



ORDINANCE NO. 3590

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 ENCLOSED VEHICLE STORAGE FACILITY FOR LOT 1, BLOCK A, MIDWAY-MCEWEN ADDITION (COMMONLY KNOWN AS 13342 MIDWAY ROAD) WHICH PROPERTY IS ZONED AS LIGHT INDUSTRIAL (LI) ZONING DISTRICT; PROVIDING FOR APPROVAL OF A DETAILED SITE PLAN, LANDSCAPE PLAN, AND ELEVATIONS; PROVIDING FOR SPECIAL CONDITIONS; 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; PROVIDING FOR TERMINATION UNDER CERTAIN CIRCUMSTANCES; 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 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 for Enclosed Vehicle Storage Facility for the property described as Lot 1, Block A, Midway-McEwen Addition, an addition to the City of Farmers Branch, Texas, according to the plat recorded as Instrument No, 201600012808, Official Public Records, Dallas County, Texas ("the Property") and located within a Light Industrial (LI) Zoning District, subject to the conditions set forth in Section 2 of this Ordinance.

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within the Light Industrial (LI) Zoning District and, if used for the purpose of using the Property for Enclosed Vehicle Storage Facility, such use shall comply with the following:

- A. **Detailed Site Plan:** The development of the Property shall substantially conform to the Detailed Site Plan attached hereto as Exhibit “A” and incorporated herein by reference (“Detailed Site Plan”);
- B. **Landscaping:** Landscaping shall be installed in accordance with the Landscape Plan attached hereto as Exhibit “B” and incorporated herein by reference (“Landscape Plan”) subject to the following:
- (1) All required landscaping identified on the Landscape Plan shall be installed with related irrigation system prior to issuance of a Certificate of Occupancy for use of any building for Enclosed Vehicle Storage Facility; and
 - (2) Notwithstanding Paragraph (1), above, Director of Community Development or designee shall have the authority to allow the owner of the Property to delay installation of any landscaping that might reasonably be affected by, or required to be removed during the construction of Building 2 as shown on the Landscape Plan, provided that such landscaping must be installed with related irrigation system prior to issuance of a Certificate of Occupancy for use of said Building 2 for an Enclosed Vehicle Storage Facility.
- C. **Elevations:** The buildings constructed on the Property shall be designed and constructed substantially in accordance with the elevations attached hereto as Exhibit “C” and incorporated herein by reference (“Elevations”) to the extent such requirements are enforceable in accordance with State law.
- D. **Parking:** The Property shall be developed with no fewer than one (1) surface parking space for each 2000 square feet of building floor space for buildings located on the Property and developed and used for Enclosed Vehicle Storage Facility. Indoor parking area shall not be included in determining the minimum number of off-street parking
- E. **Prohibited Activities:** The following activities are prohibited on the Property:
- (1) Vehicle maintenance or vehicle repair business and on-site car wash facility; provided that vehicle maintenance and washing or cleaning services occurring solely within the buildings and provided solely to occupants of the Property shall not be prohibited if the services are performed by persons who do not maintain a place of business on the Property;
 - (2) Outdoor storage;
 - (3) Outdoor display of vehicles; provided, however, the outdoor display of vehicles in connection with public or private events which may otherwise be permitted within the Light Industrial (LI) Zoning District shall not be prohibited; and
 - (4) Any type of residential use, regardless of length of use.

