



ORDINANCE NO. 3553

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 19.51± ACRES OF LAND OUT OF THE FRANCIS MILLER SURVEY ABST. NO. 926 AND H.C. MARSH SURVEY ABST. NO. 916, DESCRIBED AS TRACT 1 IN EXHIBIT “A,” HERETO, FROM “COMMERCE DISTRICT” TO “MID-DENSITY RESIDENTIAL” AND CHANGING THE DESIGNATION OF 7.141± ACRES OF LAND OUT OF THE FRANCIS MILLER SURVEY ABST. NO. 926, DESCRIBED AS TRACT 2 IN EXHIBIT “A” HERETO, FROM “OFFICE-1 DISTRICT” TO “MID-DENSITY RESIDENTIAL” SAID TRACTS BEING LOCATED IN PLANNED DEVELOPMENT DISTRICT NO. 88 (PD-88); ADOPTING A CONCEPTUAL SITE PLAN; PROVIDING FOR ADDITIONAL DEVELOPMENT REGULATIONS WITH RESPECT TO SAID LAND; 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, with respect to the property described as Tract 1 and Tract 2 in Exhibit “A,” attached hereto and incorporated herein by reference (said tracts collectively referred to herein as “the Property”), as follows:

- A. The portion of the Property described as “Phase 6” in Exhibit “A,” attached hereto, shall be re-designated from “Commerce District” to “Mid-Density Residential” and shall be used and developed in accordance with the use and development regulations for “Mid-Density Residential” as set forth in Planned Development No. 88 (PD 88) Mercer Crossing Code except as provided in this Ordinance.

- B. The portion of the Property described as “Phase 7” in Exhibit “A,” attached hereto, shall be re-designated from “Office-1 District” to “Mid-Density Residential” and shall be used and developed in accordance with the use and development regulations for “Mid-Density Residential” as set forth in Planned Development No. 88 (PD 88) Mercer Crossing Code except as provided in this Ordinance.
- C. The Property shall be used and developed in accordance with the Conceptual Site Plan attached hereto as Exhibit “B” and incorporated herein by reference.
- D. The number of dwelling units developed on the Property shall be as follows:
 - (1) Phase 6: 590
 - (2) Phase 7: 178
- E. Notwithstanding the provisions of PD-88, the Property may be developed in accordance with the following development regulations:
 - (1) The Required Building Line relating to buildings located on Property shall be established at the time of Detailed Site Plan approval relating to the development of the portion of the Property subject to the following:
 - (a) The buildings located on Phase 6 and facing the future extension of Mercer Parkway may be set back a minimum of 64 feet from the Mercer Parkway right-of-way line and be exempt from the minimum 85% Required Building Line length requirement; and
 - (b) The buildings located on Phase 7 and adjacent to Senlac Drive may be set back not less than eleven (11) feet but no more than 29 feet from Senlac Drive right-of-way line.
 - (2) No street wall is required to be constructed in association with the location of the buildings on Phase 6 adjacent to the future extension of Mercer Parkway;
 - (3) Notwithstanding the Minimum Height requirements set forth in Article VIII, Section A.1.a.(2) of the PD-88 Development Regulations applicable to properties within Mid-Density Residential, the minimum height for Buildings 2, 3, 4, 5, and 10 in Phase 7 as identified on the Conceptual Site Plan may be two (2) stories;
 - (4) Article VIII, Section A.1.c.(1) of the PD-88 Development Regulations relating to ground story finished floor height within Mid-Density Residential shall not be applicable to development of the Property; and
 - (5) Two (2) monument signs may be located on each frontage of Wittington Place, Senlac Drive, and Mercer Parkway, the design and location of which shall be

determined and set forth on the Detailed Site Plan approved for the respective phases of the Property.

- F. The PD-88 Regulating Plan, to the extent that it affects the Property and only the Property, is amended as set forth in Exhibit “C” attached hereto and incorporated herein by reference.
- G. Notwithstanding anything to the contrary in this Ordinance, no permit shall be granted for the development of the Phase 6 property for multi-family residential use pursuant to this Ordinance until written evidence is presented to the City that reasonably establishes (i) the *Option Exchange Agreement* (“the Option Agreement”) dated January 22, 2015, between the Carrollton-Farmers Branch Independent School District (“the District”) and Mercer Crossing Land, Ltd. (“MCL”), which agreement is described in that certain *Memorandum of Option Exchange Agreement* dated January 22, 2015, and recorded as Instrument No. 201500017612, Official Public Records, Dallas County, Texas, has expired or is terminated without the District exercising its option to purchase the land described in the Option Agreement (which land constitutes a portion of the Phase 6 property); or (ii) the District has exercised its option to purchase the land described in the Option Agreement, but such agreement is terminated without title to said land being conveyed to the District.

