

CITY OF CELINA, TEXAS

**ORDINANCE 2016-14
TRACTOR SUPPLY - PD-64**

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 4.029 ACRE TRACT OF LAND SITUATED IN COLLIN COUNTY SCHOOL LAND SURVEY #14, ABSTRACT NO. 167, 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 NUMBER 64; 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, 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, elevations and development regulations set forth in Exhibit "C," Exhibit "D," and Exhibit "E" 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, #64 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 Cclina, 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 #61.

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 elevations set forth in Exhibit "D"; and the development standards set forth in Exhibit "E" 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 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

EXHIBIT "A"

1 OF 1

Legal Description

Being all that certain 4.029 acre tract of land situated in the Collin County School Land Survey, Abstract Number 167, City of Celina, Collin County, Texas, same being a portion of that certain tract of land conveyed to Celina Crossing No. 1, L.P., by deed recorded in Volume 5231, Page 2022, Deed Records, Collin County, Texas, and being a portion of Business State Highway No. 289, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for the Southeast corner of said Celina Crossing tract, same being in the Northwest right-of-way line of State Highway 289 (Preston Road)(variable width right-of-way), same being the Northeast corner of that certain tract of land conveyed to Eland Energy, Inc., by deed recorded under County Clerk's File No. 97-0066580, Official Public Records, Collin County, Texas;

THENCE South 89 deg. 51 min. 50 sec. West, along the common line of said Celina Crossing tract and said Eland tract, passing at a distance of 948.57 feet a 1/2 inch iron rod found for the Northwest corner of said Eland tract, same being the Northeast corner of that certain tract of land conveyed to BLIK Investments, LLC, by deed recorded under County Clerk's File No. 20120822001047740, said Official Public Records, and continuing along the common line of said Celina Crossing tract and said BLIK tract, a total distance of 984.05 feet to a point for the southeast corner of the herein described tract, same being the POINT OF BEGINNING;

THENCE South 89 deg. 51 min. 50 sec. West, continuing along the common line of said Celina Crossing tract and said BLIK tract, passing the northwest corner of said BLIK tract, same being the southwest corner of said Celina Crossing tract, same being in the east right of way line of aforesaid Business State Highway No. 289, and continuing through the interior of said Business State Highway No. 289, a total distance of 434.97 feet to a point for corner for the southwest corner of the herein described tract, same being in the approximate centerline of said Business State Highway 289 (variable width right-of-way);

THENCE North 00 deg. 00 min. 41 sec. West, along the approximate center line of said Business State Highway 289, a distance of 401.70 feet to a point for the northwest corner of the herein described tract;

THENCE North 89 deg. 23 min. 47 sec. East, passing at a distance of 29.86 feet the southwest corner of that certain tract of land conveyed to Aurelio Garcia by deed recorded in Clerk's File No. 20110315000277390, Official Public Records, Collin County, and continuing passing at a distance of 34.09 feet, the northwest corner of said Celina Crossing tract, and continuing along the common line of said Celina Crossing tract and said Garcia tract, passing the southeast corner of said Garcia tract, a total distance of 434.99 feet to a point for the northeast corner of the herein described tract;

South 00 deg. 00 min. 41 sec. East, through the interior of said Celina Crossing tract, a distance of 405.25 feet to the POINT OF BEGINNING and containing 175,499 square feet or 4.029 acres of computed land, more or less.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this legal description accurately sets out the metes and bounds of the easement tract described.



TIMOTHY R. MANKIN
Registered Professional Land Surveyor No. 6122

JOB NO.: 14-0808

DATE: 12/16/15

NOT TO SCALE

**PEISER & MANKIN
SURVEYING, LLC**

www.peisersurveying.com

623 E. DALLAS ROAD
GRAPEVINE, TEXAS 76051
817.481.1800 (TX)



Scale 1" = 40'
Designed by J.V.V.
Checked by J.V.V.
Date of Survey 02-11-2015
Sheet 1 of 2
EXHIBIT B

ZONING EXHIBIT

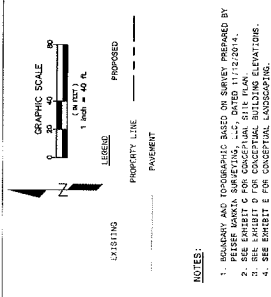
CELINA, TEXAS

TSC TRACTOR SUPPLY CO.

