

CITY OF CELINA, TEXAS

**ORDINANCE 2017-134
PECAN STREET RESTARUANT #89**

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 .178 ACRE TRACT OF LAND LOCATED IN THE CELINA ORIGINAL DONATION, LOT 1, BLOCK 51, CITY OF CELINA, 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 #89; 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, #84 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 "B" attached hereto and incorporated herein, as "PD" Planned Development District #89.

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 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

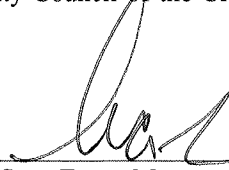
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

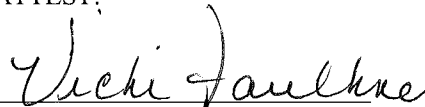
This Ordinance shall become effective from and after its date of passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 12 day of December, 2017.


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



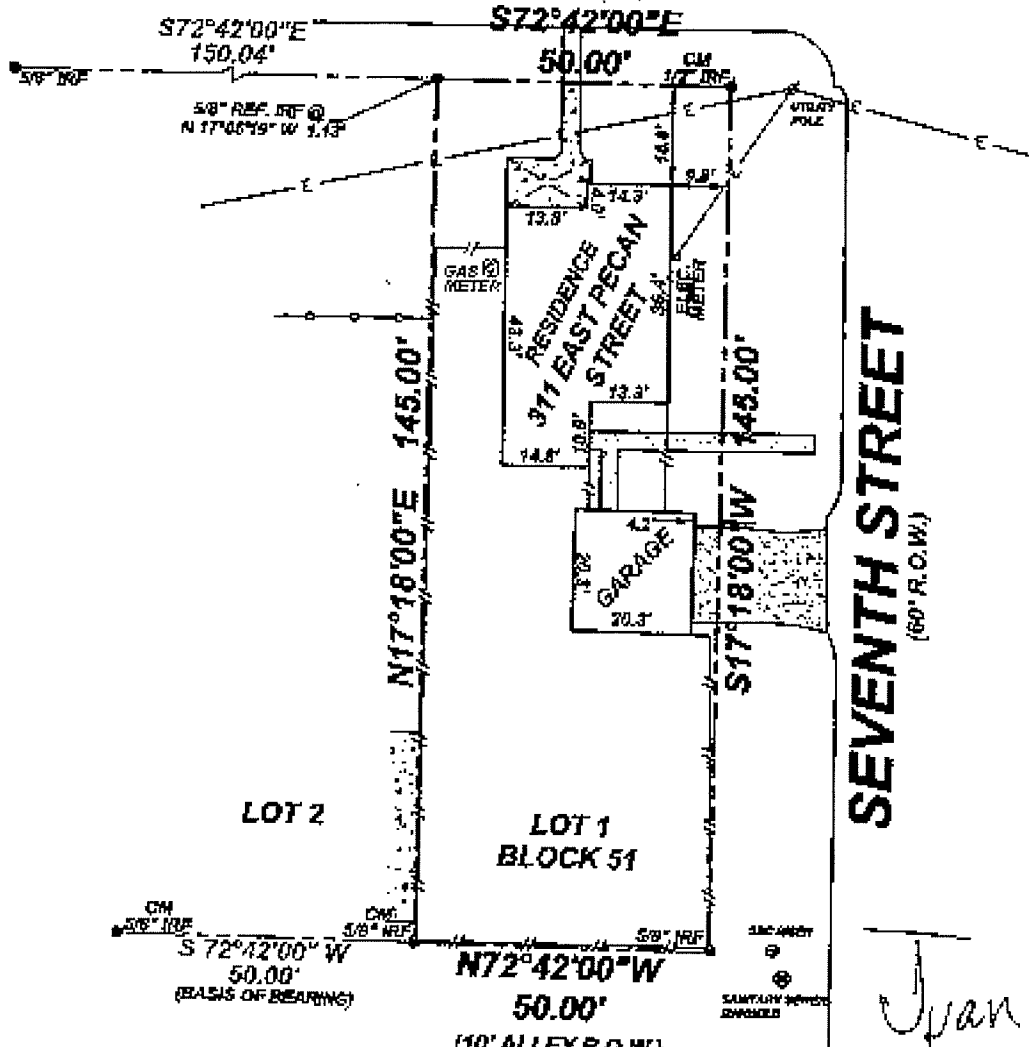
Exhibit "A"
Property Description

311 East Pecan Street, Lot 1, Block 51 of Original (Old) Donation, and addition to the City of Celina, Collin County, Texas according to the plat recorded in volume 1, page 114 of the Map Records of Collin County Texas.