- F. Cross-Access:** The cross-access drive between the Property and the property described as Lot 2, Block A, Midway-McEwen Addition, an addition to the City of Farmers Branch, Texas, according to the plat recorded as Instrument No, 201600012808, Official Public Records, Dallas County, Texas, existing on the effective date of this Ordinance shall be maintained and continue to provide cross-access for vehicles between said properties.
- G. Garage Condo Use; Condominium Regime:** Development and use of the Property for Garage Condo purposes, as defined below, shall not commence, and no Garage Condo unit shall be sold prior to the execution and recording of a declaration of condominium (“the Declaration”) in compliance with Chapter 82 of the Texas Property Code, as amended, the form of which must comply with the following:
- (1) Prior to sale of the first Garage Condo unit, a condominium owner’s association (“the Association”), or similar entity, shall be created to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of all landscape systems, features or elements located in parkways, common areas between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainage ways or drainage structures or at subdivision entryways, open space common areas or properties, including but not limited to: landscape features and irrigation systems, subdivision entryway features and monuments, and off-street parking developed on the Property.
 - (2) All open space and common properties, elements, or areas, facilities, structures, improvements, systems, or other property that are to be operated, maintained and/or supervised by the Association shall be clearly identified in the Declaration;
 - (3) The form of the Declaration and the certificate of formation and bylaws of the Association must be approved by the city attorney prior to the issuance of a certificate of occupancy for use of any building on the Property for Indoor Vehicle Storage, and the Declaration must be filed in the Official Public Records of Dallas County, Texas, prior to the sale of any Garage Condo unit on the Property;
 - (4) At a minimum, the Declaration shall contain and/or provide for the following:
 - (a) Definitions of terms contained therein;
 - (b) Provisions acceptable to the City for the establishment and organization of the Association and the adoption of bylaws for the Association, including provisions requiring that the owner(s) of any Garage Condo unit within Property and any successive purchaser(s) shall automatically and mandatorily become a member of the Association;
 - (c) The initial term of the Declaration shall be perpetual as long as Garage Condo units may be sold as individual condominium units;
 - (d) Provisions acceptable to the City to ensure the continuous and perpetual

use, operation, maintenance and/or supervision of all facilities, structures, improvements, systems, open space or common areas that are responsibility of the Association and to establish a reserve fund for such purposes;

- (e) Provisions prohibiting the amendment of any portion of the Declaration relating to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, area or grounds on the exterior of the buildings on the Property, that are the responsibility of the Association without the prior written consent of the City;
- (f) The right and ability of the City or its lawful agents, after due notice to the Association, to remove any landscape systems, features or elements that cease to be maintained by the Association; to perform the responsibilities of the Association and its board of directors if the Association fails to do so in compliance with any provisions of the Declaration or of any applicable City ordinances or regulations; to assess the Association for all costs incurred by the City in performing said responsibilities if the Association fails to do so; and/or to avail itself of any other enforcement actions available to the City pursuant to state law or City ordinances or regulations; and
- (g) Provisions indemnifying and holding the City harmless from any and all costs, expenses, suits, demands, liabilities or damages including reasonable attorney's fees and costs of suit, incurred or resulting from the City's removal of any landscape systems, features or elements that cease to be maintained by the Association or from the City's performance of the aforementioned operation, maintenance or supervision responsibilities of the Association due to the Association's failure to perform said responsibilities.

For purposes of this Section 2.G., “Garage Condo” means a structure used solely as an Enclosed Vehicle Storage Facility which can be defined as a “condominium” as set forth in Texas Property Code §82.003(a)(8), as amended and subject to a declaration of condominium that complies with Chapter 82 of the Texas Property Code, as amended. A “Garage Condo Unit” means an individual condominium unit within the Garage Condo.

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 and the right to use the property in accordance with the Specific Use Permit granted pursuant to Section 1 of this Ordinance is subject to termination in accordance with Section 6.5.C. of the Comprehensive Zoning Ordinance, as amended.

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 3RD DAY OF SEPTEMBER 2019.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:8/27/19:110143)

Ordinance No. 3590

Exhibit "A" - Detailed Site Plan

Midway Conversion

Owner: Parker Midway, L.P. Architect: Edwin Brantley Smith + Associates
PO Box 971 8226 Douglas Avenue, Suite 600
Whitesboro, TX 75273 Dallas, TX 75225
Contact: Jeff P. Howle Contact: Edwin Brantley Smith, AIA
(214) 802-8008 (214) 368-1900