CELINA, TEXAS



VASQUEZ ENGINEERING L.L.C.
1919 S. SHILOH ROAD
SUITE 440, LB 44
GARLAND TEXAS 75042
Ph: 972-278-2948
TX Registration # F-12208



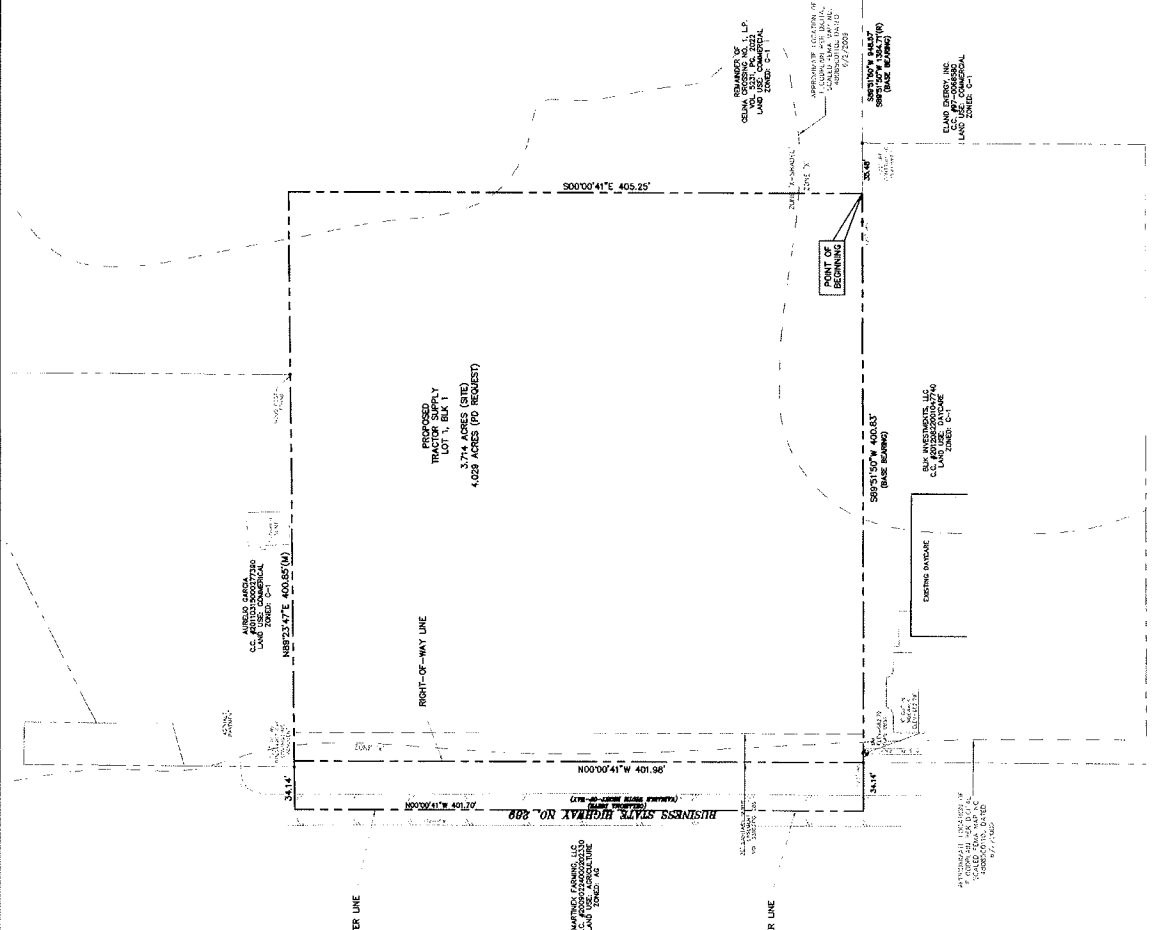
- NOTES:
1. HIGHWAY AND INTERSECTION DATA IN SURVEY OBTAINED BY PREPARE LAND SURVEYING, INC. DATED 11/12/2014.
 2. SEE EXHIBIT C FOR CONCEPTUAL SITE PLAN.
 3. SEE EXHIBIT D FOR CONCEPTUAL LAYOUTS.
 4. SEE EXHIBIT E FOR CONCEPTUAL LANDSCAPING.
 5. THERE IS NO 100-YR FLOODPLAIN ON THE SITE.

