



# City of Farmers Branch

City Hall  
13000 Wm. Dodson Pkwy  
Farmers Branch, TX 75234

## Electronic Agenda Packet

### Planning and Zoning Commission

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Monday, June 13, 2016

7:00 PM

City Hall

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#### Study Session Meeting to be held at 6:00 PM in Study Session Room

Hard copies of the full Planning and Zoning Commission agenda packet are accessible the Friday prior to every regularly scheduled meeting at the following locations:

- 1) Manske Library
- 2) City Hall

Additionally, the agenda packet is available for download from the City's web site at [www.farmersbranchtx.gov](http://www.farmersbranchtx.gov). This download may be accessed from any computer with Internet access, including computers at the Manske Library and in the lobby of City Hall.

Any individual who wishes to speak on an agenda item should fill out a Registration Form for Appearance before the Planning and Zoning Commission (white card located in the back of the Council Chambers) and submit the completed card to City Administration member prior to the start of the meeting.

#### **A. STUDY SESSION**

- A.1 [TMP-1741](#) Discuss future officers for the Planning and Zoning Commission.
- A.2 [TMP-1757](#) Discuss regular agenda items.

#### **B. REGULAR AGENDA ITEMS**

- B.1 [TMP-1753](#) Consider approval of the Attendance Matrix for the Planning and Zoning Commission as presented and take appropriate action.
- B.2 [TMP-1752](#) Consider approval of the May 9, 2016 Planning and Zoning Commission minutes and take appropriate action.

#### **C. PUBLIC HEARING**

- C.1 [16-SU-10](#) Consider a request from Crown Castle USA for a Specific Use Permit to replace the expired Interm SUP for the existing cellular monopole tower located at 4515 LBJ Freeway and take appropriate action.





# City of Farmers Branch

Farmers Branch City Hall  
13000 Wm Dodson Pkwy  
Farmers Branch, Texas  
75234

## Staff Report

File Number: TMP-1741

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**Agenda Date:** 6/13/2016

**Version:** 1

**Status:** Study Session

**In Control:** Planning and Zoning Commission

**File Type:** Report

**Agenda Number:** A.1

**Discuss future officers for the Planning and Zoning Commission.**



# City of Farmers Branch

Farmers Branch City Hall  
13000 Wm Dodson Pkwy  
Farmers Branch, Texas  
75234

## Staff Report

File Number: TMP-1757

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**Agenda Date:** 6/13/2016

**Version:** 1

**Status:** Study Session

**In Control:** Planning and Zoning Commission

**File Type:** Report

**Agenda Number:** A.2

**Discuss regular agenda items.**



# City of Farmers Branch

Farmers Branch City Hall  
13000 Wm Dodson Pkwy  
Farmers Branch, Texas  
75234

## Staff Report

File Number: TMP-1753

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**Agenda Date:** 6/13/2016

**Version:** 1

**Status:** Regular Agenda

**In Control:** Planning and Zoning Commission

**File Type:** Report

**Agenda Number:** B.1

### **Consider approval of the Attendance Matrix for the Planning and Zoning Commission as presented and take appropriate action.**

#### BACKGROUND:

As stated in the City of Farmers Branch Ethics Handbook for Elected Officials & Advisory Board Members, all appointed members should make every effort to attend all regularly scheduled meetings. Any member failing to attend three (3) consecutive meetings without being excused for good cause may be removed by City Council. By excusing an absence the Commissioner is not penalized with using one of the three unexcused absences allowed in the Charter.

#### DISCUSSION:

A Comprehensive Attendance Matrix has been developed to keep record of these excused and unexcused absences.

Planning and Zoning Commission  
2016 Attendance Record

	Beck	Blackson	Brewer	De Los Santos	Hardie	Honnoll	O'Quinn	Reed	Yarbrough
Jan 11	◆	◆	◆	◆	◆	◆	◆	◆	
Jan 25	◆	◆	◆	◆	◆	◆	◆	◆	
Feb 8	✓	◆	◆	◆	◆	✓	◆	◆	
Feb 22	◆	◆	◆	◆	◆	◆	◆	◆	
Mar 14	◆	✓	◆	✓	◆	✓	◆	◆	
Apr 11	◆	✓	◆	◆	◆	✓	◆	◆	◆
Apr 25	◆	◆	◆	◆	◆	✓	✓	◆	◆
May 9	◆	◆	◆	◆	◆	✓	◆	◆	◆
May 23									
Jun 13									
Jun 27									
Jul 11									
Jul 25									
Aug 8									
Aug 22									
Sep 12									
Sep 26									
Oct 10									
Oct 24									
Nov 14									
Nov 28*									
Dec 12									
Dec 27*									

