

**CITY OF CELINA, TEXAS
ORDINANCE 2020-33**

AVILLA (THE GROVE) EXPANSION

PLANNED DEVELOPMENT #105

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 6 ACRE TRACT OF LAND LOCATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 167, CITY OF CELINA, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED APPROXIMATELY 700 FEET WEST OF PRESTON ROAD AND APPROXIMATELY 1,400 FEET NORTH OF FRONTIER PARKWAY, WITHIN THE CITY LIMITS; AS DESCRIBED IN EXHIBIT "A" AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT NO. 105; PROVIDING FOR INCORPORATION OF PREMISES, FINDINGS, AMENDMENT OF ZONING CLASSIFICATION, ZONING DESIGNATION AND DEVELOPMENT REGULATIONS, REVISION OF ZONING MAP, COMPLIANCE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 PER OFFENSE AND OTHER ENFORCEMENT MECHANISMS; PROVIDING CUMULATIVE REPEALER, SAVINGS AND SEVERABILITY CLAUSES; 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, Section 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 as though fully set forth herein (the "Property"); 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 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 to establish the zoning classification for the Property as "PD" Planned Development District No. 105 and is subject to the following PD regulations, which exhibits are incorporated as if fully set forth herein:

- Exhibit B: Concept Plan
- Exhibit C: Development Regulations

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. 105, 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

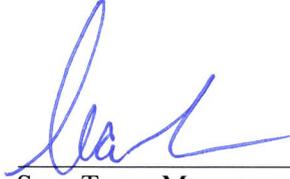
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

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

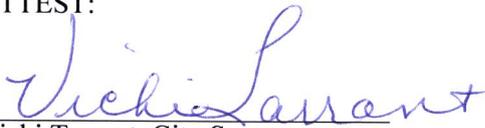
AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 12th day of May, 2020.



Sean Terry, Mayor
City of Celina, Texas

ATTEST:

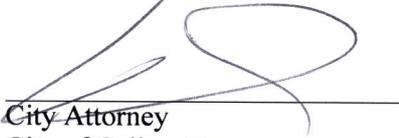


Vicki Tarrant, City Secretary
City of Celina, Texas



[SEAL]

APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

Exhibit A
Legal Description

BEING a tract of land situated in the City of Celina, Collin County, Texas, a part of the Collin County School Land Survey, Abstract No. 167, being part of a called 12.0734 acre tract of land described in a Warranty Deed with Vendor's Lien to Inverciones Meza, LLC, recorded in Instrument No. 20160119000060220, Official Public Records, Collin County, Texas (O.P.R.C.C.T.) and being more particularly described as follows:

BEGINNING at one-half inch iron rod with yellow plastic cap stamped "Prop. Cor. Bohler" (herein after called capped iron rod) found at the southwest corner of said 12.0734 acre tract of land and the northwest corner of a called 12.638 acre tract of land described in a Special Warranty Deed to Nexmetro Grove, LP, recorded in Instrument No. 20191121001486670, O.P.R.C.C.T., said capped iron rod being in the east line of Block N, of Light Farms Phase Three, an addition to the City of Celina, according to the plat recorded in Volume 2018, Page 149, O.P.R.C.C.T.;

THENCE North 00 degrees 24 minutes 28 seconds West, a distance of 414.89 feet along the west line of said 12.0734 acre tract of land to a capped iron rod set at the northwest corner of said 12.0734 acre tract of land and the southwest corner of a called 3.99 acre tract of land described as Tract A in a Gift Deed to Terry David Barnes, recorded in Instrument No. 20060123000093180, O.P.R.C.C.T, said point being in the east line of Block N, of The Sage Neighborhood-Phase 2, an addition to the City of Celina, according to the plat recorded in Volume 2017, Page 327, O.P.R.C.C.T.;