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 5TH DAY OF FEBRUARY 2019.**

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:1/29/19:105637)

Ordinance No. 3553
Exhibit "A"
Description of Property

Phase 6:

A 19.51 acres tract or parcel of land situated in the Francis Miller Survey, Abstract No. 926, and in the H.C. Marsh Survey, Abstract No. 916, in the City of Farmers Branch, Dallas County, Texas, and being part of Block E and I of the WESTSIDE ADDITION SECTION 1, an addition to the City of Farmers Branch, recorded in Document No. 200600172708, in the Plat Records of Dallas County, Texas (PRDCT), also being part of the 106.4 acres tract described in the deed to The Residences of Austin Ranch No. 1, Ltd. recorded in Document No. 201200384915 in the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows (all bearings shown hereon based on the deed to The Residences of Austin Ranch No. 1, Ltd. recorded in Document No. 201200384915):

BEGINNING at the southwest corner of said 106.4 acres tract;

THENCE North 00° 25' 15" West 489.62 feet;

THENCE North 15° 27' 04" West 160.73 feet to the south right-of-way line of Mercer Parkway (100' wide right-of-way);

THENCE Easterly along the south line of Mercer Parkway the following:

Easterly an arc distance of 493.44 feet along a non-tangent curve to the left having a radius of 950.00 feet, a central angle of 29° 45' 36", and the chord bears North 57° 32' 22" East 487.91 feet;

Easterly an arc distance of 265.61 feet along a reverse curve to the right having a radius of 850.00 feet, a central angle of 17° 54' 13", and the chord bears North 51° 36' 41" East 264.53 feet;

North 60°33'48" East 86.74 feet;

Easterly an arc distance of 494.28 feet along a tangent curve to the right having a radius of 1776.35 feet, a central angle of 15°56'35", and the chord bears North 68° 32' 05" East 492.69 feet;

North 77° 27' 01" East 197.36 feet;

Easterly an arc distance of 200.21 feet along a tangent curve to the right having a radius of 1000.00 feet, a central angle of 11° 28' 16", and the chord bears North 83° 16' 07" East 199.88 feet;

THENCE South 08° 50' 17" West 104.79 feet;

THENCE South 68° 13' 22" West 206.57 feet;

Ordinance No. 3553
Exhibit "A"
Description of Property

THENCE South 60° 39' 37" West 43.60 feet;

THENCE South 56° 00' 18" West 41.22 feet;

THENCE South 35° 23' 57" West 33.49 feet;

THENCE South 16° 54' 55" West 31.70 feet;

THENCE South 07° 39' 33" West 50.70 feet;

THENCE South 07° 04' 47" West 521.47 feet;

THENCE South 40° 33' 17" West 123.85 feet;

THENCE South 89° 51' 46" West 492.41 feet;

THENCE South 81° 27' 14" West 65.40 feet;

THENCE South 65° 29' 44" West 53.88 feet;

