

ORDINANCE NO. 3072-A

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL PERMIT WITH SPECIAL CONDITIONS TO ALLOW A CHILD CARE FACILITY TO BE LOCATED IN A 13.3 ACRE RETAIL CENTER AT THE NORTHWEST CORNER OF PLANO AND BUCKINGHAM ROADS, SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING SPECIAL CONDITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Planning Commission of the City of Richardson and the governing body of the City of Richardson in compliance with the laws of the State of Texas and the ordinances of the City of Richardson, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance should be amended; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:**

**SECTION 1.** That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby, amended so as to grant a special permit with special conditions to allow a child care facility to be located in a 13.3 acre retail center at the northwest corner of Plano and Buckingham Roads, said property being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

**SECTION 2.** That the above zoning is hereby granted subject to the following special conditions:

1. The special permit shall be limited to the space indicated on the attached concept plan.

2. The development shall be essentially in compliance with the concept plan, attached hereto and marked Exhibit "B".
3. Approval of revised landscape plan for the retail center shall be deferred until an over all redevelopment plan is submitted.
4. A physical barrier that is approved by City staff shall be provided adjacent to the fenced play area.
5. The special permit shall be issued to Tutor Time only.
6. Entry to the 11,106 square feet of leased space will be from the rear, and the outdoor play area will be provided at the rear of the building.

**SECTION 3.** That the above described tract shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and subject to the aforementioned special conditions.

**SECTION 4.** That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 5.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 6.** That any person, firm or corporation violating any of the provisions of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be

punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provides.

**DULY PASSED** by the City Council of the City of Richardson, Texas, on the 13th day of MAY, 1996.

**APPROVED:**



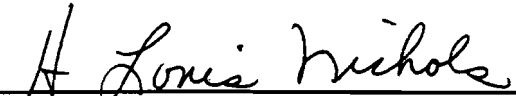
\_\_\_\_\_  
**MAYOR**

**CORRECTLY ENROLLED:**



\_\_\_\_\_  
**CITY SECRETARY**

**APPROVED AS TO FORM:**



\_\_\_\_\_  
**CITY ATTORNEY**  
(HLN/sgb 4-24-96)

EXHIBIT "A"

[An Attachment to the Warranty Deed from  
The Western and Southern Life Insurance Company ("Grantor")  
to Buckingham Shopping Center, Ltd. ("Grantee")]

Being a tract of land located in the Sarah Zachary Survey, Abstract No. 1616 and being all of Buckingham Place Shopping Center, an addition to the City of Richardson, as recorded in Volume 78230, Page 19, of the Map Records of Dallas County, Texas, and as revised by Certificate of Correction recorded in Volume 79040, Page 891 of the Deed Records of Dallas County, Texas, and further being a part of Lot 27, Block 1, of the Revised Plat of Town North Park No. 1, an addition to the City of Richardson, Texas as shown on the Plat thereof recorded in Volume 791, Page 988 of the Map Records of Dallas County, Texas, and being a 32-foot foot by 165 foot Fire Lane, Utility and Access Easement as shown on the plat as recorded in Volume 76081, Page 0020 of the Map Records of Dallas County, Texas, being the same property as described in Deed to Buckingham-Lakeview Associates recorded in Volume 79171, Page 330 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

Beginning at the Northeast corner of Lot 27, Block 1, said point being located in the west line of Plano Road ( a 140.0-foot right-of-way), said point also being located South a distance of 141.00-feet along said west line from the intersection of the South line of North Park Drive ( a 50-foot right-of-way) and said west line of Plano Road;

THENCE South with said west line of Plano Road, a distance of 450.84-feet to a 1/2-inch iron found for corner , said point being on the north line of Buckingham Square Shopping Center No. 1, an addition to the City of Richardson as recorded in Volume 76081, Page 0020 of the Deed Records of Dallas County, Texas;

THENCE West with said North line a distance of 165.00-feet to a "P K" nail found for corner;

THENCE South with the west line of said Buckingham Square Center No. 1 at a distance of 135.00-feet pass the Northwest corner of Muffler Acres Addition to the City of Richardson as recorded in Volume 77250, Page 1796 of the Deed Records of Dallas County, Texas, continuing with the west line of said Muffler Acres Addition a total distance of 231.39-feet to a "PK" nail set for corner;

