

## **ORDINANCE NO. 4231**

**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 FROM LR-M(2) LOCAL RETAIL TO PD PLANNED DEVELOPMENT FOR THE LR-M(2) LOCAL RETAIL DISTRICT WITH DEVELOPMENT STANDARDS FOR A FIRE STATION ON APPROXIMATELY 1.24 ACRES LOCATED AT THE NORTHWEST CORNER OF LOOKOUT DRIVE AND CUSTER PARKWAY, 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 17-19).**

**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 5<sup>th</sup> day of June, 1956, as heretofore amended, be, and the same is hereby amended so as to grant a change in zoning from LR-2(M) Local Retail to PD Planned Development for the LR-M(2) Retail District with development standards on approximately 1.24 acres located at the northwest corner of Lookout Drive and Custer Parkway (the Property), and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

**SECTION 2.** That the Property shall be used and developed in accordance with the following development regulations:

### **Sec. 1. Base Zoning District.**

The Property shall generally be developed and used in accordance with the concept plan attached as Exhibit "B" which is hereby approved and incorporated herein for all purposes ("Concept Plan"); and in accordance with the LR-M (2) Zoning District Regulations, except as otherwise provided herein.

### **Sec. 2. Permitted Uses.**

The Property shall be limited to the following uses:

- (a) Fire Station and appurtenances.
- (b) Public building.
- (c) Accessory structures.

### **Sec. 3. Maximum Height.**

Building height shall be limited to thirty (30) feet.

### **Sec. 4. Setbacks.**

- (a) *Custer Parkway*: 20 feet; accessory structures 10 feet.

### **Sec. 5. Floor Area Ratio.**

No building shall be constructed, erected or altered in such a manner so as to exceed a maximum floor area ratio of 0.75:1.

### **Sec. 6. Landscaping**

- (a) Landscape islands for parking rows located interior to the Property may be reduced to a minimum width of five (5) feet.
- (b) In lieu of the required canopy trees within landscape islands along service drives to the fire truck bays, ornamental trees may be provided.
- (c) A minimum six (6) foot-tall perimeter fence shall be allowed along the north, east and west property line. Said perimeter fence shall be comprised of masonry or metal fencing or a combination of both materials.
- (d) Along the inside of a perimeter fence along the west property line, a minimum three (3) foot tall evergreen shrub row and canopy trees planted at a rate of one (1) tree per 50 linear feet of the perimeter fencing shall be provided.
- (e) Along the inside of a perimeter fence along the northern portion of the property, a minimum three (3) foot tall evergreen shrub row shall be provided. Screening trees shall either be located inside and along the perimeter fence or within a landscape buffer located north of the site to adequately screen north facing fire truck bay doors.

## **Sec. 7. Exceptions to Chapter 21 of the Code of Ordinances.**

- (a) Section 21-47(d) of the City Code of Ordinances, which requires a minimum six (6) foot-tall masonry screening wall between a non-residential and residential use, shall not apply to development on this Property
- (b) Section 21-47(l) of the City Code of Ordinances, open space requirements for non-residential uses adjacent to residential zoning districts, shall not apply.

## **Sec. 8. Administration.**

Development within this Planned Development District that complies with the provisions of this Ordinance shall follow the City's development process as set forth in Chapter 21, Article II of the City of Richardson Code of Ordinances, except as otherwise provided herein, and shall be approved by the City Manager or designee.

- (1) Standard for Approval of development plans: If a development plan conforms to the standards set forth in this Planned Development District, the Concept Plan, and applicable City regulations not in conflict with this Planned Development District, the development plan shall be approved.
- (2) The City Manager or designee shall be responsible for the following:
  - (a) Reviewing development plan applications for compliance with the requirements of this Planned Development District.
  - (b) Approving development plan applications that are in compliance with the requirements of this Planned Development District.
  - (c) Making determinations on the applications and interpretations of standards in this Planned Development District.
  - (d) Approving revisions to previously approved development plans that comply with this PD and all applicable city ordinances.
  - (e) Approving any minor modifications to the Concept Plan and Planned Development District standards per Subsection (3) below.
- (3) The City Manager or designee shall have the authority to approve a request for minor modifications to this Planned Development District and Concept Plan that:
  - (a) Does not decrease any of the specified area regulations;
  - (b) Does not allow a use not otherwise authorized in this Planned Development District; or
  - (c) Reconfigures the design of site elements; to meet specific design demands, including points of egress and ingress.

