

ORDINANCE NO. 4382

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 TO GRANT A SPECIAL DEVELOPMENT PLAN TO MODIFY THE DEVELOPMENT STANDARDS OF THE MAIN STREET/CENTRAL EXPRESSWAY FORM BASED CODE ON 2.01-ACRES OF LAND LOCATED AT 820 S. SHERMAN STREET ZONED PLANNED DEVELOPMENT MAIN STREET/ CENTRAL EXPRESSWAY (RAILSIDE SUB—DISTRICT) WITH A SPECIAL PERMIT FOR A SMOKING ESTABLISHMENT, CITY OF RICHARDSON, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" HERETO; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS 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 21-04).

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, to grant a change in zoning to grant a Special Development Plan to modify the development standards of the Main Street/Central Expressway Form Based Code on 2.01-acres of land located at 820 S. Sherman Street zoned Planned Development Main Street/Central Expressway (Railside Sub-district) with a Special Permit for a smoking establishment, City of 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 Property shall be used and developed in accordance with the development regulations set forth below:

1. The Property shall be developed and used in substantial conformance with the Concept Plan attached hereto as Exhibit "B", and the Building Elevations attached hereto as Exhibit "C-1" through "C-4", which are made a part hereof and which are approved. Collectively, the Concept Plan and Building Elevations are referred to as "Special Development Plan" as allowed in the Main Street/Central Expressway Form Based Code.
2. Subdivision of the Property shall be allowed to create a flag lot, subject to a minimum 24-foot wide mutual access easement being provided and maintained between Buildings A and B to provide access to the subject lots and associated parking.
 - a. The two (2) proposed lots may share a single dumpster receptacle; however, prior to the approval of development plans, a shared dumpster agreement shall be executed and provided to the City.
3. The existing chain-link fence along the north, south and west property line shall be removed, and the area landscaped in accordance with the Comprehensive Zoning Ordinance and Landscape Policy.
4. A Special Permit shall be conditionally granted to allow a smoking establishment as defined in the Comprehensive Zoning Ordinance and shall be limited to the areas shown on the Concept Plan. The use and development of the Property for a smoking establishment shall be in substantial conformance with the Concept Plan and Building Elevations.
5. The Special Permit and the use and development of the Property for a smoking establishment shall be restricted to Majestic Cast, Inc. No other company, business or legal entity may operate or allow a smoking establishment to operate on the Property other than Majestic Cast, Inc. The special permit automatically expires and terminates upon a change in ownership of the Property.
6. 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.
7. The smoking establishment shall be limited to outdoor use only on the 1,524 square foot outdoor covered patio and on the 1,718-square foot uncovered wooden deck, as shown on the Concept Plan, and which occupancy of the subject areas shall be restricted to individuals 21 years of age or older.
8. The smoking establishment's hours of operation shall be limited to 10:00 a.m. to 12:00 a.m., Monday through Sunday).

SECTION 3. That Ordinance No. 4323, adopted on December 9, 2019, is repealed in its entirety.

SECTION 4. 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 as amended herein.

SECTION 5. 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 6. 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 7. 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 8. 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 9. 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 26th day of

April 2021.



APPROVED:


MAYOR

APPROVED AS TO FORM:

Peter G. Smith

CITY ATTORNEY
(PGS:4-20-21:TM 121955)

CORRECTLY ENROLLED:

Aimee Neme

CITY SECRETARY



EXHIBIT "A"
LEGAL DESCRIPTION
ZF 21-04

BEING all of Lot 12, Block A, The Ling Expressway Center Revised, an Addition to the City of Richardson, Texas, Dallas County, Texas, according to the plat recorded in Volume 94204, Page 5574, Deed Records, Dallas County, Texas.