Exhibit "B"

EAST PECAN STREET

(60' R.O.W.)



SEVENTH STREET
(60' R.O.W.)

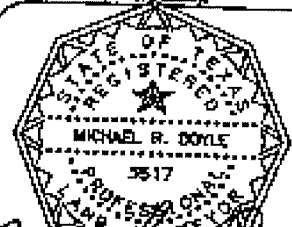
*Juan Carlos
Wejman Zapata*

PROPERTY DESCRIPTION
311 EAST PECAN STREET, LOT 1, BLOCK 51, OF OLD DONATION, AN ADDITION TO THE TOWN OF CELINA, COLLIN COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 333A, PAGE 2 AND REVISED BY VOLUME 1, PAGE 114, OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS.

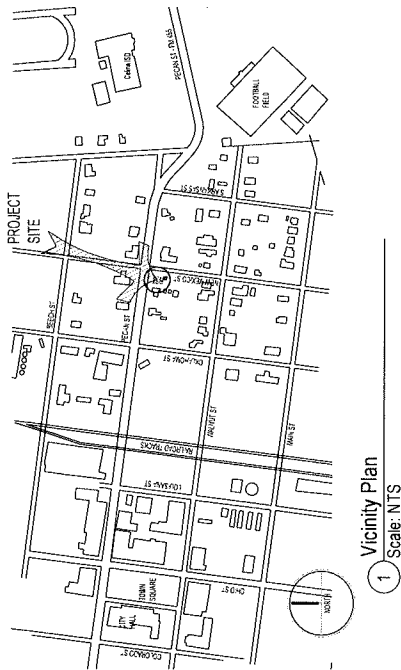
SURVEYOR'S CERTIFICATION
THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON IS CORRECT AND TO THE BEST OF MY KNOWLEDGE THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS AND BASEMENTS OF RIGHT-OF-WAY THAT I HAVE BEEN ADVISED OF EXCEPT AS SHOWN HEREON. SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.

FLOOD STATEMENT
THE PROPERTY DESCRIBED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL NO. 48065C0116J PRESENT EFFECTIVE DATE OF MAP JUNE 2, 2008, HEREIN PROPERTY SITUATED WITHIN ZONE X (UNSHADED).

- GENERAL NOTES**
- 1.) THE BASIS OF BEARINGS FOR THIS SURVEY WAS DERIVED FROM DATA PROVIDED ON THE RECORDED PLAT.
 - 2.) THERE ARE NO VISIBLE CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN.
 - 3.) THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE NAMED CLIENT, MORTGAGE COMPANY, TITLE COMPANY, OR OTHER, AND IS MADE PURSUANT TO THAT ONE CERTAIN TITLE COMMITMENT UNDER THE CP NUMBER LISTED HEREON.
 - 4.) AS OF THIS DATE, ALL BASEMENTS, RIGHTS-OF-WAY OR OTHER LOCATABLE MATTERS OR RECORD SHOWN OR NOTED HEREON WERE DERIVED FROM THE RECORDED PLAT, THE VESTING DEED, OR THE TITLE REPORT AND SUPPORTING DOCUMENTS. ALL SUCH ITEMS WERE OBTAINED DURING THE RESEARCH PHASE OF THIS SURVEY OR PROVIDED BY THE CLIENT/TITLE COMPANY LISTED HEREON. B & D SURVEYING, INC. MAKES NO REPRESENTATION AS TO THE ACCURACY OR COMPLETENESS OF SUCH ITEMS AND HAS MADE NO ATTEMPTS TO OBTAIN OR SHOW ANY ADDITIONAL RESTRICTIONS ON OR NEAR THIS PROPERTY PUT IN PLACE BY LOCAL MUNICIPALITIES OR ASSOCIATIONS.
 - 5.) THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
 - 6.) THE EXISTING UTILITIES DEPICTED HEREON ARE BASED ON FIELD LOCATION OF VISIBLE, ABOVE GROUND EVIDENCE. UNDERGROUND UTILITIES AND OTHER MINOR IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY. B & D SURVEYING, INC. IS NOT RESPONSIBLE FOR THE EXACT LOCATION OF SUBSURFACE UTILITIES, OR FOR ANY DAMAGES BY ANY CONSTRUCTION OR EXCAVATION ON OR NEAR SAID UTILITIES.