◆ Present    ✓ Excused    ✖ Unexcused



# City of Farmers Branch

Farmers Branch City Hall  
13000 Wm Dodson Pkwy  
Farmers Branch, Texas  
75234

## Staff Report

File Number: TMP-1752

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**Agenda Date:** 6/13/2016

**Version:** 1

**Status:** Regular Agenda

**In Control:** Planning and Zoning Commission

**File Type:** Minutes

**Agenda Number:** B.2

**Consider approval of the May 9, 2016 Planning and Zoning Commission minutes and take appropriate action.**



# City of Farmers Branch

City Hall  
13000 Wm. Dodson Pkwy  
Farmers Branch, TX 75234

## Meeting Minutes

### Planning and Zoning Commission

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Monday, May 9, 2016

7:00 PM

City Hall

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#### Study Session Meeting to be held at 6:00 PM in Study Session Room

Hard copies of the full Planning and Zoning Commission agenda packet are accessible the Friday prior to every regularly scheduled meeting at the following locations:

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#### A. STUDY SESSION

**Absent** 1 - Commissioner David Honnoll

**Present** 8 - Commissioner Jamie Reed, Commissioner Sergio De Los Santos, Vice Chairman Chuck Beck, Commissioner Bronson Blackson, Commissioner Jason O'Quinn, Chairman Nancy Hardie, Commissioner Chris Brewer, and Commissioner Tim Yarbrough

**Staff** 4 - Andy Gillies Director of Community Services, Alexis Jackson Senior Planner, Andreea D. Udrea Planner II, and Kenecia Brown Administrative Assistant I

A.1 [TMP-1724](#) **Discuss regular agenda items.**

A.2 [TMP-1740](#) **Continue discussion on the East Side Comprehensive Plan Voting results from the East Side Open House meeting.**

#### B. REGULAR AGENDA ITEMS

Chairperson Hardie called the meeting to order at 7:00 pm.

**B.1**    [TMP-1714](#)            **Consider approval of the April 25, 2016 Planning and Zoning Commission minutes and take appropriate action.**

**A motion was made by Commissioner Blackson, seconded by Vice Chairman Beck, that the Minutes be approved. The motion carried by the following vote:**

**Aye:** 8 - Commissioner Jamie Reed, Commissioner Sergio De Los Santos, Vice Chairman Beck, Commissioner Bronson Blackson, Commissioner Jason O'Quinn, Chairman Hardie, Commissioner Chris Brewer and Commissioner Tim Yarbrough

**B.2**    [TMP-1726](#)            **Consider approval of the Attendance Matrix for the Planning and Zoning Commission as presented and take appropriate action.**

**A motion was made by Commissioner Blackson, seconded by Commissioner Brewer, that the Attendance Matrix be approved. The motion carried by the following vote:**

**Aye:** 8 - Commissioner Jamie Reed, Commissioner Sergio De Los Santos, Vice Chairman Beck, Commissioner Bronson Blackson, Commissioner Jason O'Quinn, Chairman Hardie, Commissioner Chris Brewer and Commissioner Tim Yarbrough

**C.    PUBLIC HEARING**

**C.1**    [16-SU-05](#)            **Consider a request from Jesus House Dallas for a Specific Use Permit (SUP) for a church located at 2001 Academy Drive, and take appropriate action.**

Andreea Udrea, Planner II, gave a brief presentation stating that the undeveloped site (approximately .380 acre) is located on the northern side of Academy Dr. between Senlac Dr. and Hutton Dr. Located within PD-77, which permits a church or rectory with a specific use permit, the site is surrounded by existing light industrial and office uses. However, within the last year, a retail center and a multi-family community were approved within close proximity. The proposed site plan includes a 1-story building (approximately 26,810 sq. ft.) that will include a sanctuary, 15 classrooms, 7 offices, 2 large common areas, and a full service room. The proposed conceptual site elevations will include masonry materials with a combination of metal accents, concrete, and wood siding. Due to the interior configuration and the nature of the assembly, the height of the building will vary. The classrooms and offices will have a maximum 15 ft. ceiling height; the sanctuary and lobby ceilings will be 32 ft. in height. The applicant is also proposing to install a 5 ft. sidewalk on Senlac Dr. that will continue around to Academy Dr. and Hutton Dr. On the western edge of the property along Hutton Dr. there is a 50 ft. wide Atmos Gas easement that runs through the property. No parking is proposed on the easement and the applicant will work with Atmos Gas to acquire a permit for fire lane access to the northern side of the property.

