



ORDINANCE NO. 3290

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS AS HERETOFORE AMENDED, BY AMENDING THE DEVELOPMENT REGULATIONS OF PLANNED DISTRICT NO. 81 (PD-81) RELATING TO LOT 2, BLOCK A, LAGO VISTA EVERGREEN, AN ADDITION TO THE CITY OF FARMERS BRANCH, BY ADDING SAID PROPERTY TO THE “MIXED RESIDENTIAL AREA;” ADOPTING DEVELOPMENT REGULATIONS; ADOPTING A CONCEPT PLAN, PHASE ONE CONCEPT PLAN, AND CONCEPTUAL BUILDING ELEVATIONS; PROVIDING FOR OTHER SPECIAL CONDITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING INJUNCTIVE RELIEF; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2000.00) DOLLARS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, 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 FARMERS BRANCH, TEXAS, THAT:

SECTION 1: The Comprehensive Zoning Ordinance and Zoning Map of the City of Farmers Branch, Texas, as amended, be further amended by amending the development and use regulations of Planned Development No. 81 Zoning District (“PD-81”), as set forth in Exhibit “B” titled “Standards” of Ordinance No. 2578, as amended by Ordinance Nos. 2944 and 2950 (collectively, “the Development Standards”) as follows:

- A. The illustration in Article Two: labeled “Land Use Plan” inserted between Articles 1 and 3 of Exhibit B to Ordinance No. 2578 shall be amended to show Lot 2, Block A, Lago Vista Evergreen, an addition to the City of Farmers Branch, Texas, according to the plat thereof recorded in Volume No. 2004136, Page 134, Map Records, Dallas County, Texas (“the Property”) is designated as part of the “Mixed Residential Area” as shown in Exhibit “A,” attached hereto and incorporated herein by reference.

- B. Attachment Two: Concept Plan to the Development Standards is amended and deemed to read as if the Property is designated as part of the “Mixed Residential Area” and shown in Exhibit “B”, attached hereto and incorporated herein by reference.

SECTION 2. Except as set forth in Section 3 of this Ordinance, the Property shall be used and developed only in the manner set forth in the Development Standards for property located within the “Mixed Residential Area,” and, to the extent the Development Standards do not conflict, the purposes and standards provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and as amended herein. In addition, the Property shall be developed substantially in accordance with the Conceptual Site Plan, Phase One Detailed Site Plan and Elevations attached hereto as Exhibits “C,” “D,” and “E,” respectively, and incorporated herein by reference.

SECTION 3. Development and use of the Property shall be subject to the following additional conditions:

- A. No building permit for Phase Two as shown on the Conceptual Site Plan for the Property shall be issued by the City until the following have occurred:
1. Completion of construction of a new hotel containing approximately 90 rooms on the northern portion of Lot 1, Block B, Mira Lago Addition, fronting either Mira Lago Boulevard or the LBJ Freeway;
 2. Dedication and completion of construction of a privately-maintained public access easement located within either Lot 1 or Lot 2, Block B, Mira Lago Addition and connecting Mira Lago Boulevard with the LBJ Freeway eastbound frontage road;
 3. Completion of construction of an approximately one-half (½) acre privately-owned pocket park accessible and available for use by the public at the southern tip of Lot 1, Block E, Mira Lago Addition, to be operated and maintained by the owner of said property until such time as operation and maintenance is conveyed to a property owners’ association in accordance with Article 8 of the Development Standards.
 4. Completion of construction of a five-foot (5.0’) wide hard surface walking trail around the perimeter of Lot 1, Block C, Lot 1, Block D, and Lot 1, Block E, Mira Lago Addition, adjacent to Mira Lago Boulevard, Lago Vista West and Lago Vista East.
 5. Completion of re-grading, dressing with new topsoil, and reseedling with grass of those portions of Lot 1, Block C, Lot 1, Block D, and Lot 1, Block E, Mira Lago Addition not within the area of the private pocket park located on Lot 1, Block E, to be operated and maintained as a temporary open space by the owner of said property until such time as the

obligations for operation and maintenance is conveyed to a property owners' association in accordance with Article 8 of the Development Standards. Such use as open space shall end upon the commencement of development of said lots for other purposes authorized pursuant to the current zoning regulations affecting said lots.

The approximate location of the above improvements is illustrated on Exhibit "F", attached hereto and incorporated herein by reference.