FIELD SURVEY DATE: 2/5/2013
THIS SURVEY IS VALID ONLY WHEN PRINTED



SITE DATA:

SITE AREA: CURRENTLY 7,250 SF OR 0.17 ACRE
 AFTER ROAD WIDENING: 6,750 SF OR 0.15 ACRE

PLANNED DEVELOPMENT AREA
 (INCLUDING HALF OF PECAN ROW,
 HALF OF NEW MEXICO ROW AND
 HALF OF REAR UTILITY ROW): 14,400 SF OR 0.33 ACRE

EXISTING ZONING: C-1

CURRENT USE: SINGLE FAMILY RESIDENCE, (NON-CONFORMING)

FLOOD ZONING: PROPERTY IS NOT WITHIN A SPECIAL FLOOD HAZARD ZONE ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD PANEL 48085C0110J, EFFECTIVE DATE JUNE 2, 2009.

ZONING REQUEST: A PLANNED DEVELOPMENT TO BUILD A SMALL RESTAURANT ON THIS SITE.

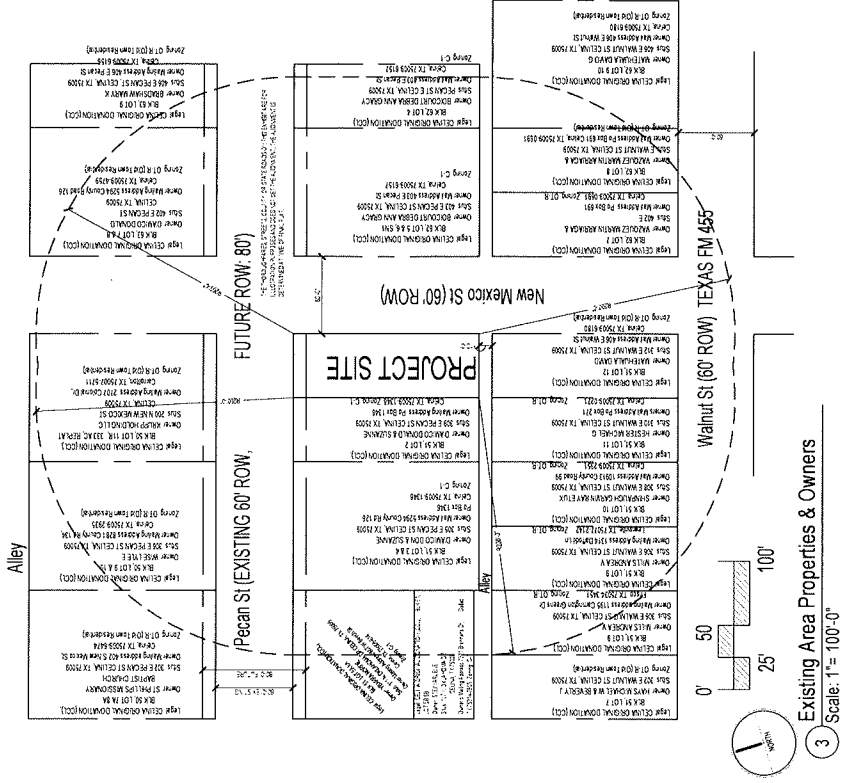
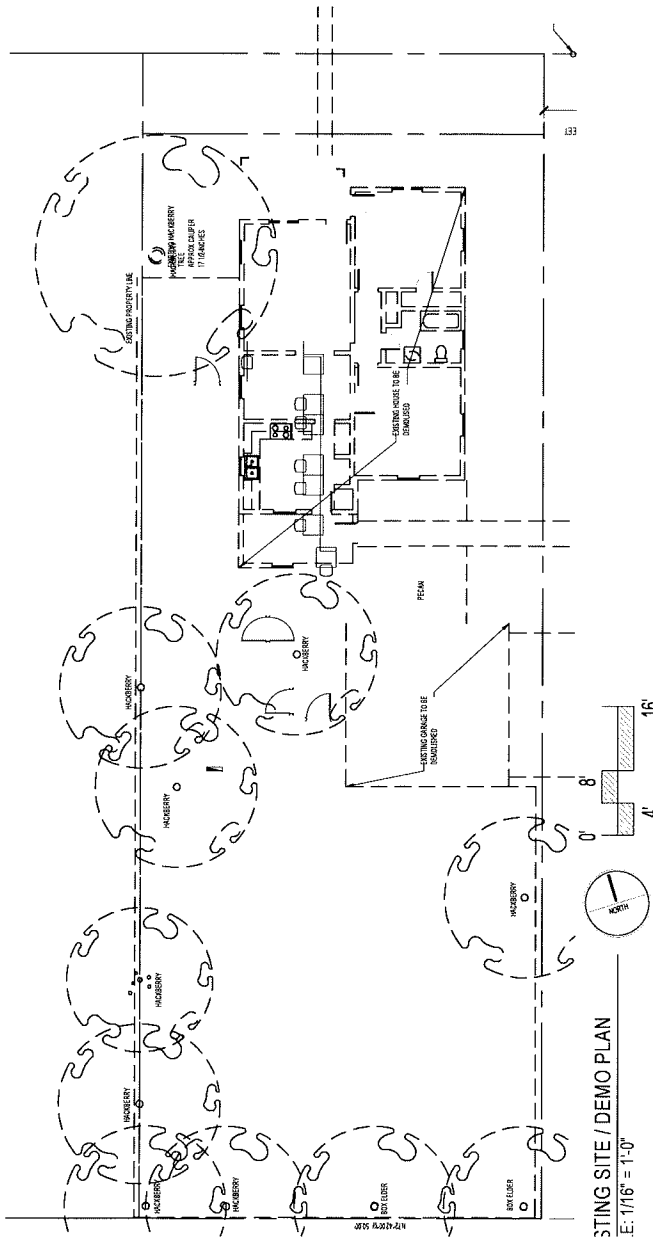


