

ORDINANCE NO. 2309-A

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL PERMIT FOR A DAY CARE FACILITY IN AN R-1100-M DISTRICT AT THE CHURCH OF THE EPIPHANY ON THE FOLLOWING DESCRIBED TRACT OF LAND WITH SPECIAL CONDITIONS, TO-WIT: A TRACT OF LAND SITUATED IN THE J. M. COLE SURVEY, ABSTRACT NO. 321, AND BEING A PART OF THE 101 ACRES CONVEYED TO J. T. JACKSON AND WIFE TO MRS. M. F. RIPPY, A WIDOW, BY DEED DATED NOVEMBER 22, 1912, AND RECORDED IN VOLUME 577, PAGE 565, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING THE SAME PROPERTY CONVEYED TO GREGORY GOOD BY ARTHUR A. SMITH, BY DEED DATED JANUARY 10, 1956, AND RECORDED IN THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID 101 ACRE TRACT, WHICH CORNER IS 1,670 FEET NORTH AND 23 FEET WEST FROM THE SOUTHEAST CORNER OF SAID COLE SURVEY; THENCE WEST ALONG THE NORTH LINE OF SAID RIPPY 101 ACRE TRACT, 621 FEET TO STAKE IN OLD FENCE LINE FOR CORNER OF THIS TRACT; THENCE SOUTH 350.7 FEET TO STAKE FOR CORNER; THENCE EAST 621 FEET TO STAKE IN FENCE ON WEST SIDE OF ROAD; BEING 22 ½ FEET WEST OF THE EAST LINE OF SAID COLE SURVEY; THENCE NORTH 350.7 FEET TO THE PLACE OF BEGINNING, AND CONTAINING FIVE ACRES OF LAND; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; 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 the requisite notice by the 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 give the following described property a Special Permit under Article XXII-A of the Comprehensive Zoning Ordinance for a day care facility in an R-1100-M District at the Church of the Epiphany, with special conditions, to-wit:

A tract of land situated in the J. M. Cole Survey, Abstract No. 321, and being a part of the 101 acres conveyed to J. T. Jackson and wife to Mrs. M. F. Rippy, a widow, by deed dated November 22, 1912, and recorded in Volume 577, Page 565, Deed Records, Dallas County, Texas, and being the same property conveyed to Gregory Good by Arthur A. Smith, by deed dated January 10, 1956, and recorded in the Deed Records of Dallas County, Texas, and more particularly described by metes and bounds as follows, to-wit:

BEGINNING at the northeast corner of said 101 acre tract, which corner is 1,670 feet north and 23 feet west from the southeast corner of said Cole survey;

THENCE west along the north line of said Rippy 101 acre tract, 621 feet to stake in old fence line for corner of this tract;

THENCE south 350.7 feet to stake for corner;

THENCE east 621 feet to stake in fence on west side of road; being 22 1/2 feet west of the east line of said Cole survey;

THENCE north 350.7 feet to the place of beginning, and containing five acres of land.

SECTION 2. That the above Special Permit is granted to the Church of the Epiphany only, and subject to the following special conditions, to-wit:

(1) The day care facility shall function a maximum of four (4) hours per day for a maximum of five (5) days per week.

(2) The residential alleys to the south and west of the tract shall not be utilized by the day care facility for loading and unloading of children.

(3) That neither Custer Road nor Greenleaf Drive shall be utilized for loading and unloading of children.

SECTION 3. That all ordinances of the City of Richardson in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other 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 as amended herein by the granting of this Special Permit.

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.

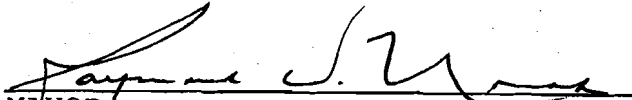
SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each 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 cases provides.


DULY PASSED by the City Council of the City of

Richardson, Texas, on the 26th day of July, 1982.

