

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS

ORDINANCE NO. 2722-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 ON A PROPOSED RESTAURANT IN AN LR-M(2) LOCAL RETAIL DISTRICT, ON A 0.614 ACRE TRACT AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; 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, 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 on a proposed restaurant in an LR-M(2) Local Retail District, on a 0.614 acre tract as described in Exhibit "A" attached hereto.

SECTION 2. 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the ordinances of the City of Richardson in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this ordinance shall remain in full force and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. Conceptual site plan is attached to this ordinance as Exhibit "B".

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.

SECTION 4. 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 5. 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 6. 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 27th day of March, 1989.

APPROVED:


MAYOR

DULY RECORDED:


CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY

ORDINANCE NO. 2722-A
EXHIBIT "A"

BEING a tract of land situated in the John Edmonds Survey, Abstract No. 429, City of Richardson, Dallas County, Texas, and being part of Lot 25, Block 128 of the Twelfth Installment of Richardson Heights Addition an addition to the City of Richardson according to the map thereof recorded in Volume 41, Page 83, Map Records Dallas County, Texas, said tract being a part of the land described as Parcel I in deed to Twink, Inc., a Texas Corporation by Ippolito Interests, Inc., a Texas Corporation, recorded in Volume 86133, Page 2032, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at the northwest corner of the intersection of West Shore Drive (60 foot right-of-way) and Arapaho Road (100 foot right-of-way), said point being the beginning of a circular curve to the left having a radius of 533.62 feet;

THENCE southwesterly, along said circular curve to the left, and along the north line of said Arapaho Road, through a central angle of $3^{\circ}45'06''$, an arc distance of 34.94 feet and having a chord which bears $S 59^{\circ}56'33'' W$, 34.94 feet;

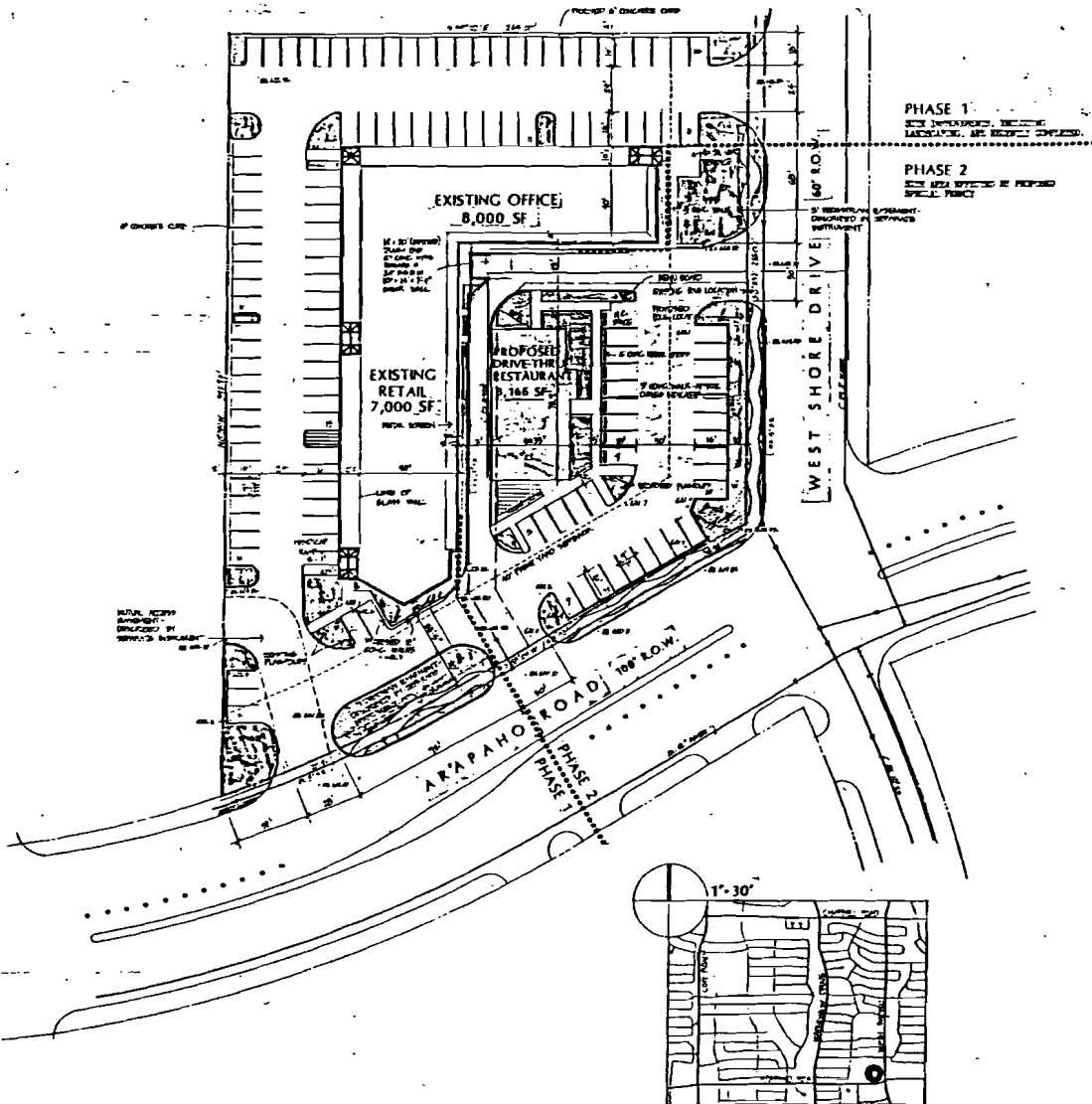
THENCE $S 58^{\circ}04'00'' W$, continuing along the north line of said Arapaho Road, 110.06 feet;

