

CITY OF CELINA, TEXAS

ORDINANCE 2020-74

BELLEVUE PARTNERS (MANCUSO)

PLANNED DEVELOPMENT #113

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 53 ACRE TRACT OF LAND LOCATED IN THE LEVIN ROUTH SURVEY, ABSTRACT NO. 779, CITY OF CELINA, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED AT THE NORTHEAST CORNER OF CHOATE PARKWAY AND FUTURE COIT ROAD; AS DESCRIBED IN EXHIBIT "A" AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT NO. 113; 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 (the "City Council") 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" and depicted in Exhibit "B", attached hereto and incorporated as though fully set forth herein (the "Property"); and

WHEREAS, the Concept Plan and Development Regulations, set forth in Exhibit "C" and "D", respectively, 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. 113 and is subject to the following PD regulations, which exhibits are incorporated as if fully set forth herein:

- Exhibit B: Depiction of Property
- Exhibit C: Zoning Exhibit
- Exhibit D: 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, described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein as PD No. 113, and incorporates the Concept Plan attached hereto as Exhibit "C" and the Development Regulations 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 described on Exhibit "A" and depicted in 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 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

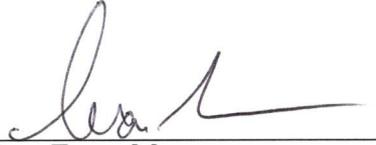
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

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 8th day of September, 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 Levin Routh Survey, Abstract No. 779, Collin County, Texas and being all of a called 43.916 acre tract of land described in a Special Warranty Deed to Bellevue Partners, LTD, recorded in Instrument No. 20191024001339900 of the Official Public Records of Collin County, Texas and all of a called 9.000 acre tract of land described in a General Warranty Deed to Rachael A. Hill, A Married Person, and being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of said Thomas Mancuso tract, same being the northeast corner of a 35-foot wide right of way dedication for County Road 87 as created in Summerview Country Estates, an addition to Collin County, according to the final plat, recorded in Cabinet M, Page 420 of the Map Records of Collin County, Texas, same also being in County Road 87, an apparent public use right of way, no other record found, from said corner, a found PK nail for the southwest corner of a called 28.731-acre tract described in a Special Warranty Deed to Celina Stone, LLC, recorded in Instrument No. 20160916001237420 of the Official Public Records of Collin County, Texas, bears North 57°42' West, 0.66 feet;

THENCE North 89°21'08" East, departing said County Road 87 and along the northerly of said Bellevue Partners tract, a distance of 956.22 feet to a 1/2-inch iron rod found for the southeast corner of said 28.731-acre tract and the westerly, southwest corner of a called 317.729-acre tract of land described in a Special Warranty Deed to Belknap FP, Ltd., recorded in Volume 4288, Page 156 of the Land Records of Collin County, Texas;

THENCE South 89°24'55" East, continuing along the northerly line of said Bellevue Partners tract and along a southerly line of said 317.729-acre tract, a distance of 763.19 feet to a 5/8-inch iron rod found for the northeast corner of said Thomas Mancuso tract;

THENCE in a southerly direction, along an easterly line of said Bellevue Partners tract and the westerly line of said 317.729-acre tract, the following:

South 00°27'18" East, a distance of 181.20 feet to a point for corner;

South 46°58'42" West, a distance of 190.80 feet to a point for corner;

South 03°37'18" East, a distance of 60.00 feet to a point for corner;

South 25°37'18" East, a distance of 147.00 feet to a point for corner;

South 17°00'18" East, a distance of 100.00 feet to a point for corner;

South 12°16'18" East, a distance of 92.90 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for the southwest corner of said 317.729-acre tract;

THENCE North 89°37'36" East, along a northerly line of said 9.000-acre tract and the southerly line of said 317.729-acre tract, a distance of 27.55 feet to the easterly, northeast corner of said 9.000-acre tract, same being on the westerly line of a called 6.00-acre tract of land described in a deed to Manus Chaiprasert and wife, Suwana Chaiprasert, recorded in Instrument No. 20080606000688720 of the Official Public Records of Collin County, Texas;

THENCE South 00°20'58" East, along the easterly line of said 9.000-acre tract, the westerly line of said 6.00-acre tract and the westerly line of a called 3.22-acre tract of land described in a Warranty Deed with Vendor's Lien to Living Stone Investments, recorded in Instrument No.