The applicant is proposing to install a wall sign and a monument sign along Senlac

Dr. in compliance with the City sign ordinance. The proposed landscape plan is comprised of 20% of the site, to include natural open space, 80 new trees and shrubbery along the northern property line, a playground along Senlac, a community garden, and park area. To support business operations, the church will accommodate a maximum of 650 persons at a time, 5 full time employees, and 15 part time employees will work onsite. The facility will operate Wednesday from 6:30pm -9pm, Thursday and Friday from 9am - 5pm, and from 8am - 4pm on Sunday. The applicant is proposing to develop 275 parking spaces and 7 ADA parking spaces which will be compliant with the requirements of PD-77.

This specific use permit request comes with an associated site plan that also includes a special exception. The special exception refers to the setback of the parking lot. PD-77 states that for secondary streets such as Senlac and Hutton, no parking areas are allowed to exceed the building setback line. The setback line must be twice the building height which is 76 ft. in this case. Due to the amount of parking that is needed, this site plan proposes a 17 ft. setback for the parking lot along Senlac and a 52 ft. setback for the parking along Hutton. Staff supports this special exception due to the quality of the proposed landscape plan, the screening along Senlac and Hutton, and the placement of the proposed building in relation to the surrounding properties. 10 notification letters were mailed to surrounding properties within 200 ft. of the site; 1 letter of opposition was received.

Mr. Steve Howard (901 N. McDonald, McKinney, TX), representative for the applicant, approached the podium and gave a brief presentation on the history of the church, future growth, and intended use.

Mr. John Beasley (12920 Senlac Dr.), gave a presentation in opposition of the proposed church and expressed concerns of exponential growth and parking issues. Commissioner O'Quinn asked Mr. Beasley to explain how the proposed use of this property may affect the value of surrounding properties. Mr. Beasley stated that the parking and increased traffic flow will increase the likelihood of accidents and traffic congestion.

Chairperson Hardie asked if anyone from the public audience had questions or comments regarding this case; there being none, Chairperson Hardie closed the public hearing.

Commissioner Blackson asked about the weekly hours of operation. Mrs. Udrea stated that the facility will operate Wednesday from 6:30pm -9pm, Thursday and Friday from 9am - 5pm, and from 8am - 4pm on Sunday. Commissioner Blackson asked if there is any on-street parking. Mrs. Udrea stated that offsite parking doesn't count towards the parking ratio. Commissioner Blackson asked if surface parking agreements with neighboring tenants was an option. Mrs. Udrea stated that the applicant will be responsible for entering into a parking agreement as needed. Commissioner Blackson asked if the 3 ft. Berm was consistent with the Berm height that Monitronics was required to meet. Mrs. Udrea stated that Monitronics is located within PD-88 and has a taller Berm; the proposed property must meet a 3 ft. standard as required by PD-77.

Commissioner Brewer asked how many parking spaces were proposed. Mrs. Udrea stated that 257 spaces were proposed, with 1 space for every 3 seats in the auditorium, offices, and classrooms.

Vice Chairman Beck asked if the landscape plan included a play area or open space for the youth to enjoy. Mr. Howard stated that a playground is included in the plan.

Commissioner O'Quinn asked about the difference in tax revenues for the institutional and religious land use as opposed to other types of land use. Mr. Andy Gillies, Community Services Director, stated that the property taxes for a non-profit institution are minimal, however this type of data is not included when reviewing the case or any applicable land use laws. With the recent expansions of retail and residential land use within the area, Staff found the proposed property to be beneficial to PD-77. Staff did not find any hardships or detriments to the surrounding property owners within 300 feet of the property.

Vice Chairman Beck asked if the surrounding properties will be required to supplement the lost tax revenue. Mr. Gillies stated that no surrounding properties will be required to pay higher taxes as a result of the non-profit business.

Commissioner De Los Santos asked if the fire lane on Hutton Dr. has been reviewed. Mrs. Udrea stated that the fire hydrant, fire lane, curb radius, etc. have been reviewed by the Fire Capt. and meet the fire protection requirements.

Commissioner Blackson asked how the church will manage future growth. Mr. Howard stated that the church will expand to other locations as the church body grows.

Chairperson Hardie asked if any other Commissioners had any questions or comments regarding this case; there being none, Chairperson Hardie asked for a motion.