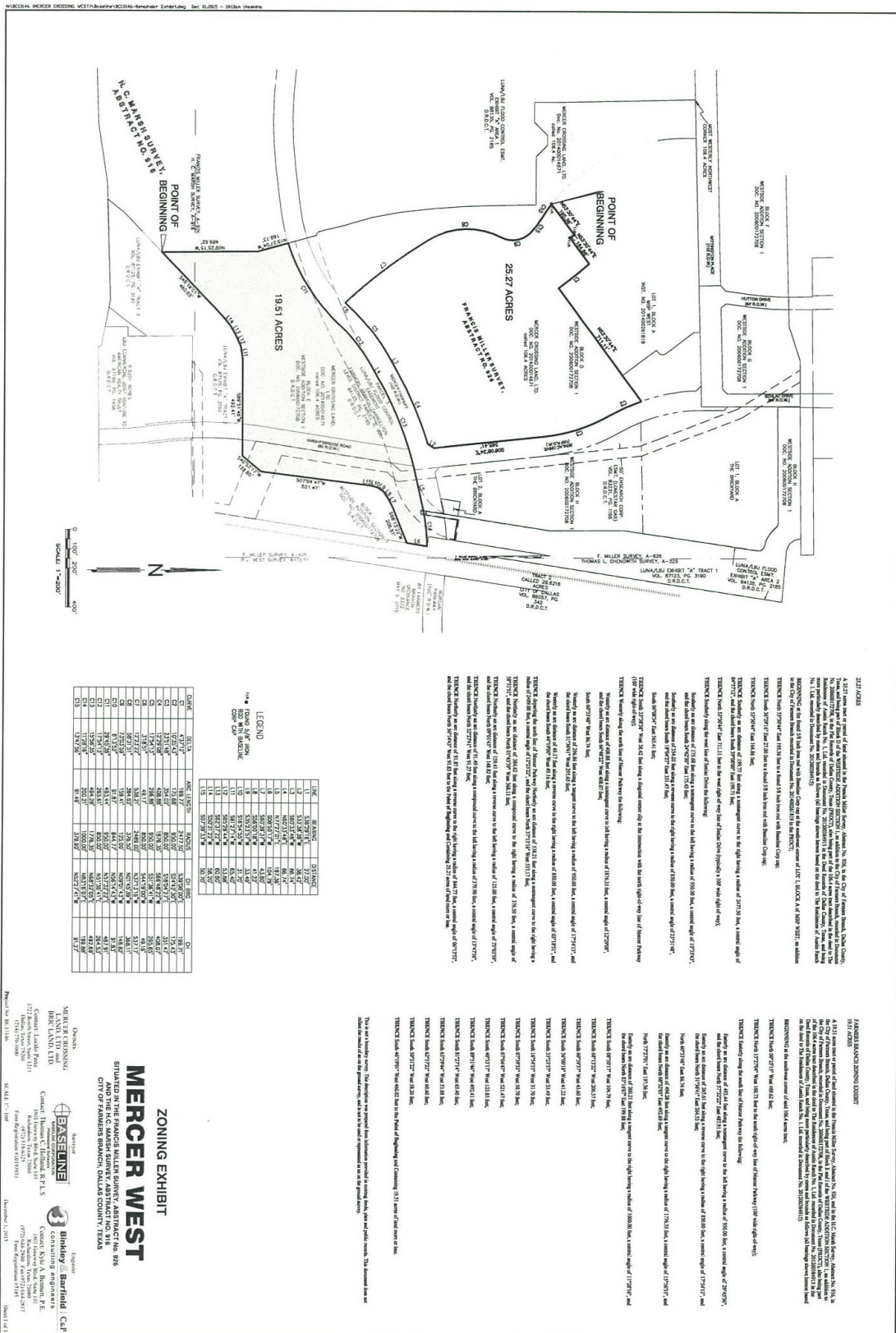
THENCE South 62° 37' 22" West 60.60 feet;

THENCE South 50° 31' 22" West 58.20 feet;

THENCE South 46° 19' 01" West 460.02 feet to the Point of Beginning and Containing 19.51 acres of land more or less.

Ordinance No. 3553
Exhibit "A"
Description of Property

Boundary Map of Phase 6:



Ordinance No. 3553
Exhibit "A"
Description of Property

Phase 7:

BEING all that certain 7.141-acre tract of land situated in the Francis Miller Survey, Abstract No. 926 and being a portion of that certain tract of land conveyed to Mercer Crossing Land, Ltd., by deed recorded in Instrument Number 201400014671, Official Public Records, Dallas County, Texas, and being a portion of Lot 1, Block A, MPB West, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat thereof recorded in Instrument Number 201400261819, said Official Public Records, and being more particularly described as follows:

BEGINNING at a point for the north end of a corner clip in the southwest intersection of Senlac Drive (64 foot right-of-way) and Wittington Place (110 foot right-of-way), same being the most northerly northeast corner of said Mercer Crossing tract;

THENCE along the common line of said Mercer Crossing tract and said Senlac Drive as follows:

South 46 deg. 18 min. 44 sec. East, a distance of 35.36 feet to a point for the most easterly northeast corner of said Mercer Crossing tract, same being the south end of said corner clip, same being the beginning of a curve to the left, having a radius of 950.00 feet and a central angle of 17 deg. 19 min. 57 sec.;

Along said curve to the left, an arc distance of 287.38 feet and a chord bearing and distance of South 10 deg. 44 min. 40 sec. East, 286.29 feet to a point for the southeast corner of the herein described tract;

