

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS

ORDINANCE NO. 2747-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 A HEALTH STUDIO ON A 6.7925 ACRE TRACT IN AN LR-M(2) DISTRICT, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, WITH SPECIAL CONDITIONS; 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; AND PROVIDING FOR 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 a health studio on a 6.7925 acre tract in an LR-M(2) District, 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. The special permit to be issued to Carl Whitesell only.
2. Operating hours limited to 6:00 a.m. to 10:00 p.m. daily.

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the ordinances of the City of Richardson in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this ordinance shall remain in full force and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 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 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. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 28th day of August, 1989.

APPROVED:


MAYOR

DULY RECORDED:


CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY

EXHIBIT "A"

Being a parcel or tract of land situated in the City of Richardson, Dallas County, Texas; and being out of the Wm. W. Wallace Survey, Abstract No. 1601 and the Wm. W. Wallace Survey, Abstract No. 1602; and being part of The Promenade Shopping Center, Section 11, an addition to the City of Richardson as recorded in Volume 76094, Page 1800 of the Map and Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at an iron rod for corner at the intersection of the easterly line of Coit Road (100 feet wide) and the common line between said The Promenade Shopping Center, Section 11, and The Promenade Shopping Center, Section 10 as recorded in Volume 76094, Page 1808 of the Map and Deed Records of Dallas County, Texas;

THENCE North 89°34'15" East along said common line between The Promenade Shopping Center, Sections 10 and 11, a distance of 335.43 feet to an iron rod for corner;

THENCE South 0°36'45" East along the westerly line of said Richardson Heights Addition, No. 10, Second Section, a distance of 892.75 feet to a P.K. nail for corner in the centerline of Cherrywood Drive (50' wide) at the southeast corner of said Promenade Shopping Center, Section Eleven;

THENCE North 77°48'55" West a distance of 74.82 feet to a P.K. nail and an angle point;

THENCE South 89°17'15" West parallel to and 16.70 feet north of the south line of The Promenade Shopping Center, Section eleven and the north line of the 25' wide part of Cherrywood Drive abandoned by City ordinance No. 707-A, Volume 71085, Page 1260 of the Deed Records of Dallas County, Texas a distance of 265.07 feet to a cross mark for corner in the said easterly line of Coit Road;

THENCE North 0°26'33" West along said easterly line of Coit Road a distance of 894.42 feet to the POINT OF BEGINNING and containing 295,882 square feet or 6.7925 acres.

2747-A

Zoning File 8914

NOTICE OF PUBLIC HEARING

07/05/89

PUBLIC HEARING DATE: Monday, ~~XXXXXX~~ 1989, 7:30 p. m.
August 14, 1989

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 health studio.

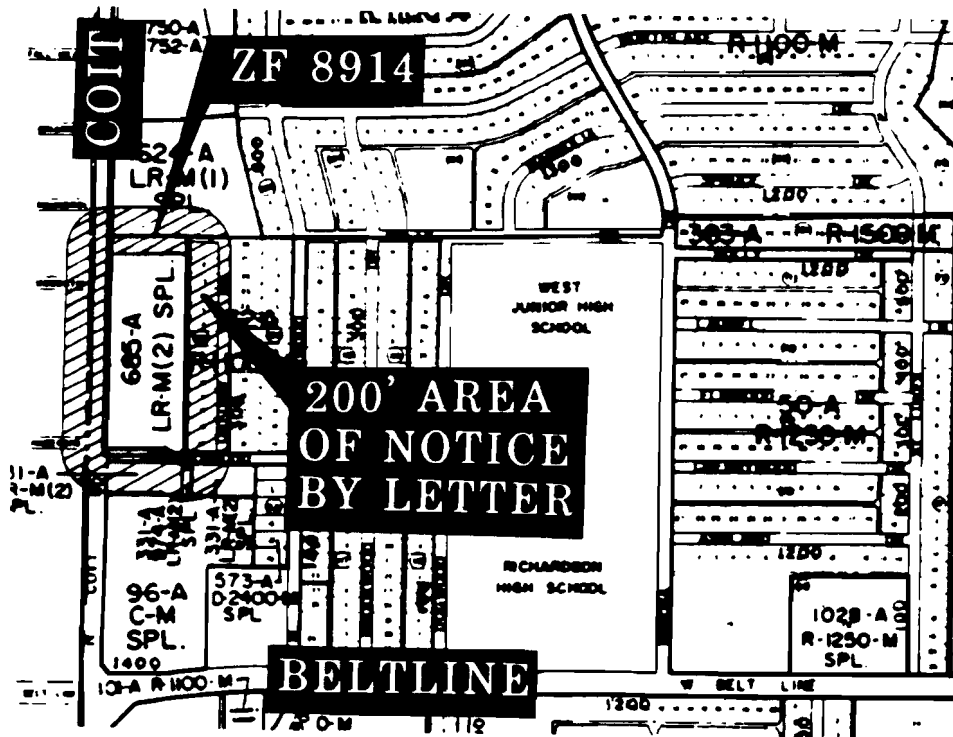
AREA OF REQUEST: 1400 Promenade

EXISTING ZONING: LR-M(2) Local Retail with special conditions

OWNER: Bruce W. Hunt

APPLICANT: Carl Whitesell

CITY PLAN COMMISSION RECOMMENDATION: Approval with 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 the 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 4:00 P.M., JULY 31, 1989.

THE CITY OF RICHARDSON

Paula Miller

Paula Miller
Paula Miller
City Secretary