THENCE North 89 degrees 20 minutes 30 seconds East, a distance of 546.17 feet along the north line of said 12.0734 acre tract of land to a capped iron rod set in the south line of a called 2.655 acre tract of land described as Tract Four in a Special Warranty Deed to SCK Rentals, LLC, recorded in Instrument No. 20160629000828250, O.P.R.C.C.T, from which a one-half inch iron rod found at the northeast corner of said 12.0734 acre tract of land and the southeast corner of said 2.655 acre tract of land bears North 89 degrees 20 minutes 30 seconds East a distance of 702.14 feet, said iron rod being in the west line of Preston Road-S.H 289 (a variable width right-of-way);

THENCE South 00 degrees 30 minutes 59 seconds East, a distance of 420.86 feet over and across said 12.0734 acre tract of land to a capped iron rod found in the south line of said 12.0734 acre tract of land, said capped iron rod being at the northeast corner of a said 12.638 acre tract of land and the northwest corner of a called 11.836 acre tract of land described as Tract 1 in a Warranty Deed to P Dub Investments, Limited, recorded in Instrument No. 20191121001487500, O.P.R.C.C.T, from which a 60D Nail found at the northeast corner of said 11.836 acre tract of land and the northwest corner of a called 2.3684 acre tract of land described as Tract 5 in a Special Warranty Deed to SCK Revocable Trust, recorded in Instrument No. 20160629000828260, O.P.R.C.C.T bears North 89 degrees 58 minutes 03 East a distance of 380.17 feet;

THENCE South 89 degrees 58 minutes 03 seconds West, a distance of 546.97 feet along the south line of said 12.0734 acre tract of land and the north line of said 12.638 acre tract of land to the **POINT OF BEGINNING** and 228,394 square feet or 5.243 acres tract of land.

Exhibit B Concept Plan



Exhibit C Development Regulations

PROJECT OVERVIEW

This Planned Development includes cottage style residential to be an extension of the community already approved in The Grove at Frontier (Lanterra) PD-67 for the Western Transitional Tract, generally on the northwest corner of Preston Road and Frontier Parkway. This addition will be "Western Transitional Tract – North (Ph. 2)". The expansion shall be developed as a unified and cohesive development with the property to the south, and ultimately platted as one lot.

CONCEPT PLAN

The subject property shall generally develop per the attached Concept Plan. The Concept Plan displays the general location and configurations of buildings, parking lots, and other site layout features, all of which can be adjusted for pragmatic purposes at time of permitting, and such modifications shall not be unreasonably withheld, but are subject to review and approval by the Director of Development Services.

LANDSCAPING SCREENING

The landscaping on the subject property shall abide by the Zoning Ordinance, as may be amended.

LIGHTING

1. All exterior light sources, including wall packs and light poles, shall be properly recessed and/or shielded so that the source of light is not visible horizontally nor upward.
2. Light poles are limited to 30' in height.
3. Perimeter property lines shall have zero-foot candles where adjacent to single family residential use in terms of illumination measurement.

OTHER DESIGN STANDARDS

1. No overhead utilities are allowed on-site.
2. Vehicular cross access and pedestrian connectivity is required throughout the subject property.
3. Where possible, elevation changes that require retaining walls shall not undermine the requirements for landscape buffers, trees, and pedestrian linkages.
4. A maximum of 2-story buildings are allowed within 100-feet adjacent to the single-family use along the west boundary for all uses.
5. A 20-ft landscape buffer is required adjacent to the single-family use along the western boundary. Residential fences may be placed within this landscape buffer.
6. A 10-ft landscape buffer is required adjacent to the north and east limits of this tract. Residential fences may be placed within this landscape buffer.
7. An 8-ft high masonry wall is required for all uses adjacent to the single-family along the western boundary except townhome use. For all other perimeters of the Western Transitional Tract (North, Ph. 2), tall opaque contiguous evergreen vegetative screen is required.
8. All residential buildings shall be sprinkled. When sprinkled, buildings shall have a minimum of 8 feet of separation between foundations.
9. Yard spaces may be divided by 6' wooden fences.
10. Parking shall be 1.8 spaces per unit minimum.
11. Allowable materials to include brick, stone, synthetic stone, stucco, and fiber cement siding. Brick or stone shall be used on a minimum of 85% of the gross front elevation area with 50% minimum of the sides and rear elevations.
12. Detention may be required and if provided, must be amenitized.