THENCE South 53 deg. 30 min. 44 sec. West, through the interior of said Mercer Crossing tract, passing the southeast corner of aforesaid Lot 1, and continuing along the common line of said Mercer Crossing tract and said Lot 1, passing the southwest corner of said Lot 1, and continuing through the interior of said Mercer Crossing tract, a total distance of 842.70 feet to a point for the southwest corner of the herein described tract;

THENCE North 36 deg. 29 min. 16 sec. West, continuing through the interior of said Mercer Crossing tract, a distance of 140.00 feet to a point for the most westerly corner of the herein described tract;

THENCE North 53 deg. 30 min. 44 sec. East, continuing through the interior of said Mercer Crossing tract, passing an easterly line of said Mercer Crossing tract, same being a westerly line of aforesaid Lot 1, and continuing through the interior of said Lot 1, a total distance of 336.12 feet to a point for corner;

THENCE through the interior of said Lot 1 as follows:

North 36 deg. 29 min. 16 sec. West, a distance of 350.00 feet to a point for corner;

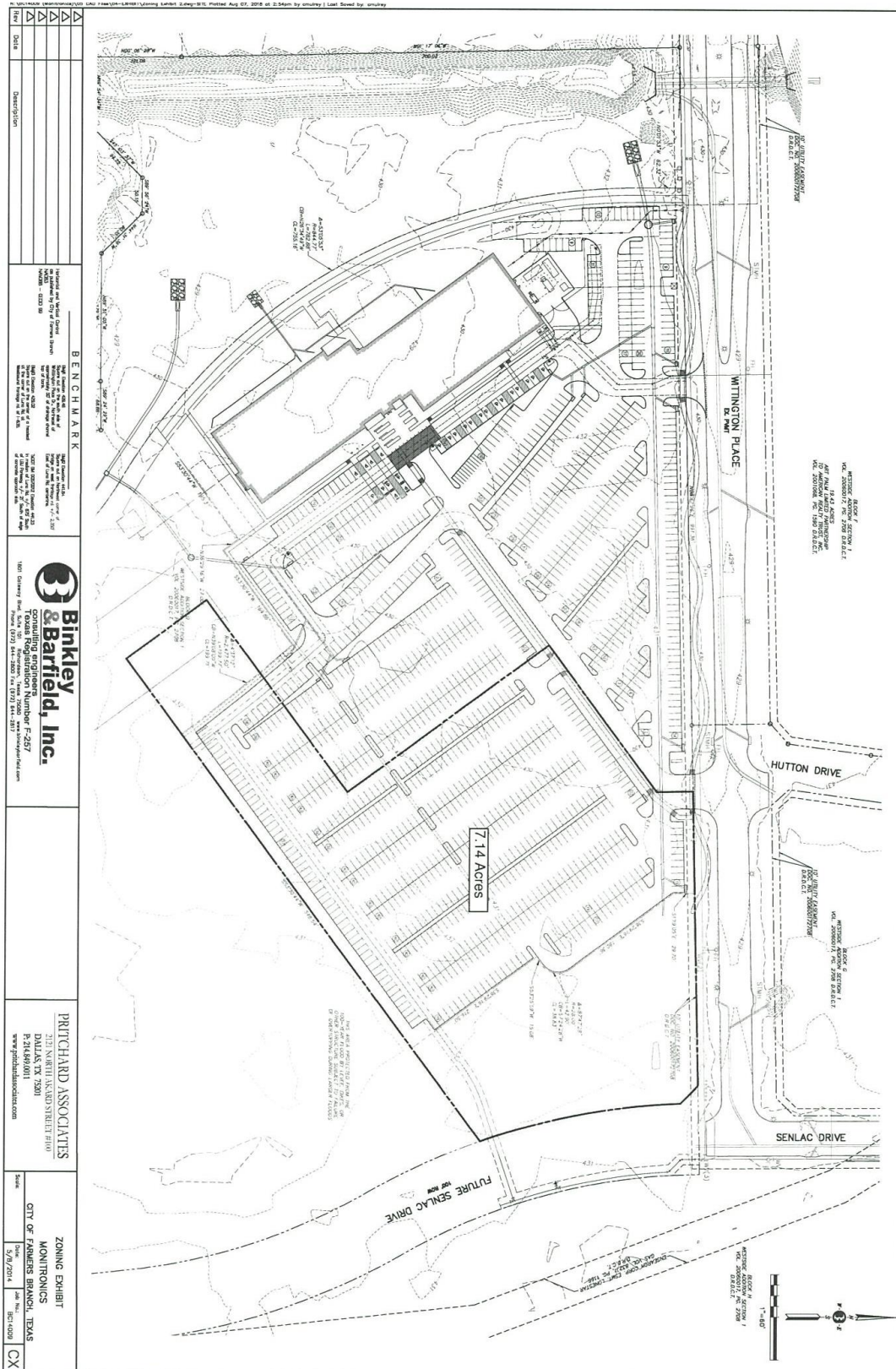
North 53 deg. 30 min. 44 sec. East, a distance of 256.85 feet to a point for corner;