- B. Notwithstanding Article Three, Section A of the Development Standards, the development of 20 square feet of commercial use for each residential unit developed shall not apply to the Property as long as the Property is developed with Live/Work Units as provided in Paragraph C, below.
- C. There shall be at least seven (7) units located on the ground level of the Property on the building facing Mira Lago Boulevard as generally shown on the Phase One Concept Plan (Exhibit D, hereto) that shall be designed for use as retail space or convertible from residential use to retail use ("Live/Work Units"), subject to the following:
 - 1. For purpose of this Paragraph C, "Live/Work Units" shall mean attached units located on street level of a building which are designed and constructed to standards required for Commercial Use but which include space for both Residential Uses and Commercial Uses with the area for Residential Use and the area for Commercial Use connected but (a) if on separate floors, with the Residential Use area being on the floor immediately above the Commercial Use area or (b) if located on the same floor, separated by a wall and one or more connecting doorways, with the Commercial Use area of the unit facing and entering onto the sidewalk and street area;
 - 2. At the time of initial construction, the Live/Work Units may be used for residential purposes;
 - 3. Not later than one (1) year from the date that 90% of the existing, constructed retail space within PD-81 is occupied and leasing for an average rent of \$15.00 per square foot based on a triple net leasing arrangement ("the Conversion Date"), the Live/Work Units shall be converted to a Retail Services, Retail Trade, Personal Services, Professional Office, or Retail Specialty Shop use as defined in Article Three, Section A.1.(b) of the Development Standards. Continued use of the Live/Work Unit for a residential use after the Conversion Date shall not constitute a non-conforming use and shall be a violation of this ordinance.

- D. Notwithstanding Article IV.A. of the Development Standards, buildings constructed fronting IH 635 (LBJ Freeway) may be set back further from the roadway further than ten feet (10.0') as shown on the Concept Plan.
- E. Notwithstanding Article IX, Section O.1 of the Development Standards, all exterior walls of all structures within the Multi-Family Residential Area shall be constructed with not less than 60% severe weather rated clay fired brick or real stone on all façades, the real stone to be not less than one inch (1") thick veneer and brick to be at least three inches (3") thick. The remaining 40% of the exterior façades may be (a) brick or real stone consistent with the remaining portion of the façade or (b) stucco which is at least 3/4-inch thick applied using the "3 step gypsum plaster" process.
- F. Notwithstanding anything to the contrary in the Development Standards, surface parking may be constructed between the buildings developed on the Property and IH 635 (LBJ Freeway) as shown on the Concept Plan.

SECTION 4. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 5. 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. 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. 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 Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. 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 FARMERS BRANCH,
TEXAS, THIS 5TH DAY OF AUGUST, 2014.**

ATTEST:

APPROVED:

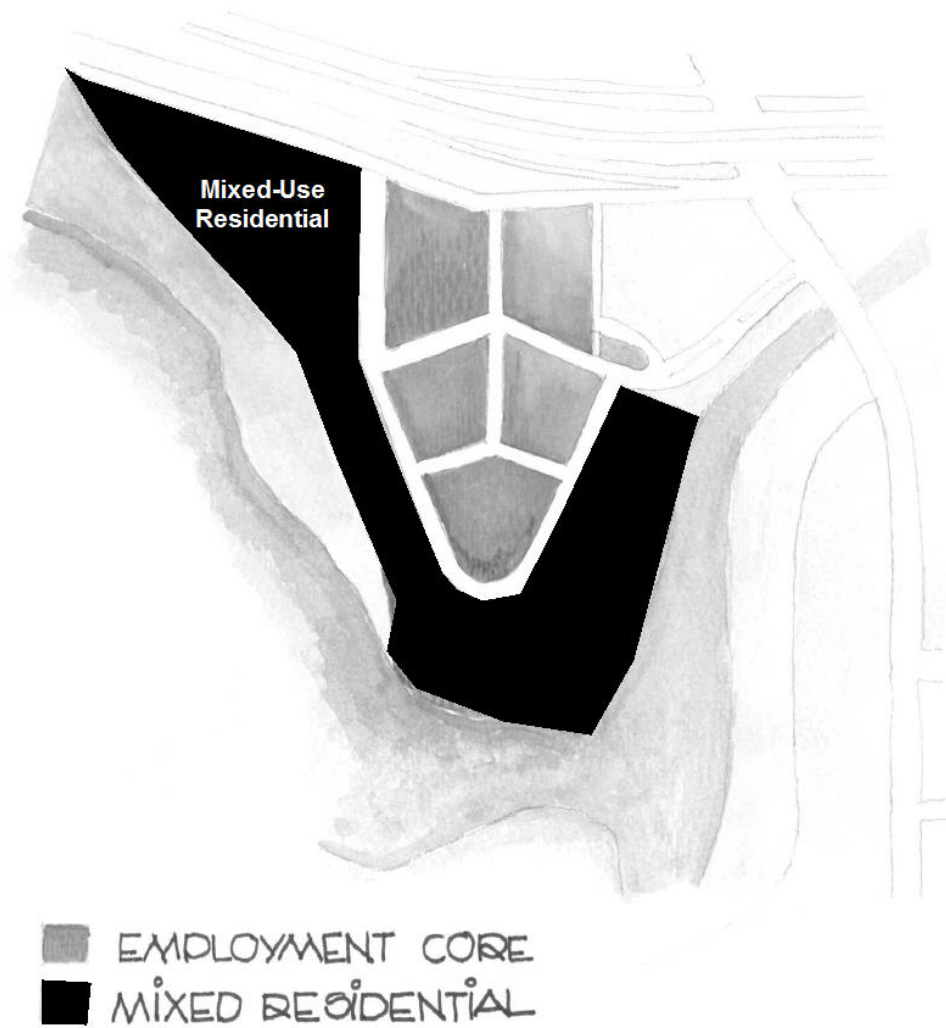
Angela Kelly, City Secretary

Bob Phelps, Mayor

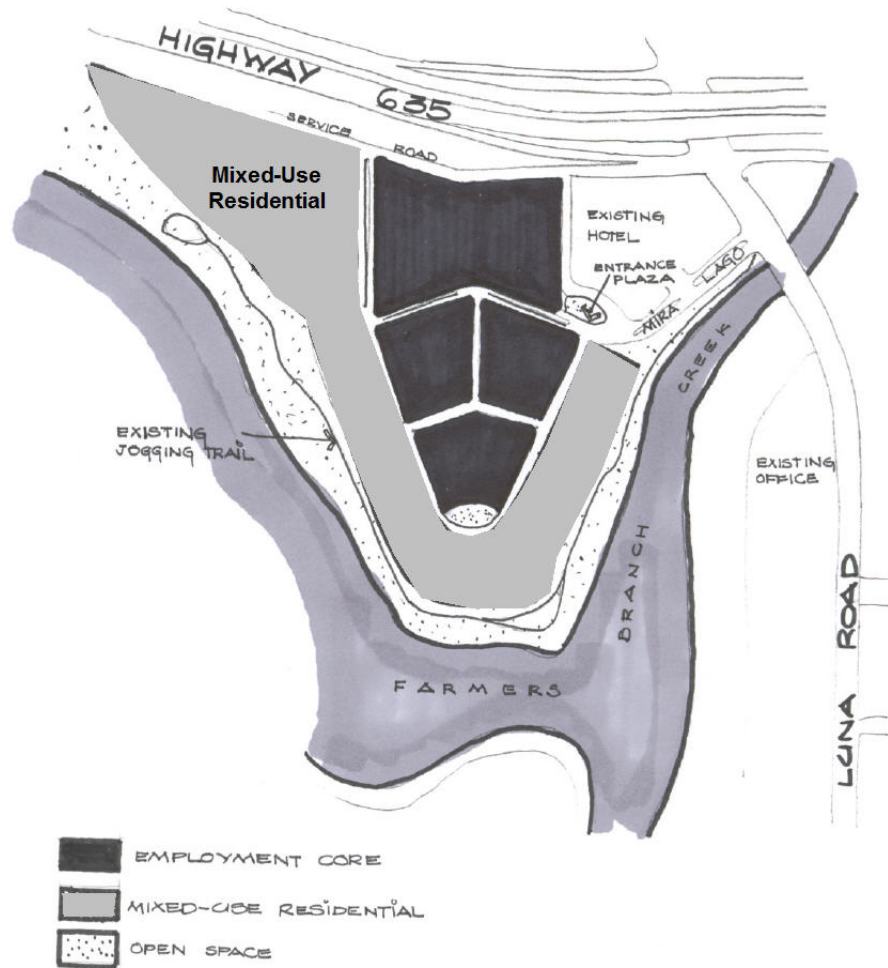
APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:7/31/14:67282)

Ordinance No. 3290
Exhibit "A" – Amended Illustration for
Article Two: Land Use Plan to Ordinance No. 2578, Exhibit "B": Standards