LOCATION MAP

NOT TO SCALE

EXHIBIT "A" <i>2nd Description</i>	
Being all that certain 4.022 acre tract of land situated in the City of Celina, Tarrant County, Texas, located in the Southwest 1/4 of Section 49, Township 33N, Range 12W, County of Tarrant, State of Texas, more particularly described as being a portion of Block 283, Lot 36, of the Block 283, Lot 36, Addition to Celina Crossing Subdivision, Phase 2, as shown on the plat of said subdivision, recorded in the Public Records of Tarrant County, Texas, at Volume 205, Page 185.	
COMMENCED is a 1/2 acre tract and 1/4 of the Block 283, Lot 36, Addition to Celina Crossing Subdivision, Phase 2, as shown on the plat of said subdivision, recorded in the Public Records of Tarrant County, Texas, at Volume 205, Page 185.	
WEDICE Shuts is 20.56 acres, being along the corner line of said Celina Crossing Subdivision, Lot 36, and the corner line of said Celina Crossing Subdivision, Lot 35, as shown on the plat of said subdivision, recorded in the Public Records of Tarrant County, Texas, at Volume 205, Page 185.	
NORTHWEST 1/4 of Section 49, Township 33N, Range 12W, County of Tarrant, State of Texas, more particularly described as being a portion of Block 283, Lot 36, of the Block 283, Lot 36, Addition to Celina Crossing Subdivision, Phase 2, as shown on the plat of said subdivision, recorded in the Public Records of Tarrant County, Texas, at Volume 205, Page 185.	
WEDICE Shuts is 20.56 acres, being along the corner line of said Celina Crossing Subdivision, Lot 36, and the corner line of said Celina Crossing Subdivision, Lot 35, as shown on the plat of said subdivision, recorded in the Public Records of Tarrant County, Texas, at Volume 205, Page 185.	
NORTHWEST 1/4 of Section 49, Township 33N, Range 12W, County of Tarrant, State of Texas, more particularly described as being a portion of Block 283, Lot 36, of the Block 283, Lot 36, Addition to Celina Crossing Subdivision, Phase 2, as shown on the plat of said subdivision, recorded in the Public Records of Tarrant County, Texas, at Volume 205, Page 185.	

PREISER & MANKIN SURVEYING, L.L.C.
www.preisermankin.com
1919 S. SHILOH ROAD, SUITE 440, LB 44
GARLAND, TEXAS 75042
972-278-2948
TX REG. # F-12208



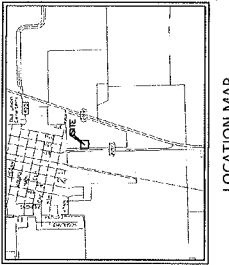
DEVELOPER
GENESIS BLAKE P. INC.
2601 HARRISON,
SUITE 300
MCKINNEY, TEXAS 75068
940-787-0050, TELE

ARCHITECT
GENESIS BLAKE P. INC.
2601 HARRISON,
SUITE 300
MCKINNEY, TEXAS 75068
817-285-7444, TELE

ENGINEER
VASQUEZ ENGINEERING L.L.C.
1919 S. SHILOH ROAD,
SUITE 440, LB 44,
GARLAND, TEXAS 75042
972-278-2948, TELE
972-271-1383, FAX



No.	Date	Appr.

