

CITY OF CELINA, TEXAS

ORDINANCE 2015-61  
HUDDLESTON 58 PD#57

**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 58.464 ACRE TRACT OF LAND LOCATED IN THE COLLIN COUNTY SCHOOL LAND #15 SURVEY, ABSTRACT NUMBER 170, BLOCK 1, TRACT 7, COLLIN COUNTY, TEXAS; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT #57; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF ZONING CLASSIFICATION; PROVIDING FOR ZONING DESIGNATION AND DEVELOPMENT STANDARDS; PROVIDING FOR REVISION OF ZONING MAP; PROVIDING FOR COMPLIANCE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO PUBLIC HEALTH AND SAFETY; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Celina is a home rule municipality located in Collin, and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, The Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

**WHEREAS**, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

**WHEREAS**, Title 7 Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

**WHEREAS**, the establishment of a zoning classification has been requested for the property more specifically described in Exhibit "A" attached hereto and incorporated herein; and

**WHEREAS**, the tract comprising the property has been depicted in detail in Exhibit "B" attached hereto; and incorporated herein; and

**WHEREAS**, the concept plan and development regulations set forth in Exhibit "C" and Exhibit "D" attached hereto and incorporated herein define the base zoning districts and provide for certain modifications to such district regulations.

**WHEREAS**, the City Council has considered, among other things, the character of the property and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and is in the interest of public health, safety, and welfare, and does hereby find that the requested

zoning accomplishes such objectives and is consistent with the provisions of the 2030 Comprehensive Plan of the City of Celina; and

**WHEREAS**, the Planning and Zoning Commission of the City of Celina and the City Council of the City of Celina, in compliance with the laws of the State of Texas and the ordinances of the City of Celina, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

**WHEREAS**, the City Council, in the exercise of its legislative discretion has concluded that the zoning classification on the tract of land described herein should be changed and the zoning map so amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS**

**SECTION 1**  
**INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2**  
**FINDINGS**

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

**SECTION 3**  
**AMENDMENT OF ZONING CLASSIFICATION**

That the zoning classification is hereby established as "PD" Planned Development District, #57 on a certain tract of land described in in Exhibit "A" and depicted in Exhibit "B".

**SECTION 4**  
**ZONING DESIGNATION AND DEVELOPMENT STANDARDS**

4.01 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" Planned Development District #57.

4.02 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**  
**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 regulations 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, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

**SECTION 12**  
**ENGROSSMENT AND ENROLLMENT**

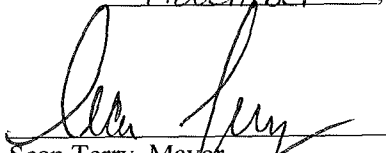
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

**SECTION 13**  
**EFFECTIVE DATE**

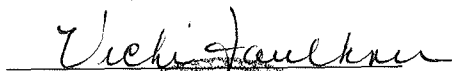
This Ordinance shall become effective from and after its date of passage and publication as required by law.

**AND IT IS SO ORDAINED.**

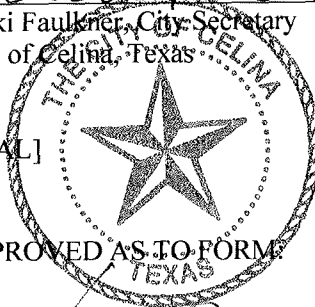
**PASSED AND APPROVED** by the City Council of the City of Celina, Texas this 10 day of November, 2015.

  
Sean Terry, Mayor  
City of Celina, Texas

ATTEST:

  
Vicki Faulkner, City Secretary  
City of Celina, Texas

[SEAL]



APPROVED AS TO FORM

  
City Attorney  
City of Celina, Texas

**Exhibit "A"**

**Legal Description**

**FIRST TRACT:**

SITUATED in Collin County, Texas, in the Collin County School Land Survey, Abstract No. 170, being a resurvey of part of the 160 acre SECOND TRACT described in a Deed from H. L. Merritt Enterprises, to Michael B. Merritt and wife, Margaret A. Merritt, et al dated December 22, 1986, recorded in Volume 2527, Page 206, of the Collin County Land Records, being described by metes and bounds as follows:

COMMENCING at an iron pin set at the Northeast Ell Corner of said Collin County School Land Survey, Abstract No. 170, in the center of East-West County Rock Road # 95, and at the Southeast corner of said 160 acre tract;

THENCE SOUTH 89 degs. 29' 28" west, 2015.35 feet, with the south line of said 160 acre tract and with said road to an iron pin set

in the west Right-of-Way Line of the St. Louis, San Francisco and Texas Railroad for a place of beginning;

THENCE SOUTH 89 degs. 29' 28" west, 654.85 feet with the south line of said 160 acre tract and with said road to an iron pin set in the center of State Highway 289 Business, in the west line of said School Land Survey, at the southwest corner of said 160 acre tract;

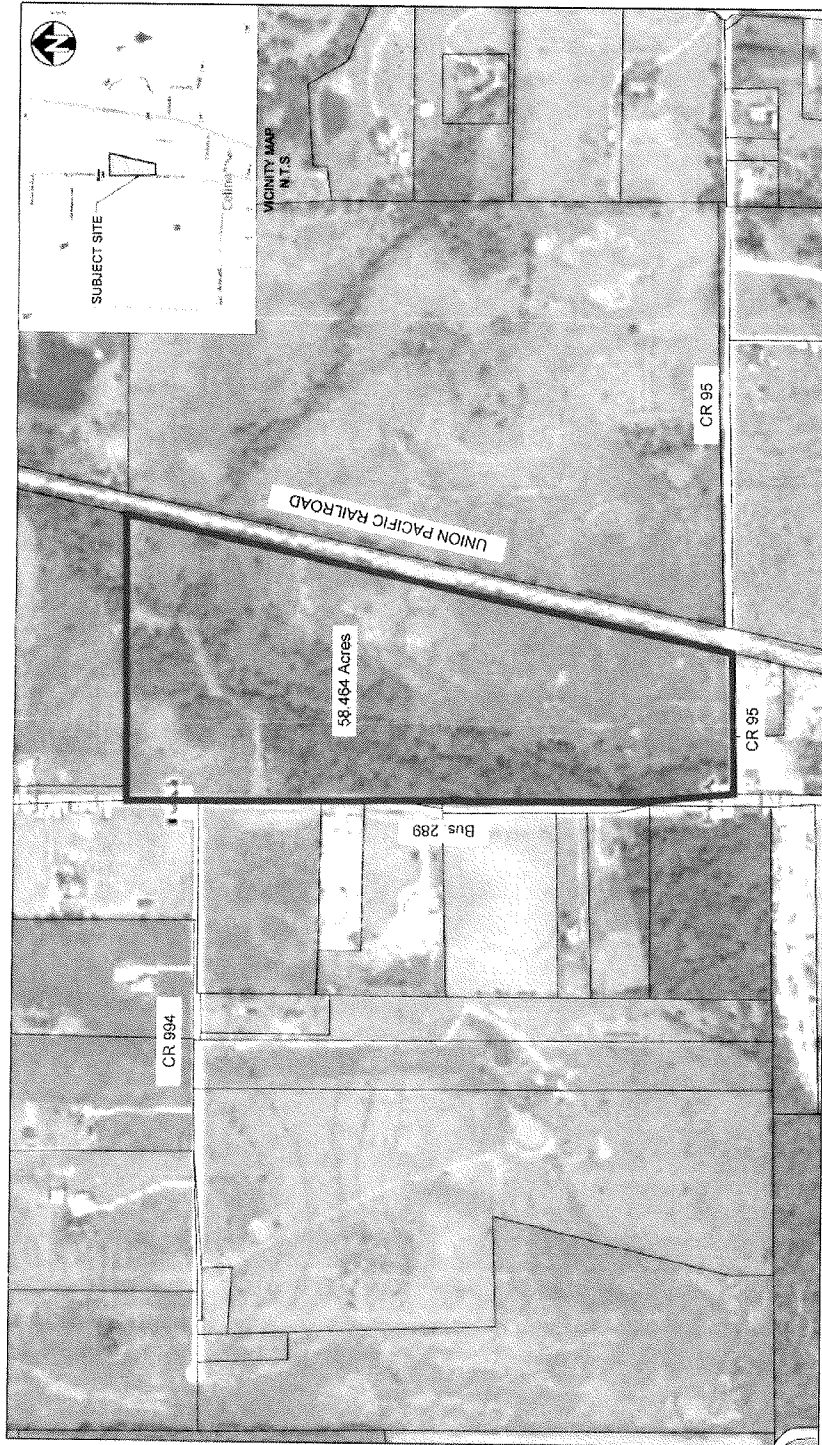
THENCE NORTH 0 deg. 05' 05" west, with the west line of said 160 acre tract and with said West Survey Line along the east side of said State Highway pavement and through a wooded area and returning to the center of said Highway pavement at approximately 1350 feet and continuing with the center of said Highway in all 2646.36 feet to an existing iron pin set at the northwest corner of said 160 acre tract, in the center of said State Highway;