EXHIBIT "C"

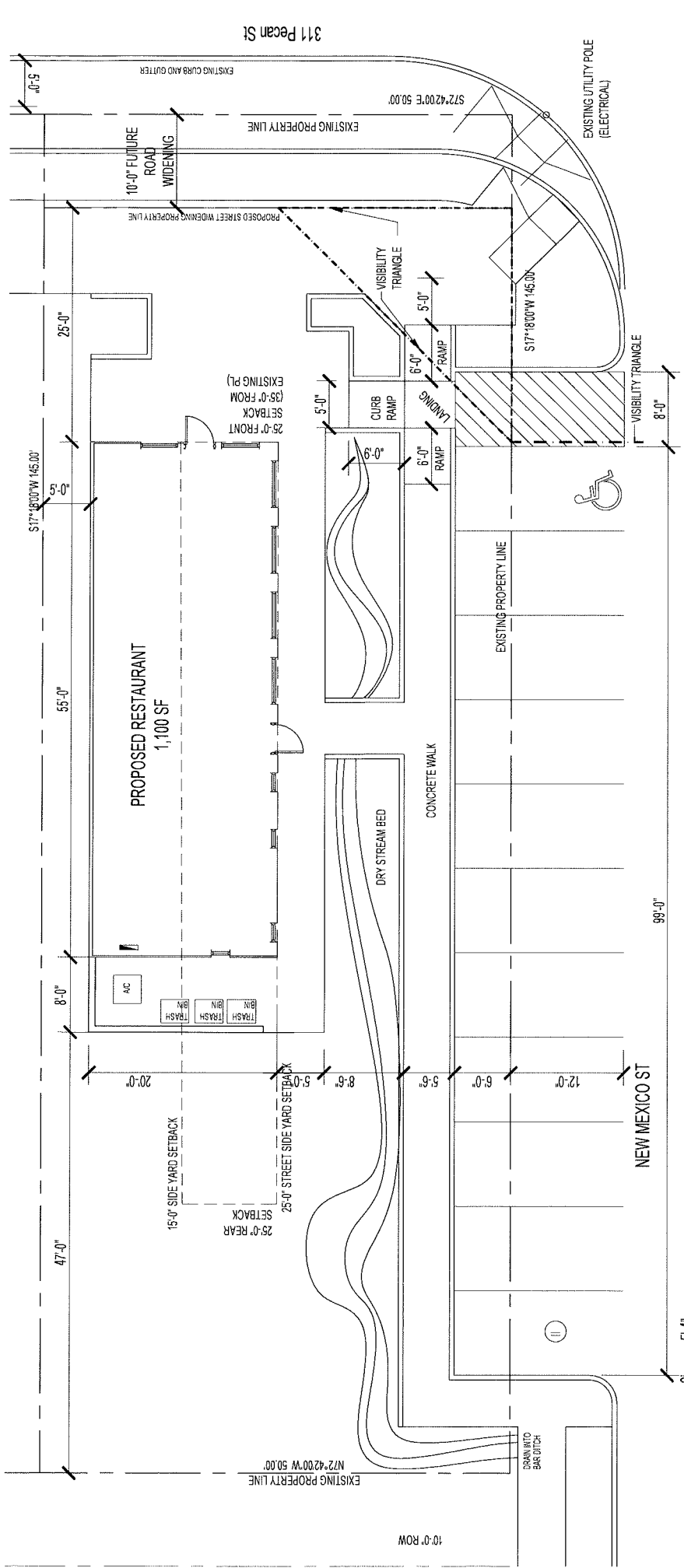
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|---------------------------|---|
| Case #: | Date: 11-15-2017 |
| Legal Description: | Celina Original Donation, Blk 51, Lot 1 Property ID: 981343 |
| Owner: | Juan Llamas & Veronica Zapata, Phone: 972-955-6831 406 Mustang Tri, Celina, TX 75009 |
| Applicant: | Amanda Boers, Architect, Phone: 214-727-6707 P. O. Box 59353, Dallas, TX 75359 |
| Surveyor: | Michael Doyle Phone: 972-221-2838 B&D Surveying Inc 1650 Canterbury Lewisville TX75067 |