THENCE $N 31^{\circ}56'00'' W$, departing the north line of said Arapaho Road, 39.51 feet;

THENCE $N 0^{\circ}38'00'' W$, 185.57 feet;

THENCE $N 89^{\circ}22'00'' E$, 145.00 feet to a point in the west line of said West Shore Drive;

THENCE $S 0^{\circ}38'00'' E$, along the west line of said West Shore Drive, 145.00 feet to the POINT of BEGINNING and containing 26,760 square feet, or, 0.614 acres of land.



PRELIMINARY SITE PLAN for SPECIAL PERMIT
ARAPAHO VILLAGE NORTH SHOPPING CENTER
 Developer: ARAPAHO VILLAGE

December 27, 1988. Revised January 19, 1989

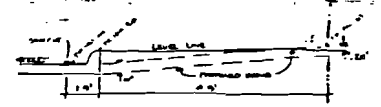
PHASE 1
 NEW IMPROVEMENTS INCLUDING
 LANDSCAPING AND EXISTING COMPLETION

PHASE 2
 NEW AREA SUBJECT TO PROPOSED
 SPECIAL PERMIT

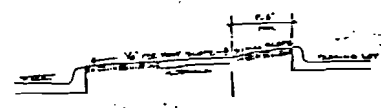
PROJECT SUMMARY

EXISTING:	28-ACRES LOCAL ZONING
AREA DESCRIPTION:	APPROXIMATELY 15' WIDE AND PARALLEL TO EXISTING DRIVEWAY, 10' AT PROPOSED RESTAURANT
NEW DRIVEWAY:	10' WIDE
EXISTING AREA:	0.5-1.0 HOLLOW PROPOSED; 0.5-1.0 PROPOSED
EXISTING AREA:	15,000 SF
PROPOSED RESTAURANT:	3,165 SF
TOTAL RESTAURANT AREA:	18,165 SF
EXISTING AREA:	67,917 SF OR 2.0-2.9 ACRES
PARKING REQUIREMENTS:	NO SPACES LOCAL ZONING FOR RESTAURANT (MINIMUM 10 SPACES)
EXISTING RESTAURANT:	NO SPACES
OFFICE:	NO SPACES
RESTAURANT:	NO SPACES
TOTAL RESTAURANT:	NO SPACES
EXISTING RESTAURANT:	NO SPACES
EXISTING RESTAURANT:	NO SPACES