THENCE easterly with the north line of said 160 acre tract and with an established fence as follows:

North 89 degs. 20' 25" East, 341.34 feet; North 89 degs. 42' 19" East, 722.55 feet; North 89 degs. 07' 19" East, 206.2 feet to an iron pin set in the west Right-of-Way Line of the St. Louis, San Francisco and Texas Railroad;

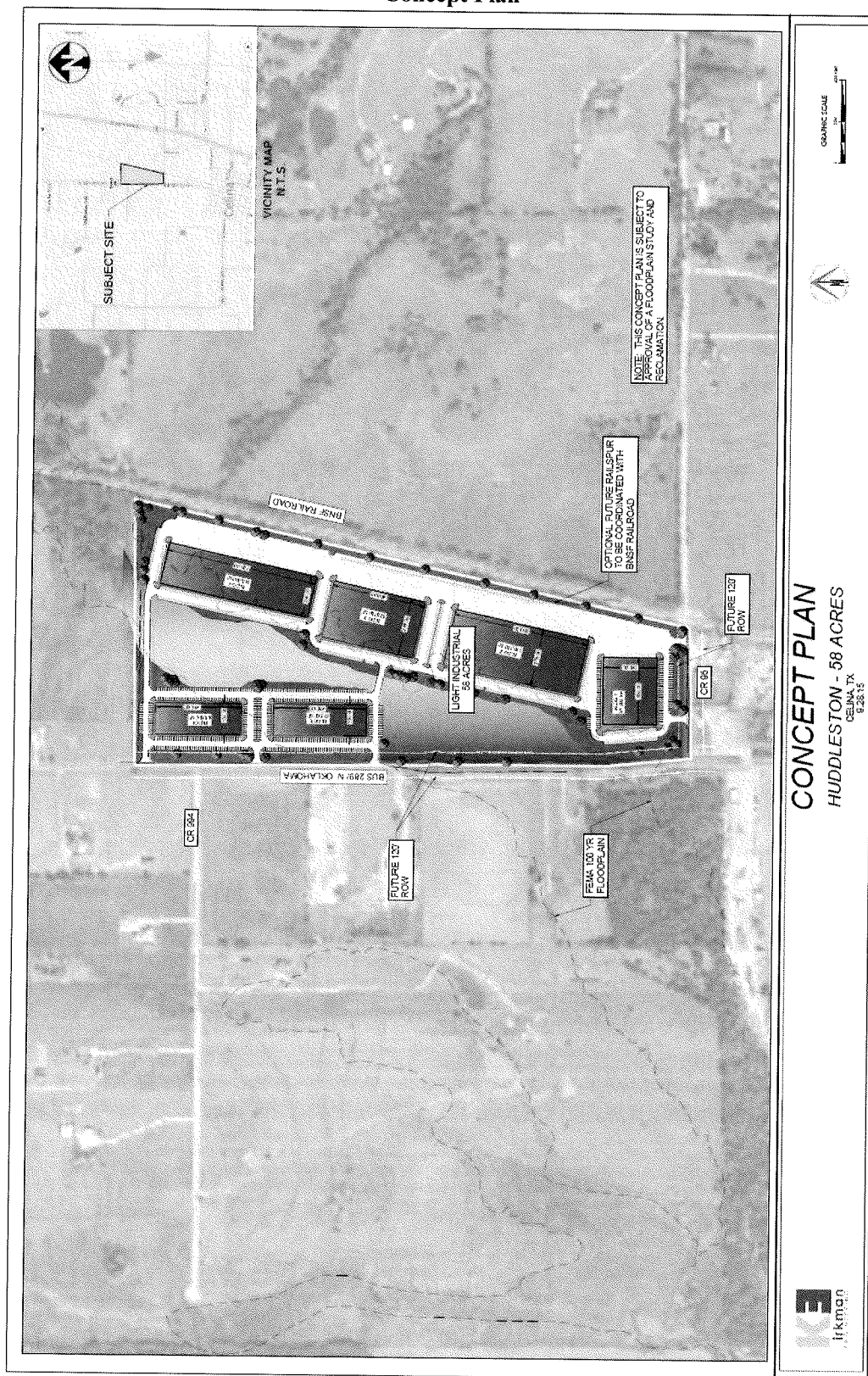
THENCE SOUTH 12 DEGS. 59' West, 2720.9 feet with said west R. O. W. line to the place of beginning and containing 58.464 acres of land.

