

## **ORDINANCE NO. 3438**



**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 SALES, OUTDOOR DISPLAY AND STORAGE ON A 1.5 ACRE TRACT OF LAND LOCATED IN THE PLANNED DEVELOPMENT NUMBER 70 OLD FARMERS BRANCH – FREEWAY SUBDISTRICT (PD-70 OFB-FW) DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; AND GENERALLY LOCATED ON THE EAST SIDE OF U.S. INTERSTATE 35- APPROXIMATELY 300 FEET NORTH OF THE INTERSECTION OF SQUIRE PLACE AND THE NORTHBOUND FRONTAGE ROAD; APPROVING DEVELOPMENT REGULATIONS, A SITE PLAN; AND A 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, 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 City of Farmers Branch Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, (collectively, “the Zoning Ordinance”) be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit for Vehicle Sales, Outdoor Display and Storage within the Planned Development Number 70 Old Farmers Branch – Freeway Subdistrict (PD-70 OFB-FW) zoning district on a 1.5-acre tract of land described in Exhibit “A” attached hereto and incorporated herein for all purposes (“the Property”).

**SECTION 2.** The Property shall conform in operation, location and construction to the development standards specified within Planned Development No. 70 (PD-70) Zoning District, and, if used and developed for the use authorized by Section 1, above, shall also be used and developed in association with the following regulations:

- A. The Property shall be developed and used only in accordance with the Site Plan attached hereto as Exhibit “B” and incorporated herein by reference.
- B. The Property shall be developed in accordance with the Landscaping Plan attached hereto as Exhibit “C” and incorporated herein by reference. Notwithstanding anything to the contrary in the Zoning Ordinance, installation of all landscaping required by the Landscaping Plan shall be completed not later than ninety (90) days after the effective date of this Ordinance.
- C. Signs installed on the Property shall be limited to one (1) monument sign and two (2) wall signs, with the size and locations of those signs be that same as the signs in existence at the time of the adoption of this Ordinance.
- D. Notwithstanding anything to the contrary set forth in the use and development regulations of PD-70, as amended, the minimum number of off-street parking spaces to be located on the Property shall be thirty-five (35), which parking spaces shall be located as shown on the Site Plan.
- E. The outside display and storage on the Property shall be limited to the outside storage and display of motorcycles being displayed for lease or sale and, where indicated, the outside storage of motorcycles being temporarily kept on the Property for maintenance, repair, and/or installation of parts and accessories not necessarily associated with the repair of the motorcycle. Notwithstanding the foregoing, motorcycles stored outside of the building shall be either fully intact or covered by a tarp. Work constituting the repair or maintenance of motorcycles or other vehicles or the installation or removal of parts may not occur on the exterior of any building on the Property.
- F. The outdoor storage of equipment, tools, or supplies is prohibited.

**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 Section 1, 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 6.** 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 7.** 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. Notwithstanding the foregoing, the continuation of the use of the Property for the purposes set forth in, and subject to the regulations of, Ordinance No. 3088 shall not constitute a violation for the said ordinance not the Zoning Ordinance notwithstanding the expiration of Ordinance No. 3088.

**SECTION 8.** 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 9.** 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 18<sup>TH</sup> DAY OF APRIL, 2017.**

ATTEST:

APPROVED:

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Amy Piukana, City Secretary

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Bob Phelps, Mayor

APPROVED AS TO FORM:

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Peter G. Smith, City Attorney  
(kbl:4/9/17:85193)

**Ordinance No. 3438**  
**Exhibit "A"**  
**Description of the Property**

A tract of land situated in the City of Farmers Branch, Dallas County, Texas, and being part of the Thomas Keenan Survey, Abstract 733, and also being part of the tract of land conveyed to K. J. Ludwig and Rex P. McNabb by deed recorded November 8, 1968, in the Deed Records of Dallas County, Texas: and being more particularly described as follows:

Beginning at a point for corner in the easterly line of IH 35E, said point being the southwesterly corner of Block A of First Prudential Place, an addition to the City of Farmers Branch filed for record March 18, 1974, and recorded in Volume 74055, Page 256, in the Map Records of Dallas County, Texas, said point also being southerly a distance of 290.00 feet from the intersection of the easterly line of IH 35E and the northerly line of said Keenan Survey;

Thence North 83 degrees 44' 00" East along the southerly line of said Block A a distance of 208.85 feet to a point for corner in the southwesterly line of a Texas Power and Light Company right-of-way (70 feet wide) as recorded in Volume 331, Page 1066, of the Deed Records of Dallas County, Texas;

Thence South 29 degrees 39' 00" East along said Texas Power and Light Company right-of-way a distance of 197.34 feet to a point for corner in the centerline of a 70.00 foot wide drainage easement conveyed to the County of Dallas by deed recorded in Volume 2169, Page 341, of the Deed Records of Dallas County, Texas;

Then South 53 degrees 00' 00" West along the centerline of said drainage easement a distance of 315.47 feet to a point for corner in the easterly line of IH 35E;

Thence North 6 degrees 16' 00" West along the easterly line of IH 35E a distance of 157.64 feet to an angle point;

Thence North 12 degrees 21' 20" West continuing along the easterly line of IH 35E a distance of 150.85 feet to an angle point;

