

ORDINANCE NO. 4334

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, TO GRANT A CHANGE IN ZONING FROM C-M COMMERCIAL TO PD PLANNED DEVELOPMENT FOR C-M COMMERCIAL WITH DEVELOPMENT REGULATIONS AND TO GRANT A SPECIAL PERMIT FOR A RESTAURANT WITH A DRIVE-THROUGH ON 0.567 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF W. CAMPBELL ROAD AND ALAMO DRIVE; 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 19-29).

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, (collectively, the "Zoning Ordinance") duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be amended to grant a change in zoning from C-M Commercial to PD Planned Development for C-M Commercial with development regulations and to grant a special permit for a restaurant with a drive-through on 0.567 acres of land located at the northwest corner of W. Campbell Road and Alamo Road, Richardson, Texas, being more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes (the "Property").

SECTION 2. That the change in zoning from C-M Commercial to PD Planned Development for C-M Commercial uses is hereby granted subject to the following development regulations:

1. Base Zoning District. The property shall be developed and used in accordance with the C-M Commercial District zoning regulations except as otherwise provided herein; and shall be developed and used in substantial conformance with the Site Plan, attached as Exhibit "B", and the Building Elevations attached as Exhibits "C-1" and "C-2", and which are hereby approved and incorporated herein
2. Special Permit. A Special Permit is hereby approved for a restaurant with a drive-through in conformance with the Site Plan subject to the following conditions:
 - i. The drive-through shall be utilized for prepaid pickup orders only and no menu board or outdoor electric order system shall be allowed.
 - ii. The Special Permit shall expire and terminate, and this Ordinance be of no further effect in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
 - iii. Administrative approval of the building elevations and landscape plan shall be permitted, provided the plans are submitted in substantial conformance with the attached Exhibit "B" and Exhibits "C-1" and "C-2".
 - iv. A minimum of twenty-six (26) parking spaces shall be provided.
 - v. A maximum of one (1) pole sign with a maximum height of 30-feet shall be allowed, otherwise all on-site signage shall conform with Chapter 18 (Sign Code).
 - vi. The use of cedar fence material shall be allowed for screening of ground level equipment as shown on Exhibit "B".
 - vii. A minimum eight-foot wide landscape island shall be allowed at the end each run of parking spaces, with the exception of the landscape island adjacent to the accessible parking space located on the west side of the restaurant which shall be allowed to be a minimum of two (2) feet wide.
 - viii. A minimum five-foot (5) landscape buffer shall be required adjacent to both W. Campbell Road and Alamo Road.
 - ix. No vehicle headlight landscape screening shall be required along the west and north property line.

- x. The minimum front yard setback shall be ten (10) feet_for the existing canopy along W. Campbell Road.
- xi. The use of automobile tires as decorative elements may be used as landscape elements and shall be limited to the patio area.

SECTION 3. That the Property 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.

SECTION 4. That all provisions of the ordinances of the City of Richardson relating to the use and development of the Property 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 10th day of February 2020.



APPROVED:


MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY
(PGS:2-5-20) (TM:113653)

CORRECTLY ENROLLED:


CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION
ZF 19-29

BEING all of Lot 2 of the K-Mart Plaza Addition, an addition to the City of Richardson, Texas according to the plat recorded in Volume 83168, Page 1969, Deed Records, Dallas County, Texas.

EXHIBIT C-2 BUILDING ELEVATIONS

