY LINE
Sangani Properties II, L.P. Inst.# 2007-65515 R.P.R.D.C.T.
IDGAF Investment, INC. Inst.# 20141014001119940 O.P.R.C.C.T.
David Baxter Inst.# 1993-00402 O.P.R.C.C.T.
Sammy Jackson Inst.# 1994-0102289 O.P.R.C.C.T.
David & Debbie Flickinger Inst. # 20060404000438010 O.P.R.C.C.T.
Courtney & Patricia Glover Vol. 5259, Pg. 3422 O.P.R.C.C.T.
Hutcherson Survey A - 406
David Baxter Vol.2160, Pg.194 O.P.R.C.C.T.
Point of Beginning Tract 1
A. Thomasson Survey A - 1265
Wm. Phillips Survey A - 1029
Carl P. Parrish Vol.5335, Pg.7579 O.P.R.C.C.T.
Creeks of Legacy, Ph1A Inst.# 20160310010000990 O.P.R.C.C.T.
Creeks of Legacy, Ph1A Inst.# 20160310010000990 O.P.R.C.C.T.
117 Farm on Tollway Ltd. Inst.# 2005-0088512 O.P.R.C.C.T.
APPROXIMATE SURVEY LINE
Celina Gateway, LLC. Inst.# 20161214001694910 O.P.R.C.C.T.
Tract 1
314.052 Acres
Creeks of Legacy, Ph1C Inst.# 20160304010000960 O.P.R.C.C.T.
Creeks of Legacy, Ph1B Inst.# 2015112001004290 O.P.R.C.C.T.
Parvin Ranchers, L.P. Inst.# 20090707000849620 O.P.R.C.C.T.
Creeks of Legacy West, LLC. Inst.# 2017-89907 D.R.D.C.T
J. McKinn Survey A - 889
DENTON COUNTY
COLLIN COUNTY
CTMGT Frontier 80, LLC Inst.# 20140624000644620 O.P.R.C.C.T
Zoning Line
F. D. Gray Survey A - 361
Merritt/Thornton Farm Partnership L.P. Doc.No. 99-096579 R.P.R.D.C.T.
Creeks of Legacy, Ph2B Inst.# 20170801010003670 O.P.R.C.C.T.
Creeks of Legacy, Ph2C Inst.# 20171201010004890 O.P.R.C.C.T.
Tom Mosey Inst.# 1999-0024276 O.P.R.C.C.T.