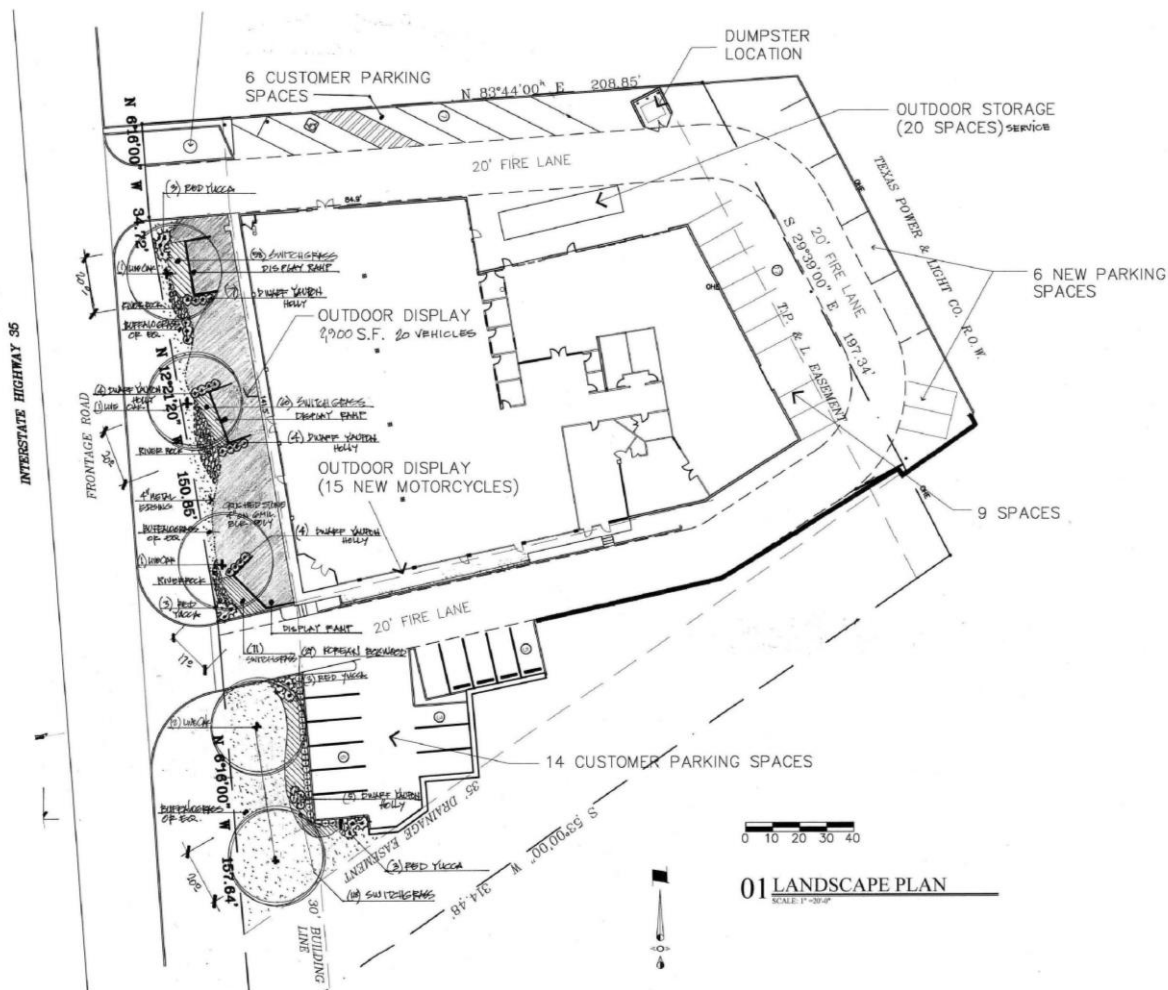
Thence North 6 degrees 16' 00" West continuing along the easterly line of IH 35E a distance of 34.72 feet to the point of beginning and containing 1.5069 acres.

## Site Plan



13700 N STEMMONS FREEWAY

# **Exhibit "C" to Ordinance No. 3088** **Landscape Plan**



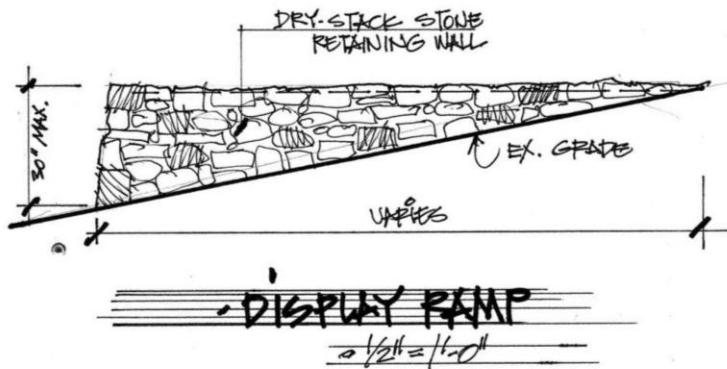
## **THIS IS A XERISCAPE PLAN**

### Plant List:

Quantity	Species	Size	Comments
5	Live Oak	3 1/2" cal.	
9	Red Yucca	5 gal.	
29	Dwarf Yaupon Holly	5 gal.	
27	Korean Boxwood	3 gal.	
307	Switchgrass	4" pots	plant 16" each way or approved equal
	Buffalo grass	As shown	

### Notes:

- 1) All plant material is drought resistant, chosen from Texas SmartScape list;
- 2) All drip irrigation to be installed as required by the City of Farmers Branch;
- 3) All planting beds to have 2" Cypress mulch evenly distributed;
- 4) Display area shall be 4" crushed stone on 6 mil. black poly;
- 5) River rock beds shall be on 6 mil. black poly;
- 6) In the event of a discrepancy between the plan and plant list, the plan will govern.



**13700 N STEMMONS FREEWAY**