



**FARMERS  
BRANCH**

**ORDINANCE NO. 3078**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW A GAS COMPRESSOR SITE ON A 1.645 ACRE TRACT LOCATED WEST OF THE BURLINGTON NORTH RAILROAD AND APPROXIMATELY 270 FEET NORTH OF INTERSTATE 635 WESTBOUND FRONTAGE ROAD AND WITHIN PLANNED DEVELOPMENT 88 (PD-88) ZONING DISTRICT; ADOPTING A SITE PLAN, SPECIAL EXCEPTIONS, AND SPECIAL CONDITIONS; PROVIDING FOR RESOLUTION OF CONFLICTS WITH OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS PER OFFENSE; PROVIDING FOR INJUNCTIVE RELIEF; 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 of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch by granting a Specific Use Permit to allow development and use of a 1.645-acre tract located west of the Burlington North Railroad and approximately 270 feet north of the US Interstate 635 Westbound frontage road (11998 Knightsbridge Road) and within Planned Development 88 (PD-88) Zoning District (hereinafter the "Property"), as a natural gas compressor facility, said property being more particularly described in Exhibit "A," attached hereto and incorporated herein as if set out in full in this Section 1.

**SECTION 2.** The Property shall conform in operation, location and construction to the development standards specified within Planned Development 88 (PD-88) zoning district and in accordance with the Site Plan attached hereto as Exhibit "B," and shall be further developed in accordance with the following Special Exceptions and Conditions:

**A. Special Exceptions:**

1. The streetscape design along the section of Knightsbridge Road, a designated Edge Two Street, may be modified as illustrated on the Site Plan;
2. The building façade along future Knightsbridge Road may occupy less than 30% of the Required Building Line (RBL) as shown on the Site Plan;
3. The screening wall along the future Knightsbridge Road may be blank for a length exceeding 40 feet, provided such wall is designed and landscaped in a manner consistent with the Site Plan;
4. The entry gate may exceed 18 feet in width, but not substantially different than as shown in the Site Plan;
5. The compressor building may be designed and constructed with less than 20% fenestration provided the compressor building, including its façades, are designed and constructed in a manner substantially consistent with the Site Plan;
6. Fire lanes, travel ways and parking areas within the site may be constructed with 8" flexbase gravel (compressed to support at least 80,000 lbs vehicles).
7. A synthetic equivalent to stone or brick may be used on the exterior façade of the proposed compressor building.

**B. Special Conditions:**

1. The Property must be platted and such plat must be recorded in the Official Public Records of Dallas County, Texas, prior to issuance of a building permit for the Property.
2. Installation of all sidewalk, streetlights, landscaping and fence improvements along future Knightsbridge Road as shown on the Site Plan shall be completed not later than six (6) months after the date of the completion of construction of the portion of Knightsbridge Road adjacent to the Property.
3. If the Property is determined to be infeasible for gas production or use as a site for a gas compression station, the Property shall be restored to its original undeveloped condition not later than three (3) months after the date of that determination.

4. A Road Repair & Maintenance Agreement must be negotiated and signed by the owner of the Property and the City prior to the issuance of a building permit for the site.
5. The City may, as it determines necessary, perform air monitoring and testing to determine whether the gas compressor and related facilities on the Property are operating in accordance with applicable state and federal regulations regarding air quality and emissions standards. The Owner of the Property shall reimburse the City for air monitoring costs, in an amount not to exceed \$20,000 annually for each wellhead or compressor station; provided, however, the amount of the maximum reimbursement shall be adjusted each five (5) years in accordance with the U.S. Bureau of Labor Statistics Consumer Price Index for All Items in Dallas/Ft Worth, using the most recent index issued prior to the effective date of this Ordinance as the base index. The costs shall be reimbursed not later than thirty (30) days of receipt of invoice from the City; and
6. Operations of the gas compressor station shall be suspended upon written notification by City that the air quality and emissions from the Property have been determined by the City, the Texas Commission on Environmental Quality, the Texas Railroad Commission, the United States Environmental Protection Agency, or other entity having jurisdiction over the Property regarding the regulation of air quality to be in violation of applicable state or federal regulations or standards and shall remain suspended until such violations are corrected and written permission to resume operations is received from City.

**SECTION 3.** The provisions of this ordinance shall be controlling with respect to the use and development of the Property for the purposes authorized in Section 1, above, in the event of any irreconcilable conflict with the provisions of any other ordinances of the City of Farmers Branch.

