

CITY OF CELINA, TEXAS

ORDINANCE 2020- 05

LHOIST BATCH PLANT

PLANNED DEVELOPMENT #102

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 LOCATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY NO. 14, ABSTRACT NO. 167, CITY OF CELINA, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED NORTH OF COUNTY ROAD 53 AND APPROXIMATELY 1,000 FEET WEST OF THE BNSF RAILROAD, WITHIN THE CITY LIMITS; AS DESCRIBED IN EXHIBIT "A" AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT NO. 102; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF ZONING CLASSIFICATION; PROVIDING FOR ZONING DESIGNATION AND DEVELOPMENT REGULATIONS; 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 Concept Plan and Development Regulations set forth in Exhibit "B" and Exhibit "C" 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. 102 on a certain tract of land described in in Exhibit "A".

SECTION 4
ZONING DESIGNATION AND DEVELOPMENT REGULATIONS

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 No. 102, and incorporates the Concept Plan attached hereto as Exhibit "B", and the Development Regulations attached hereto 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 11th day of February, 2020.


Sean Terry, Mayor
City of Celina, Texas

ATTEST:


Vicki Tarrant, City Secretary
City of Celina, Texas



[SEAL]

APPROVED AS TO FORM:


City Attorney
City of Celina, Texas

Exhibit A
Legal Description

BEING a 9.54 acre tract of land situated in the Collin County School Land Survey, Abstract No. 167, Collin County, Texas and being part of a called 11.071 acre tract of land to BWC PROPERTIES, LTD. as recorded in Collin County File Clerk's No. 20070213000200230 and being more particularly described as follows:

BEGINNING at a ½" iron rod found in the centerline of Collin County Road No. 53, said point being the southwest corner of a called 6.50 acre tract of land conveyed to SHMAISANI CELINA HOLDINGS, LLC as recorded in Collin County Files Clerk's No. 20190816000994600 said point also being North 89°29'10" West a distance of 152.00 of a ½" iron rod found in the centerline of said road being the southeast corner of said 11.071 acre tract;

THENCE North 89°29'10" West generally along the centerline of said County Road No. 53, a distance of 554.26' to a ½" iron rod found in the centerline of said road, said point being the southwest corner of said 11.071 acre tract;

THENCE North 00°13'41" West a distance of 686.71' to a ½" iron rod found for the northwest corner of said 11.071 acre tract;

THENCE South 89°19'05" East along the north line of said 11.071 acre tract, a distance of 657.80' to a ½" iron rod found for a corner, said point being the northwest corner of said 6.50 acre tract;

THENCE South 08°23'01" West and passing at 666.23' a ½" iron rods found for a reference a total distance of 691.23' to the POINT OF BEGINNING and containing 9.54 acres or 415,588 square feet of land.

Exhibit C Development Regulations

District Zoning

The base zoning for the subject property shall be Industrial (I) district, and the following development standards shall apply to a proposed batching plant operation, lime slurry manufacturing, or comparable operation. The Code of Ordinances shall apply for any matter not referenced within this Planned Development district.

Concept Plan

The subject property shall generally develop per the attached Concept Plan. Minor modifications may be administered by Staff in order to achieve the vision for the proposed batching plant operation. However, the Concept Plan does not waive any other design standards, such as on-site detention, any applicable floodplain regulations, nor fire and building code compliance. In the event of a conflict between the Concept Plan and base City regulations or the text of this PD, the Concept Plan shall yield, subject to Staff interpretation.

Landscaping

1. The side landscape buffers are 10 feet.
2. The rear landscape buffer is 25 feet.
3. A 20' wide landscape buffer applies to the ultimate ROW line of CR 53, which shall also provide six (6) evergreen, large canopy trees and six (6) small ornamental trees with bubblers on each.

Screening

A 12' tall solid, masonry wall shall be installed along CR 53. Any gates shall be solid or decorative metal with a black "storm cloud" or comparable color (i.e. galvanized finishes not allowed). Any additional fencing provided by the applicant shall be either split-face CMU walls, precast concrete, other block walls, or industrial grade steel fencing (e.g. Design Master type). Chain link, wood, and R-panels are not allowed. Back-to-back screening barriers with neighboring properties are also not allowed.

Architecture

The subject property is an architecturally, historically, and culturally significant tract of land and shall abide by the City's architectural standards, as may be amended.

Storage

Materials stored outside must be located in bins that are screened on three sides by 8' tall solid structure made of 2' x 2' x 6' concrete blocks or other comparable acceptable to Staff.

Performance

1. All on-site lighting shall be properly shielded.
2. No overhead utilities are allowed.
3. The onsite storage of materials shall not exceed 45 feet in height.
4. The hours of operation are allowed to be 24-7.
5. All permanent roads inside the plant must be paved, watered, and swept to eliminate visible dust emissions.
6. If any of the above conflict the Code of Ordinances, State regulations, or any other regulations, the stricter of the regulations shall apply.
7. A valid certificate of occupancy is conditional upon continued compliance with the Texas Commission on Environmental Quality, Federal Emergency Management Administration, and all other governmental agencies.