**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 as amended herein.

**SECTION 4.** That all other 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 25<sup>th</sup> day of September, 2017.

**APPROVED:**

  
MAYOR

**APPROVED AS TO FORM:**

  
CITY ATTORNEY  
(PGS:9-20-17:19.90565)

**CORRECTLY ENROLLED:**

  
CITY SECRETARY



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**ZF 17-19**

**CALLED 0.8854 ACRE TRACT AND  
CALLED 0.3458 ACRE TRACT**

**BEING** a 53,660 square feet (1.2319 acre) tract of land situated in the E.T. Myers Survey, Abstract No. 616, Collin County, Texas, and being all of the called 0.8854 acre tract of land as described in the deed to the Krueger Family Investments, LLC, recorded in Instrument No. 20140805000830720 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), and all of the called 0.3458 acre tract of land as described in the deed to JPMK Investment, LLC, recorded in Instrument No. 20150723000910910 of said O.P.R.C.C.T., said tract of land being more particularly described as follows:

**BEGINNING** at an X-cut set for the southerly corner of said 0.8854 acre tract and the southerly corner of this tract, same being located at the intersection of the northeasterly right of way line of called Lookout Drive, a 100-foot public right of way and the northwesterly right of way line of called Custer Parkway, an 80-foot public right of way, same being at the beginning of a curve to the right, having a radius of 1,251.18 feet, a central angle of 09°09'31 " , and whose chord bears North 44°02'02" West, a distance of 199.79 feet;

**THENCE** Northwesterly with the southwesterly line of said 0.8854 acre tract, said northeasterly right of way line and said curve to the right, an arc distance of 200.00 feet to an X-cut set for the westerly corner of said 0.8854 acre tract, the southerly corner of a called 1.1863 acre tract of land as described in the deed to 508 West Lookout, LLC, recorded in Instrument No. 20131209001622230, of said O.P.R.C.C.T., and the westerly corner of this tract;

**THENCE** North 43°46'44" East, with the common line of said 0.8854 acre tract and said 1.1863 acre tract, a distance of 189.74 feet to a PK nail set for the northerly corner of said 0.8854 acre tract, an angle point in the southeasterly line of said 1.1863 acre tract, same being the westerly corner of said 0.3458 acre tract and an angle point in the northwesterly line of this tract;

**THENCE** North 32°34'59" East, with the common line of said 0.3458 acre tract and said 1.1863 acre tract, a distance of 58.87 feet to a PK nail set for the northerly corner of said 0.3458 acre tract, the easterly corner of said 1.1863 acre tract, and the northerly corner of this tract, same being located in the southwesterly line of called Lot 50 HOA of called II Creeks subdivision, as recorded in Volume 2008, Page 165 of the Map Records of Collin County, Texas, (M.R.C.C.T.) from which an X-cut found (Controlling Monument) at an angle point in the southwesterly line of called Lot 21 of said II Creeks subdivision bears N 37°32'31" W, a distance of 39.08 feet, from which an X-cut found (Controlling Monument) for the common southwesterly corner of said Lot 21 and called Lot 22 of said II Creeks subdivision bears N 34°10'31" W, a distance of 17.18 feet;