20191203001532800 of the Official Public Records of Collin County, Texas, a distance of 612.25 feet to a 5/8-inch iron rod with a plastic cap, stamped "SPARR SURV" found for the easterly, southeast corner of said 9.000-acre tract, same being on the northerly line of a called 0.172-acre tract of land described in a deed to County of Collin, recorded in Volume 2489, Page 144 of the Land Records of Collin County, Texas;

THENCE South 89°42'52" West, along the southerly line of said 9.000-acre tract and the northerly line of said 0.172-acre tract, a distance of 59.76 feet to the northwest corner of said 0.172-acre tract;

THENCE South 00°17'10" East, continuing along the southerly line of said 9.000-acre tract and the westerly line of said 0.172-acre tract, a distance of 52.58 feet to the southwest corner of said 0.172-acre tract, same being in aforesaid County Road 88;

THENCE South 89°42'39" West, continuing along the southerly line of said 9.000-acre tract and along said County Road 88, a distance of 520.21 feet to a 1/2-inch iron rod with a yellow plastic cap, stamped "RPLS 4857" found for the southerly, southeast corner of said Bellevue Partners tract and the southwest corner of said 9.00-acre tract;

THENCE South 89°44'47" West, along the southerly line of said Bellevue Partners tract and said County Road 88, a distance of 284.40 feet to a 1/2-inch iron rod with a yellow plastic cap, stamped "RPLS 4857" found for a corner;

THENCE South 89°43'34" West, continuing along the southerly line of said Bellevue Partners tract and said County Road 88, a distance of 861.23 feet to the southwest corner of said Bellevue Partners tract and the southeast corner of aforesaid Summerview Country Estates, same also being the intersection of said County Road 88 with aforesaid County Road 87, from said corner, a found PK nail bears North 22°54' East, 6.23 feet;

THENCE North 00°09'01" West, along the westerly of said Bellevue Partners tract, the easterly line of said Summerview Country Estates, and along said County Road 87, a distance of 1360.13 feet to the **POINT OF BEGINNING** and containing 52.866 acres (2,302,835 square feet) of land, more or less.



Michael B. Marx
Registered Professional Land Surveyor No. 5181
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Frisco, Texas 75034
Ph. 972-335-3580
michael.marx@kimley-horn.com