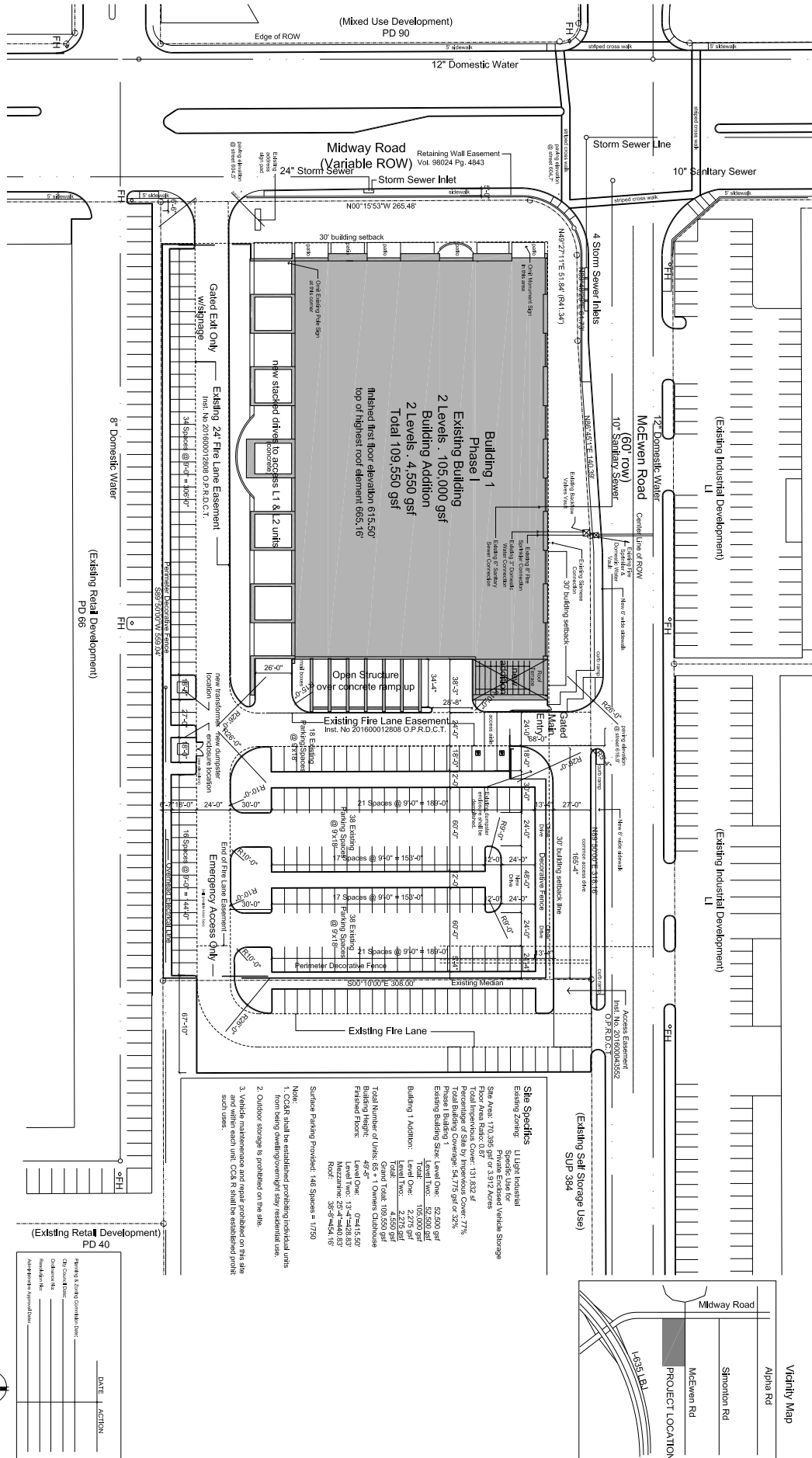
Legal Description: Lot 1, Block A Midway-McEwen Addition Instrument No. 201600012808 O.P.R.D.C.T.
Parker Midway, L.P. Volume 99061, Page 4573 D.R.D.C.T.
Property Address: 13342 Midway Road
Farmers Branch, TX 75244