**Exhibit "B"**  
**Graphical Depiction**




  
**HUDDLESTON - 58 ACRES**  
 CELINA, TX  
 3/25/15

**Exhibit "C"  
Concept Plan**



**Exhibit "D"**  
**Development Standards**



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HUDDLESTON 58

PLANNED DEVELOPMENT  
STANDARDS

SEPTEMBER 2015

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Prepared By:



4821 Merlot Avenue, Suite 210 :: Grapevine, TX 76051 :: 817-488-4960

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## PLANNED DEVELOPMENT – HUDDLESTON 58

### INTRODUCTION

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#### SUMMARY AND INTENT

This Planned Development (PD) zoning submittal encompasses approximately 58 total acres of land within the City of Celina more fully described on the legal description attached as Exhibit A (the “Property”) and depicted on Exhibit B. The uses proposed for the Property are consistent with the Future Land Use Plan which identifies “Light Industrial/Mixed-Use” as the use. It is the intent of this PD to offer greater flexibility and clarity for industrial, commercial and retail/office development.

The development proposes areas for light industrial, commercial, retail, office and generous areas for open space, trails and amenities. This PD will provide the zoning necessary to develop the site as shown in Exhibit C.

This zoning submittal promotes development that will improve the balance of land uses in the area by extending the light industrial uses along the existing railroad while increasing the potential for retail and office development. This increase in business tax base along with new residents in the area, likely will increase the potential for development. The PD will provide an expanded area for light industrial with additional uses from the retail and office district.

#### PROJECT LOCATION

As shown in Exhibit B, the proposed PD is located in central Celina. A legal description (Exhibit A) and property exhibit (Exhibit B) for the Property is provided in this document.

The property is located east of the Business 289 and north of CR 95. This proposed PD offers greater flexibility in mixed-use development than what can be accommodated with straight zoning. Submitted as a Concept Plan, this PD will provide:

- Various light industrial development opportunities along the railroad and Business 289
- Additional flexibility for retail and office uses
- Integrated open spaces and amenities to preserve areas designated within the 100-year floodplain. This will protect existing stream corridors and other physical assets as amenities.
- High quality project with the potential to attract an experienced developer.

### EXISTING CONDITIONS

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The existing conditions surrounding the Property are primarily agricultural with sparse commercial and residential housing. The Property has recently been annexed.

#### EXISTING THOROUGHFARES/THOROUGHFARE PLAN

The property is accessed by Business 289 and CR 95. The Celina Thoroughfare Plan (CTP) shows future Business 289 and CR 95 as ultimate 120’ right-of-way major arterials.

## PROPOSED CONDITIONS

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### PROPOSED LAND USES

The proposed land use of light industrial is in accordance with the proposed PD zoning ordinance. This PD proposes the following:

- Light Industrial/Mixed-Use
  - Up to 58 acres of Light Industrial
  - Additional uses for retail and office development
- Open Space
- Landscaped Arterial Frontage
- Potential Rail Spur Access

### PROPOSED THOROUGHFARES/ACCESS

The proposed development will utilize the existing roadway infrastructure. Commercial driveways will be utilized for internal traffic circulation. There are no proposed collectors or thoroughfares within the development. Business 289 and CR 95 are proposed major arterials and will require adequate right-of-way dedication.