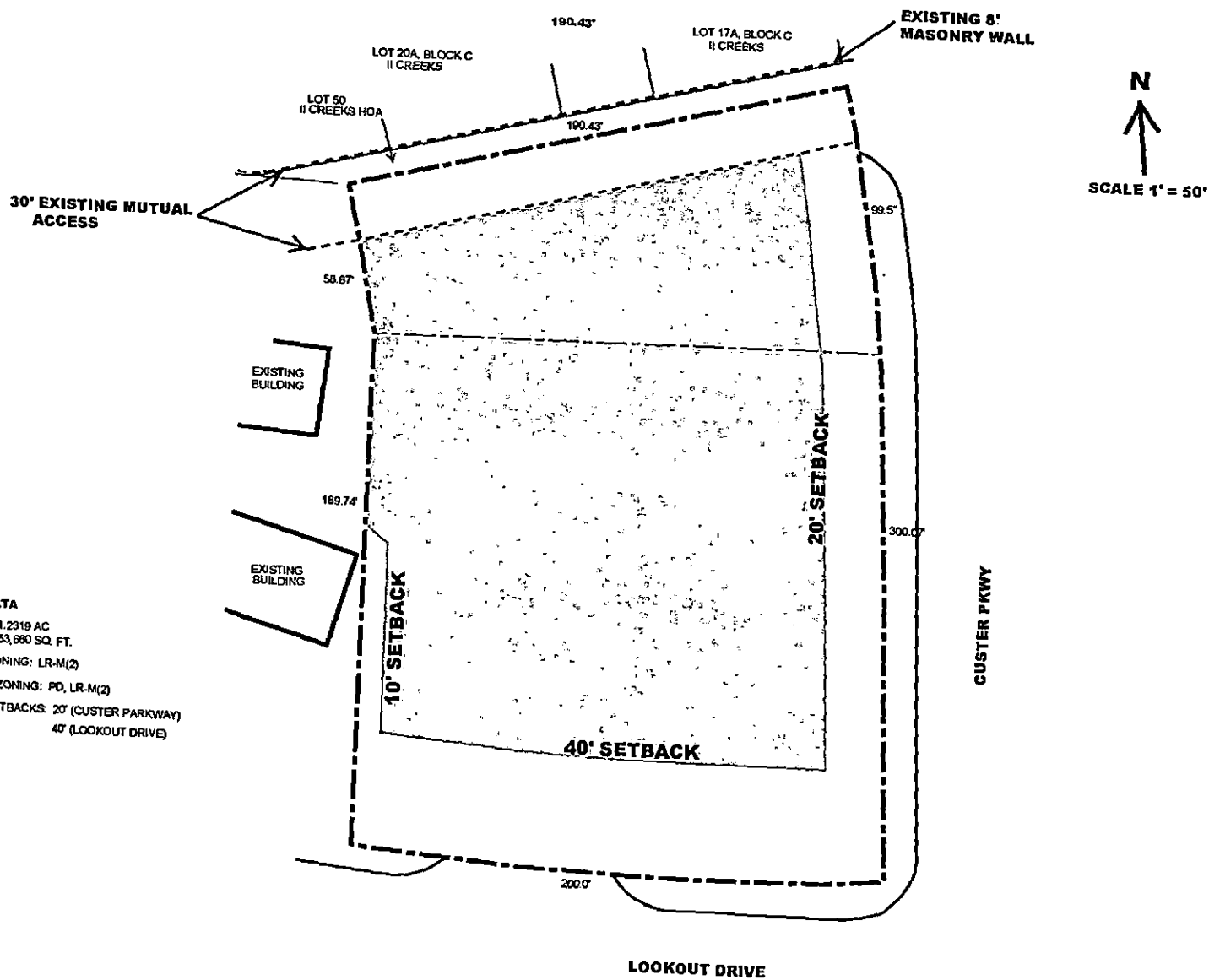
**THENCE** South 59°24'18" East, with the common line of said 0.3458 acre tract and said Lot 50 HOA, a distance of 190.43 feet to an X-cut set for the easterly corner of said 0.3458 acre tract, the southerly corner of said Lot 50 HOA, and the easterly corner of this tract, same being located in said northwesterly right of way line of Custer Parkway and for the beginning of a curve to the right, having a radius of 725.00 feet, a central angle of 10°39'56", and whose chord bears S 35°55'43" W, a distance of 134.76 feet;

**THENCE** Southwesterly with the southeasterly line of said 0.3458 acre tract and said 0.8854 acre tract, said northwesterly right of way line and said curve to the right, passing at an arc distance of 99.95 feet an X-cut set for the southerly corner of said 0.3458 acre tract and the easterly corner of said 0.8854 acre tract, continuing a total arc distance of 134.96 feet to a 5/8-inch iron rod with pink plastic cap stamped "JQ ENG" set for corner in the southeasterly line of said 0.8854 acre tract and said northwesterly right of way line of Custer Parkway;

**THENCE** South 41°15'40" West, with the southeasterly line of said 0.8854 acre tract and said northwesterly right of way line, a distance of 165.21 feet to the POINT OF BEGINNING, containing 53,660 square feet (1.2319 acre) of land, more or less.

**PROJECT DATA**

LOT AREA: 1.2319 AC  
53,680 SQ. FT.  
EXISTING ZONING: LR-M(2)  
PROPOSED ZONING: PD, LR-M(2)  
BUILDING SETBACKS: 20' (CUSTER PARKWAY)  
40' (LOOKOUT DRIVE)



**Exhibit "B"**