EXHIBIT "C-1" BUILDING ELEVATIONS

FRANCONIA DESIGN INC. 1400 E. ARTHUR BLVD. #114 RICHMOND, TX 75081 817.774.0700 www.franconia.com	ABC CAFE BLOCK A LOT: 12 ADDRESS: 829 - 830 B. SHERMAN STREET SUBDIVISION: N/A	SHEET NO. 1 TOTAL SHEETS: 1 DATE: 10/1/14 DRAWN BY: JLD CHECKED BY: JLD	BUILDING 1 ELEVATIONS
			1201

PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION

Exhibit "C-1"

MATERIAL PERCENTAGE CHART
BUILDING 1

Material	Percentage
Brick	10%
Painted Brick	10%
Painted Concrete	10%
Painted Metal	10%
Painted Wood	10%
Painted Steel	10%
Painted Aluminum	10%
Painted Copper	10%
Painted Zinc	10%
Painted Tin	10%
Painted Lead	10%
Painted Silver	10%
Painted Gold	10%
Painted Platinum	10%
Painted Palladium	10%
Painted Rhodium	10%
Painted Iridium	10%
Painted Osmium	10%
Painted Rhenium	10%
Painted Technetium	10%
Painted Uranium	10%
Painted Neptunium	10%
Painted Plutonium	10%
Painted Americium	10%
Painted Curium	10%
Painted Berkelium	10%
Painted Californium	10%
Painted Einsteinium	10%
Painted Fermium	10%
Painted Mendelevium	10%
Painted Nobelium	10%
Painted Lawrencium	10%
Painted Rutherfordium	10%
Painted Dubnium	10%
Painted Seaborgium	10%
Painted Bohrium	10%
Painted Hassium	10%
Painted Meitnerium	10%
Painted Darmstadtium	10%
Painted Roentgenium	10%
Painted Copernicium	10%
Painted Nihonium	10%
Painted Flerovium	10%
Painted Tennessine	10%
Painted Oganesson	10%

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Brick	10%
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Painted Roentgenium	10%
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Painted Tennessine	10%
Painted Oganesson	10%

