

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS

ORDINANCE NO. 2611-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 FOR A DRIVE-THROUGH WINDOW AT A RESTAURANT IN A C-M DISTRICT WITH SPECIAL CONDITIONS ON THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

Lot 1, a 1,922 square foot site out of the following tract:

BEING all of the Replat of Northrich Village Number 2 as recorded in Volume 84251, Page 1329 of the Dallas County Deed Records containing 9.535 acres of land in the G. W. Blewitt Survey, Abstract No. 185 and the John Edmonds Survey, Abstract No. 429 in the City of Richardson, Dallas County, Texas and being more particularly described by metes and bounds as follows (bearings are referenced to said Replat of Northrich Village No. 2):

BEGINNING at a 3/8-inch iron rod found in the West right-of-way line of Custer Road (60 feet wide) marking the most Southerly Southeast corner of the herein described tract and being North, 200.00 feet from the North right-of-way line of West Arapaho Road;

THENCE, due West, along the South line of this tract, a distance of 126.39 feet to an angle point;

THENCE, North 45°00'00" West, continuing along the South line of this tract, a distance of 40.45 feet to an angle point of the herein described tract;

THENCE, due North, continuing along the aforementioned line, a distance of 10.45 feet to an angle point of the herein described tract;

THENCE, South 73°47'58" West, continuing along said South line of this tract, a distance of 118.92 feet to a 1/2-inch iron rod set in the Northeasterly right-of-way line of West Arapaho Road (100 feet wide) and marking the Southwest corner of the herein described tract;

THENCE, North 28°27'31" West, along the Northeasterly line of said Arapaho Road and the Southwesterly line of this tract, a distnce of 570.28 feet to a 1/2-inch iron rod set at the beginning of a curve to the left;

THENCE, Northwesterly, continuing along the Northeasterly line of Arapaho Road and the Southwesterly line of this tract and along the arc of said curve to the left having a radius of 326.56 feet, a central angle of 50°22'21", a chord bearing North 53°38'42" West, 277.95 feet, and an arc distance of 287.09 feet to a "PK" nail found in concrete marking the common Southeast corner of Northrich West No. 3 and the most Southerly Northwest corner of the herein described tract;

THENCE, due North, along the West line of this tract, a distance of 353.95 feet to an "X" cut in concrete found at the most Northerly, Northwest corner of the herein described tract;

THENCE, due East, along the North line of this tract, a distance of 503.89 feet to a 1/2-inch iron rod set for an angle point of the herein described tract;

THENCE, South 56°29'00" East, continuing along the North line of this tract, a distance of 79.05 feet to a 1/2-inch iron rod set for an angle point of the herein described tract;

THENCE, due East, continuing along said line, a distance of 40.00 feet to a 1/2-inch iron rod set for the Northeast corner of the herein described tract;

THENCE, due South, along the East line of this tract and along the West line of a 15 foot alley, a distance of 938.51 feet to an angle point;

THENCE, South 45°00'00" East, a distance of 33.64 feet to an angle point from which an "X" in concrete bears South 12°01' West, 0.64 feet;

THENCE, due East, a distance of 131.21 feet to the most Northerly Southeast corner of the herein described tract being in the West line of the aforementioned Custer Road, from which a 3/8-inch rod bears North 65°31'41" West, 0.33 feet;

THENCE, due South, along said West line of Custer Road, a distance of 20.00 feet to the POINT OF BEGINNING of the herein described 9.535 acre tract of land, more or less;

PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND (\$1,000.00) DOLLARS FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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, Dallas County, 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 for a drive-through window at a restaurant in a C-M District, with special conditions on the following described property, to-wit:

Lot 1, A 1, 911 square foot site out of the following tract:

BEING all of the Replat of Northrich Village Number 2 as recorded in Volume 84251, Page 1329 of the Dallas County Deed Records containing 9.535 acres of land in the G. W. Blewitt Survey, Abstract No. 185 and the John Edmonds Survey, Abstract No. 429 in the City of Richardson, Dallas County, Texas and being more particularly described by metes and bounds as follows (bearings are referenced to said Replat of Northrich Village No. 2):

BEGINNING at a 3/8-inch iron rod found in the West right-of-way line of Custer Road (60 feet wide) marking the most Southerly Southeast corner of the herein described tract and being North, 200.00 feet from the North right-of-way line of West Arapaho Road;

THENCE, due West, along the South line of this tract, a distance of 126.39 feet to an angle point;

THENCE, North 45°00'00" West, continuing along the South line of this tract, a distance of 40.45 feet to an angle point of the herein described tract;

THENCE, due North, continuing along the aforementioned line, a distance of 10.45 feet to an angle point of the herein described tract;

THENCE, South 73°47'58" West, continuing along said South line of this tract, a distance of 118.92 feet to a 1/2-inch iron rod set in the Northeasterly right-of-way line of West Arapaho Road (100 feet wide) and marking the Southwest corner of the herein described tract;

THENCE, North 28°27'31" West, along the Northeasterly line of said Arapaho Road and the Southwesterly line of this tract, a distance of 570.28 feet to a 1/2-inch iron rod set at the beginning of a curve to the left;

THENCE, Northwesterly, continuing along the Northeasterly line of Arapaho Road and the Southwesterly line of this tract and along the arc of said curve to the left having a radius of 326.56 feet, a central angle of 50°22'21", a chord bearing North 53°38'42" West, 277.95 feet, and an arc distance of 287.09 feet to a "PK" nail found in concrete marking the common Southeast corner of Northrich West No. 3 and the most Southerly Northwest corner of the herein described tract;

THENCE, due North, along the West line of this tract, a distance of 353.95 feet to an "X" cut in concrete found at the most Northerly Northwest corner of the herein described tract;

