

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS

ORDINANCE NO. 2830-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 TO ALLOW THE USE OF AN EXISTING DRIVE-THROUGH FOOD SERVICE WINDOW IN AN LR-M(2) SPL LOCAL RETAIL DISTRICT, ON A 0.3436 ACRE TRACT, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, WITH SPECIAL CONDITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR 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 to allow the use of an existing drive-through food service window in an LR-M(2) SPL Local Retail District, on a 0.3436 acre tract, as described in Exhibit "A" attached hereto, with special conditions.

SECTION 2. That the above change in zoning classification is hereby granted, subject to the following special conditions, to-wit:

- (1) To require installation of bumper blocks along the uncurbed portions of the northern and western property lines.
- (2) To require approval of a new Landscape Plan for the area in front of the building indicating the use of living materials and irrigation.

SECTION 3. That the above described tract shall be used only in the manner and for the purpose 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.

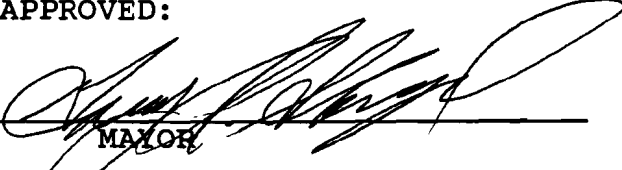
SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided 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 or terms 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 10 day of June, 1991.

APPROVED:



MAYOR

CORRECTLY ENROLLED:

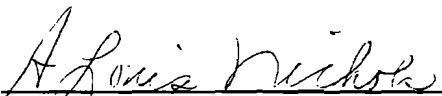


CITY SECRETARY

DATE OF ENROLLMENT:

6-11-91

APPROVED AS TO FORM:



CITY ATTORNEY

(HLN/ar 5-21-91)

WHEREAS, Peek Properties, a Texas Partnership, is the owner of a tract or parcel of land situated in the City of Richardson, Dallas County, Texas, and being part of the Mary Hargroeder Survey, Abstract 574, and also being part of that tract of land conveyed to Peek Properties, a Partnership by Deed recorded in Volume 69242, Page 1743 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner in the northerly line of Belt Line Road (100 feet wide) said point being the most southwesterly corner of University Village #1, an addition to the City of Richardson as recorded in Volume 70082, Page 1734 of the Map and Deed Records of Dallas County, Texas;

THENCE South $89^{\circ} 45'$ West along the northerly line of Belt Line Road, a distance of 35.85 feet to an angle point;

THENCE South $89^{\circ} 58'$ West a distance of 64.15 feet to a point for corner;

THENCE North $0^{\circ} 32' 40''$ West parallel with and 100 feet westerly of the westerly line of said University Village #1 Addition, a distance of 149.24 feet to a point for corner;

THENCE North $89^{\circ} 27' 20''$ East, a distance of 100.0 feet to a point for corner in the westerly line of said University Village #1 Addition;

THENCE South $0^{\circ} 32' 40''$ East, along the westerly line of said addition a distance of 150.0 feet to the PLACE OF BEGINNING and containing 14,966 square feet or 0.3436 acres.

PUBLIC HEARING DATE & TIME: Monday, May 13, 1991, 7:30 p.m.

PLACE: City Council Chambers, City Hall, 411 W. Arapaho, Richardson

PURPOSE OF THE HEARING: The Richardson City Council will consider an application for a special permit to allow the use of an existing drive-through food service window.

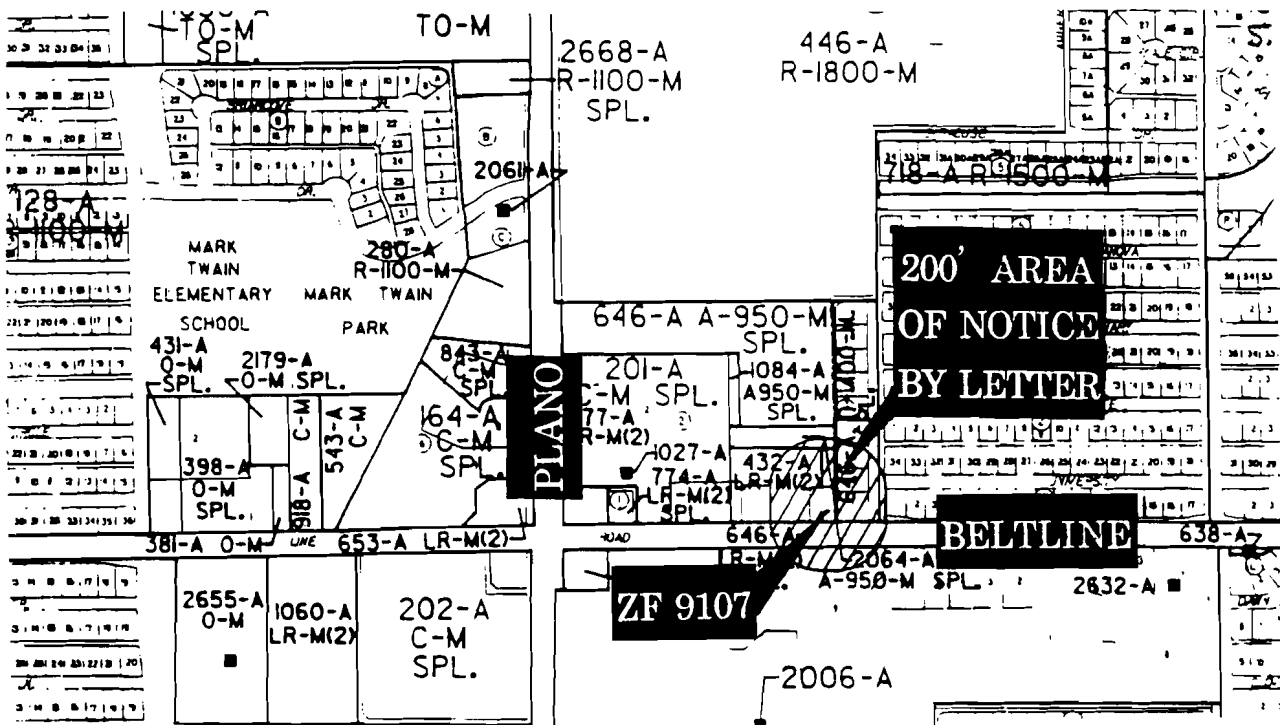
AREA OF REQUEST: 1551 E. Belt Line Road

EXISTING ZONING: LR-M(2) SPL Local Retail

OWNER: Harold Peek

APPLICANT: James McDade

CITY PLAN COMMISSION RECOMMENDATION: Approval



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 Paula Lawrence, City Secretary, P. O. Box 830309, Richardson, Texas 75083.

I HEREBY CERTIFY THAT THIS NOTICE OF PUBLIC HEARING WAS POSTED ON THE CIVIC CENTER/CITY HALL BULLETIN BOARD AT 5:00 O.M. TUESDAY, APRIL 23, 1991.

THE CITY OF RICHARDSON

Paula Lawrence
Paula Lawrence, City Secretary

Paula Lawrence