APPROVED:


MAYOR

DULY RECORDED:

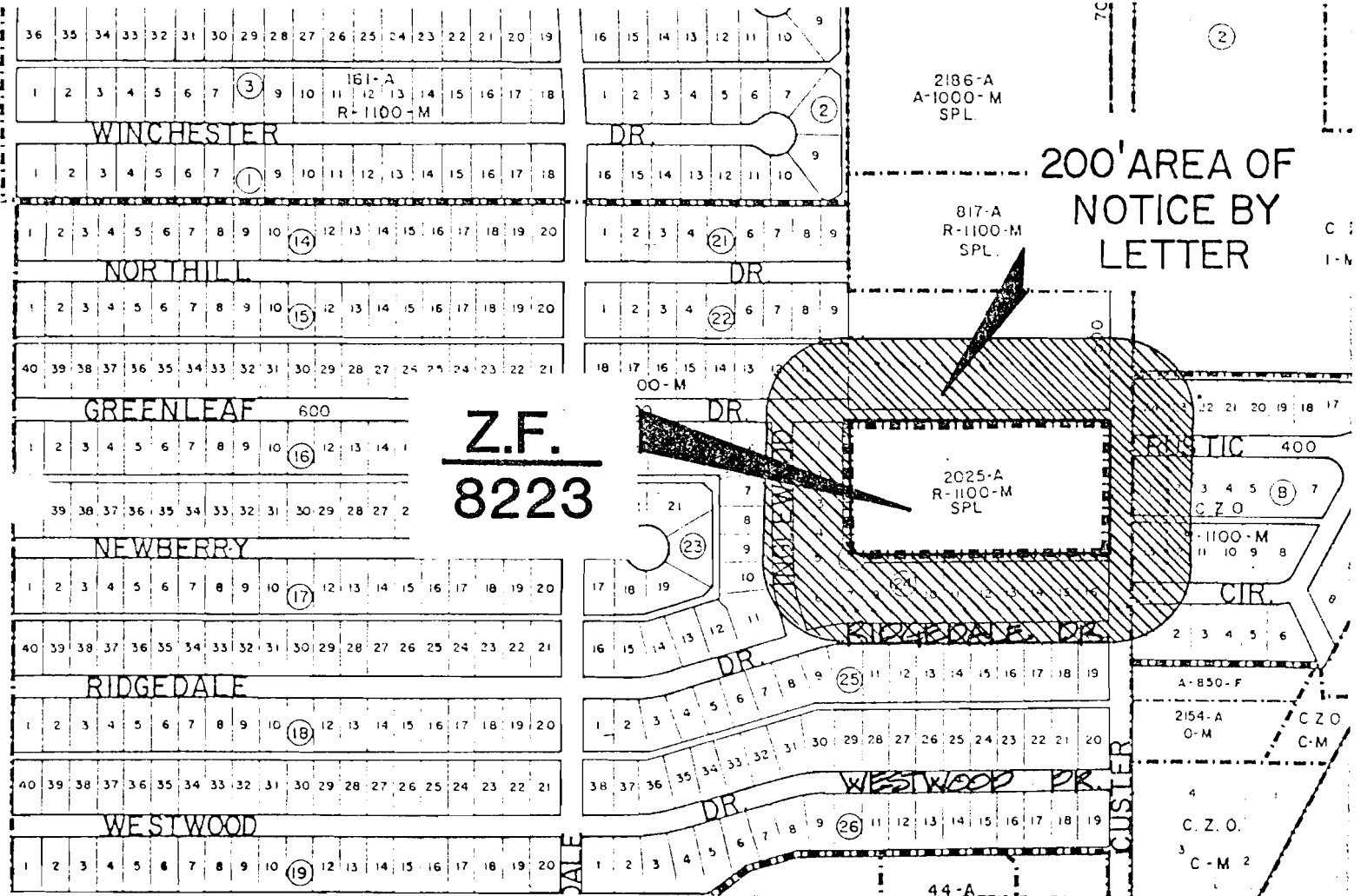

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

NOTICE OF PUBLIC HEARING

The City Council will hold a public hearing at 7:30 p. m., July 12, 1982, at the City Hall, 411 West Arapaho Road, Richardson, Texas, to consider a request by Nola Trewin for R-1100-M zoning with a special permit for day care at 421 Custer Road (Church of the Epiphany). The property is currently zoned R-1100-M Single Family Residential with special conditions, and is shown on the map below.



The public hearing will be held on the issue of a change in zoning into the classification as requested or into a more restrictive classification. The City Plan Commission recommends approval.

A maximum time limit of 20 minutes will be allocated to the applicant and those favoring the issue of the public hearing. The applicant may reserve any portion of the allocated 20 minutes for closing remarks following the opposition.

A maximum time limit of 20 minutes will be allocated to those in opposition to the issue of the public hearing.

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

As an interested property owner, it is important that you attend this hearing or notify the Council of your feelings in this matter. If you wish your opinion to be part of the record and you are unable to attend the public hearing, you may send a written reply to the City Council. 2309