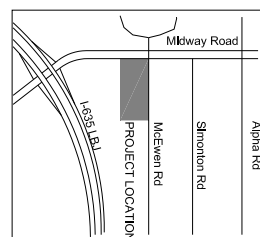
new site plan . phase one

Scale: 1" = 30'-0"
29 July 2019

DATE ACTION

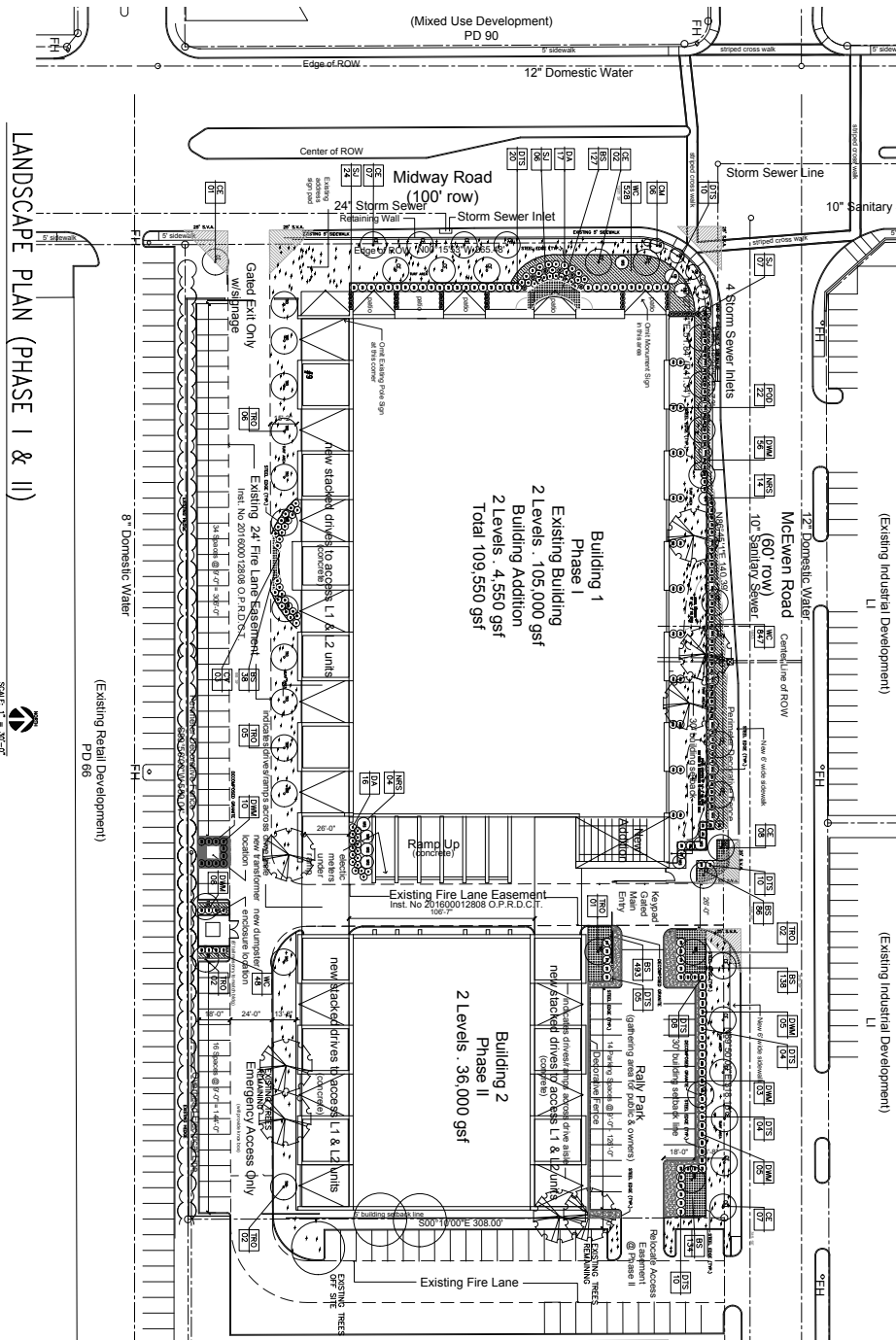
Drawn By: _____
Checked By: _____
Designed By: _____
Noted By: _____





[illegible]

Ordinance No. 3590
Exhibit "B" - Landscape Plan (cont.)