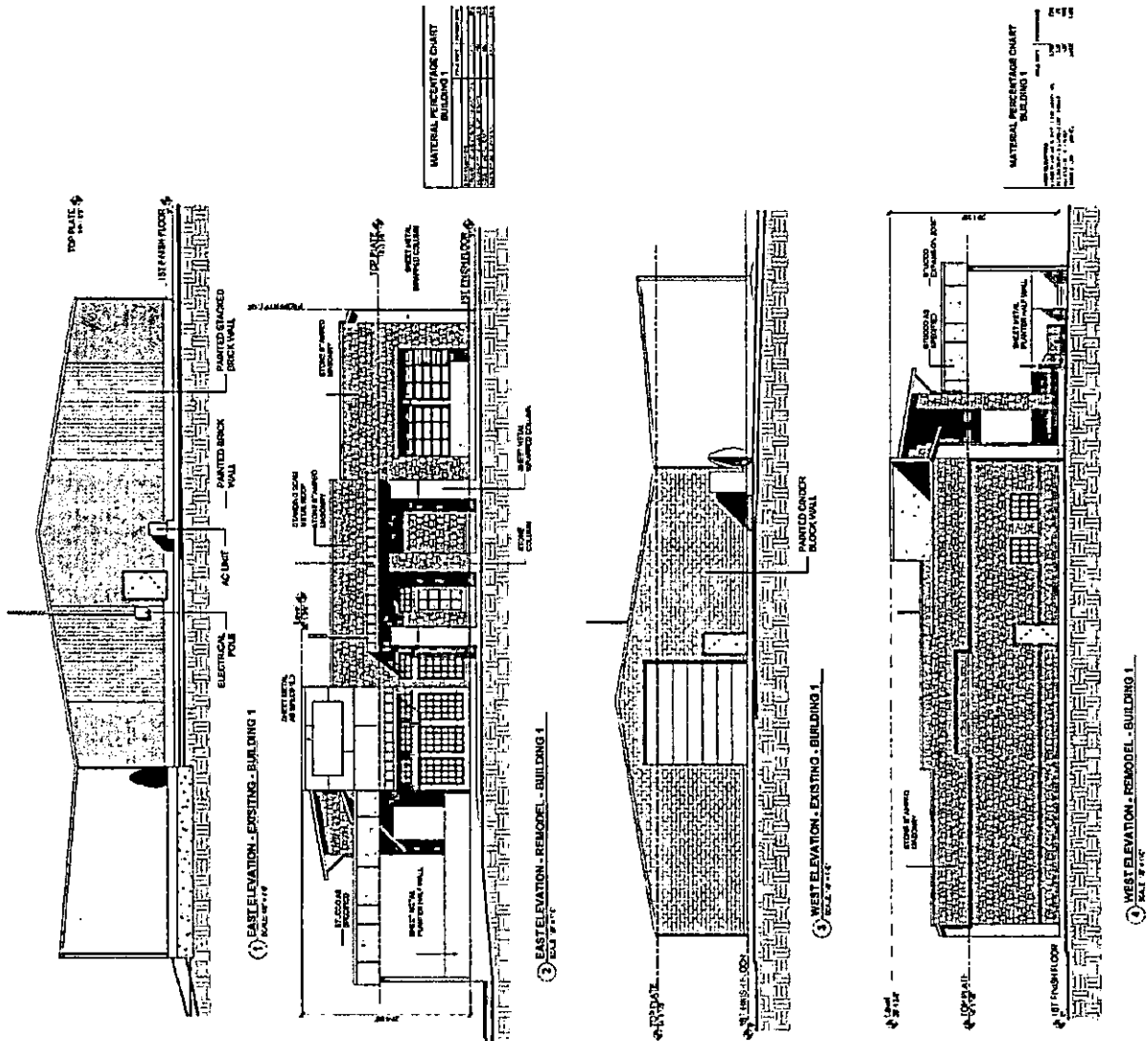


EXHIBIT "C-2" BUILDING ELEVATIONS

202 REVISIONS DATE: 11/11/11 BY: [Signature] CHECKED: [Signature]		ABC CAFE ADDRESS: 820 S. SHERMAN STREET RICHMOND, TX 75261 BLOCK: A LOT: 12		PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION
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Exhibit "C-2"