LOS OF PROPERTY TO THE WEST
:NTS

EXHIBIT "C"

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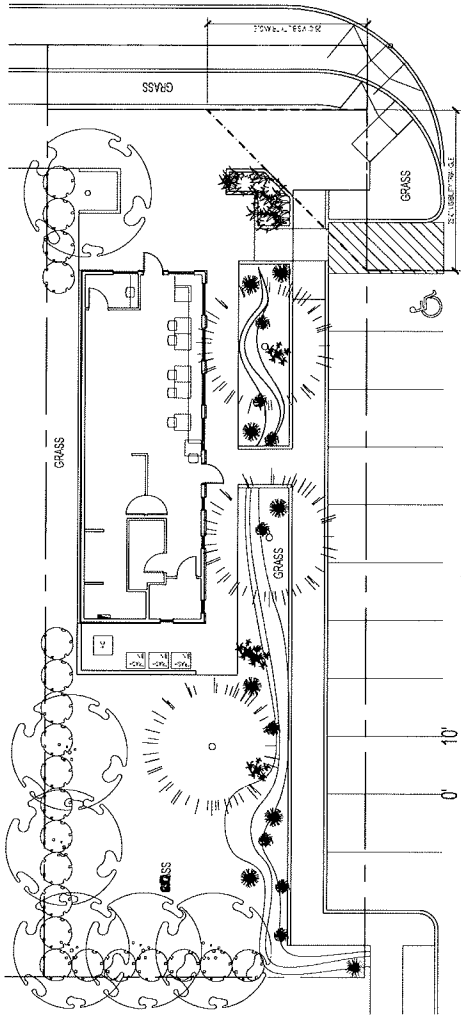


SITE DATA:

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|---|
| EXISTING ZONING: C-1 |
| SITE LEGAL DESCRIPTION: Cellina Original Donation Blk 51, Lot 1 |
| STREET ADDRESS: 311 E. Pecan St |
| SITE AREA: 7,250 SF |
| EXISTING IMPROVEMENT: Existing house built in 1930, approx. 1,008 SF (to be demolished) |
| TOTAL PROPOSED HEATED SPACE: 1,100 SF |
| NEW USE: Restaurant |
| PARKING REQUIRED: 11 stalls |
| PARKING PROVIDED: 11 stalls |

EXHIBIT "C"

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PLANT SCHEDULE:

| # | TREE COMMON NAME | TREE SCIENTIFIC NAME | SIZE | NOTES: |
|----|-----------------------------|----------------------------|-------------|--|
| 5 | CREPE MYRTLE | Myrica pusilla | 3" Caliper | measured 12" from ground |
| 1 | OKLAHOMA REDBUD | Cercis canadensis Oklahoma | 3" Caliper | measured 12" from ground |
| 3 | POND CYPRESS | Taxodium ascendens | 3" Caliper | measured 12" from ground |
| # | SHRUB COMMON NAME | SHRUB SCIENTIFIC NAME | SIZE | NOTES: |
| 21 | CARISSA HOLLY | ILEX CORNUITA 'CARISSA' | 3-GAL (MIN) | MUST GROW TO 3-FT TALL 3-GAL (MIN) WITHIN 1-YEAR OF PLANTING |
| # | PLANT COMMON NAME | SHRUB SCIENTIFIC NAME | SIZE | NOTES: |
| 8 | LINDHEIMERS MULTI-FLY GRASS | Muhlenbergia lindheimeri | 3-GAL (MIN) | |
| 2 | CYPERUS UMBRELLA PLANT | Cyperus alternifolius | 3-GAL (MIN) | |
| 8 | MEXICAN FEATHERGRASS | Stipa Tennessima | 2-GAL | |
| # | LAWN GRASS COMMON NAME | SHRUB SCIENTIFIC NAME | SIZE | NOTES: |
| 15 | BERMUDA GRASS | Cynodon dactylon | sod | |