- GENERAL NOTES:
1. ALL LANDSCAPING SHALL BE INSTALLED WITHIN 180 DAYS OF THE DATE OF THE PERMIT TO CONSTRUCT.
 2. LANDSCAPING SHALL BE INSTALLED WITHIN 180 DAYS OF THE DATE OF THE PERMIT TO CONSTRUCT.
 3. LANDSCAPING SHALL BE INSTALLED WITHIN 180 DAYS OF THE DATE OF THE PERMIT TO CONSTRUCT.
 4. LANDSCAPING SHALL BE INSTALLED WITHIN 180 DAYS OF THE DATE OF THE PERMIT TO CONSTRUCT.
 5. LANDSCAPING SHALL BE INSTALLED WITHIN 180 DAYS OF THE DATE OF THE PERMIT TO CONSTRUCT.

LANDSCAPE SCHEDULE (PHASE I ONLY)

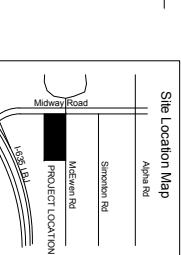
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2	CELESTIAL OAK	100	EA
3	CELESTIAL OAK	100	EA
4	CELESTIAL OAK	100	EA
5	CELESTIAL OAK	100	EA

LANDSCAPE SCHEDULE (PHASE II ONLY)

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT
1	CELESTIAL OAK	100	EA
2	CELESTIAL OAK	100	EA
3	CELESTIAL OAK	100	EA
4	CELESTIAL OAK	100	EA
5	CELESTIAL OAK	100	EA

- PLANT KEY
- CELESTIAL OAK
 - CELESTIAL OAK
 - CELESTIAL OAK
 - CELESTIAL OAK
 - CELESTIAL OAK

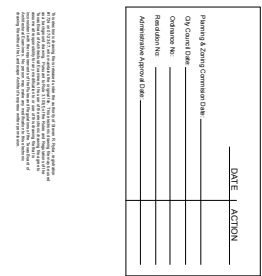
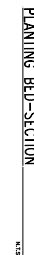
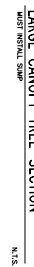
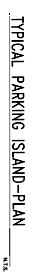
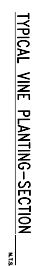
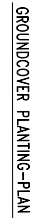
- PLANT KEY
- CELESTIAL OAK
 - CELESTIAL OAK
 - CELESTIAL OAK
 - CELESTIAL OAK
 - CELESTIAL OAK



GENERAL NOTES:

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524
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Ordinance No. 3590
Exhibit "C" -Elevations