Ordinance No. 3553
Exhibit "A"
Description of Property

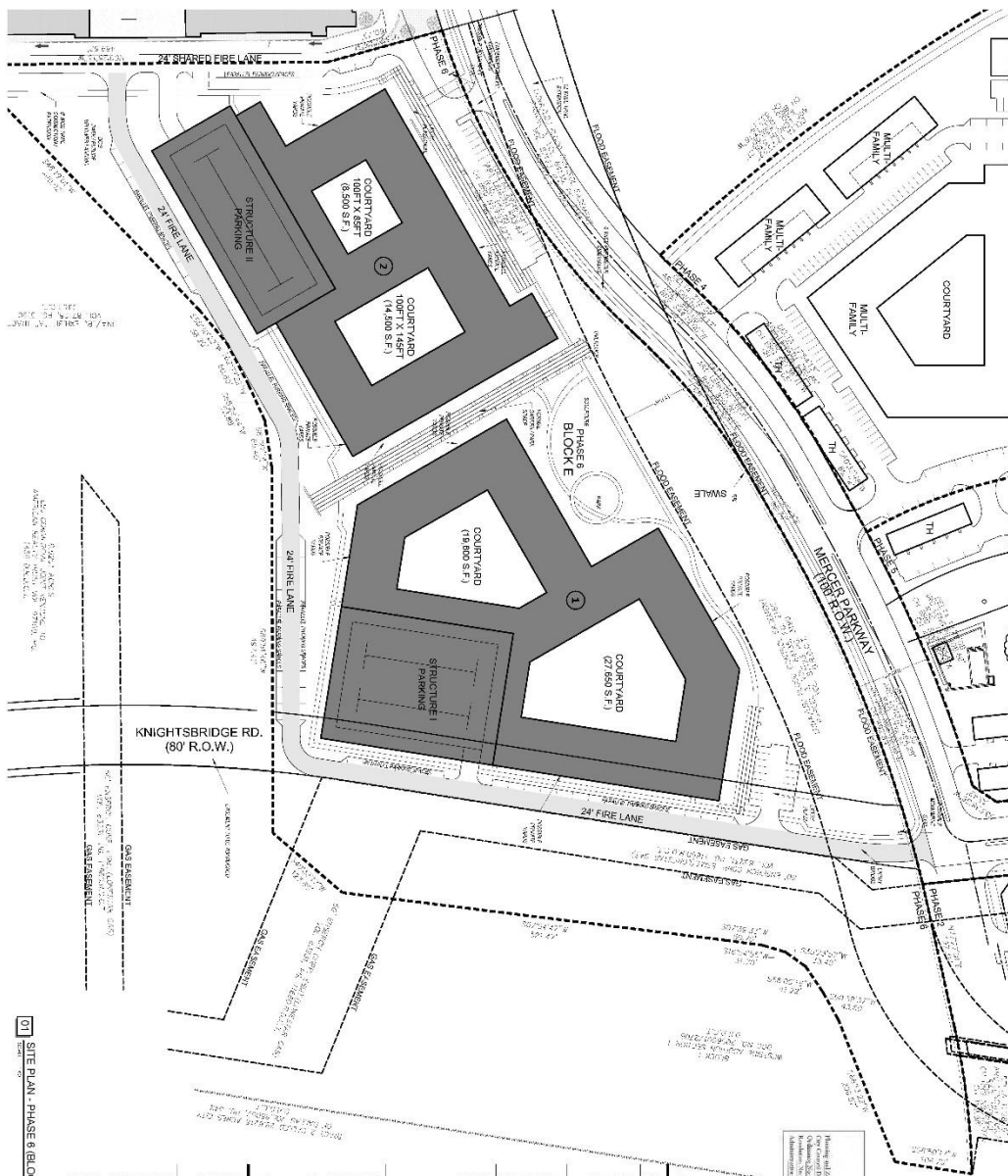
North 01 deg. 17 min. 31 sec. West, a distance of 50.91 feet to a point for the northwest corner of the herein described tract, same being in a northerly line of said Lot 1, same being in the southerly right-of-way line of aforesaid Wittington Place;