Exhibit B Depiction of Property



Exhibit C Zoning Exhibit

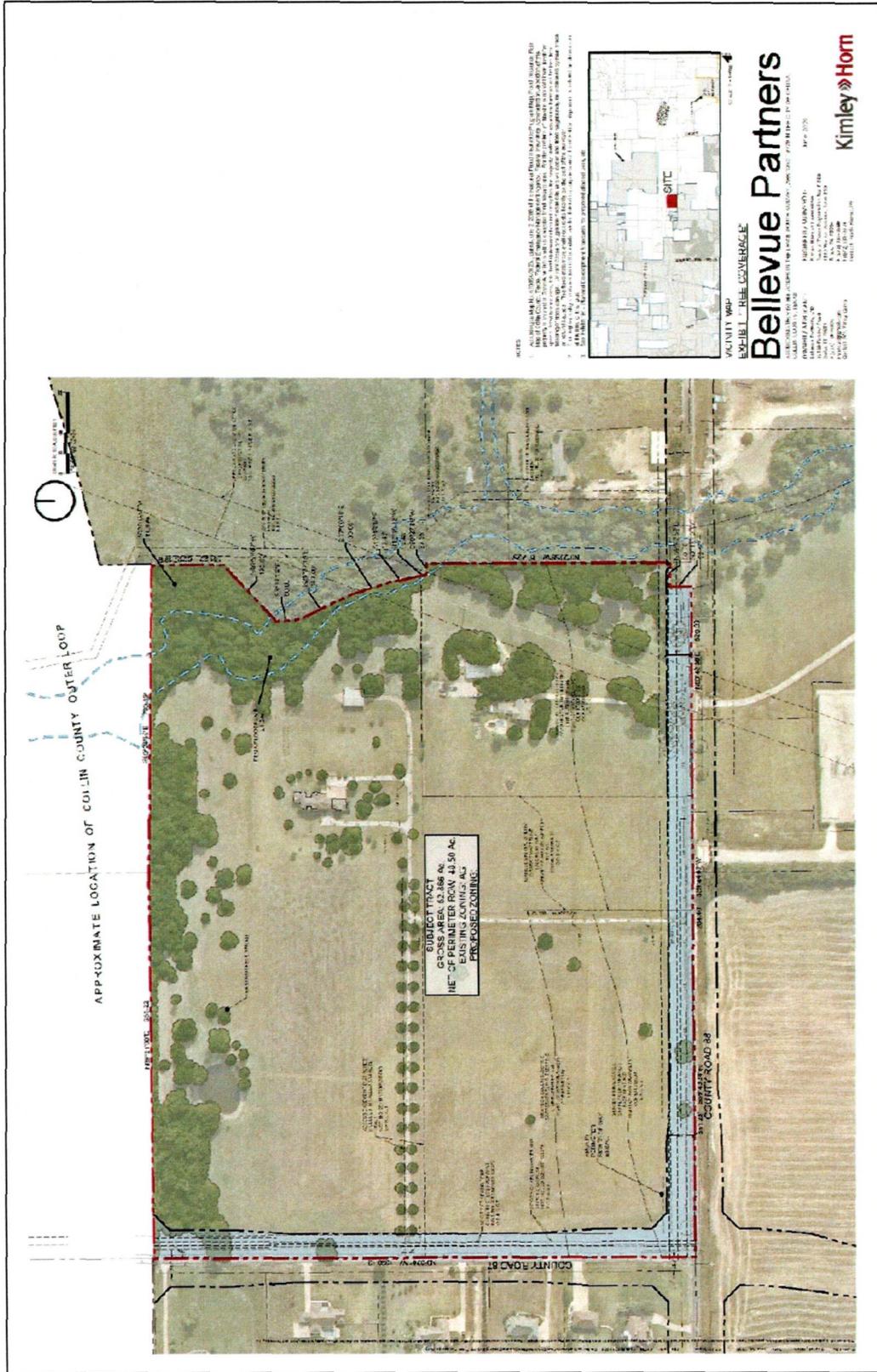


Exhibit D Development Regulations

Development within this Planned Development (PD) District will follow the regulations outlined below and meet the intent of the Zoning Exhibit that is attached as Exhibit C and the permitted uses as noted herein. Any significant changes to the land uses set forth herein shall require approval of the City of Celina Planning & Zoning Commission, as well as the City of Celina City Council as outlined in Sec. 14.01.303.

These Planned Development standards are established to provide areas for mixed-use development, encourage and promote well-planned, compact and viable retail/commercial development, large scale office, or high-density multi-family.

All development within Tract (see Exhibit C) shall meet the standards of the CCO, Collin County Outer Loop zoning district as established in the City of Celina Zoning Ordinance, with the exceptions noted herein.

These planned development regulations will hold precedence over any conflicting regulations created by the Collin County Overlay District and/or the Zoning Ordinances, etc.

