



## ORDINANCE NO. 3497

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT FOR VEHICLE REPAIR FOR A PORTION OF THE BUILDING LOCATED ON A PORTION OF LOT 2, BROOKHAVEN BUSINESS PARK (COMMONLY KNOWN AS 3117 GARDEN BROOK DRIVE) LOCATED IN A LIGHT INDUSTRIAL (LI) ZONING DISTRICT; APPROVING DEVELOPMENT REGULATIONS AND A SITE PLAN, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR TERMINATION UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING FOR 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, the governing body, in the exercise of its 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, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit for Vehicle Repair for a 6,200± square foot portion of the building located on property described as a 0.8947 acre portion of Lot 2, Brookhaven Business Park, an Addition to the City of Farmers Branch, Dallas County, Texas, according to the Plat thereof recorded in Volume 72004, Page 2388, Deed Records, Dallas County, Texas; and more particularly described in Exhibit "A," attached hereto and incorporated herein by reference (commonly known as 3117 Garden Brook Drive, Farmers Branch, Texas) ("the Property") which is located in a Light Industrial (LI) Zoning District.

**SECTION 2.** If developed and used for Vehicle Repair as authorized pursuant to Section 1, above, the Property shall conform in operation, location and construction to the development standards specified within the Light Industrial (LI) Zoning District as well as the following special conditions:

A. The Property shall be developed and used only in accordance with the Site Plan and Floor

Plan attached hereto as Exhibit “B” and “C” and incorporated herein by reference (“Site Plan” and “Floor Plan”).

- B. The use and development of the Property for Vehicle Repair shall be limited to the portion of the building depicted on the Site Plan as “Suite 3117.”
- C. No repair or maintenance of vehicles placed on the Property shall occur on the exterior of the building on the Property.
- D. Notwithstanding the definition of “Vehicle Repair” set forth in Section 7.3 of the Comprehensive Zoning Ordinance, the activities constituting Vehicle Repair authorized by this ordinance shall be limited to:
  - (1) Repair of minor vehicle body damage such as dents and scratches that does not require the removal of damaged vehicle body parts (other than parts removed for purposes of allowing the vehicle to be painted, such as windshield wipers and blades, antennae, and vehicle emblems); and
  - (2) The painting of vehicles and activities related to the use or development of a vehicle paint booth.
- E. Nothing in this Ordinance shall be construed as creating any exception to compliance with all applicable environmental laws and regulations or the provisions of Section 4.5 of the Comprehensive Zoning Ordinance, as amended.

**SECTION 3.** 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 4.** 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 5.** 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 6.** 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 7.** This ordinance and the right to use the Property in accordance with the Specific Use Permit granted pursuant to Section 1 of this Ordinance is subject to termination in accordance with Section 6.5.C. of the Comprehensive Zoning Ordinance, as amended.

**SECTION 8.** This Ordinance shall take effect after the passage of this Ordinance, the publication of the caption hereof as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 17<sup>TH</sup> DAY OF APRIL, 2018.**

ATTEST:

APPROVED:

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Amy Piukana, City Secretary

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Robert C. Dye, Mayor

APPROVED AS TO FORM:

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Peter G. Smith, City Attorney  
(kbl:4/3/18:97844)

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**Exhibit "A" – Description of Property**

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Being a portion of Block 2 of Brookhaven Business Park, an addition to the City of Farmers Branch, Texas, according to the map thereof recorded in Volume 72004, Page 2388 of the Deed Records of Dallas County, Texas, being that same tract of land conveyed to William J. Martin and Jaquelin P. Martin by deed recorded in Volume 99118, Page 7386 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an "X" cut found in concrete for corner in the north right-of-way line of Garden Brook Drive (60 foot R.O.W.), said point being the southwest corner of a tract of land conveyed to Brookhaven-Dallas Associates by deed recorded in Volume 80046, Page 3809 of the Deed Records of Dallas County, Texas, same being the southeast corner of herein described tract;

Thence North 89 Degrees 41 Minutes 00 Seconds West, along the north right-of-way line of said Garden Brook Drive, a distance of 194.97 feet to an "X" found in concrete for corner, said point being the southeast corner of a tract of land conveyed to David Kennington by deed recorded in Volume 77124, Page 2289 of the Deed Records of Dallas County, Texas, same being the southwest corner of herein described tract;

Thence North 00 Degrees 19 Minutes 13 Seconds East, along the east line of said Kennington tract, a distance of 199.83 feet to a 1/2 inch iron pipe found for corner in the south line of a tract of land conveyed to Hicks & Ablon, LTD. by deed recorded in Volume 2003152, Page 11891 of the Deed Records of Dallas County, Texas, said point being the northeast corner of said Kennington tract, same being the northwest corner of herein described tract;

Thence South 89 Degrees 43 Minutes 43 Seconds East, along the south line of said Hicks & Ablon, LTD. tract, a distance of 194.97 feet to a 1/2 inch iron rod set for corner with a yellow cap stamped (DC&A INC), said point being in the south line of a tract of land conveyed to Rolland-Keller Corporation by deed recorded in Volume 91078, Page 185 of the Deed Records of Dallas County, Texas, same being the northwest corner of said Brookhaven-Dallas Associates tract, and the northeast corner of herein described tract;

Thence South 00 Degrees 19 Minutes 14 Seconds West, along the west line of said Rolland-Keller Corporation tract, a distance of 199.98 feet to the Point of Beginning and containing 38,975.19 square feet or 0.8947 acres of land.



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**Exhibit "C" - Floor Plan**