**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.

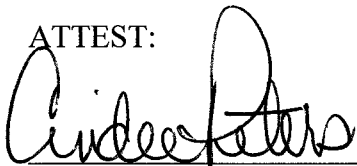
**SECTION 6.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not 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.** In addition to and accumulative of all other penalties, the City of Farmers Branch shall have the right to seek injunctive relief for any and all violations of this ordinance.

**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, ON THIS THE 20<sup>th</sup> DAY OF APRIL, 2010.**

ATTEST:



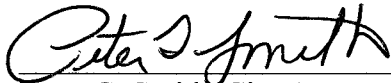
Cindee Peters, City Secretary

APPROVED:



Tim O'Hare, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney

## Exhibit A- Legal Description

Being a tract of land in the Harrison Marsh Survey, Abstract No. 916, Dallas County, Texas and being a portion of Block 1, Westside Addition, Section 1, an addition to the City of Farmers Branch as recorded in County Clerk Document No. 200600172708 of the Deed Records of Dallas County, Texas and also being a portion of the these certain tracts of land as described in deeds to American Realty Trust, Inc. as recorded in Volume 96172, Page 69, and Volume 97199, Page 1462 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod found with "PATE SURVEYORS" cap at the intersection of the easterly right-of-way of Knightsbridge Road (an 80 foot wide right-of-way) and the northerly right-of-way line of Interstate Highway No. 635 (a variable width right-of-way),

THENCE North 01°55'12" West, departing the northerly line of said Interstate Highway No. 635 and along the easterly line of said Knightsbridge Road, a distance of 128.31 feet to a point for corner at the beginning of a curve concave to the left having a radius of 1040.00 feet and a central angle of 6°39'36" and being subtended by a chord which bears North 05°15'00" West a distance of 120.82 feet,

THENCE northerly along said curve to the left, along the easterly line of said Knightsbridge Road, an arc distance of 120.89 feet to a point for corner, said point being the point of reverse curvature of a curve concave to the right having a radius of 1960.00 feet and a central angle of 0°06'54" and being subtended by a chord which bears North 08°31'21" West a distance of 3.94 feet,

THENCE northerly along said curve to the right, along the easterly line of said Knightsbridge Road, an arc distance of 3.94 feet to a point for corner,

THENCE North 89°27'50" East, departing the easterly line of said Knightsbridge Road, a distance of 18.15 feet to the POINT OF BEGINNING,

THENCE North 08°27'37" West, a distance of 4.83 feet to a point for corner at the beginning of a curve concave to the right having a radius of 885.50 feet and a central angle of 9°09'51" and being subtended by a chord which bears North 03°52'41" East a distance of 141.48 feet,

THENCE northerly an arc distance of 141.63 feet along the curve concave to the right to a point for corner,

