

Interim SUP Ordinance No. 3133



ORDINANCE NO. 3133

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-INTERIM USE FOR TRUCK LEASING WITH OUTDOOR DISPLAY AND VEHICLE WASHING FACILITY FOR AN APPROXIMATELY 3.950 ACRE PORTION OF PLANNED DEVELOPMENT NO. 77 (PD-77) ZONING DISTRICT DESCRIBED IN EXHIBIT "A," ATTACHED HERETO; PROVIDING FOR APPROVAL OF A SITE PLAN AND LANDSCAPE PLAN; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; 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; and

WHEREAS, in accordance with Section 8-452 of the Comprehensive Zoning Ordinance, as amended, the City Council makes the following findings with respect to the application requesting the issuance of a Specific Use Permit – Interim Use on the property described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), to wit:

1. The proposed use of the Property is consistent with existing uses of adjacent and nearby property;
2. The proposed use of the Property is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; or (b) the use of the Property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;
3. The proposed use of the Property will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;

4. The proposed use of the Property will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan;
5. The applicant has proposed to make an investment of up to \$153,000.00 in improvements to the Property related to the use to be authorized pursuant to the issuance of the requested Specific Use Permit - Interim Use and has stated that such investment can be recovered within ten (10) years from the effective date of said permit and this Ordinance; and
6. The investment contemplated to be made by the applicant in the Property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of this Ordinance and the Specific Use Permit – Interim Use created hereby; and

WHEREAS, having held the above-referenced public hearing and making the above findings, 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-Interim Use for Truck Leasing with Outdoor Display and vehicle washing for an approximately 3.950-acre tract of land described in Exhibit “A” attached hereto and incorporated herein for all purposes (“the Property”) and located within a Planned Development No. 77 (PD-77) Zoning District.

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within Planned Development No. 77 (PD-77) Zoning District and, if used for the purpose of operating a truck leasing business with outdoor display and vehicles washing, the following additional standards and conditions:

- A. The permitted outdoor display of vehicles for rent shall be allowed only in the area shown on the Site Plan attached hereto as Exhibit “B” and incorporated herein by reference, which is hereby approved, and only if eight foot (8.0’) screening wall indicated on the site plan remains in place.
- B. The outdoor display of vehicles for lease shall be conducted only in association with the operation of a truck leasing business occupying and using the building located on the Property.
- C. A vehicle washing facility may be constructed and operated on the area of the Property shown on the Site Plan, but only if:

1. Prior to commencement of the use of such vehicle washing facility, an eight foot (8.0') screening wall is constructed and maintained as shown on the Site Plan; and
 2. Such vehicle washing facility is used only to wash vehicles in the inventory of the truck leasing business operating on the Property and is at no time open and available for use by the public.
- D. The Property is brought into conformity with the Landscape Plan attached hereto as Exhibit "C" and incorporated herein by reference, not later than six months after the effective date of this ordinance.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. The provisions of this ordinance shall be controlling with respect to the use and development of the Property for the purposes authorized in Sections 1 and 2, above. In the event of any irreconcilable conflict with the provisions of any other ordinances of the City of Farmers Branch, 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, and the filing in the Official Public Records of Dallas County, Texas, the notice required by Section 8-459, of the Comprehensive Zoning Ordinance, as amended, have occurred.

SECTION 9. This Ordinance and the right to use the Property for the purposes authorized herein shall terminate ten (10) years from the effective date of this Ordinance.

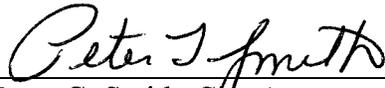
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 19th DAY OF APRIL, 2011.

APPROVED:



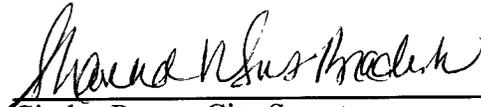
Tim O'Hare, Mayor

APPROVED AS TO FORM:

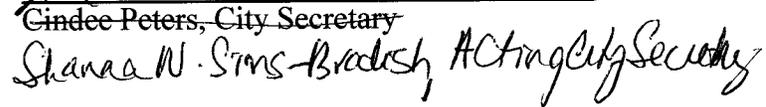


Peter G. Smith, City Attorney

ATTEST:



Gindee Peters, City Secretary



Shanaa N. Sims-Bradish, Acting City Secretary

EXHIBIT "A"
Legal Description of the Property

Being a tract of land situated in the F. Miller Survey, Abstract No. 926, City of Farmers Branch, Dallas County, Texas and being a portion of Landa Addition, an addition to the City of Farmers Branch recorded in Volume 71037, Page 1984 of the Deed Records of Dallas County, Texas and also being that certain tract of land described in Deed to Transcontinental Realty Investors, Inc. as recorded in Document No. 2006000044790 of the Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