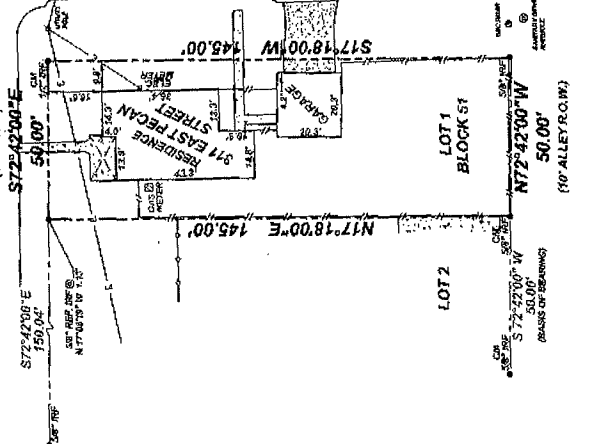
2 Landscape
1" = 20'-0"

LANDSCAPE DATA:

AREA OF PROPERTY: 7,250 SF
 AREA TO BE CONDEMNED: 500 SF
 AREA OF BUILDING: 1,100 SF
 AREA OF PARKING LOT / ACCESS AISLE: 645 SF
 AREA OF SIDEWALKS: 2,146 SF
 LANDSCAPE AREAS PROVIDED:
 FRONT YARD: 208 SF
 WEST SIDE: 316 SF
 EAST SIDE: 486 SF
 REAR YARD: 1,849 SF
 TOTAL: 2,859 SF
 FRONT YARD IS 7% OF ALL LANDSCAPE PROVIDED.
 REQUIRED LANDSCAPING IN PARKING AREA (10%): 64.5 SF.
 PROVIDED 0 SF
 TREE MINIMUM IN PARKING AREA: 645 SF / 400 TREE (SF = 2 TREES PROVIDED)
 PARKING TREES PROVIDED = 0

EAST PECAN STREET
(60' R.O.W.)

SEVENTH STREET
(60' R.O.W.)



PROPERTY DESCRIPTION: TRACT OF REAL, UNPLATTED LAND, ACCORDING TO THE MAP ON FILE WITH THE COUNTY CLERK OF COLLIER COUNTY, TEXAS, RECORDED IN VOLUME 334, PAGE 2 AND INDEXED IN VOLUME 1, PAGE 14, OF THE PUBLIC RECORDS OF COLLIER COUNTY, TEXAS.

OWNER'S CERTIFICATION: THE CONTAINING OF THE PROPERTY (LAWFULLY ACQUIRED) DESCRIBED HEREIN IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM) NUMBER 17080C0010A, DATED 08/01/00, AND/OR ANY OTHER FLOOD HAZARD MAPS OR RECORDS ON FILE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY.



NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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"C" EXHIBIT