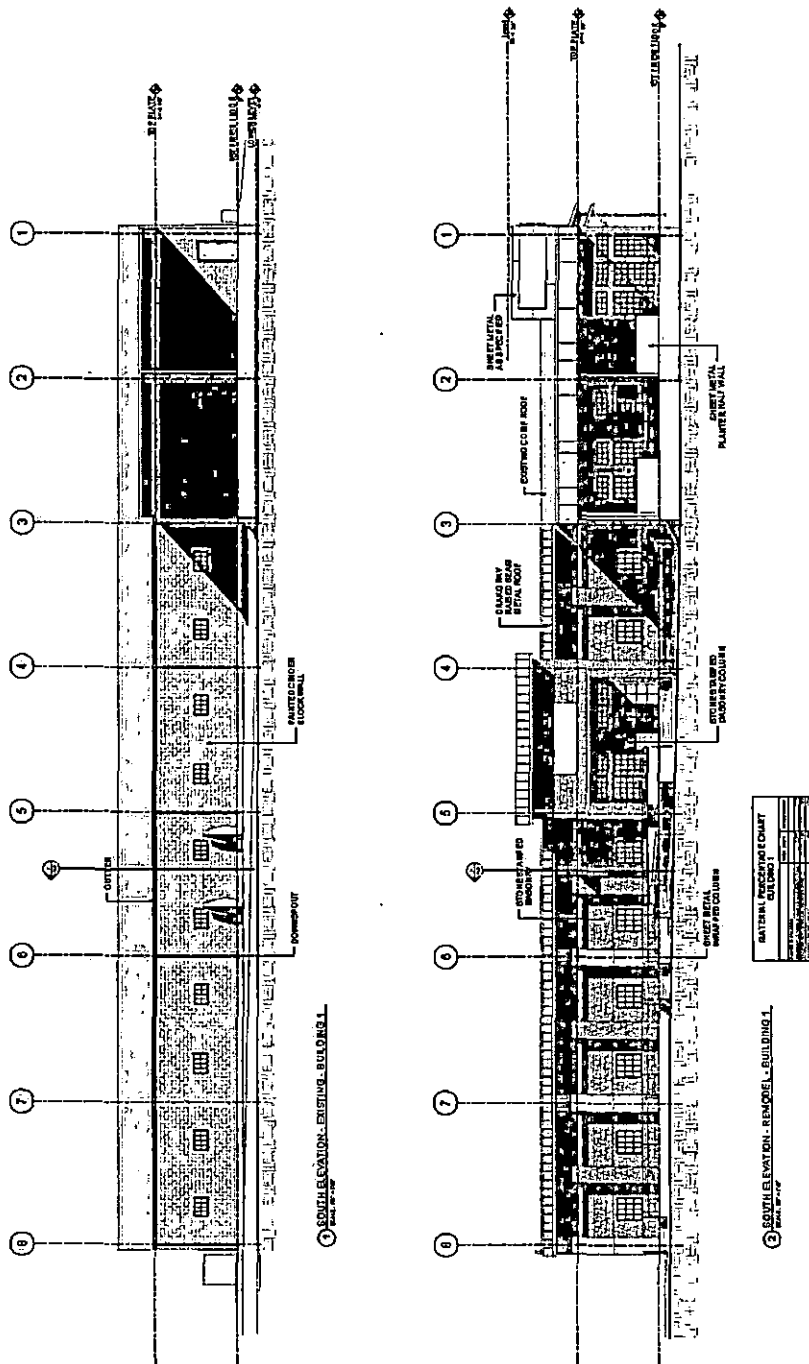
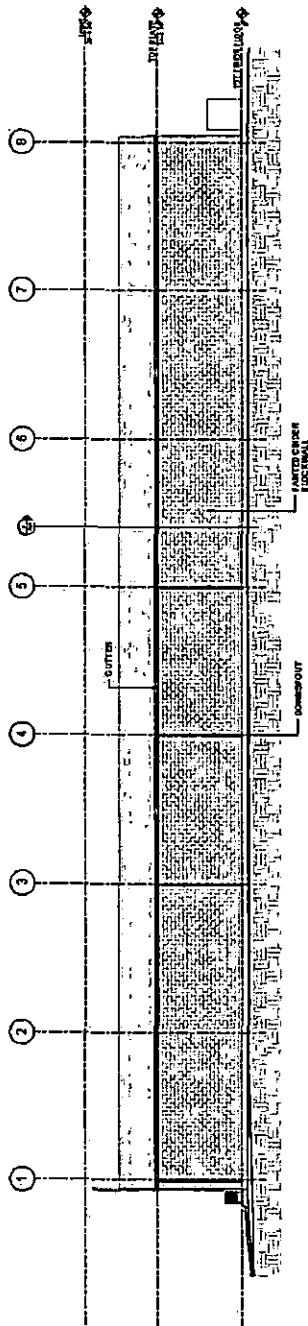


EXHIBIT "C-3" BUILDING ELEVATIONS

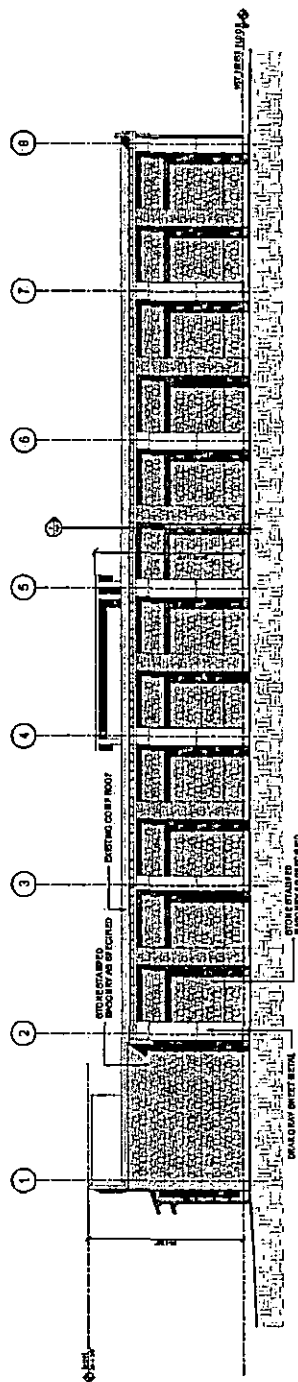
ABC GATE SUBDIVISION: N/A ADDRESS: 820 - 830 S. WESTMAN STREET RICHARDSON, TX 75081 BLOCK: A LOT: 12		SHEET NO. 12 TOTAL SHEETS: 12	DATE: 10/27/2010 DRAWN BY: J. L. BROWN CHECKED BY: J. L. BROWN
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PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION

Exhibit "C-3"




① NORTH ELEVATION - EXISTING - BUILDING 1
SCALE: 1/8\"/>

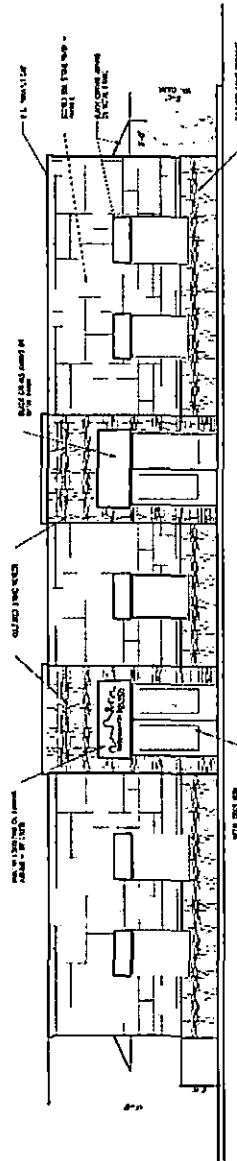


② NORTH ELEVATION - REMODEL - BUILDING 1
SCALE: 1/8\"/>

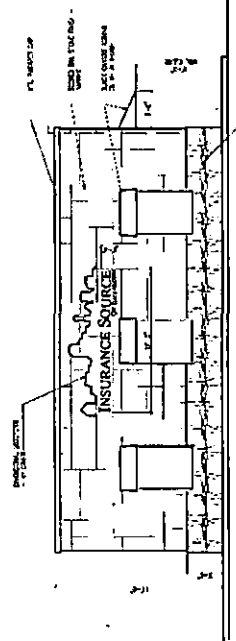
MATERIAL PERCENTAGE CHART	
EXISTING	REMODEL
100%	100%

EXHIBIT "C-4" BUILDING ELEVATIONS

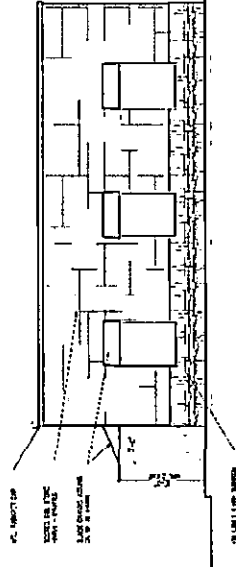
 <p>INSURANCE SOURCE OF DALLAS CORPORATE OFFICE 850 SOUTH BERNARD STREET • DALLAS, TEXAS 75201</p>	<p>INTERIOR ELEVATIONS</p>	<p>EXHIBIT "C-4"</p>	<p>DATE: 02-11-21</p>
	<p>21133</p>	<p>A300</p>	<p>21133</p>



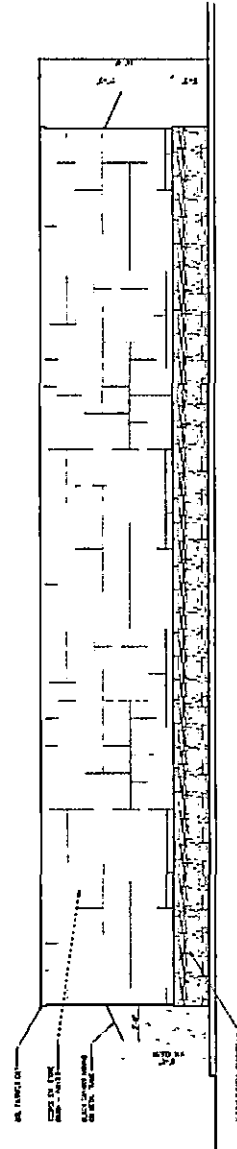
01 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



02 EAST ELEVATION
SCALE: 1/4" = 1'-0"



03 WEST ELEVATION
SCALE: 1/4" = 1'-0"



04 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION