

ORDINANCE NO. 2603-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 SANDWICH SHOP IN A TO-M DISTRICT WITH SPECIAL CONDITION ON THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

BEING a tract of land composed of a portion of Lot 1, Block 1, Fall Creek Phase I, an addition to the City of Richardson, Dallas County, Texas, as recorded in Volume 84188, Page 0096 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at an "X" cut in concrete, being the Northwest corner of said Lot 1, Block 1, Fall Creek Park; THENCE South 00 degrees 33 minutes 45 seconds West, a distance of 56.00 feet to a point; THENCE South 89 degrees 26 minutes 15 seconds East, a distance of 108.1 feet to the POINT OF BEGINNING of the tract herein described;

THENCE North 45 degrees 02 minutes 52 seconds East, a distance of 28.24 feet to a point;

THENCE South 89 degrees 21 minutes 35 seconds East, a distance of 57.05 feet to a point;

THENCE South 44 degrees 38 minutes 44 seconds East, a distance of 113.13 feet to a point;

THENCE South 00 degrees 24 minutes 42 seconds West, a distance of 270.98 feet to a point;

THENCE North 89 degrees 36 minutes 07 seconds West, a distance of 84.63 feet to a point;

THENCE North 44 degrees 38 minutes 44 seconds West, a distance of 7.05 feet to a point;

THENCE North 00 degrees 24 minutes 42 seconds East, a distance of 10.06 feet to a point;

THENCE North 44 degrees 40 minutes 37 seconds West, a distance of 74.13 feet to a point;

THENCE North 89 degrees 36 minutes 07 seconds West, a distance of 10.02 feet to a point;

THENCE North 44 degrees 38 minutes 44 seconds West, a distance of 7.05 feet to a point;

THENCE North 00 degrees 26 minutes 59 seconds East, a distance of 258.69 feet to the POINT OF BEGINNING and embracing 48,528 Square Feet or 1.114 Acre of Land.

PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE OF SAID ORDINANCE; 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 by amending the Zoning Map of the City of Richardson so as to grant a special permit for a sandwich shop in a TO-M district with special condition on the following described property, to-wit:

BEING a tract of land composed of a portion of Lot 1, Block 1, Fall Creek Phase I, an addition to the City of Richardson, Dallas County, Texas, as recorded in Volume 84188, Page 0096 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at an "X" cut in concrete, being the Northwest corner of said Lot 1, Block 1, Fall Creek Park; THENCE South 00 degrees 33 minutes 45 seconds West, a distance of 56.00 feet to a point; THENCE South 89 degrees 26 minutes 15 seconds East, a distance of 108.1 feet to the POINT OF BEGINNING of the tract herein described;

THENCE North 45 degrees 02 minutes 52 seconds East, a distance of 28.24 feet to a point;

THENCE South 89 degrees 21 minutes 35 seconds East, a distance of 57.05 feet to a point;

THENCE South 44 degrees 38 minutes 44 seconds East, a distance of 113.13 feet to a point;

THENCE South 00 degrees 24 minutes 42 seconds West, a distance of 270.98 feet to a point;

THENCE North 89 degrees 36 minutes 07 seconds West, a distance of 84.63 feet to a point;

THENCE North 44 degrees 38 minutes 44 seconds West, a distance of 7.05 feet to a point;

THENCE North 00 degrees 24 minutes 42 seconds East, a distance of 10.06 feet to a point;

THENCE North 44 degrees 40 minutes 37 seconds West, a distance of 74.13 feet to a point;

THENCE North 89 degrees 36 minutes 07 seconds West, a distance of 10.02 feet to a point;

THENCE North 44 degrees 38 minutes 44 seconds West, a distance of 7.05 feet to a point;

THENCE North 00 degrees 26 minutes 59 seconds East, a distance of 258.69 feet to the POINT OF BEGINNING and embracing 48,528 Square Feet or 1.114 Acre of Land.

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

1. Restricting hours of operation from 8 a.m. to 6 p.m.

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 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 property 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 condition.

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 Dollars (\$1,000.00) 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 change in 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 cases provides.

DULY PASSED by the City Council of the City of Richardson, Texas, on the
30th day of March, 1987.

APPROVED:


MAYOR

DULY RECORDED:

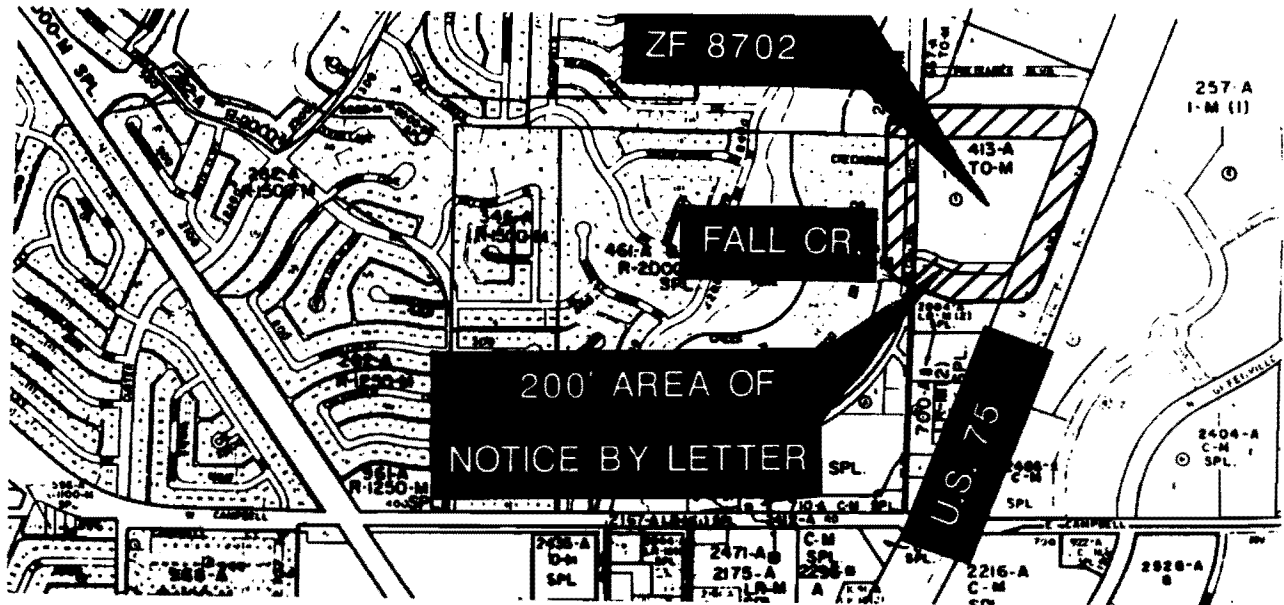

CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY

NOTICE OF PUBLIC HEARING

The City Council will hold a public hearing at 7:30 p. m., March 16, 1987, at the City Hall, 411 W. Arapaho Road, Richardson, Texas, to consider a request by Sun H. Lee for a special permit to allow a sandwich shop in an office building at 2323 N. Central Expressway (Fall Creek Park). The property is currently zoned TO-M Technical Office, and is shown on the map below.



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

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
 City Secretary