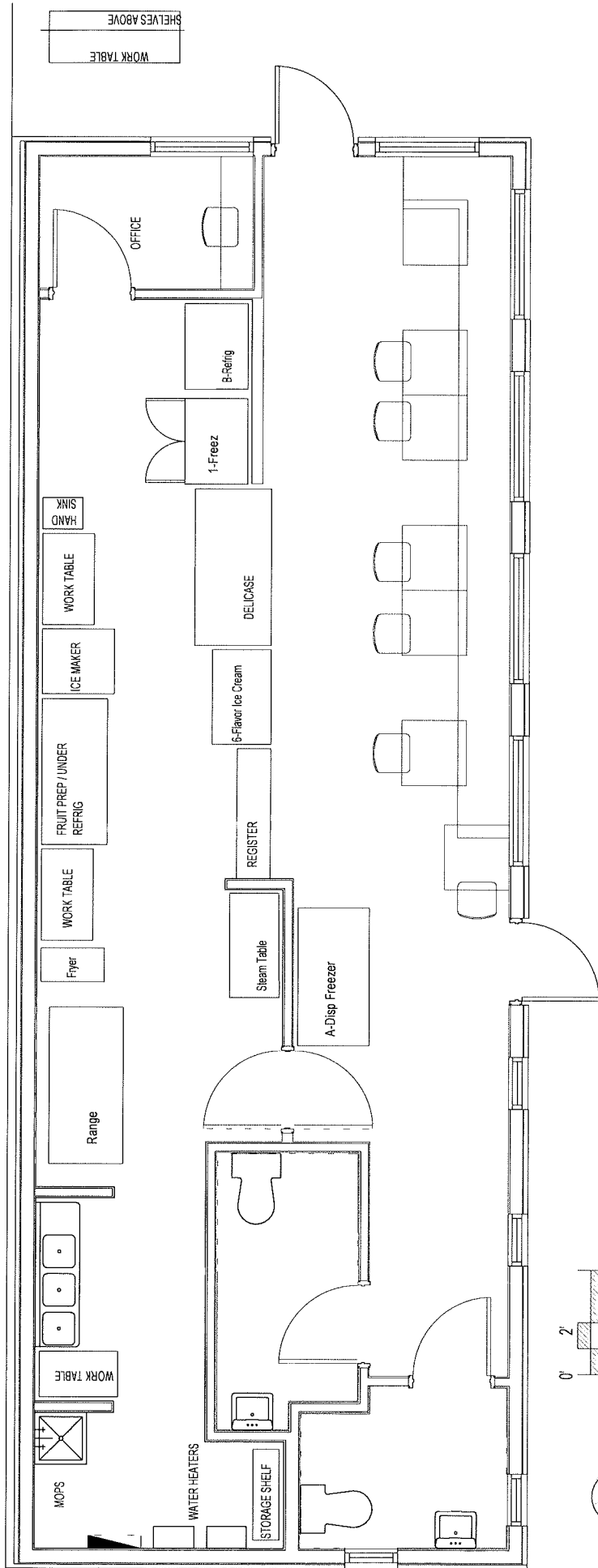
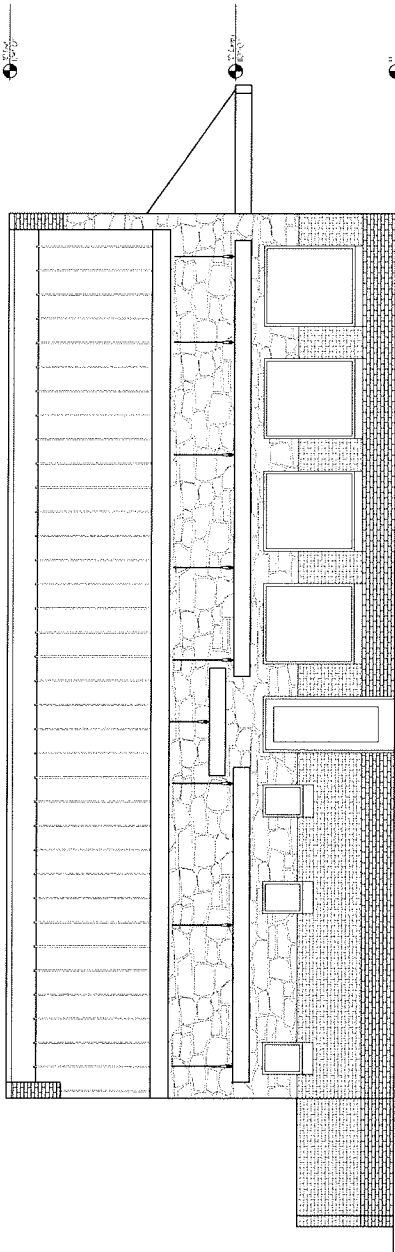


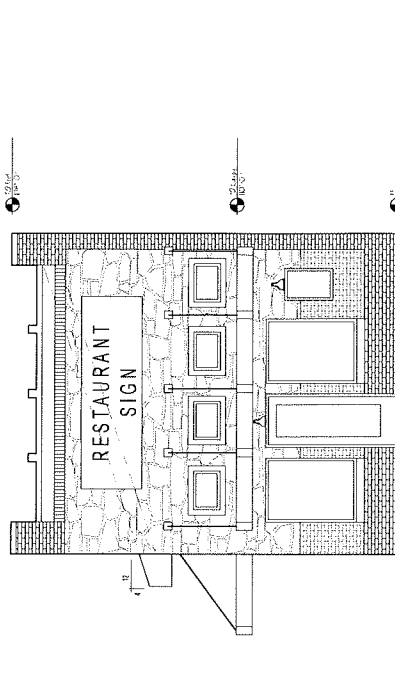
EXHIBIT "C"

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1 Floor Plan
1/4" = 1'-0"



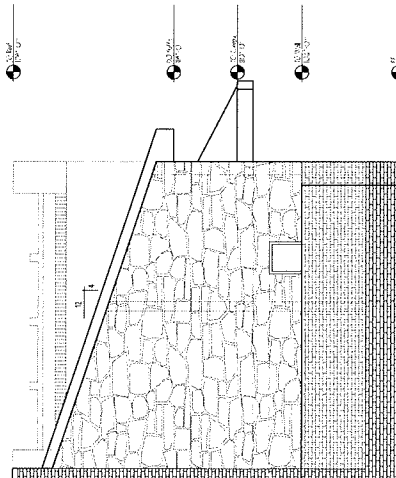
East Elevation
8" = 1'-0"