- (a) **Permitted Uses.** The following uses are allowed by right or by the approval of a Specific Use Permit (SUP) as noted herein. Other uses are allowed per the Schedule of Uses for the Collin County Outer Loop Overlay District as outlined in the City’s Zoning Ordinance:

Schedule of Permitted Uses ¹	
<i>Land Use</i>	
Assisted Living	S
Auto Laundry or Carwash	S
Dwelling, Senior Living, all types	S
Gas Pumps/Fuel Sales, incl. convenience stores, gas stations, etc. ²	P
Greenhouse or Nursery, Retail	P
Hardware Stores/Home Garden Center	P
Helipad	S
Hospital	P
Hotels ^{3 & 4}	P
Medical Facilities (secondary / ancillary)	P
MF-2, Multi-Family Urban Edge ⁵	P
MF-3, Multi-Family Urban Living ⁵	P
Microbrewery Sales and Consumption (onsite mfg)	P
Nursey (retail sales outdoor)	P
Research Lab (nonhazardous)	P
Restaurant, Dine-In, Drive-In, or Drive Thru	P
Single Family Attached (Townhomes or other similar products if integrated into a mixed use environment)	S
Store, Big Box	P
Store, General Retail	P

Store, Grocery	P
Store, Shopping Centers	P
Stores, Regional Mall	P

1. Other similar/complimentary uses may be approved by the City in addition to the specific uses noted herein. Other uses consistent with an urban mixed-use environment may be approved by the City with a Specific Use Permit.
2. One stand-alone fueling station is permitted by right. Any fueling stations associated with a grocery store are also permitted by right.
3. Must have a minimum height of 4 stories within 500 feet of the CCOL.
4. The Extended Stay use will require an SUP.
5. MF-2 is permitted by right for up to 450 units only (any additional units will require an SUP). Age restricted senior independent living is allowed within this multiple family use.

(b) Development Regulations

1. Residential Density:

- A) Multiple-family units (Urban Living Style), minimum forty (40) dwelling units per acre with no maximum.
- B) Multiple-family units (Urban Edge Style), maximum thirty-five (35) dwelling units per acre.
- C) Single Family Attached (Townhomes), maximum twelve (12) dwelling units per acre.

2. Heights:

- A). There is no maximum height limitation within 700 feet of the CCOL ROW.
- B) All buildings within an Urban Edge (MF 2) development shall be a minimum of two (2) stories in height and a maximum height of six (6) stories.
- C) All buildings within an Urban Living (MF 3) development shall be a minimum of four (4) stories in height.

3. Miscellaneous Requirements:

- A) No detailed concept plan is required beyond Exhibit C as provided herein.
- B) The existing residential houses will be conforming uses until redevelopment of them occurs. Any associated agricultural uses will also be allowed until redevelopment occurs.
- C) Alternative street sections are allowed in an urban mixed-use environment, subject to City approval (i.e. Director of Engineering and Director of Development Services) at the time of preliminary site plan/preliminary plat review and approvals.
- D) Multiple family buildings with enclosed garages in MF-2, when adjacent to a public street, must face the garage doors internally to the development. Garage doors may not face a public street unless otherwise approved by the City at time of approval of the preliminary site plan/site plan.
- E) Age restricted multifamily complexes can park at a ratio of 1 space per unit count, no matter what the size of an individual unit.
- F) No enclosed or structured parking is required for MF-2, Urban Edge uses.

- G) Architectural Standards- The spirit and intent of the architectural standards, as outlined in Section 14.04.101 of the Development Code (as may be amended), shall apply to the property. These standards are not intended to prohibit architectural innovation, nor are they to mandate specific architectural styles and concepts. Rather, they are intended to provide for developments of enduring quality that provide visual character and intent. The provisions of this section shall be administered by the Director of Development Services who shall have the authority to approve any façade plan that is deemed to satisfy the spirit and intent of the requirements of this section to the extent possible. Alternative façade plans deemed to meet the intent of the requirements, including any minor deviations or waivers, and to make necessary interpretations regarding any subjectivity or frustrations of purpose contained within the requirements. Alternative architectural styles and/or concepts, deviations, waivers, etc. will not be unreasonably withheld.
- H) The thoroughfare alignments show on Exhibits C is for illustration purposes only and do not set the alignment(s), which will be determined at the time of the Final Plat.