



ORDINANCE NO. 3424

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, BY CHANGING THE DESIGNATION OF A 4.96± ACRE TRACT OF LAND OUT BLOCK F OF WESTSIDE SECTION 1, AN ADDITION TO THE CITY OF FARMERS BRANCH, DESCRIBED IN EXHIBIT “A,” HERETO, AND LOCATED WITHIN PD-88 (MERCER CROSSING CODE) FROM “URBAN DISTRICT” TO “OFFICE-1”; ADOPTING ADDITIONAL REGULATIONS FOR THE PROPERTY; ADOPTING A CONCEPTUAL SITE PLAN AND CONCEPTUAL LANDSCAPE PLAN; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; 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 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, is hereby amended by amending Planned Development No. 88 (PD-88) Mercer Crossing Code (“the Mercer Crossing Code”), as previously amended, as follows:

- A. The property described in Exhibit “A,” attached hereto and incorporated herein by reference, (“the Property”) shall be used and developed in accordance with the use and development regulations for “Office-1” sub-district as set forth in Planned Development No. 88 (PD 88 -Mercer Crossing Code), as amended.
- B. The Property shall be used and developed in accordance with the Conceptual Site Plan and Conceptual Landscape Plan attached hereto as Exhibits “B,” and “C,” respectively, and incorporated herein by reference.
- C. The Property shall be used and developed in accordance with the following additional regulations:

- (1) Prior to issuance of a certificate of occupancy for any structure constructed on the Property, the developer of the Property shall, at the developer's expense, reconstruct the median on Wittington Place to provide for an eastbound left turn lane as shown on Exhibit "B" hereto; and
- (2) No building permit shall be issued for any structure on the Property until a detailed site plan, including, but not limited to, building elevations, has been approved by the City Council in accordance with Article VI of the PD-88 development regulations.

SECTION 2. 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 3. 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 4. 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 5. 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 6. 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, ON THIS THE 21ST DAY OF FEBRUARY, 2017.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Bob Phelps, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:2/13/17:83721)

Ordinance No. 3424
Exhibit "A"
Description of Property

A tract of land out of the Francis Miller Survey, Abstract No. 926 and situated in the City of Farmers Branch, Dallas County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas in October 2016, said tract being a portion of the same tract of land described in the deed to CADG Mercer Crossing Holdings, LLC recorded as Instrument No. 201500309379 of the Real Property Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 capped steel rod found for the most westerly corner of "Tract 3" as described in said CADG deed, said rod being in the easterly right-of-way line of Chartwell Drive;

THENCE North 44 degrees 13 minutes 49 seconds East a distance of 359.21 feet to a 1/2 inch "MILLER 5665" capped steel rod set in the westerly boundary line of Tract 2 of said deed;

THENCE South 46 degrees 00 minutes 57 seconds East a distance of 766.69 feet to a 1/2 inch "MILLER 5665" capped steel rod set in the southerly boundary line of said Tract 3, said rod being in the northerly Right-of-way line or Wittington Place;

THENCE South 88 degrees 37 minutes 00 seconds West with the northerly right-of-way line of Wittington Place a distance of 1493.19 feet to a 1/2 inch capped steel rod found for the beginning of a curve to the left with a radius of 1057.93 feet and whose chord bears South 80 degrees 20 minutes 24 seconds West at 304.58 feet;

THENCE westerly with said northerly right-of-way line and said curve along an arc length of 305.65 feet to a 1/2-inch capped steel rod found for the southeasterly end of a corner clip for said northerly right-of-way line and the easterly right-of-way line of Chartwell Drive;

THENCE North 66 degrees 15 minutes 17 seconds West with said corner clip a distance of 23.02 feet to a 1/2 inch "MILLER 5665" capped steel rod set for the northwesterly end of said corner clip;

THENCE North 24 degrees 08 minutes 39 seconds West with said easterly right-of-way line a distance of 39.22 feet to a 1/2 inch "MILLER 5665" capped steel rod set for the beginning of a curve to the left with a radius of 642.50 feet and whose chord bears North 41 degrees 27 minutes 00 seconds West at 381.85 feet;

THENCE northerly continuing with said easterly right-of-way line and with said curve along an arc length of 387.72 feet to the POINT OF BEGINNING and containing 4.966 acres of land, more or less.

[illegible]

GENERAL NOTES

1. EXISTING ZONING: RESIDENTIAL, MEDIUM-DENSITY. THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE EXISTING ZONING AND DOES NOT REQUIRE A ZONING VARIATION.
2. EXISTING UTILITIES: THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE EXISTING UTILITIES AND DOES NOT REQUIRE A UTILITY VARIATION.
3. EXISTING TRAFFIC: THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE EXISTING TRAFFIC AND DOES NOT REQUIRE A TRAFFIC VARIATION.
4. EXISTING LANDSCAPE: THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE EXISTING LANDSCAPE AND DOES NOT REQUIRE A LANDSCAPE VARIATION.

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