### CONCEPT PLAN

Exhibit C 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 platting unless modified herein. The proposed development should have unified and consistent design elements and provide an integrated development that compliments the City of Celina.

## DEFINITIONS

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

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.

Covered Front Porch: An area of at least 50 square feet covered by the main roof or an architectural extension of the Main Structure.

Property Owner 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 land uses and is attached as Exhibit B.

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

Open Space: Publicly accessible parks, greens, sports fields, natural flood plain, and tot lots, shall constitute Open Space.

Parkway: The area of right-of-way between the curb and the sidewalk 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.

**EXHIBIT D**  
**DEVELOPMENT REGULATIONS**

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**GENERAL**

The purpose of the proposed PD is to provide greater flexibility for industrial and commercial development than is available under straight light industrial (I-1) zoning and the City of Celina Ordinances. This PD zoning request is in accordance with Sec. 14.03.031.

**I-1, LIGHT INDUSTRIAL**

The base zoning for the proposed PD shall be "I-1" (Light Industrial) district. Unless amended by this Ordinance, the development regulations shall comply with the I-1 (Light Industrial) zoning district as they exist at the time of platting.

**PERMISSIBLE USES**

In addition to the uses allowed under I-1, Light Industrial, 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.
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. Landscaped Entry Features
4. Retail and Office uses including permitted (P) or Conditional (C):
  - A. Armed service recruiting center P
  - B. General retail store P
  - C. Artist studio P
  - D. Kiosk (providing a service) P
  - E. Auto laundry or carwash P
  - F. Laundry/dry cleaning (drop off/pick up) P
  - G. Auto Supply store for new and rebuilt parts P
  - H. Motorcycle sales and repair C
  - I. Bakery or confectionery (retail) P
  - J. Nursing/convalescent home C
  - K. Bank/credit unions P
  - L. Offices (professional and general business) P
  - M. Child day care (business) C
  - N. Parking lot structure, commercial (auto) P
  - O. Church/place of worship P
  - P. Personal services shop P
  - Q. Concrete or asphalt batching plant (temporary) C
  - R. Pet and animal grooming shop P
  - S. Convenience store (with or without gas sales) P
  - T. Restaurant (with no drive-through service) C
  - U. Food or grocery store P
  - V. Retirement home/home for the aged P
  - W. Food or grocery store (with beer and wine sales) C

X. Theater or playhouse (indoor)	P
Y. Funeral home	C
Z. Veterinarian (indoor kennels)	P
AA. Garden shop (inside storage)	P
BB. Karate, Martial Arts Studio	P
CC. Gynastics Facility	P
DD. Dance Studio	P

5. Temporary structure for storage of building materials and equipment used for initial 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/leasing activity. Building material storage will be allowed adjacent to temporary trailers or in a lot designated for storage.

**PROHIBITED USES**

Prohibited uses shall be as defined by the I-1, Light Industrial district

**MISCELLANEOUS**

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**ANNEXATION STATUS**

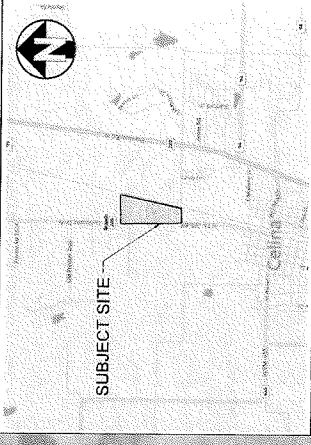
This property was annexed after the 2010 alcohol sales election. Alcohol sales shall be prohibited until the next approved alcohol election.