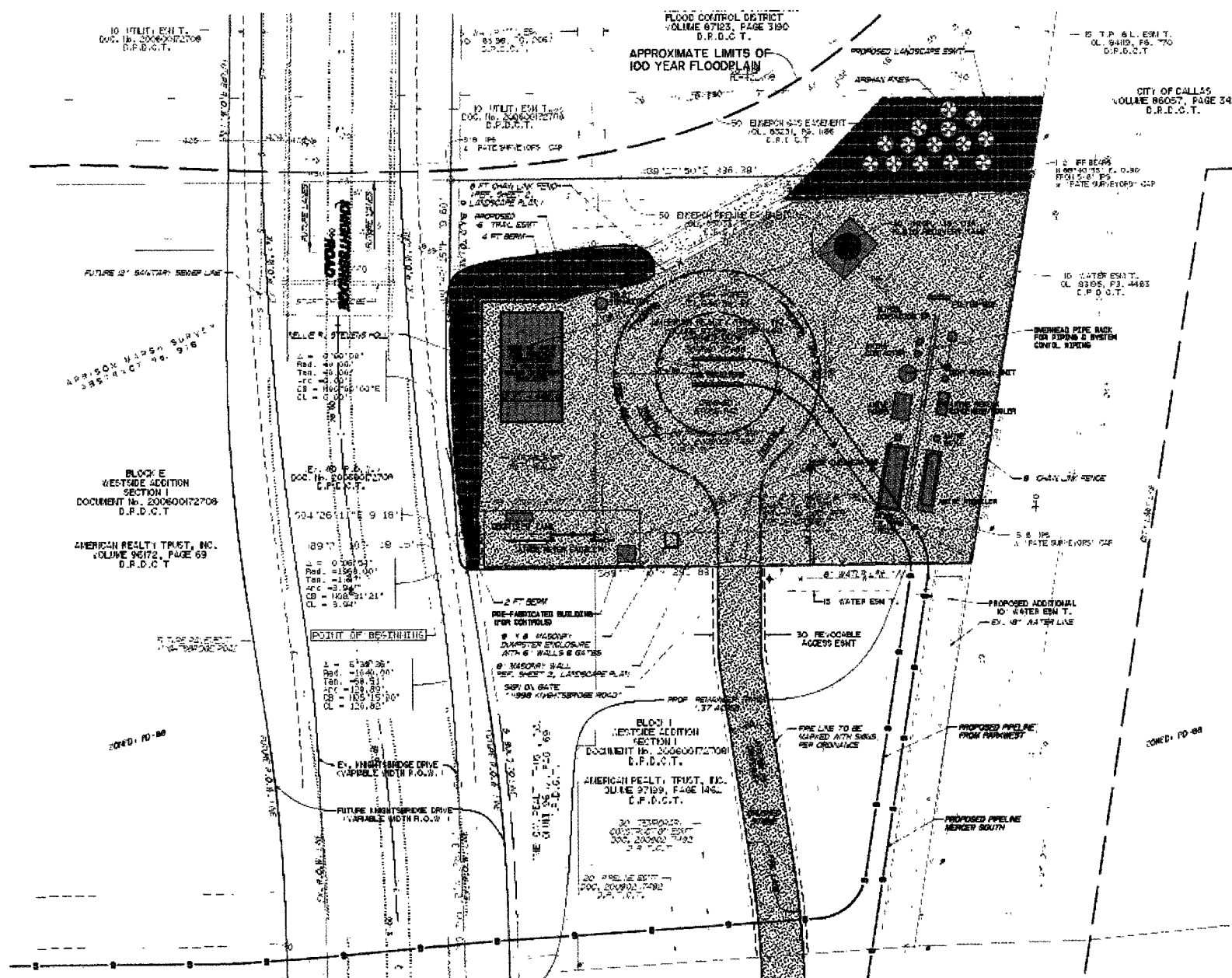
THENCE North 00°42'15" East tangent to said curve, a distance of 79.60 feet to a 5/8 inch iron rod found with "PATE SURVEYORS" cap on the southerly line of a tract of land described in deed to Farmers Branch, Carrollton Flood Control District as recorded in Volume 87123, Page 3190 of the Deed Records of Dallas County, Texas,