Dallas Parkway
Wm. Davenport Survey A - 262
CADG Frontier 192, LLC Inst.# 20130903001267570 O.P.R.C.C.T
Creeks of Legacy Stonegate, LLC. Inst.# 2017-89840 D.R.D.C.T
28 Frontier Partners, LLC. Inst.# 2017-61624 R.P.R.D.C.T.
(future Legacy Drive)
Tract 2
47.754 Acres
Tract 3
6.540 Acres
Celina Investment Partners, Ltd. Vol.5916, Pg.862 O.P.R.C.C.T.
Creeks of Legacy, Model Park Inst.# 2015112501000420 O.P.R.C.C.T.
Zoning Line
Frontier Tollway Partners, L.P. Inst.# 20170801010003670 O.P.R.C.C.T.
Frontier Parkway
Point of Beginning Tract 2
Point of Beginning Tract 3
Merritt/Thornton Farm Partnership L.P. Inst.# 99-096579 R.P.R.D.C.T.
Legacy Frontier, LLC Inst.# 20150203000121210 O.P.R.C.C.T.
BGY Prosper 221, LLC. Inst.# 20171121001544530 O.P.R.C.C.T.
Exhibit "B"
An Exhibit of
368.346 Acres
of land situated in the William Davenport Survey, Abstract Number 262 and the F. D. Gray Survey, Abstract Number 361, Collin County, Texas and the J. McKinn Survey, Abstract Number 889, the Wm. Phillips Survey, Abstract Number 1029 and the A. Thomasson Survey, Abstract Number 1265, Denton County, Texas
PELOTON LAND SOLUTIONS
9800 HILLWOOD PARKWAY, SUITE 250
FORT WORTH, TEXAS 76177 PH.# 817-562-3350
G:\JOB\CEN13006_Legacy_170_ac\Sur\CEN13006_ZN5.dgn
JOB # CEN13006
DRAWN BY: D. Freemon
CHECKED BY: T. Bridges
DATE: 04-23-18
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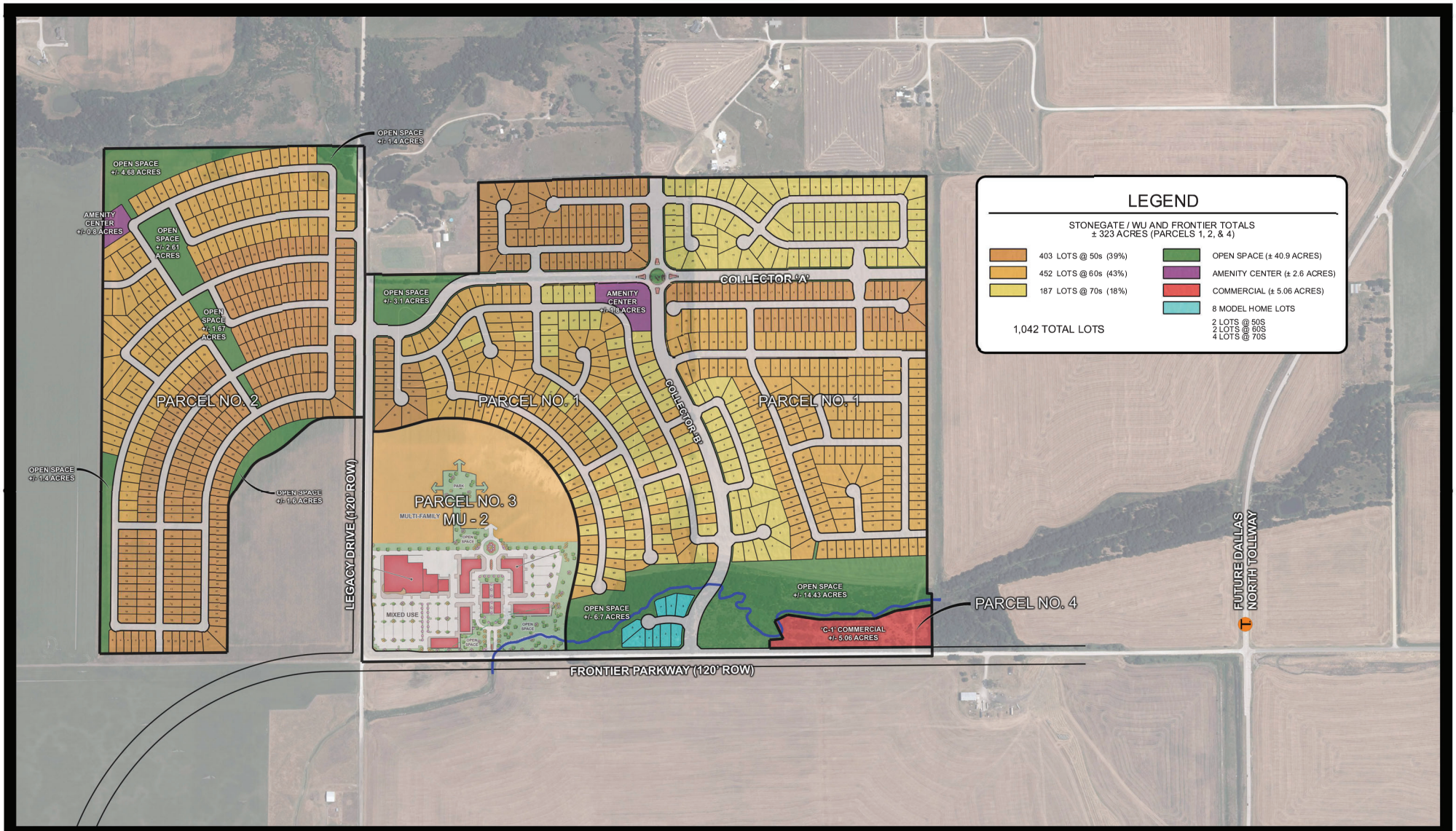
EXHIBIT "C"



