

ORDINANCE NO. 4169

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING TO AMEND THE CITYLINE EAST PD PLANNED DEVELOPMENT DISTRICT CODE (ORDINANCE NO. 4049) FOR APPROXIMATELY 48 ACRES GENERALLY LOCATED ON THE EAST SIDE OF PLANO ROAD, BETWEEN PRESIDENT GEORGE BUSH HIGHWAY AND CITYLINE DRIVE, AND BEING FURTHER DESCRIBED IN EXHIBIT "A"; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. (ZONING FILE 16-10).

WHEREAS, the City Plan 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, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map 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 and Zoning Map 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 change in zoning to amend the CityLine East PD Planned Development District Code (Ordinance No. 4049) for approximately 48 acres generally located on the east side of Plano Road, between President George Bush Highway and CityLine Drive, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2. That the change in zoning to amend the CityLine East PD Planned Development District Code (Ordinance No. 4049) is hereby granted subject to the following development conditions:

The CityLine East PD Planned Development District Code (Ordinance No. 4049) shall remain in full force and effect, except as amended herein, set forth below:

1. For Tract 1 the CityLine East PD Planned Development District Code shall be amended to allow temporary parking lots in accordance with the following conditions:
 - a. A temporary parking lot may only be constructed to provide parking to replace approved and constructed parking spaces being disturbed and/or removed as part of a future development.
 - b. No more than three (3) temporary parking lots shall be permitted to be constructed at any one (1) time.
 - c. No individual temporary parking lot shall exceed 500 parking spaces.
 - d. Temporary parking lots may be constructed of asphalt.
 - e. Once a temporary parking lot is constructed, it shall be removed after the lesser of (i) forty-two (42) months, or (ii) no more than six (6) months after the issuance of a certificate of occupancy for the development for which the temporary parking lot was constructed.

2. For Tract 2 the CityLine East PD Planned Development District Code shall be amended to allow the following exceptions to Section 8., Building Design Standards of the Code for “arts, entertainment, and recreation uses” as listed in Table 6.1 of the Code:
 - a. The façade rhythm requirement in Section 8.1.5.i shall be waived along the west façade.
 - b. The minimum ground floor transparent storefront window percentage requirements in Section 8.1.6.ii shall be:
 - i. Minimum 30% along the west façade
 - ii. Minimum 5% along the north façade
 - iii. Minimum 0% along the south façade
 - c. Architectural metal panels shall be counted as a “masonry” material as described in Section 8.1.7.i.

3. For Tract 3 The CityLine East PD Planned Development District Code shall be amended to allow a surface parking lot as listed in Table 6.1 of the Code as a primary use in accordance with the following conditions:
 - a. The surface parking lot shall be constructed of concrete.
 - b. Should streets be constructed directly adjacent to the surface parking lot, the pedestrian easement area shall be constructed in accordance with the applicable street section established in Section 9 of the Code. Furthermore, the surface parking lot shall be screened in accordance with Section 7.2.6 of the Code.

SECTION 3. That the above-described tract of land shall be used in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as heretofore amended, and subject to the aforementioned special conditions.

SECTION 4. 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 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 an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. 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 Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 23rd day of May, 2016.

APPROVED:



MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY
(PGS:5-17-16:TM 76955)

CORRECTLY ENROLLED:



CITY SECRETARY



EXHIBIT "A"
LEGAL DESCRIPTION
ZF 16-10

TRACT 1

BEING a tract of land situated in the F. J. Vance Survey, Abstract No. 939, City of Richardson, Collin County, Texas; being all of Lots 1B, 3 & 5, Block C, Open Space Lots 3, 4 & 5, Block X, Galatyn Park North, Lots 1B, 3 & 5, Block C, Open Space Lots 3, 4 & 5, Block X, an addition to the City of Richardson, Texas, according to the plat thereof recorded in Instrument No. 20150410010001210, Official Public, Records, Collin County, Texas.