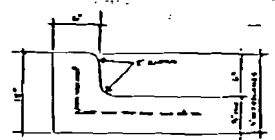
DETAILS



TYPICAL NEW DRIVEWAY SECTION

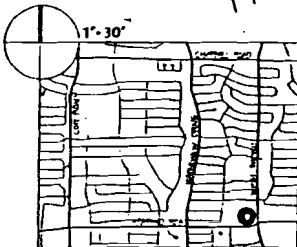


TYPICAL PARKWAY SECTION



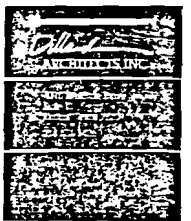
TYPICAL PAVING DETAIL

- NOTES:**
1. NEW RESTAURANT DRIVE AREA TO BE PER. 5' CONCRETE. SURFACE A. RECONSTRUCTED IN ACCORDANCE WITH CITY SPECIFICATIONS.
 2. ALL NEW CURBS AND DRIVE DRIVEWAYS TO BE BUILT IN ACCORDANCE WITH CITY SPECIFICATIONS.
 3. ALL PARKING SPACES EXCEPT WHERE INDICATED SHALL BE 9' X 18'. IN CERTAIN LOCATIONS SPACES ARE 9' X 16' WITH A 3' DRIVEWAY.
- UTILITIES:**
1. EXISTING 30" UTILITY MAINLINE TO BE ABANDONED OR SEPARATED.
 2. EXISTING POWER POLE AT PROPOSED DRIVE CURB OR MUST BE MOVED TO BE PARALLEL TO THE DRIVE APPROXIMATELY 10'.
 3. EXISTING TELEPHONE OVERHEAD TO BE MOVED AS INDICATED.
- LANDSCAPING (SHADED AREAS INDICATED LANDSCAPING):**
- A. EXISTING (PER CITY SPECIFICATIONS): 3,165 SF OR 5.1% OF TOTAL AREA.
 - B. PROPOSED (INCLUDING SIDE WALKS): 10,165 SF OR 11.9% OF TOTAL AREA.
- FINISH LINE REQUIREMENTS:**
- NO CHANGE FROM EXISTING AREAS
- DRIVEWAYS:**
- NO CHANGES EXCEPTING THE PUBLIC R.O.S. ARE PROPOSED TO BE MADE. APPROVED SITE PLAN FOR SPECIAL PERMIT. CURB CURB HAVE 30" BARRIER HEIGHT. WALKS CHANGING TO 30" IN PARALLEL AT PROPERTY LINE. IN SOME CASES, CURB HAVE 15" BARRIER.
- DRIVEWAYS:**
- SPOT GRADERS ARE INDICATED ON DRIVEWAY. PROPER USE OF SPOT GRADERS. EXISTING GRADINGS NOT SUBJECT TO CHANGE. UNPAVED DRIVEWAYS ARE OF PROPOSED NEW SURFACE.



AREA LOCATION MAP

EXHIBIT "B"
 ORDINANCE NO. 2722-A



2722

PUBLIC HEARING DATE: March 13, 1989, 7:30 p. m.

PLACE: City Council Chambers, City Hall, 411 West Arapaho Road
Richardson, Texas

PURPOSE OF THE HEARING: The City Council will consider a request for a special permit to allow a drive-through window on a proposed fast-food restaurant.

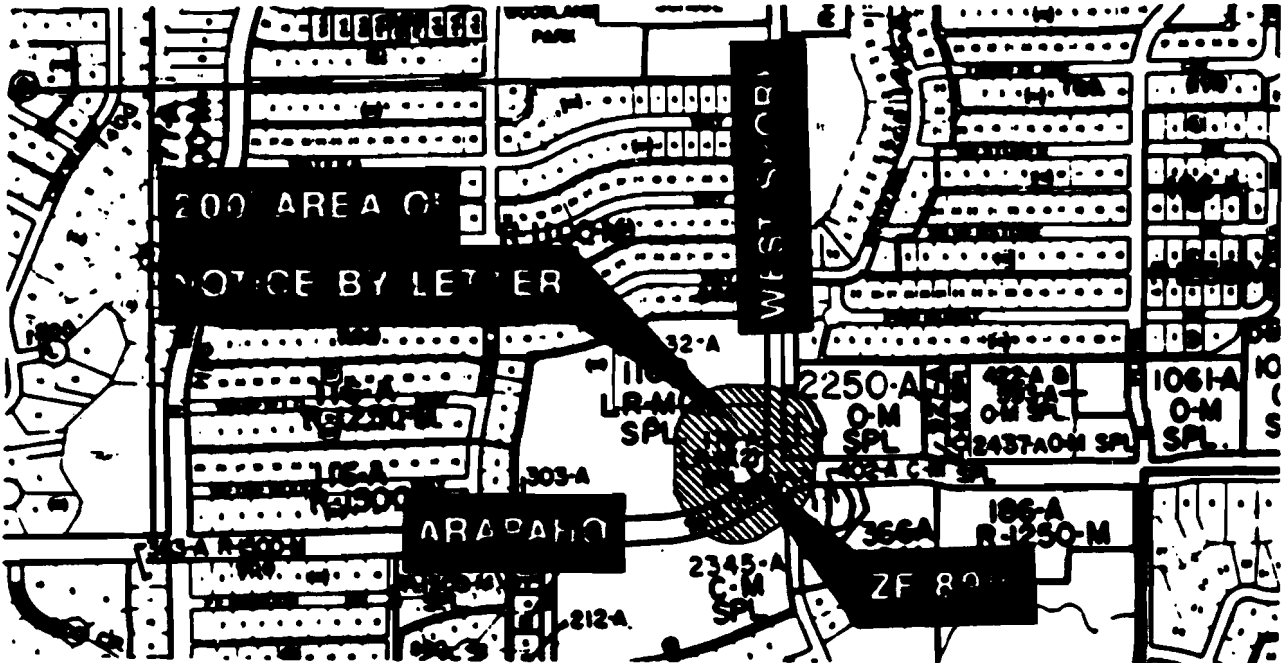
AREA OF REQUEST: Northwest corner, Arapaho Road at West Shore Drive

EXISTING ZONING: LR-M(2) Local Retail

OWNER: Twink, Inc.

APPLICANT: David Dillard Architects

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 recommendations, 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 the City Secretary, P. O. Box 830309, Richardson, Texas 75083.

THE CITY OF RICHARDSON

Paula Miller

Paula Miller
City Secretary

I HEREBY CERTIFY THAT THIS NOTICE OF PUBLIC HEARING WAS POSTED ON THE CITY HALL BULLETIN BOARD AT 5:00 P.M., THURSDAY, FEBRUARY 16TH, 1989.

Paula Miller