CONCEPT PLAN

CREEKS OF LEGACY

CELINA, TEXAS

APRIL 2018

PELOTON LAND SOLUTIONS

EXHIBIT "D"

Zoning Amendment for:

CREEKS OF LEGACY

CENTURION AMERICAN

PLANNED DEVELOPMENT (PD #46)
In
Celina, Texas

June 7, 2018

Prepared By:

PELOTON
LAND SOLUTIONS

10875 John W. Elliot Dr., Suite 400 • Frisco, Texas 75033

PLANNED DEVELOPMENT – CREEKS OF LEGACY

DEVELOPMENT REGULATIONS

Tract 1

Single Family Residential District - 7.5, the intent is to allow a mixture of medium size single family lots, provided that the overall density within such SF area shall not exceed four and a half (4.5) units to the gross acre or 1450 lots. For medium size single family lots, the permitted and conditional uses, as well as the regulations, under Section 14.03.014 of the City of Celina's zoning ordinance shall apply, except as set forth herein, and further defined as Lot Types 1, 2 and 3 below.

Tract 2

The MU-2 requirements shall follow Chapter 14 of the City of Celina's Zoning Ordinance, as amended, which details the requirements of the MU-2 Mixed Use Regional District. All uses and development regulations allowed under the MU-2 zoning district as established in the City of Celina Zoning Ordinance, as amended, are hereby allowed under this PD ordinance except as follows:

Density:
Multiple-family units; maximum twenty-two (22) du/ga.

Land use mix limits: The MU-2 zoning district will have a mix of residential and nonresidential uses at the following rates:
Nonresidential uses (stand-alone): shall not exceed 40% of the gross area of the MU-2 zoning district.
Multiple-family uses (stand-alone): Shall not exceed forty (40) percent of the gross area of the MU-2 zoning district.

Tract 3

The requirements and types of commercial uses allowed for commercial lots within this PD shall follow Chapter 14 of the City of Celina's Zoning Ordinance, as amended, which details the requirements of the C-2 General Commercial Zoning District. All uses allowed under the C-2 zoning districts as established in the City of Celina Zoning Ordinance, as amended, are hereby allowed under this PD ordinance except as follows:

Uses not permitted:

1. dyeing facilities
2. ice cream plants
3. ice plants/cold storage plants
4. mortuaries
5. pumping stations
6. tire repair shops, except as incidental to auto repair operations
7. auto body operations
8. spray-painting operations
9. storage of rental trucks and trailers
10. taxidermists

CONCEPT PLAN

Exhibit B identifies and locates the proposed land uses outlined within the Property. All land uses shall conform to the District Regulations in place at the time of development unless modified herein. The proposed development should have unified and consistent design elements and provide an integrated development that follows the Comprehensive Plan dated April 2013 and compliments the City of Celina.

Single-Family

PERMISSIBLE USES

The following uses shall be allowed:

1. Agricultural Uses – Agricultural uses whose products are grown primarily for home consumption, such as domestic gardening, berry or bush crops, tree crops, flower gardening, orchards, and aviaries.
2. Residential Uses: Single-family detached dwellings
3. Community Facility Uses
   A. Public and private parks;
   B. Recreational and open space including but not limited to playgrounds, parkways, greenbelts, ponds and lakes, botanical gardens, pedestrian paths, bicycle paths, equestrian bridle trails, nature centers, bird and wildlife sanctuaries;
   C. Amenity centers.
4. Temporary structure for storage of building materials and equipment used for initial residential construction, when on the same or adjoining lot, for a period not to exceed the duration of the construction. This shall include temporary trailers for construction and sales activity. Building material storage will be allowed adjacent to temporary trailers or in a lot designated for storage.
5. Manufactured and/or modular homes are prohibited in this PD district.