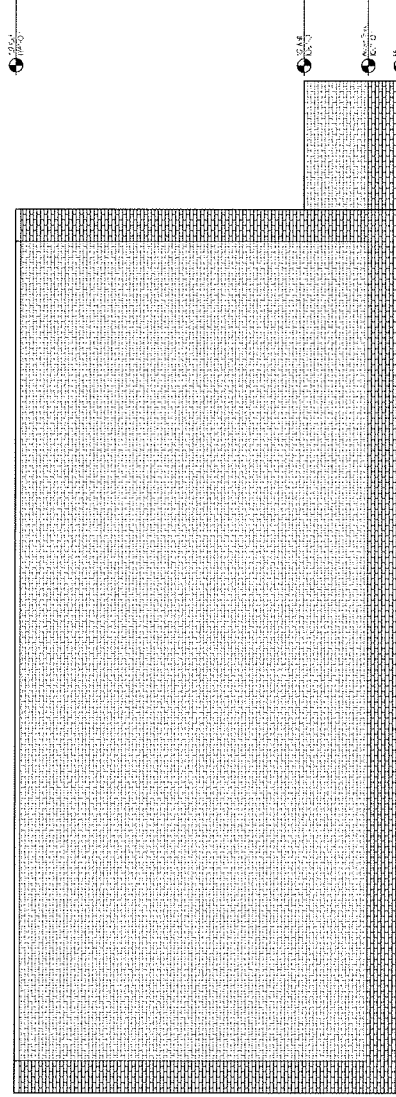
North Elevation
1/8" = 1'-0"

454.8 SF ELEV

2



South Elevation
8" = 1'-0"



West Elevation
1/8" 1'-0"

4

EXHIBIT "C"

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Planned Development Regulations

Section 14.03.-24 C-1 Retail District applies with the following revisions:

14.03.024.d.1.B Minimum Lot Width 50-feet

14.03.024.d.2.A Minimum front yard 10 feet.

14.03.024.d.2.B Minimum side yard. 5-feet; 10 feet adjacent to a public street.

14.03.024.5 Minimum building separation for nonresidential structures. There shall be a separation between structures composed of distance and/or fire rated construction to meet the city's Fire Code and the current Building Code.

14.05.045.6 Necessary access ways from the public right-of-way shall be permitted through all perimeter landscaping required in section 14.05.086.b. The width of all access ways shall be between 25 feet for non-residential two-way movements...

Sec. 14.05.046 Off Street Parking requirements based upon use

- The applicant may provide on street parking in lieu of off street parking provided that supplied on street parking is accommodated by the increase in right of way being provided by the site to mitigate the effects of vehicles parked within the right of Way.
- Off Street parking shall be a minimum of 1 space per 150 sqft of floor area.

14.05.086.a.2 Minimum front yard Landscaping. Percentage of landscaping in the front yard. In all nonresidential zoning districts, not less than 20% of the landscaping shall be located in the required front yard and shall be in accordance to subsection (c) below (open space landscaping requirements). In calculating the amount of landscaping for the front yard, if landscape areas within off-street parking/vehicular use areas are within the front yard, then they shall be counted towards the 15% landscaping minimum.

14.05.086.b Minimum landscaping requirements for off-street parking and vehicular use areas.

b.1 Interior landscaping shall not be required.

14.05.086.b.1.A Whenever an off-street parking or vehicular use area abuts a public right-of-way, except a public alley, a perimeter landscape area of at least 3 feet in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area. An appropriate landscape screen or barrier shall be installed in this area and the remaining area shall be landscaped with at least grass or other ground cover.

14.05.086.b.1.B Tree minimum. – One tree with a minimum of 3 caliper inches shall be required.

14.05.086.b.2 Perimeter landscaping. All parking lots and vehicular use areas shall be screened from all abutting properties and/or public rights-of-way with a minimum one-foot buffer containing a wall, fence, hedge, berm or other durable landscape barrier.

14.05.086.b.2.A Whenever an off-street parking or vehicular use area abuts a public right-of-way, except a public alley, a perimeter landscape area of at least 3 feet in depth shall be abutting right-of-way and the off-street parking or vehicular use area. An appropriate landscape screen or barrier shall be installed in this area and the remaining area shall be landscaped with at least grass or other ground cover.

14.05.152.6.A Construction standards. Facade articulation of at least three feet in depth or offset shall be required for every 40 feet in horizontal surface length.