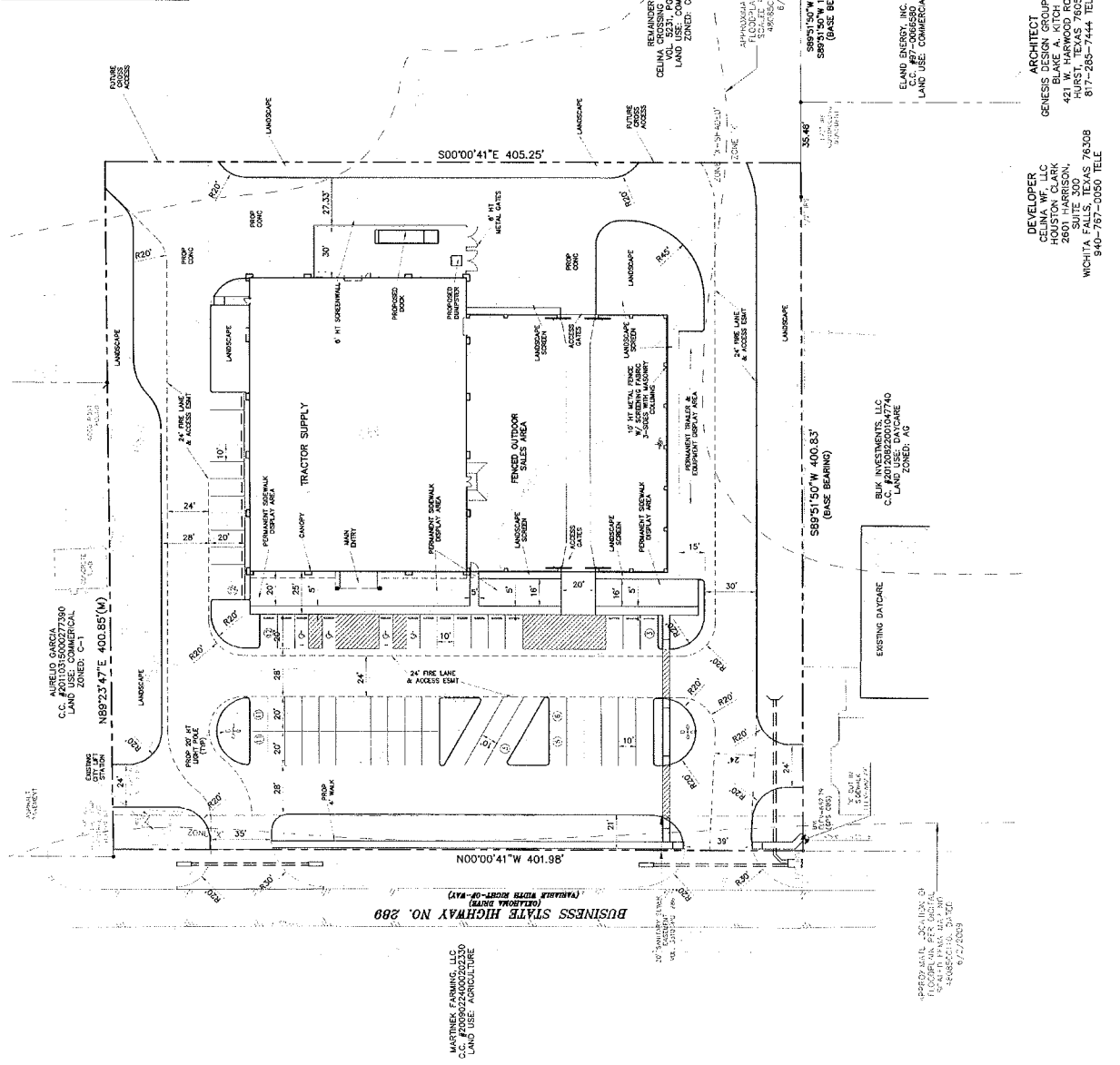


LOCATION MAP
 NOT TO SCALE

- NOTES:
- BOUNDARY AND TOPOGRAPHIC BASED ON SURVEY PREPARED BY TSE TRACTOR SUPPLY CO. ALL DIMENSIONS ARE TO FACE OF CURB, FACE OF BUILDING, CENTERLINE AND INTERSECTION. ALL DIMENSIONS ARE TO FACE OF CURB, FACE OF BUILDING.
 - ALL DIMENSIONS ARE TO FACE OF CURB, FACE OF BUILDING.
 - SEE EXHIBIT D FOR CONCEPTUAL BUILDING ALLOCATIONS.
 - SEE EXHIBIT E FOR CONCEPTUAL BUILDING ALLOCATIONS.
 - THEY ARE TO BE CONSIDERED AS APPROXIMATE.
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SITE SUMMARY TABLE