THENCE North 88 deg. 42 min. 27 sec. East, along the common line of said Lot 1 and said Wittington Place, passing the northeast corner of said Lot 1, same being the northwest corner of aforesaid Mercer Crossing tract, and continuing along the common line of said Mercer Crossing tract and said Wittington Place, a total distance of 414.46 feet to the POINT OF BEGINNING and containing 311,052 square feet or 7.141 acres of computed land, more or less.

Boundary Map of Phase 7:



Ordinance No. 3553
Exhibit "B"
Conceptual Site Plan



DATE	REVISION
01/15/2020	1.00

SITE DATA

SITE LOCATION: INTERSECTION OF STATE ROUTE 100 & MERGER PARKWAY

LAND USE DISTRICT: MIXED USE DISTRICT
PHASE 6 (BLOCK E)
PROPOSED ZONING: RESIDENTIAL, COMMERCIAL, MIXED USE, LOCAL ROAD

SITE DENSITY - PHASE 6 (BLOCK E)
GROSS FLOOR AREA: 1,000,000 S.F. / 23,000 AC.
NET FLOOR AREA: 750,000 S.F. / 17,200 AC.
GROSS SITE AREA: 1,000,000 S.F. / 23,000 AC.
NET SITE AREA: 750,000 S.F. / 17,200 AC.

ZONING SUMMARY - PHASE 6 (BLOCK E)
HEAD IN SPACES: 25 SPACES
TOTAL SPACES: 25 SPACES
TOTAL SPACES: 25 SPACES
TOTAL SPACES: 25 SPACES

UNIT COUNT - PHASE 6 (BLOCK E)
TOTAL UNITS: 1,000 UNITS
TOTAL UNITS: 1,000 UNITS
TOTAL UNITS: 1,000 UNITS
TOTAL UNITS: 1,000 UNITS

BUILDING ELEVATION
PHASE 6 (BLOCK E)
BUILDING #1: 5.00 S.F.
BUILDING #2: 5.00 S.F.
TOTAL: 10.00 S.F.