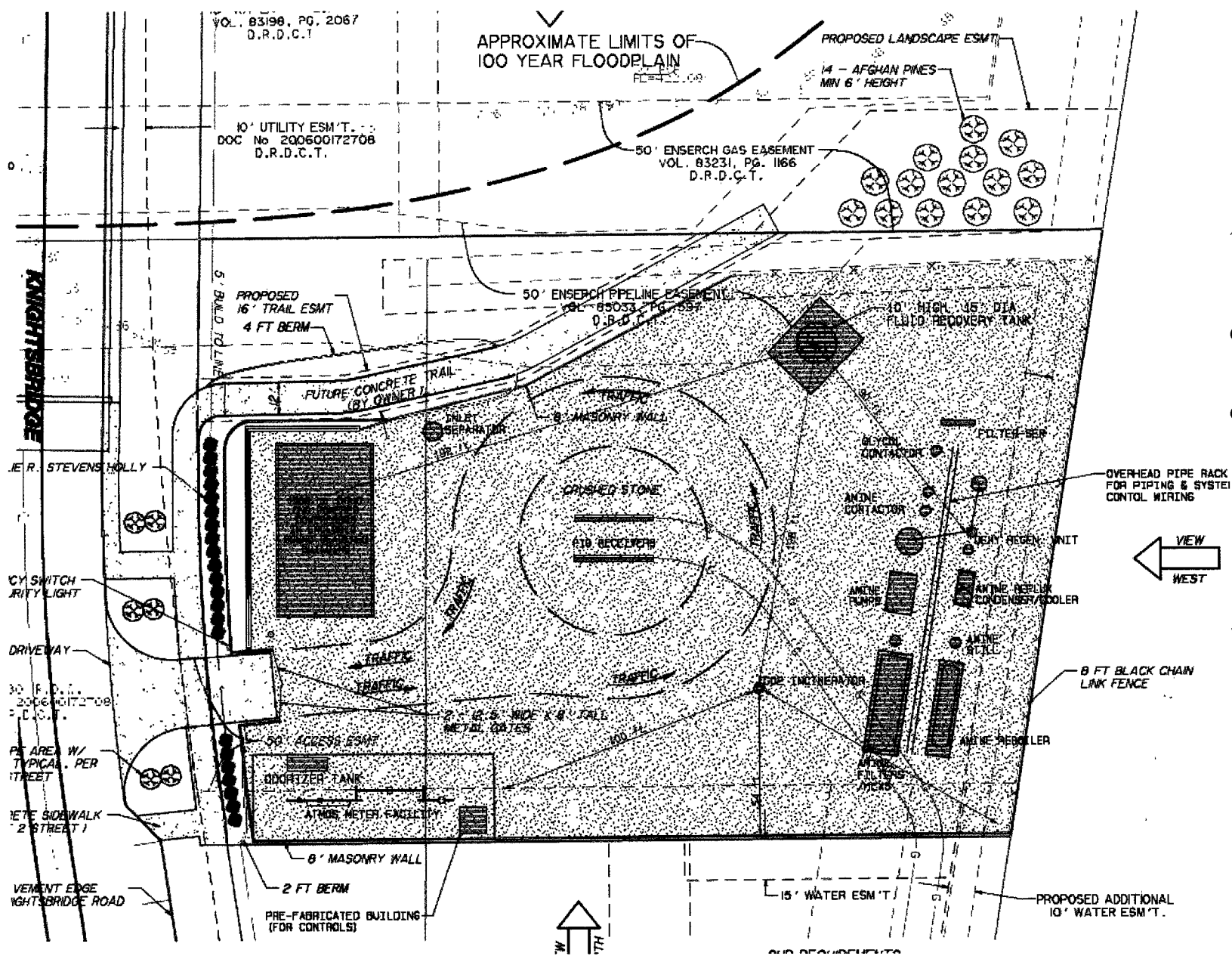
THENCE North 89°27'50" East, along the southerly line of said Farmers Branch, Carrollton Flood Control District tract, a distance of 336.38 feet to a 5/8 inch iron rod found with "PATE SURVEYORS" cap at the southeasterly corner of said Farmers Branch, Carrollton Flood Control District tract also being on the westerly line of a tract of land as described in deed to the City of Dallas as recorded in Volume 86057, Page 342 of the Deed Records of Dallas County, Texas from which a 1/2 inch iron rod bears North 88°40'33" East a distance of 0.90 feet,

THENCE South 08°51'06" West, along the westerly line of said City of Dallas tract, a distance of 228.67 feet to a point for corner,

THENCE South 89°27'50" West, departing the westerly line of a said City of Dallas tract, a distance of 291.89 feet returning to the Point of Beginning and containing 71,646 square feet or 1.645 acres, more or less.

Exhibit B – Site Plan- (Before Knightsbridge Road is constructed)



[illegible]

The image contains three architectural elevation drawings of an industrial facility, labeled "VIEW WEST", "VIEW SOUTH", and "VIEW NORTH". Each drawing shows a different perspective of the same set of buildings and structures.

- VIEW WEST:** This elevation shows the western side of the facility. It includes labels for "STILL", "AIR-SEPARATOR COOLER", "WATER PUMPS", "COOL CONTACTOR", "PROP. BUILDING", "FLUID RECOVERY TANK", "8' CHAIN LINK FENCE", "STONE PILES", "PROPOSED LOT LINE", "EXIST. GRAVEL", "EXIST. ASPHALT DRIVE", "PROPOSED LOT LINE", and "PROPOSED L.O.S. HIGHWAY DEC RD". The scale is "SCALE: 1\" = 6'".
- VIEW SOUTH:** This elevation shows the southern side of the facility. It includes labels for "STILL", "AIR-SEPARATOR COOLER", "COOL CONTACTOR", "CO. VENTURER TOP", "PROP. BUILDING", "STONE PILES", "8' CHAIN LINK FENCE", "8' WOODEN WALL", "FLUID RECOVERY TANK", "EXIST. GRAVEL", "EXIST. ASPHALT DRIVE", "PROPOSED LOT LINE", and "PROPOSED L.O.S. HIGHWAY DEC RD". The scale is "SCALE: 1\" = 6'".
- VIEW NORTH:** This elevation shows the northern side of the facility. It includes labels for "STILL", "AIR-SEPARATOR COOLER", "COOL CONTACTOR", "CO. VENTURER TOP", "PROP. BUILDING", "STONE PILES", "8' CHAIN LINK FENCE", "8' WOODEN WALL", "FLUID RECOVERY TANK", "EXIST. GRAVEL", "EXIST. ASPHALT DRIVE", "PROPOSED LOT LINE", and "PROPOSED L.O.S. HIGHWAY DEC RD". The scale is "SCALE: 1\" = 6'".