Midway Conversion

1 south elevation

new exterior elevations . phase one

key plan

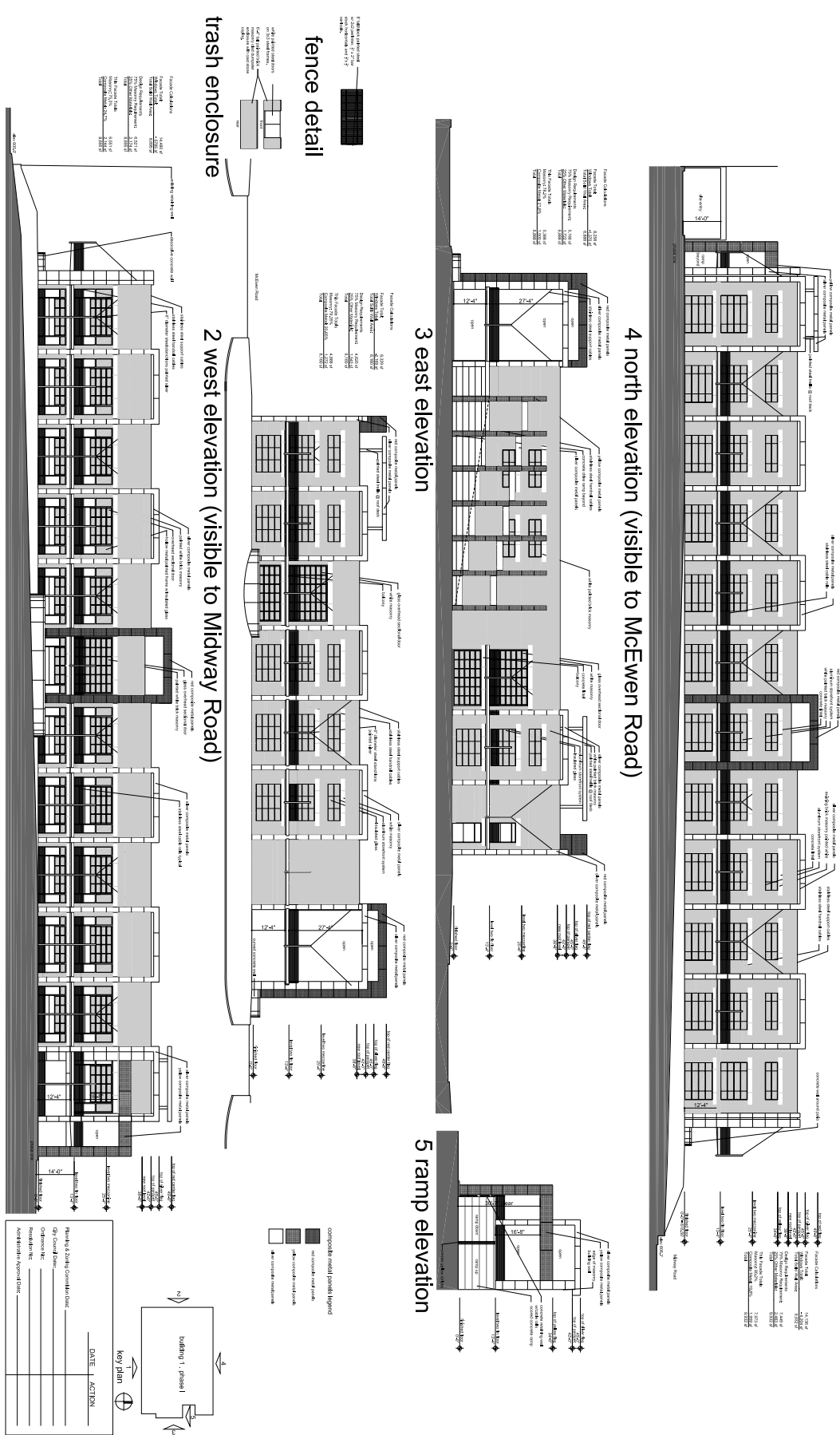
Owner: Parker Midway, L.P.
PO Box 971
Willesboro, TX 76773
Contact: Jeff P. Howle
(214) 802-8008

Architect: Edwin Brantley Smith + Associates
8226 Douglas Avenue, Suite 600
Dallas, TX 75225
Contact: Edwin Brantley Smith, AIA
(214) 368-1900

Legal Description: Lot 1, Block A Midway-McEwen Addition Instrument No. 201600012808 O.P.R.D.C.T.
Parker Midway, LP Volume 99061, Page 4573 D.R.D.C.T.
Property Address: 170395 SF 3.912 Acres
13342 Midway Road
Farmers Branch, TX 75244

scale: 1" = 16'-0"
12 August 2019

0' 8' 32'



A horizontal scale bar with four segments. The segments are labeled from left to right as 0', 8', 16', and 32'.