

ORDINANCE NO. 4321

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 BY GRANTING A SPECIAL PERMIT FOR A MOTOR VEHICLE REPAIR-MAJOR FACILITY WITH SPECIAL CONDITIONS ON 0.39-ACRES OF LAND ZONED PD PLANNED DEVELOPMENT MAIN STREET/CENTRAL EXPRESSWAY FORM BASED CODE (GATEWAY COMMERCIAL SUB-DISTRICT) LOCATED AT 342 S. CENTRAL EXPRESSWAY, RICHARDSON, TEXAS, 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 19-22).

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 by granting a Special Permit for a motor vehicle repair-major facility with special conditions on 0.39-acres of land zoned PD Planned Development Main Street/Central Expressway Form Based Code (Gateway Commercial Sub-district) located at 342 S. Central Expressway, Richardson, Texas, and being further described in Exhibit "A" attached hereto and made a part hereof for all purposes (the "Property").

SECTION 2. That the Special Permit for the motor vehicle repair-major facility is hereby conditionally granted subject to the following special conditions:

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1. A Special Permit shall be conditionally granted to allow a motor vehicle repair-major facility as depicted on the attached concept plan, marked as Exhibit "B" (the "Concept Plan") and building elevation, marked as Exhibit "C" (the "Building Elevations"), and made a part thereof. The use and development of the Property for a motor vehicle repair-major facility shall be in substantial conformance with the Concept Plan and Building Elevations. The special permit and the use and development of the Property for a motor vehicle repair-major facility shall be restricted to: (i) a motor vehicle repair-major facility operating under the "Meineke Brand", owned and operated by Driven Brands Inc, or an "Affiliate"; or (ii) to an entity continuously operating a motor vehicle repair-major facility operating under the "Meineke Brand" pursuant to an approved franchise agreement with Driven Brand Inc. or "Affiliate". For purposes of this ordinance "Affiliate" shall mean: (i) any entity that is directly or indirectly controlled by or owned by Driven Brands Inc.; (ii) a successor corporation or entity of Driven Drive Inc. by merger, consolidation, non-bankruptcy reorganization, or government action; and (iii) a purchaser of substantially all of the assets of Driven Brands Inc. No other company, business or legal entity may operate a motor vehicle repair-major facility on the Property except as set forth above. The special permit automatically expires and terminates if the motor vehicle repair-major facility is not owned or operated by: (i) Driven Brands Inc. or an "Affiliate"; or (ii) to an entity continuously operating pursuant to an approved franchise agreement with Driven Brands Inc. or an "Affiliate".
2. 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.
3. A mutual access agreement encompassing the area shown on the Concept Plan shall be submitted for review by the City and filed in the appropriate county deed records in conjunction with the application of a building permit and prior to the issuance of a certificate of occupancy for the Property for a motor vehicle repair-major facility. .
4. A landscape screen shall be provided along S. Central Expressway to screen the accessible parking space as shown on the Concept Plan; additional landscaping shall be installed at the base of the pole sign; and one (1) ornamental tree on each side of the driveway in lieu of shade trees shall be planted prior to the issuance of a certificate of occupancy for the Property for motor vehicle repair-major facility.
5. The existing chain-link fence located along the south property line shall be replaced prior to the issuance of a certificate of occupancy for the Property for motor vehicle repair-major facility and maintained thereafter.

SECTION 3. That the above-described tract of land shall be used only 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 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 11th day of
November 2019.



APPROVED:



MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY
(PGS:10-3-19:TM 111338)

CORRECTLY ENROLLED:



CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION
ZF 11-13

Being all of Lot 18F, Block K, Richardson Heights 2nd Installment Addition, an addition to the City of Richardson, Texas according to the plat recorded in Volume 23, Page 135, Deed Records, Dallas County, Texas.

EXHIBIT "C"



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