**Exhibit B – Site Plan- (Elevations)**



Exhibit B (Proposed Gas Compressor building)

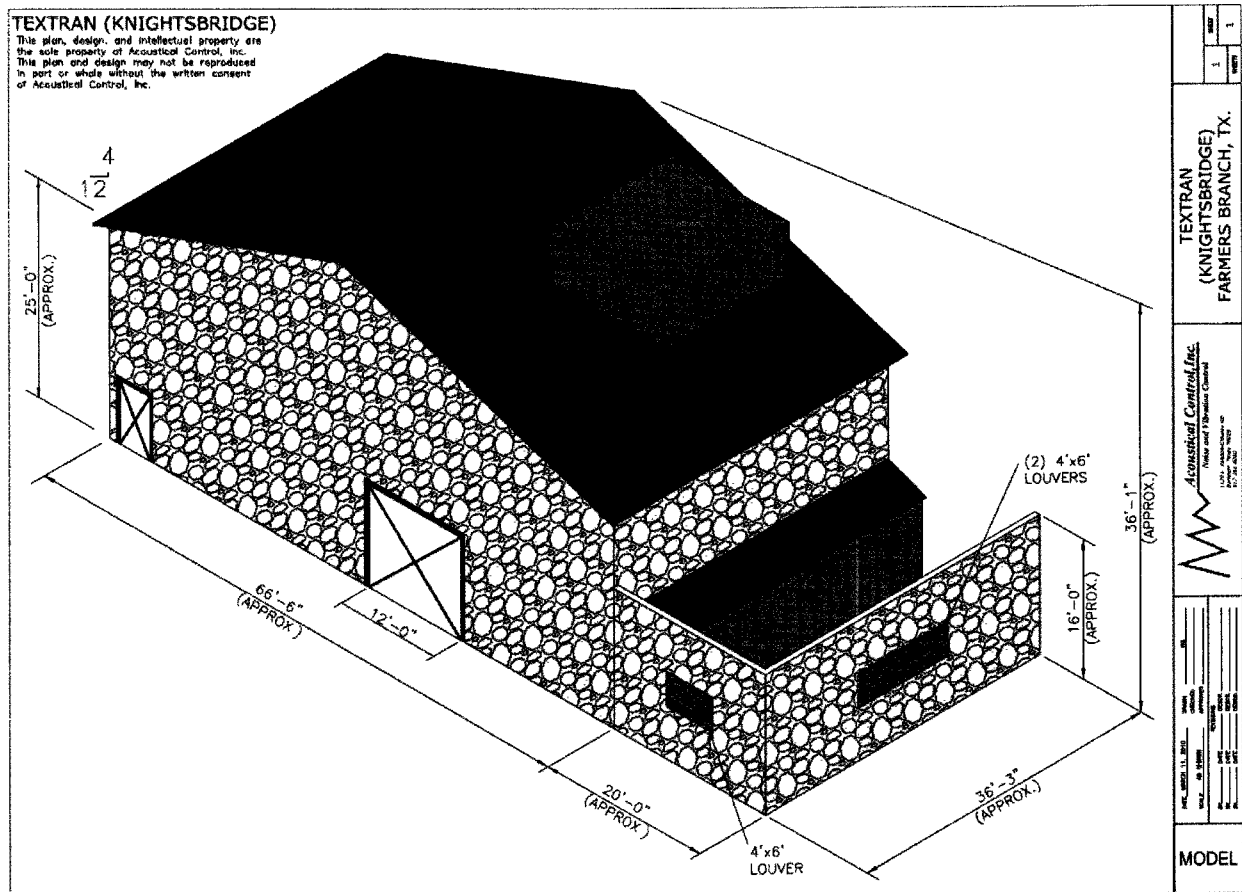