SITE ADDRESS:	OKLAHOMA DRIVE
CITY:	CELINA, TEXAS
PROJECT NAME:	TRACTOR SUPPLY - CELINA
ZONING DISTRICT:	PD-C1
PROPOSED USE:	RETAIL STORE
SITE AREA:	3.714 ACRES (161,793 S.F.)
BUILDING AREA:	2,500 S.F.
RETAIL AREA:	1,500 S.F.
OFFICE AREA:	1,000 S.F.
MECHANICAL ROOM:	1,000 S.F.
STORAGE AREA:	1,000 S.F.
LANDSCAPE AREA:	1,500 S.F.
TOTAL REQUIRED:	7,700 S.F.
PAVING PROVISIONS:	REGULAR PAVING
LANDSCAPE AREA:	1,500 S.F.
LANDSCAPE AREA RATIO:	127,843 S.F. / 161,793 S.F. = 78.0%
PREVIOUS AVENUE RATIO:	30,238 S.F. / 161,793 S.F. = 18.7%



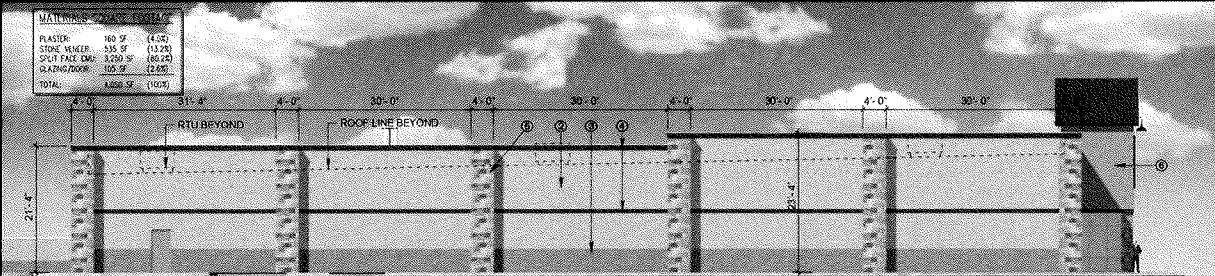
DEVELOPER
 CELINA WF, LLC
 HOUSTON CLARK
 2800 WEST 20TH ST
 SUITE 202
 WICHITA FALLS, TEXAS 76708
 940-767-0050 TELE

ARCHITECT
 GENESIS DESIGN GROUP, INC.
 BLAKE A. KITCH
 4200 W. HAWKWOOD ROAD
 SUITE 440, LB 44
 GARLAND, TEXAS 75042
 972-295-7444 TELE
 817-295-7444 TELE

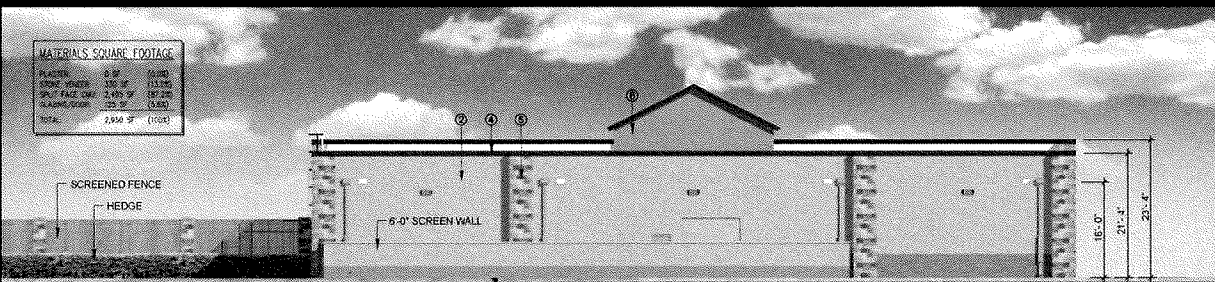
ENGINEER
 VASQUEZ ENGINEERING, LLC
 JUAN J. VASQUEZ, P.E.
 1919 S. SHILOH ROAD
 SUITE 440, LB 44
 GARLAND, TEXAS 75042
 972-276-2948 TELE
 972-271-1385 FAX



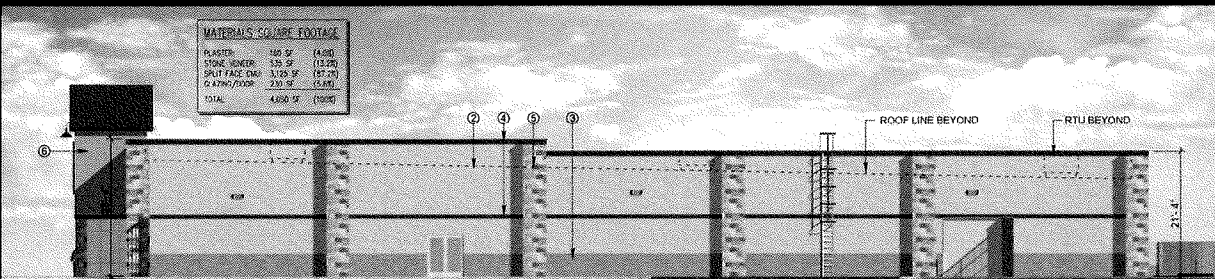
WEST ELEVATION



NORTH ELEVATION

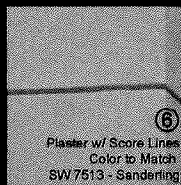


EAST ELEVATION



SOUTH ELEVATION

Proposed Materials



CELINA, TX
ELEVATIONS RENDERING

EXHIBIT D



PLANNED DEVELOPMENT STANDARDS

General

The purpose of the proposed Planned Development is to provide flexibility of the regulations for retail and commercial developments within the City of Celina's C-1 Retail District.

Any significant changes to the land use as shown on Exhibit C shall require approval by the City of Celina Planning and Zoning Commission, as well as, the City of Celina City Council. The following are changes that are allowed within the PD without an amendment to this Planned Development:

- Building location;
- Building size reduction;
- Parking spaces (either adding or relocating);

C-1, Retail District

(a) All retail and commercial uses within this Planned Development shall meet the requirements of the C-1 zoning district of the City of Celina Zoning Ordinance as they exist or may be amended. The following regulations shall also be applicable.

(e) Parking regulations. Parking for the use shown on Exhibit C shall be at a rate of 1 parking space per 300 square feet of gross floor area. All other uses shall be in accordance with City standards, Refer to article 14.05, division 2.

(g) Special requirements.

(2) Required massing for nonresidential structures. Building massing for the use shown on Exhibit C shall be as shown on Exhibit D. All other uses not shown on Exhibit C shall provide building massing in accordance with City Standards.

(3) Open storage. Open storage adjacent to the building shall be allowed as shown on Exhibit C and shall be screened from public view with a 10-foot high wrought iron type fence with masonry columns spaced at intervals as shown on Exhibit C. The fence shall be screened with a screening fabric and landscaping as shown on Exhibit C. Any increase in the amount of open storage adjacent to the building will require an amendment to this Planned Development.

(4) Outside display. Outside display of merchandise and seasonal items shall be limited to the following:

(A) Outside display areas shall be located as shown on Exhibit C.

(B) Outside display areas shall not occupy any of the parking spaces that are required by this chapter for the primary use(s) of the property.

(C) Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way;

(D) Outside display areas shall not extend into public right-of-way or onto adjacent property;

(E) Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

(F) Outside display items for the use on shown on Exhibit C shall be allowed on a permanent basis unless the display is in violation of this PD or applicable City Ordinances not amended by this PD.

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

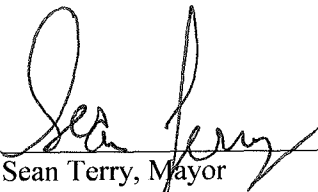
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

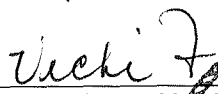
This Ordinance shall become effective from and after its date of passage and publication as required by law.

AND IT IS SO ORDAINED.

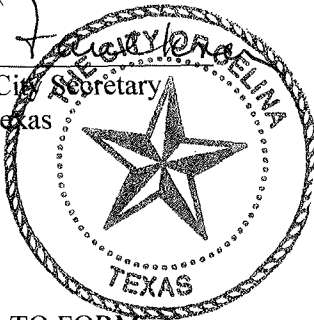
PASSED AND APPROVED by the City Council of the City of Celina, Texas this 8th day of March, 2016.


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