RESIDENTIAL DESIGN GUIDELINES

I. Lot Type Regulations

The PD District will include a variety of lot types in order to achieve the goals established for the district. The lot types and requirements for each shall be as follows:

A. Lot Type 1:

1. Purpose: This lot type is designed to allow single family detached dwellings on lots of not less than five thousand five hundred (5,500) square feet, with front-entry garages, together with the allowed incidental and accessory uses.

2. Height Regulations: No building shall exceed forty feet (40') or two and one-half (2-1/2) stories in height to the highest point of its roof.

3. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size: Five thousand five hundred (5,500) square feet.

Lot Coverage: The maximum Lot Coverage shall not exceed sixty percent (60%).

Minimum Floor Area: The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be seventeen hundred (1,700) square feet.

Front Yard: Front yard setbacks shall vary and shall be shown on the Final Plat for the subdivision. To create a variety of front yards on each street, a relatively equal number of lots shall be platted with twenty feet (20') and twenty-five feet (25') minimum front yards. No more than six (6) homes in a row along a block face shall have the same front yard setback. Covered Front Porches may extend over the front building setback line up to five feet (5'), but the garage door must remain at or behind the front setback line in all instances.
Rear Yard: Ten feet (10') minimum.
Side Yard: Five feet (5') minimum.
Side Yard Adjacent to Street: Fifteen feet (15') minimum.
Lot Width: Fifty feet typical (50'); forty feet (40') minimum (@ right-of-way) on cul-de-sac lots.
Lot Depth: One hundred ten feet (110') minimum.
Lot Depth (cul-de-sac lot): Eighty-five feet (85') minimum.
Garage Orientation: May face the street.
Garage Setback: Equivalent to the front yard setback shown on the final plat for the applicable lot.

B. Lot Type 2:

1. Purpose: This lot type is designed to allow single family detached dwellings on lots of not less than six thousand six hundred (6,600) square feet, with front-entry garages, together with the allowed incidental and accessory uses.
2. Height Regulations: No building shall exceed forty feet (40') or two and one-half (2-1/2) stories in height to the highest point of its roof.
3. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size: Six thousand six hundred (6,600) square feet.
Lot Coverage: The maximum Lot Coverage shall not exceed fifty-five percent (55%).
Minimum Floor Area: The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be nineteen hundred (1,900) square feet.
Front Yard: Front yard setbacks shall vary and shall be shown on the Final Plat for the subdivision. To create a variety of front yards on each street, a relatively equal number of lots shall be platted with twenty feet (20') and twenty-five feet (25') minimum front yards. No more than six (6) homes in a row along a block face shall have the same front yard setback. Covered Front Porches may extend over the front building setback line up to five feet (5'), but the garage door must remain at or behind the front setback line in all instances.
Rear Yard: Ten feet (10') minimum.
Side Yard: Five feet (5') minimum.
Side Yard Adjacent to Street: Fifteen feet (15') minimum.
Lot Width: Sixty feet (60') typical; fifty feet (50') minimum (@ right-of-way) on cul-de-sac lots.
Lot Depth: One hundred ten feet (110') minimum.
Lot Depth (cul-de-sac lot): Eighty-five feet (85') minimum.
Garage Orientation: May face the street.
Garage Setback: Equivalent to the front yard setback shown on the final plat for the applicable lot.

C. Lot Type 3:

1. Purpose: This lot type is designed to allow single family detached dwellings on lots of not less than seven thousand seven hundred (7,700) square feet, together with the allowed incidental and accessory uses.

2. Height Regulations: No building shall exceed forty feet (40') or two and one-half (2-1/2) stories in height to the highest point of its roof.

3. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size: Seven thousand seven hundred (7,700) square feet.

Lot Coverage: The maximum Lot Coverage shall not exceed sixty percent (60%).

Minimum Floor Area: The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be two thousand four hundred (2,400) square feet.

Front Yard: Front yard setbacks shall vary and shall be shown on the Final Plat for the subdivision. To create a variety of front yards on each street, a relatively equal number of lots shall be platted with twenty feet (20') and twenty-five feet (25') minimum front yards. No more than six (6) homes in a row along a block face shall have the same front yard setback. Covered Front Porches may extend over the front building setback line up to five feet (5'), but the garage door must remain at or behind the front setback line in all instances.