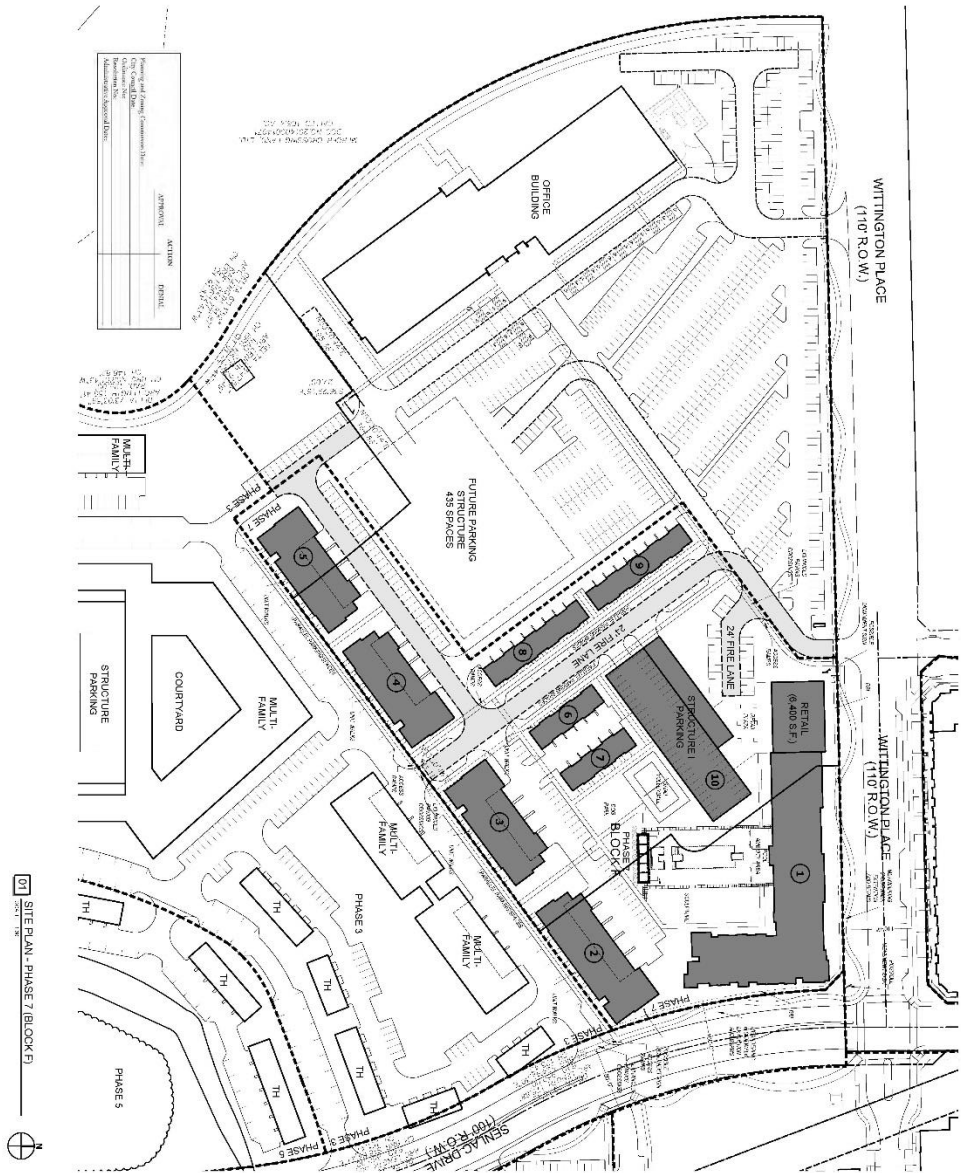
BUILDING MATERIALS
BRICK: BRICK
CONCRETE: CONCRETE
GLASS: GLASS
METAL: METAL

ELEVATION: 10.00 S.F.
TOTAL: 10.00 S.F.
TOTAL: 10.00 S.F.
TOTAL: 10.00 S.F.



01 SITE PLAN - PHASE 6 (BLOCK E)

Ordinance No. 3553
Exhibit "B"
Conceptual Site Plan



01 SITE PLAN - PHASE 7 (BLOCK F)

SITE DATA

SITE LOCATION
PHASE 7, CORNER OF SENeca DRIVE & WITTINGTON PLACE

LAND USE DISTRICT
INDUSTRIAL DISTRICT
PROPOSED BUILDING
MULTI-FAMILY RESIDENTIAL, 4-5 UNITS PER BUILDING

PHASE 7 (BLOCK F) - SUMMARY
BUILDING TYPE: 4-5 UNITS PER BUILDING
TOTAL SQUARE FEET: 25,541 S.F.
TOTAL UNITS: 255 UNITS

PHASE 7 (BLOCK F) - BUILDING ELEVATION
BUILDING NO. BUILDING TYPE BUILDING HEIGHT
BUILDING 1 - 4-5 UNITS PER BUILDING 4 STORIES
BUILDING 2 - 4-5 UNITS PER BUILDING 4 STORIES
BUILDING 3 - 4-5 UNITS PER BUILDING 4 STORIES
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BUILDING 7 - 4-5 UNITS PER BUILDING 4 STORIES
BUILDING 8 - 4-5 UNITS PER BUILDING 4 STORIES
BUILDING 9 - 4-5 UNITS PER BUILDING 4 STORIES
BUILDING 10 - 4-5 UNITS PER BUILDING 4 STORIES
TOTAL: 25,541 S.F., 255 UNITS (AVG.)

PHASE 7 (BLOCK F) - OFFICE BUILDING PARKING
OFFICE BUILDING PARKING
TOTAL SPACES: 100 SPACES
TOTAL SPACES PER 1,000 S.F.: 3.9 SPACES PER 1,000 S.F.

BUILDING ELEVATION

PHASE 7 (BLOCK F)
BUILDING NO. BUILDING TYPE BUILDING HEIGHT
BUILDING 1 - 4-5 UNITS PER BUILDING 4 STORIES
BUILDING 2 - 4-5 UNITS PER BUILDING 4 STORIES
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BUILDING 10 - 4-5 UNITS PER BUILDING 4 STORIES
TOTAL: 25,541 S.F., 255 UNITS (AVG.)