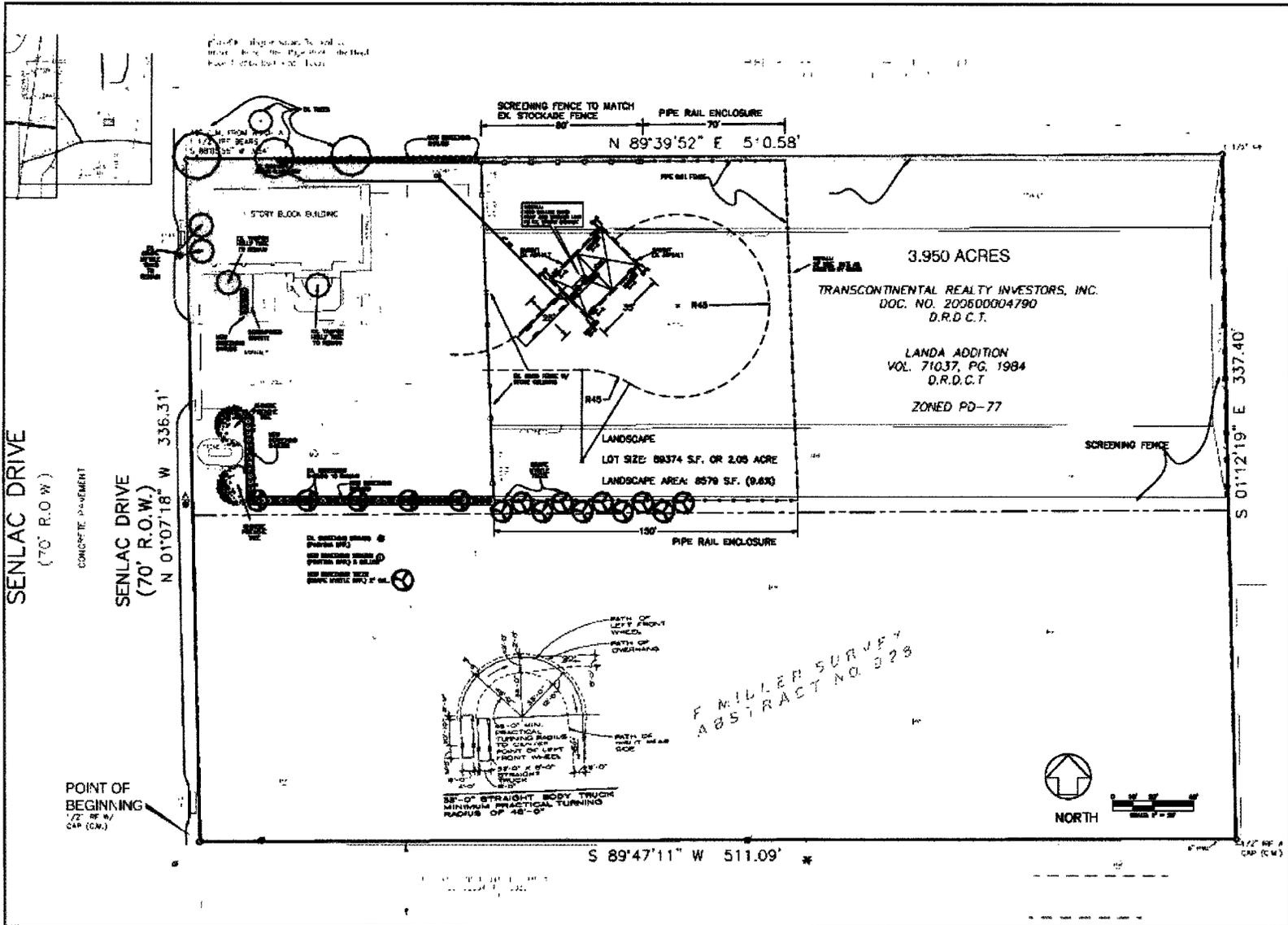
BEGINNING at a 1/2" iron rod with cap found for the southwesterly corner of said Landa Addition and the northwesterly corner of Kennington Addition Revised, an addition to the City of Farmers Branch as recorded in Volume 82064, Page 3039 in the Deed Records of Dallas County, Texas and also being on the easterly right-of-way line of Senlac Drive (70' right-of-way);

THENCE North 01 degrees 07 minutes 18 seconds West, along the easterly right-of-way line of said Senlac Drive, a distance of 336.31 feet to a 42 inch Elm tree at the northwesterly corner of said Landa Addition and the southwesterly corner of Third Revised Lasting Products Addition, an addition to the City of Farmers Branch as recorded in Document No. 200315800138 of the Deed Records of Dallas County, Texas, from which a 1 1/2 inch iron pipe found bears South 88 degrees 05 minutes 55 seconds West, 3.54 feet;

THENCE North 89 degrees 39 minutes 52 seconds East, departing the easterly right-of-way line of said of said Senlac Drive and along the southerly line of said Lasting Products Addition, a distance of 510.58 feet to a 1 1/2 inch iron pipe found for corner at the northeasterly corner of said Landa Addition and an interior corner of said Lasting Products Addition;

THENCE South 01 degrees 12 minutes 19 seconds East, along the westerly line of said Third Revised Lasting Products Addition and aforementioned Kennington Square Revised, a distance of 337.40 feet to a 1/2 inch iron rod with cap found at the southeasterly corner of said Landa Addition and the interior corner of said Kennington Square Revised;

THENCE South 89 degrees 47 minutes 11 seconds West, along a northerly line of said Kennington Square Revised, a distance of 511.09 feet to the POINT OF BEGINNING and containing 3.950 acres of land, more or less.



enterprise
commercial trucks

MP
MICHAEL PEPLER
Engineer and Planner

FIELD EAST INSTRUMENTS
1230 200
Cedarville, Ohio 45009
Tel: 514 / 226-8888
Fax: 514 / 226-8888

DATE:
JOB NO.: ENTERPRISE
PROJECT:

SITE PLAN

CE-1

EXHIBIT "B"
Site Plan