Rear Yard: Ten feet (10') minimum.

Side Yard: Five feet (5') minimum.

Side Yard Adjacent to Street: Fifteen feet (15') minimum.

Lot Width: Seventy feet (70') typical; sixty feet (60') minimum (@ right-of-way) on cul-de-sac lots.

Lot Depth: One hundred ten feet (110') minimum.

Lot Depth (corner or cul-de-sac lot): Eighty-five feet (85') minimum.

Garage Orientation: May face the street; garage access should be accomplished utilizing "swing-in" driveways for a minimum of 50% of this lot type.

Garage Setback: Equivalent to the front yard setback shown on the final plat for the applicable lot.

II. Neighborhood Regulations

The maximum number of lots permitted within Parcels 1 and 2 shall not exceed 1,064 lots. The maximum percentage of lots per Lot Type is as follows:

Lot Type 1: 60 %
Lot Type 2: 30% Minimum
Lot Type 3: 12% Minimum

The lot types shall generally conform to the layout shown in Exhibit C.

III. Development and Design Standards

A. Sign Program: This development shall conform to the City's current sign ordinance as it currently exists or may be amended.

B. Landscape Standards: All development within PD District shall comply with the following:

1. Tree Requirements:

i. Trees are required to be planted by the homebuilder in the front yard of all lots per the following schedule:

- Lot Type 1 – one, 4" caliper tree, measured at 12 inches above ground
- Lot Type 2 – one, 4" caliper trees, measured at 12 inches above ground
- Lot type 3 – two, 4" caliper tree, measured at 12 inches above ground

ii. Trees shall be planted adjacent to all thoroughfares and collector roads per the following schedule:

- One, 3" caliper tree, measured at 12 inches above ground, spaced every 125'
- Trees shall be planted between the rear property line of the adjacent Lot and the sidewalk
- Planted at the time the adjacent Lot(s) are developed Planted at the time a phase is constructed.

iii. Tree species shall comply with the City of Celina Zoning Ordinance Chapter 14.05 Appendix E.

OTHER DEVELOPMENT REGULATIONS

HOMEOWNERS ASSOCIATION

Homeowner Associations or Property Owner Associations will be established as each residential parcel of land is developed. The PD shall contain one or multiple Homeowner Associations/Property Owner Associations.

OPEN SPACE

The Single Family and Commercial (not including MU-2 zoning) tracts of the PD will contain a minimum of 30 acres of Open Space. Open space north of the centerline of the creek in Tract 3 shall qualify and be utilized as open space for the single-family development (Tract 1).

TRACTS 2 & 3

Tracts 2 & 3 shall be required to submit a concept plan as a PD Amendment prior to submission of any site plan, plat, general development plan, building permit, or early grading permit. The PD Amendment shall be processed as outlined in section 14.03.031 of the Celina Code of Ordinances.

LIST OF EXHIBITS

Exhibit A – Legal Description of PD Tracts
Exhibit B – Zoning Exhibit
Exhibit C – Concept Plan
Exhibit D – Development Regulations

DEFINITIONS

Any capitalized terms not defined below are per the definition as provided in the City of Celina Code of Ordinance Chapter 14.

Common Area: Any portion of the PD District that does not constitute a residential lot or street right-of-way and is owned by the Homeowners Association.

Homeowner Association: An association governed by by-laws, deed restrictions, and architectural guidelines of the community. All lot owners will have mandatory membership in the homeowner association, which, among other things, will require financial obligations in the form of annual membership dues.

PD District Concept Plan (Exhibit B): The graphic plan for PD District that establishes and delineates the location of the respective Lot Types and is attached as Exhibit B.

Main Structure: The primary residence to be constructed on any Lot.

Open Space: Publicly or privately accessible parks, greens, sports fields, plazas, landscaped areas, natural flood plain or drainage areas, and tot lots, shall constitute Open Space.

Parkway: The area between the curb and the right-of-way in front of residential lots.

PD District: The land and/or lots contained within the legal boundaries identified in Exhibit A.

Shall: A term requiring compliance.

Should: A term encouraging compliance.