THENCE North  $87^{\circ}47'00''E$ , 15.13-feet with the south line of said Muffler Acres Addition to a 1/2-inch iron rod set for corner at the Northwest corner of the Mobil Oil Corporation tract;

THENCE South with the west line of said Mobil Oil Corporation tract, a distance of 150.00-feet to a point in the north line of Buckingham Road ( a variable width right-of-way), found "x" cut in concrete;

THENCE South  $87^{\circ}47'00''W$ , 618.46-feet along the north line of Buckingham Road to a 1/2-inch iron rod found, said point being the Southwest corner of Lot 27, Block 1 and being in the East line of a 16-foot alley;

THENCE North, 840.56-feet along the East line of the said alley to a found "x" cut in concrete for corner;

THENCE N  $45^{\circ}00'00''E$ , 21.21-feet with an alley cutback line to a found "x" cut in concrete for corner;

THENCE East, 752.88-feet along the South line of the 16-foot alley to the Point of Beginning and containing 505,306-square feet or 13.4368-acres of land save and except all of Tract A as described hereinbelow, said Tract A containing 22,430-square feet or 0.5149-acres of land.

3012

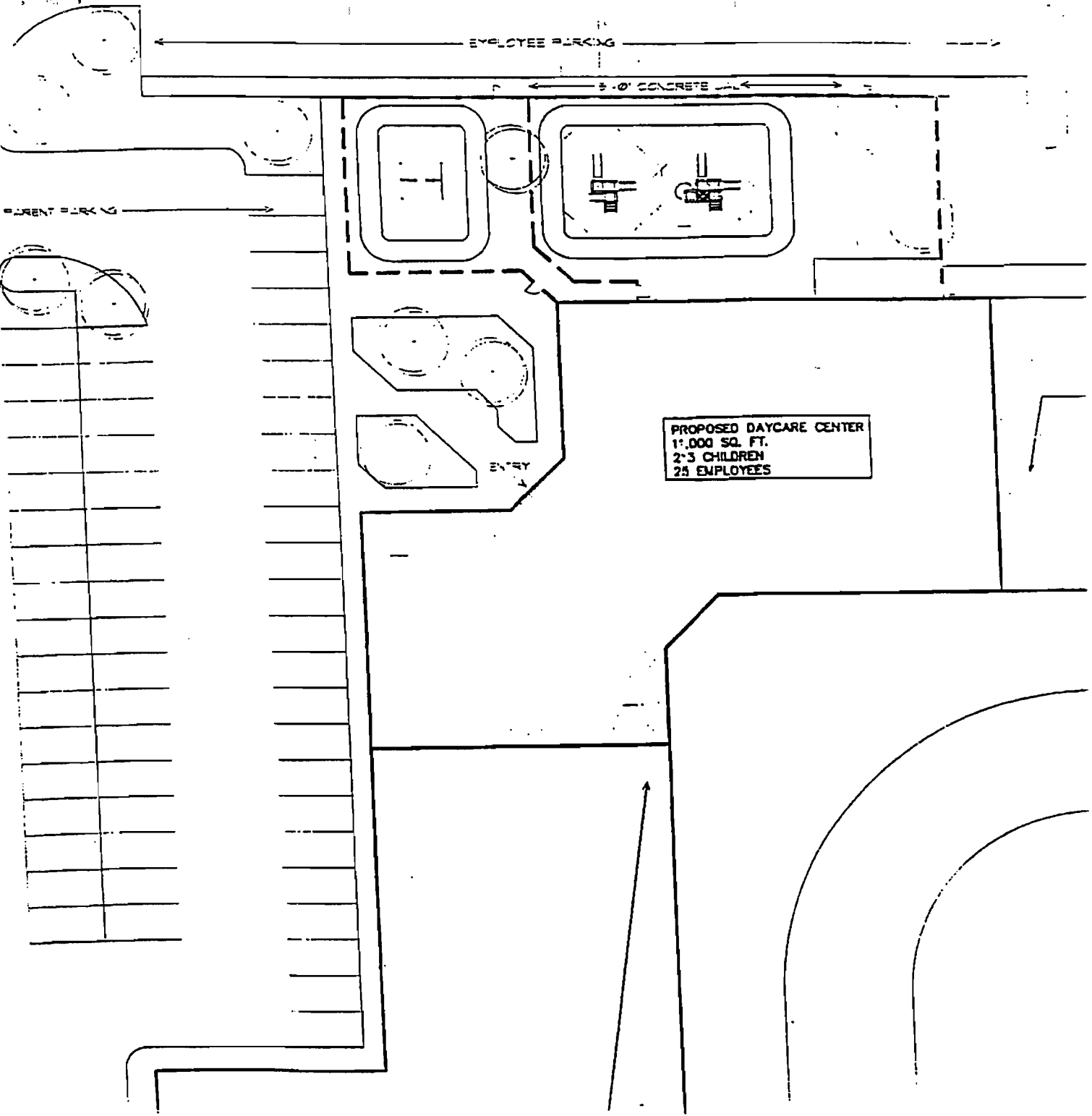


PLAY AREA = 6.688 SQ. FT.

EMPLOYEE PARKING

3'-0" CONCRETE WALK

PARENT PARKING



PROPOSED DAYCARE CENTER  
11,000 SQ. FT.  
2-3 CHILDREN  
25 EMPLOYEES

CONCEPT PLAN

3072

EXHIBIT  
B

**ZONING FILE 9611 - NOTICE OF PUBLIC HEARING  
CITY OF RICHARDSON, TEXAS**

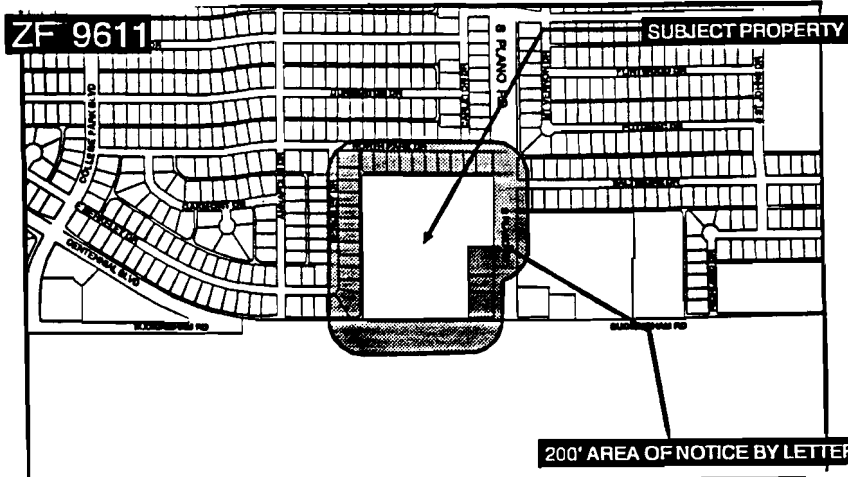