**PARKING**

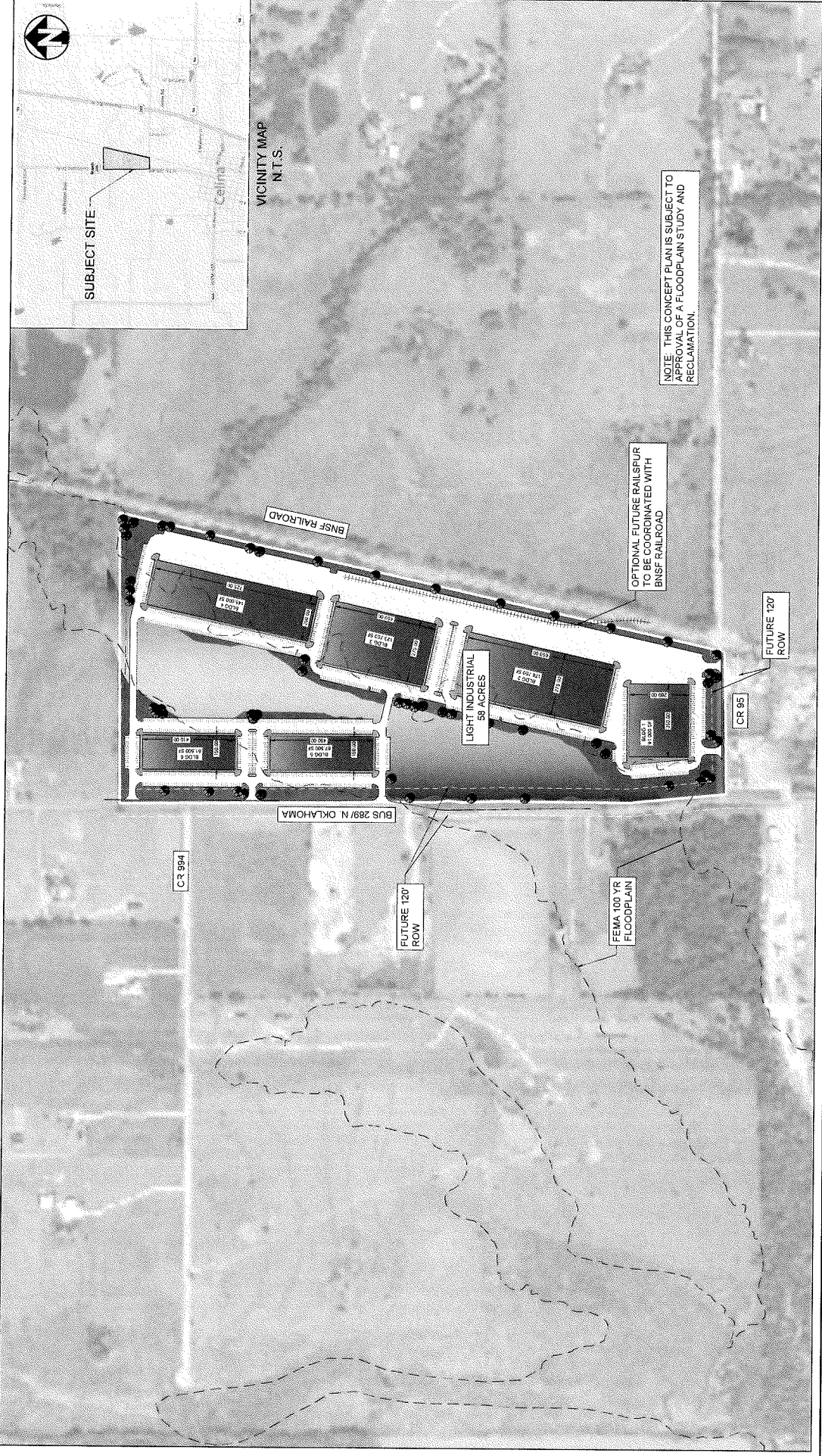
Uses that require greater parking than I-1 uses shall be provided for on-site or through a shared parking agreement.

**PROPERTY OWNERS ASSOCIATION**

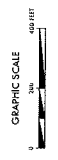
A Property Owner Association will be established as the land is developed. The PD shall contain one or multiple Property Owner Associations.



VICINITY MAP  
N.T.S.



NOTE: THIS CONCEPT PLAN IS SUBJECT TO APPROVAL OF A FLOODPLAIN STUDY AND RECLAMATION.



**CONCEPT PLAN**  
**HUDDLESTON - 58 ACRES**  
 CELINA, TX  
 9.28.15