BEGINNING at the southernmost end of a right-of-way corner clip at the intersection of the south right-of-way line of President George Bush Turnpike (State Highway No. 190, a variable width right-of-way) and the east right-of-way line of Plano Road (State Highway No. 5, a 140-foot wide right-of-way);

THENCE with said right-of-way corner clip, North 46°51'31" East, a distance of 102.48 feet to the northernmost end of said right-of-way corner clip

THENCE with said south right-of-way line, the following courses and distances to wit:

South 86°57'17" East, a distance of 617.30 feet to a point for corner;
South 82°55'01" East, a distance of 100.32 feet to a point for corner;
South 88°55'32" East, a distance of 200.27 feet to a point for corner;
South 86°51'32" East, a distance of 800.00 feet to a point for corner;
South 78°33'27" East, a distance of 64.78 feet to a point for corner at the northwest corner of Open Space Lot 1A, Block X of Galatyn Park North an addition to the City of Richardson, Texas according to the plat thereof recorded in Instrument No. 20131127010003430, Official Public Records, Dallas County, Texas;

THENCE departing said south right-of-way line and with the west line of said Lot 1A, Block X, the following courses and distances to wit:

South 0°58'13" West, a distance of 774.59 feet to a point for corner;
South 17°20'51" West, a distance of 416.72 feet to a point for corner in the north right-of-way line of Cityline Drive (an 87-foot wide right-of-way) at the southwest corner of said Lot 1A, Block X and at the beginning of a non-tangent curve to the right having a central angle of 11°32'10", a radius of 956.50 feet, a chord bearing and distance of South 83°24'41" West, 192.26 feet;

THENCE with said north right-of-way line, the following courses and distances to wit:

In a southwesterly direction, with said curve to the right, an arc distance of 192.58 feet to a point for corner;

South 89°10'46" West, a distance of 1466.93 feet to a point for corner at the southernmost end of a right-of-way corner clip at the intersection of said north right-of-way line and said east right-of-way line of Plano Road;

THENCE with said right-of-way corner clip, North 45°37'40" West, a distance of 70.47 feet to a point for corner at the northernmost end of said right-of-way corner clip;

THENCE with said east right-of-way line, the following courses and distances to wit:
North 0°26'05" West, a distance of 547.93 feet to point for corner;
North 0°18'59" West, a distance of 245.86 feet to a point for the northwest corner of said Lot 4, Block X;

THENCE departing said east right-of-way line and with the north line of Lot 4, Block X, the following courses and distances, to wit:
North 55°30'27" East, a distance of 14.34 feet to a point for corner;
North 89°41'01" East, a distance of 50.52 feet to a point for the northeast corner of said Lot 4, Block X;

THENCE with the east line of said Lot 4, Block X, the following courses and distances, to wit:
South 13°14'02" West, a distance of 136.31 feet to a point for corner;
South 0°31'25" East, a distance of 39.50 feet to a point in the north right-of-way line of State Street (a 31-foot right-of-way);

THENCE with said north right-of-way line, the following courses and distances, to wit:
North 89°21'18" East, a distance of 45.37 feet to a point at the beginning of a tangent curve to the right having a central angle of 13°52'44", a radius of 217.50 feet, a chord bearing and distance of South 83°42'20" East, 52.56 feet;
In a southeasterly direction, with said curve to the right, an arc distance of 52.69 feet to a point for corner;
South 76°45'58" East, a distance of 243.97 feet to a point for the southwest corner of said Lot 3, Block X;

THENCE with the west line of said Lot 3, Block X, North 13°14'02" East, a distance of 55.65 feet to a point for the northwest corner of said Lot 3, Block X;

THENCE with the north line of said Lot 3, Block X, North 89°14'02" East, a distance of 175.12 feet to a point in the west right-of-way line of Wilshire Way (a variable width right-of-way);

THENCE with said west right-of-way line, North 13°14'02" East, a distance of 308.26 feet to a point for the southeast corner of said Lot 5, Block C;

THENCE departing said west right-of-way line and with the south line of said Lot 5, Block C, North 76°45'50" West, a distance of 547.50 feet to a point for the northeast corner of said Lot 5, Block X;

THENCE with the east and south lines of said Lot 5, Block X, the following courses and distances, to wit:
South 13°14'02" West, a distance of 221.72 feet to a point for the southeast corner of said Lot 5, Block X;
South 89°41'01" West, a distance of 41.52 feet to a point for corner in the east right-of-way line of said Plano Road;

THENCE with said east right-of-way line, North 0°18'59" West, a distance of 366.80 feet to the **POINT OF BEGINNING** and containing 47.85 acres of land.