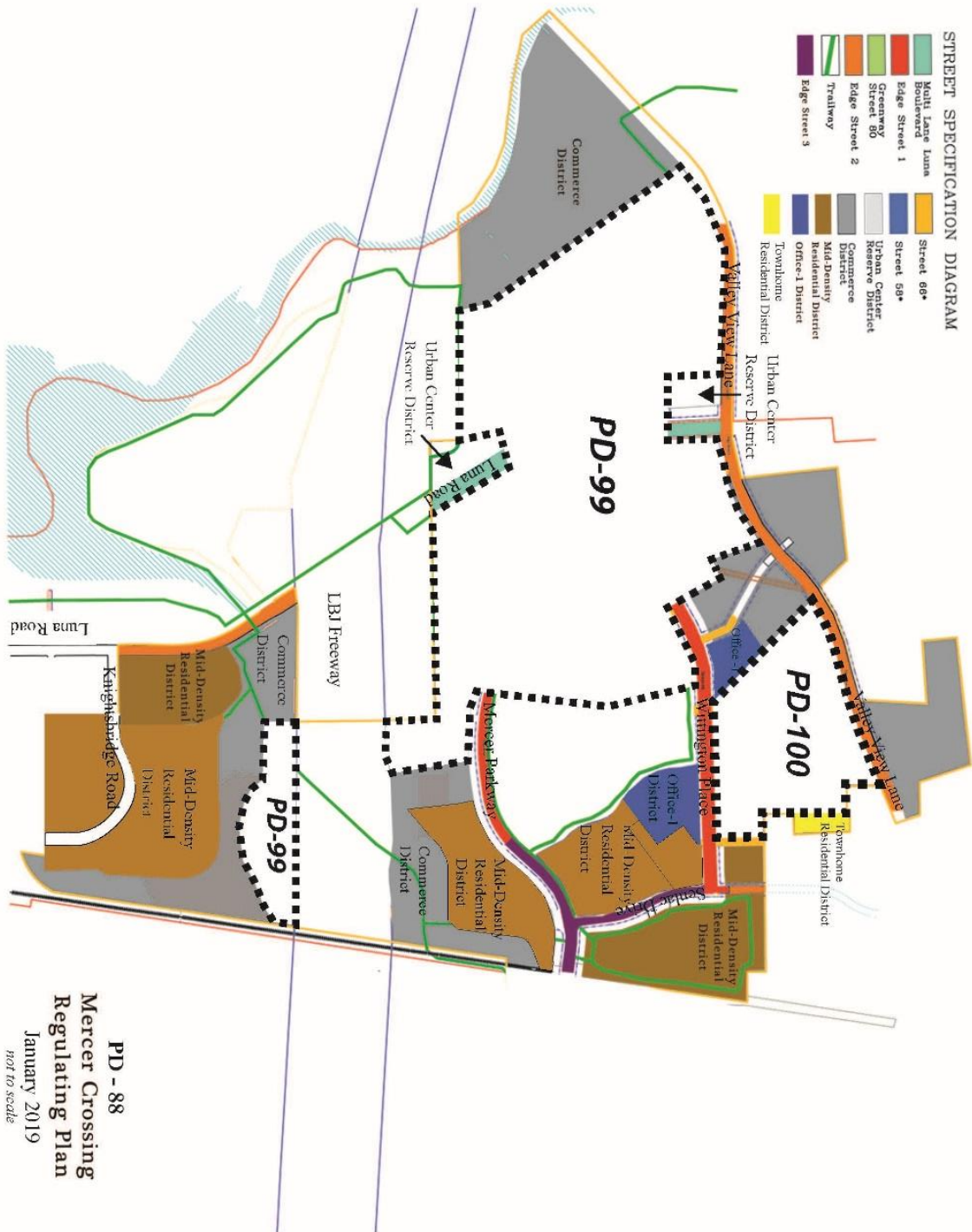
BUILDING MATERIALS

RECOMMENDED MATERIALS USED ON EXTERIOR ELEVATIONS
1. BRICK
2. STUCCO
3. CONCRETE
4. METAL PANELS
5. GLASS
6. TERRAZZO
7. CEMENTitious FIBER
8. POLYMER CONCRETE
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OFFICE BUILDING PARKING

OFFICE BUILDING PARKING
TOTAL SPACES: 100 SPACES
TOTAL SPACES PER 1,000 S.F.: 3.9 SPACES PER 1,000 S.F.

Ordinance No. 3553
Exhibit "C"
PD-88 Regulating Plan Amendment



PD - 88
Mercer Crossing
Regulating Plan
January 2019
not to scale