



## **ORDINANCE NO. 3591**

**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 8.02± ACRES OF LAND OUT OF THE H.C. MARSH SURVEY ABST. NO. 916 AND THE FRANCIS MILLER SURVEY ABST. NO. 926 DESCRIBED IN EXHIBIT "A," HERETO, FROM "COMMERCE DISTRICT" TO "URBAN CENTER DISTRICT" SAID TRACT BEING LOCATED IN PLANNED DEVELOPMENT DISTRICT NO. 88 (PD-88); ADOPTING A CONCEPTUAL SITE PLAN; ADOPTING A REGULATING 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 in Exhibit "A," attached hereto and incorporated herein by reference (said tracts collectively referred to herein as "the Property"), as follows:

- A. The Property shall be re-designated from "Commerce District" to "Urban Center District" and shall be used and developed in accordance with the use and development regulations for "Urban Center District" as set forth in Planned Development No. 88 (PD 88) Mercer Crossing Code except as provided in this Ordinance.
- B. The Property shall be used and developed in accordance with the Conceptual Site Plan attached hereto as Exhibit "B" and incorporated herein by reference.

- C. Notwithstanding the provisions of PD-88, the Property may be developed in accordance with the following development regulations:
- (1) Notwithstanding the maximum floor-plate allowed pursuant to Article II, Section B.3.A of the PD-88 Development Regulations, the maximum floor plate of the buildings constructed on the Property may be constructed to exceed 60,000 square feet as shown on the Conceptual Site Plan attached hereto as Exhibit "B";
  - (2) Notwithstanding Article II, Section B.5.B. of the PD-88 Development Regulations, the parking constructed within the structured parking garage shall not be required to be shared parking so long as no fewer than 692 parking spaces are constructed on the Property.
  - (3) Notwithstanding Article II, Section E of the PD-88 Development Regulations, the buildings constructed on the Property shall not be required to comply with the Required Building Line provided the building is setback from Mercer Parkway and Commerce Street no farther than shown on the Conceptual Site Plan; and
  - (4) Notwithstanding Article III, Section C of the PD-88 Development Regulations, the Property shall not be required to comply with the required amount of contiguous open area as long as the Property is developed with the open space areas as shown on the Conceptual Site Plan.
- D. 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.

**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 3<sup>RD</sup> DAY OF SEPTEMBER 2019.**

ATTEST:

APPROVED:

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Amy Piukana, City Secretary

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Robert C. Dye, Mayor

APPROVED AS TO FORM:

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Peter G. Smith, City Attorney  
(kbl:8/27/19:110159)

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**Exhibit "A" - Description of Property**

BEING a tract of land situated in the H. Marsh Survey, Abstract No. 916, and the F. Miller Survey, Abstract No. 926, in the City of Farmers Branch, Dallas County, Texas, the subject tract being a portion of Block E, created by the final plat of Westside Addition Section 1, an addition to the City of Farmers Branch, recorded in Instrument Number 200600172708 of the Official Public Records, Dallas County, Texas (OPRDCT), and being part of Tract No. 6B, conveyed by deed recorded in Instrument Number 201500309379 OPRDCT, with the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap found for the south end of a corner clip being the intersection of the north line of Interstate Highway 635, a variable width public right-of-way (also known as LBJ Freeway), with the east line of Commerce Street, a 60 foot right-of-way created by plat recorded in Instrument No. 201700296745 OPRDCT;

THENCE N 49°36'59" W, 32.74 feet along said corner clip to a 1/2" iron rod with plastic cap found;

THENCE N 00°31'28" W, 792.95 feet along the east line of Commerce Street to a 1/2" iron rod with plastic cap found for the south end of a corner clip being the intersection of Commerce Street with the south line of Mercer Parkway, a 100 foot right-of-way created by plat recorded in Instrument No. 201700296745 OPRDCT;

THENCE N 42°19'46" E, 36.65 feet along said corner clip to a 1/2" iron rod with plastic cap found;

THENCE along the south line of Mercer Parkway, around a non-tangent curve to the left having a central angle of 12°30'21", a radius of 1250.00 feet, a chord of N 78°21'27" E - 272.30 feet, an arc length of 272.84 feet to a 1/2" iron rod with plastic cap found;

THENCE N 72°06'16" E, 121.49 feet continuing along the south line of Mercer Parkway to a 1/2" iron rod with plastic cap found on the west line of the remainder of Tract 1, conveyed to Mercer Crossing Land, Ltd., recorded in Instrument No. 201400014671 OPRDCT;

THENCE S 15°31'49" E, 161.19 feet along the west line thereof;