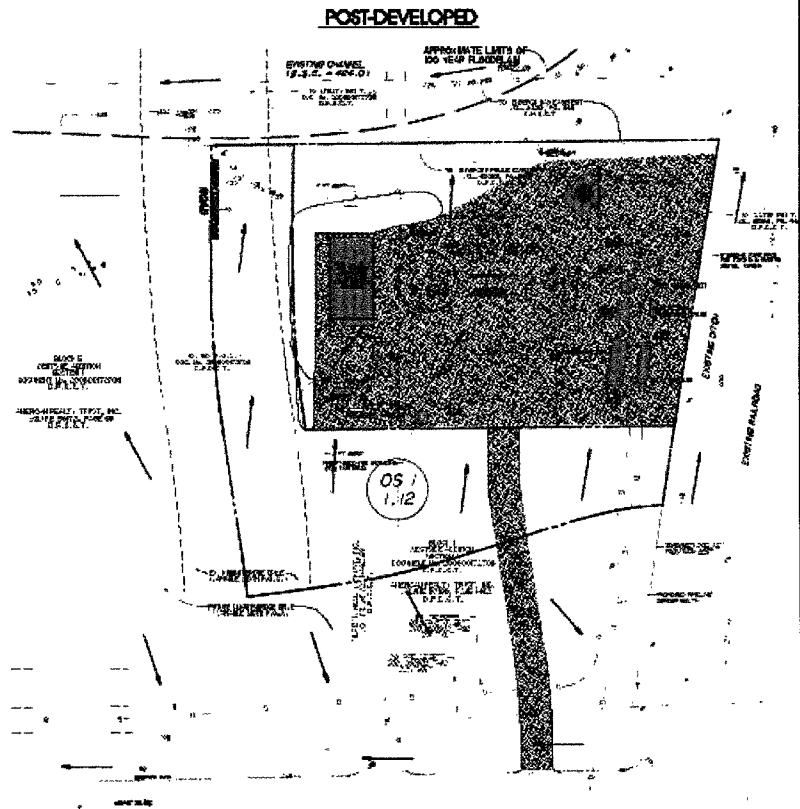
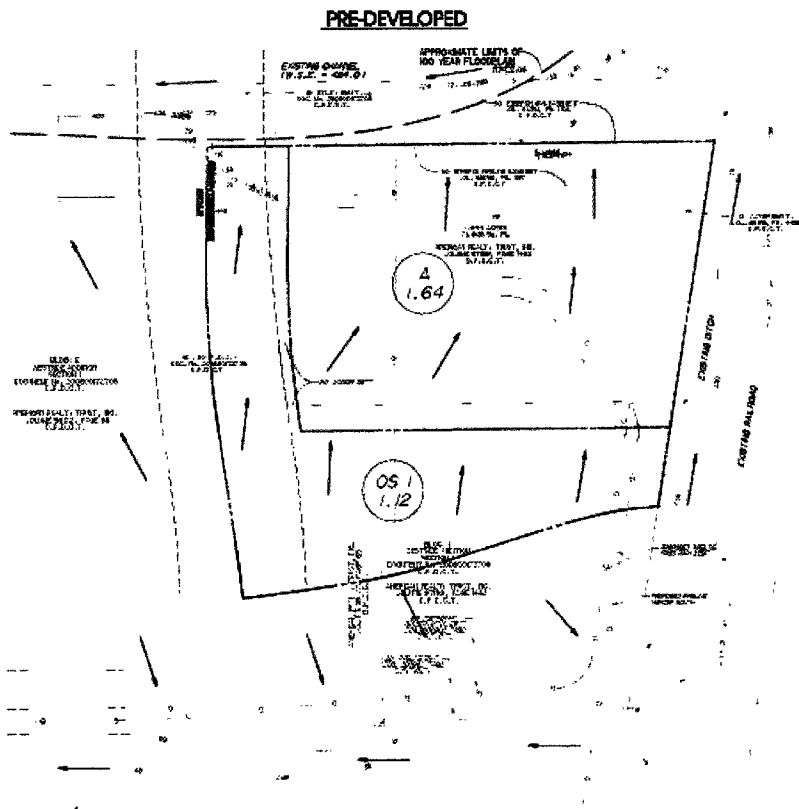


Exhibit B-- Site Plan (Drainage Plan)



## Exhibit B—Site Plan (Utility Plan)