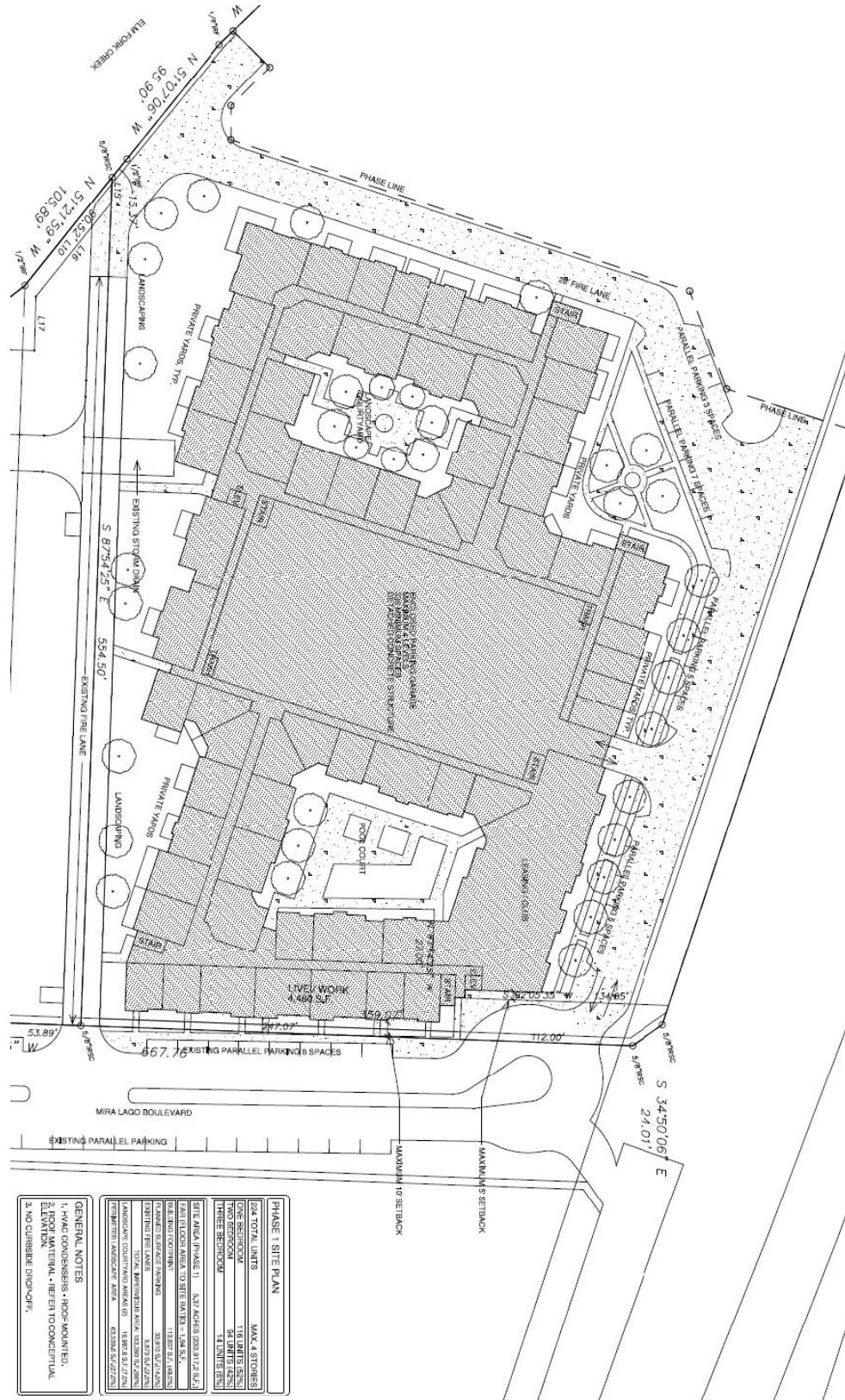


Ordinance No. 3290
Exhibit "B" – Amended Illustration for
Attachment Two: Concept Plan to Ordinance No. 2578, Exhibit "B": Standards



[illegible]

Ordinance No. 3290
Exhibit "D" – Phase One Concept Plan for the Property



Ordinance No. 3290
Exhibit “E” – Conceptual Building Elevations for the Property



DOMINION MULTI FAMILY CHARACTER ELEVATION
FARMERS BRANCH, TEXAS

Ordinance No. 3290
Exhibit “E” – Conceptual Building Elevations for the Property (cont.)



DOMINION MULTI FAMILY CHARACTER ELEVATION
FARMERS BRANCH, TEXAS

Ordinance No. 3290
Exhibit “F” – Location Map for Section 3.A. Improvements