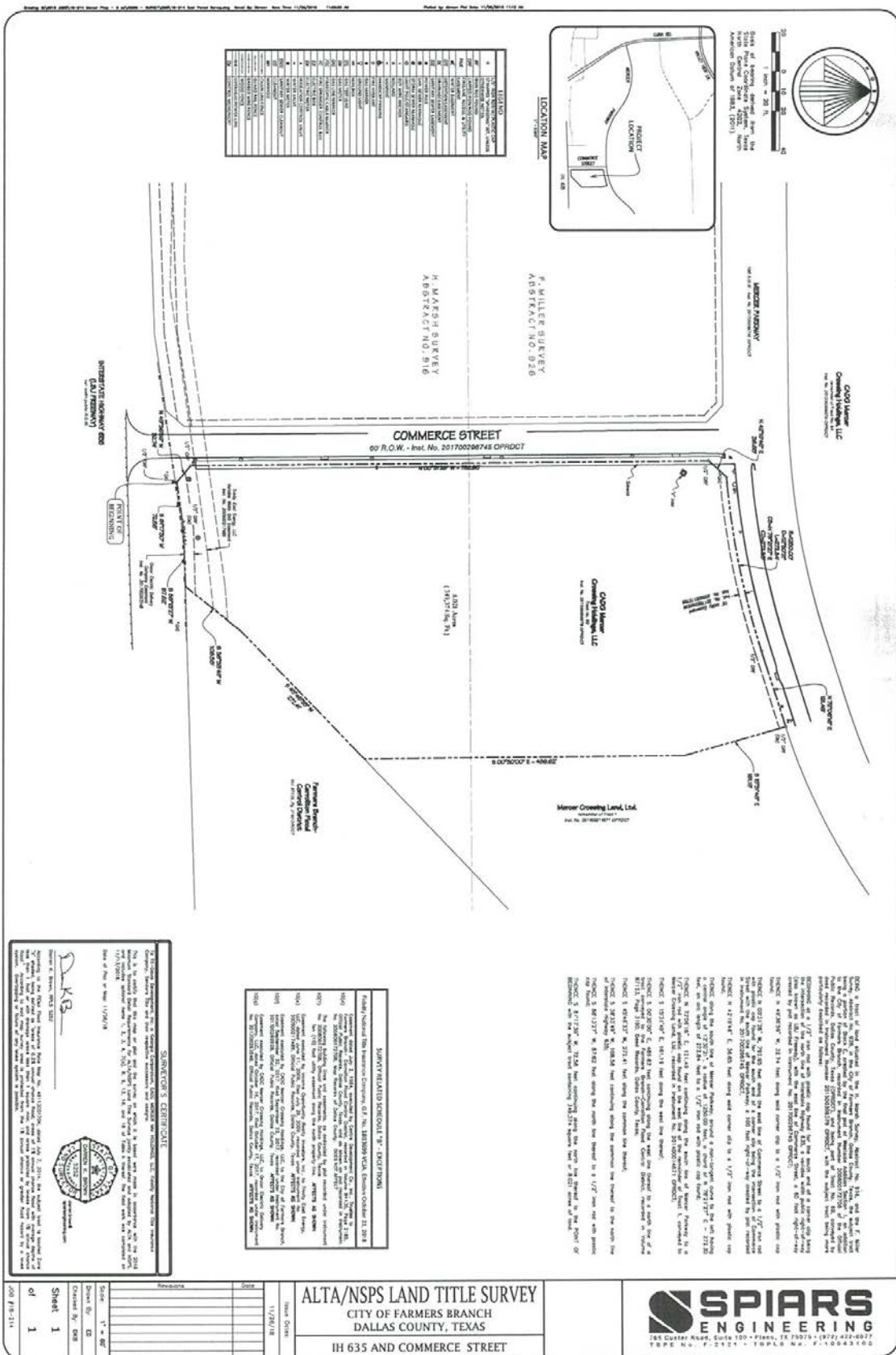
THENCE S 00°30'00" E, 489.62 feet continuing along the west line thereof to a north line of a tract conveyed to the Farmers Branch-Carrollton Flood Control District, recorded in Volume 87123, Page 3190, Deed Records, Dallas County, Texas;

THENCE S 45°46'33" W, 272.41 feet along the common line thereof;

THENCE S 38°33'49" W, 108.58 feet continuing along the common line thereof to the north line of Interstate Highway 635;

THENCE S 88°13'27" W, 87.62 feet along the north line thereof to a 1/2" iron rod with plastic cap found;

THENCE S 81°17'30" W, 72.58 feet continuing along the north line thereof to the POINT OF BEGINNING with the subject tract containing 349,374 square feet or 8.021 acres of land.







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Exhibit "C" - PD-88 Regulating Plan Amendment