TRACT 2

BEING a tract of land situated in the F. J. Vance Survey, Abstract No. 939, City of Richardson, Collin County, Texas and being part of a tract of land described in Special Warranty Deed to BCS East Land Investments, LP, recorded in Instrument No. 20121218001611950 , Official Public Records, Collin County, Texas; and being part of Lot 1B, Block C, Galatyn Park North, Lots 1B, 3,4 & 5, Block C, Open Space Lots 3, 4 & 5, Block X, an addition to the City of Richardson, Texas, according to the plat thereof recorded in Instrument No. 20150410010001210, Official Public, Records, Collin County, Texas; and being more particularly described as follows:

COMMENCING at the north corner of a right-of-way corner clip at the intersection of the east right-of-way line of Wilshire Way (a variable width right-of-way) with the north right-of-way line of CityLine Drive (an 87-foot right-of-way);

THENCE with said east right-of-way line, North 0°49'14" West, a distance of 288.00 feet to the **POINT OF BEGINNING**;

THENCE continuing with said east right-of-way line, North 0°49'14" West, a distance of 244.40 feet to a point for corner;

THENCE departing said east right-of-way line, the following courses and distances, to wit:
North 89°10'46" East, a distance of 239.67 feet to a point for corner;
South 0°49'14" East, a distance of 234.40 feet to a point for corner;
South 44°10'46" West, a distance of 28.28 feet to a point for corner;
South 89°10'46" West, a distance of 209.67 feet to a point for corner;
North 45°49'14" West, a distance of 14.14 feet to the **POINT OF BEGINNING** and containing 1.39 acres of land.

TRACT 3

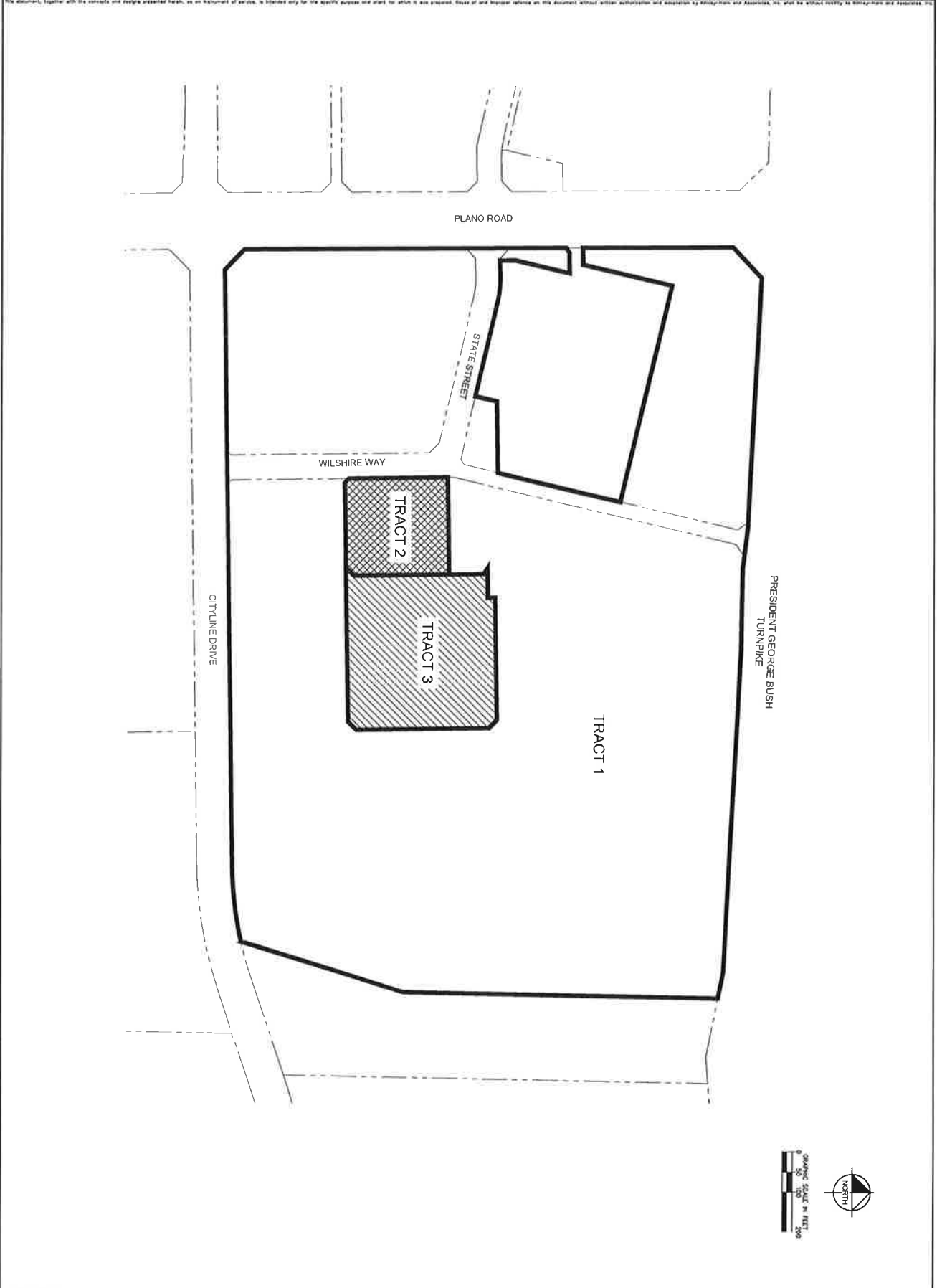
BEING a tract of land situated in the F. J. Vance Survey, Abstract No. 939, City of Richardson, Collin County, Texas and being part of a tract of land described in Special Warranty Deed to BCS East Land Investments, LP, recorded in Instrument No. 20121218001611950, Official Public Records, Collin County, Texas; and being part of Lot 1B, Block C, Galatyn Park North, Lots 1B, 3, 4 & 5, Block C, Open Space Lots 3, 4 & 5, Block X, an addition to the City of Richardson, Texas, according to the plat thereof recorded in Instrument No. 20150410010001210, Official Public, Records, Collin County, Texas; and being more particularly described as follows:

COMMENCING at the north corner of a right-of-way corner clip at the intersection of the east right-of-way line of Wilshire Way (a variable width right-of-way) with the north right-of-way line of CityLine Drive (an 87-foot right-of-way);

THENCE with said east right-of-way line, North 0°49'14" West, a distance of 288.00 feet to a point for corner;

THENCE departing said east right-of-way line, the following courses and distances, to wit:
South 45°49'14" East, a distance of 14.14 feet to a point for corner;
North 89°10'46" East, a distance of 209.67 feet to the **POINT OF BEGINNING**;

THENCE the following courses and distances, to wit:
North 44°10'46" East, a distance of 28.28 feet to a point for corner;
North 0°49'14" West, a distance of 234.40 feet to a point for corner;
North 0°49'14" West, a distance of 86.15 feet to a point for corner;
North 45°49'14" West, a distance of 14.14 feet to a point for corner;
North 89°10'46" East, a distance of 68.50 feet to a point for corner;
North 0°49'14" West, a distance of 18.00 feet to a point for corner;
North 89°10'46" East, a distance of 302.00 feet to a point for corner;
South 45°49'14" East, a distance of 28.28 feet to a point for corner;
South 0°49'14" East, a distance of 328.55 feet to a point for corner;
South 44°10'46" West, a distance of 28.28 feet to a point for corner;
South 89°10'46" West, a distance of 335.50 feet to a point for corner;
South 89°10'46" West, a distance of 45.00 feet to the **POINT OF BEGINNING** and containing 3.19 acres of land.



SHEET NUMBER	CITYLINE EAST	RICHARDSON TEXAS	IRR PROJECT 068176023 DATE 04/28/2016 SCALE AS SHOWN DESIGNED BY MLN DRAWN BY KLB CHECKED BY BUS	Kimley»Horn © 2015 KIMLEY HORN AND ASSOCIATES INC. 12750 WHEAT DRIVE, SUITE 1000 DALLAS, TX 75241 PHONE: 972-720-1300 FAX: 972-720-9242 WWW.KIMLEYHORN.COM TEXAS	NO. _____ REVISIONS _____ DATE _____ BY _____
			NO. _____ REVISIONS _____ DATE _____ BY _____		

Exhibit B - Part of Ordinance