**PUBLIC HEARING DATE & TIME:** Monday, April 22, 1996, 7:30 p.m.

**PLACE:** Richardson Civic Center/City Hall, 411 W. Arapaho Rd.,  
City Council Chamber

**PURPOSE OF THE HEARING:** Consider a request by Peter Fundaro,  
representing Tutor Time, for a special permit for a day care  
facility at 1332 S. Plano Road. The property is zoned CM-SPL  
Commercial.

**OWNER:** William Morris

**CITY PLAN COMMISSION RECOMMENDATION:** Approval recommended 6-1  
subject to special conditions.

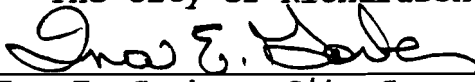


**PROCEDURE:** Testimony will be limited to 20 minutes for proponents  
and 20 minutes for opponents. The applicant may reserve any portion  
of the allotted time for rebuttal following the opposition. Time  
required to respond to questions by the City Council is excluded  
from the 20 minute limitation. The City Council may approve or  
disapprove the request or approve more restrictive classifications.

All interested property owners are encouraged to attend this  
hearing. Persons wishing their opinion to be part of the record who  
are unable to attend may send a written reply prior to the date of  
the hearing to Ina Garber, City Secretary, P. O. Box 830309,  
Richardson, Texas, 75083.

I hereby certify that this notice was posted on the Civic  
Center/City Hall Bulletin Board by 5:00 p.m., Tuesday, April 9,  
1996.

The City of Richardson

  
Ina E. Garber, City Secretary

This building is wheelchair accessible. Any requests for sign  
interpretive services must be made 48 hours ahead of meeting. To  
make arrangements, call 238-4150 via TDD or call 1-800-735-2989 to  
reach 238-4150.