THENCE, due East, along the North line of this tract, a distance of 503.89 feet to a 1/2-inch iron rod set for an angle point of the herein described tract;

THENCE, South 56°29'00" East, continuing along the North line of this tract, a distance of 79.05 feet to a 1/2-inch iron rod set for an angle point of the herein described tract;

THENCE, due East, continuing along said line, a distance of 40.00 feet to a 1/2-inch iron rod set for the Northeast corner of the herein described tract;

THENCE, due South, along the East line of this tract and along the West line of a 15 foot alley, a distance of 938.51 feet to an angle point;

THENCE, South 45°00'00" East, a distance of 33.64 feet to an angle point from which an "X" in concrete bears South 12°01' West, 0.64 feet;

THENCE, due East, a distance of 131.21 feet to the most Northerly Southeast corner of the herein described tract being in the West line of the aforementioned Custer Road, from which a 3/8-inch rod bears North 65°31'41" West, 0.33 feet;

THENCE, due South, along said West line of Custer Road, a distance of 20.00 feet to the POINT OF BEGINNING of the herein described 9.535 acre tract of land, more or less.

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

1. In addition to the permitted uses in a C-M District, a special permit shall be granted for a drive-through window at a restaurant on the above-described property.

SECTION 3. 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 4. That the above described tracts 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 afore-mentioned special conditions.

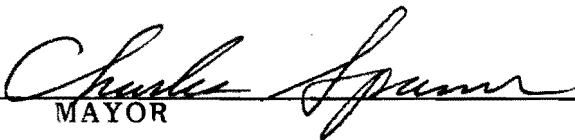
SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided 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 One Thousand (\$1,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. Whereas, it appears that the above described property requires that it be given the above zoning classification in order to permit its proper development, and in order to protect the public interest, comfort and general welfare of the City of Richardson, and creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage, and the publication of the caption of said ordinance, as the law in such case provides.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 22 day of June, 1987.

APPROVED:


MAYOR

DULY RECORDED:

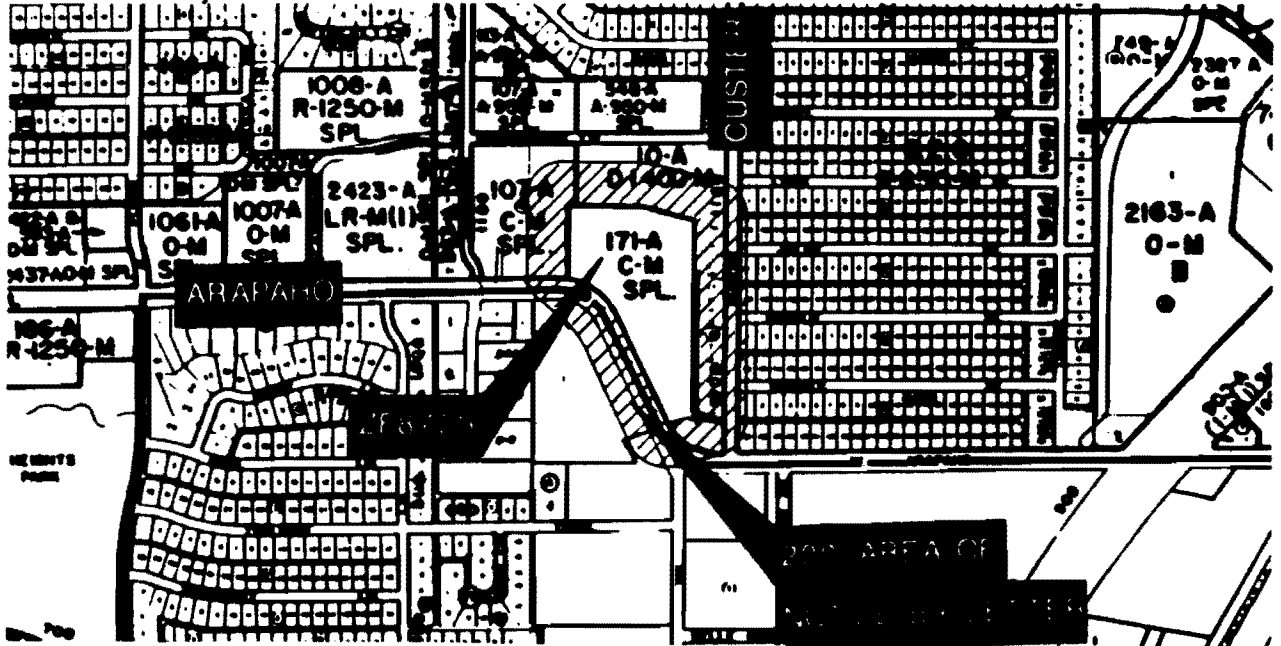

CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY

NOTICE OF PUBLIC HEARING

The City Council will hold a public hearing at 7:30 p. m., June 8, 1987 at the City Hall, 411 W. Arapaho Road, Richardson, Texas, to consider a request by Jim Coker for a special permit for a drive-through window at a restaurant (Arby's) at 526 W. Arapaho Road. Current zoning is C-M Commercial. The property is shown on the map below.



The City Council may approve the special permit as requested, approve a more restrictive classification, or deny the request. The City Plan Commission recommends approval.

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 closing remarks following the opposition. Time required to respond to questions by the City Council is excluded from the 20 minute limitation.

If you wish your opinion to be part of the record but are unable to attend the hearing, you may send a written reply prior to the date of the public hearing to the City Secretary, P. O. Box 830309, Richardson, Texas 75083.

THE CITY OF RICHARDSON

Virginia Gruben

 Mrs. Virginia Gruben, CMC
 City Secretary