**A motion was made by Commissioner Blackson, seconded by Vice Chairman Beck, that this Specific Use Permit be recommended for approval. The motion carried by the following vote:**

**Nay:** 2 - Commissioner Jamie Reed and Commissioner Sergio De Los Santos

**Aye:** 6 - Vice Chairman Beck, Commissioner Bronson Blackson, Commissioner Jason O'Quinn, Chairman Hardie, Commissioner Chris Brewer and Commissioner Tim Yarbrough

## C.2 [16-SU-06](#)

**Consider a request from Grant Baxter for a Specific Use Permit for the construction of a detached accessory structure (exceeding 120 square feet in size) located at 14304 Olympic Court and take appropriate action.**

Alexis Jackson, Planning Manager, gave a brief presentation stating that the approximately 25,000 sq. ft. residential lot is located in the Brookhaven Subdivision

within the R-2 zoning district. Onsite is an existing 2-story single family residence (approx. 4,000 sq. ft.) and swimming pool. The applicant is requesting a specific use permit to build a detached accessory building (approx. 336 sq. ft.) in the fenced rear yard on the northwestern portion of the lot. The City of Farmers Branch CZO states that any detached residential accessory building over 120 sq. ft. must obtain an SUP. The proposed accessory building is anticipated to be used as an outdoor entertainment area with seating and a kitchen/grill. It will be comprised of cedar posts, beams, and composite shingles that match the primary residence. The 16'L x 21'W building will be located approx. 15 ft. from the residence and will sit 42 ft. from the rear property line and 76 ft. from the side property line, which complies with the setback requirement of 3 ft. 16 notification letters were mailed to surrounding properties within 200 ft. of the site; no letters of opposition were received.

Commissioner Reed asked about the setback requirements. Mrs. Jackson stated that the accessory building will exceed the required 3 ft. setback.

The applicant, Mr. Jeffery Gimes, approached the podium and gave a brief presentation detailing the remodeling of his home as a participant of the Demo Rebuild Program, highlighting the swimming pool construction, accessory building, and patio.

Commissioner O'Quinn asked Mr. Gimes if he has received any feedback from neighboring properties regarding the proposed accessory building. Mr. Gimes stated that he has not received any feedback from his neighbors.

Commissioner Blackson asked Mr. Gimes if he has experienced flooding in his rear yard during heavy storms. Mr. Gimes stated that the elevation of the holding pond drains the rain water into the creek and over onto the golf course.

Chairperson Hardie asked if anyone in the public audience had questions or comments regarding this case; there being none, Chairperson Hardie closed the public hearing.

**A motion was made by Commissioner O'Quinn, seconded by Commissioner Brewer, that this Specific Use Permit be recommended for approval. The motion carried by the following vote:**

**Aye:** 8 - Commissioner Jamie Reed, Commissioner Sergio De Los Santos, Vice Chairman Beck, Commissioner Bronson Blackson, Commissioner Jason O'Quinn, Chairman Hardie, Commissioner Chris Brewer and Commissioner Tim Yarbrough

## **D. ADJOURNMENT**

**A motion was made by Commissioner Blackson, seconded by Commissioner O'Quinn, that this meeting be adjourned at 7:41 pm. The motion carried by the following vote:**

**Aye:** 8 - Commissioner Jamie Reed, Commissioner Sergio De Los Santos, Vice Chairman Beck, Commissioner Bronson Blackson, Commissioner Jason O'Quinn, Chairman Hardie, Commissioner Chris Brewer and Commissioner Tim Yarbrough

Farmers Branch City Hall is wheelchair accessible. Access to the building and special parking are available at the main entrance facing William Dodson Parkway. Persons with disabilities planning to attend this meeting who are deaf, hearing impaired or who may need auxiliary aids such as sign interpreters or large print, are requested to contact the City Secretary at (972) 919-2503 at least 72 hours prior to the meeting.

#### **Certification**

I certify that the above notice of this meeting was posted on the bulletin board at City Hall on Thursday May 5, 2016 by Kenecia Brown.

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City Administration



# City of Farmers Branch

Farmers Branch City Hall  
13000 Wm Dodson Pkwy  
Farmers Branch, Texas  
75234

## Staff Report

File Number: 16-SU-10

Agenda Date: 6/13/2016

Version: 1

Status: Public Hearing

In Control: Planning and Zoning Commission

File Type: Specific Use Permit

Agenda Number: C.1

**Consider a request from Crown Castle USA for a Specific Use Permit to replace the expired Interm SUP for the existing cellular monopole tower located at 4515 LBJ Freeway and take appropriate action.**

### BACKGROUND:

Crown Castle USA is requesting a permit to continue the use of the existing tower. The site is located within the Planned Development District 40 (PD-40) zoning district.

### RECOMMENDATION:

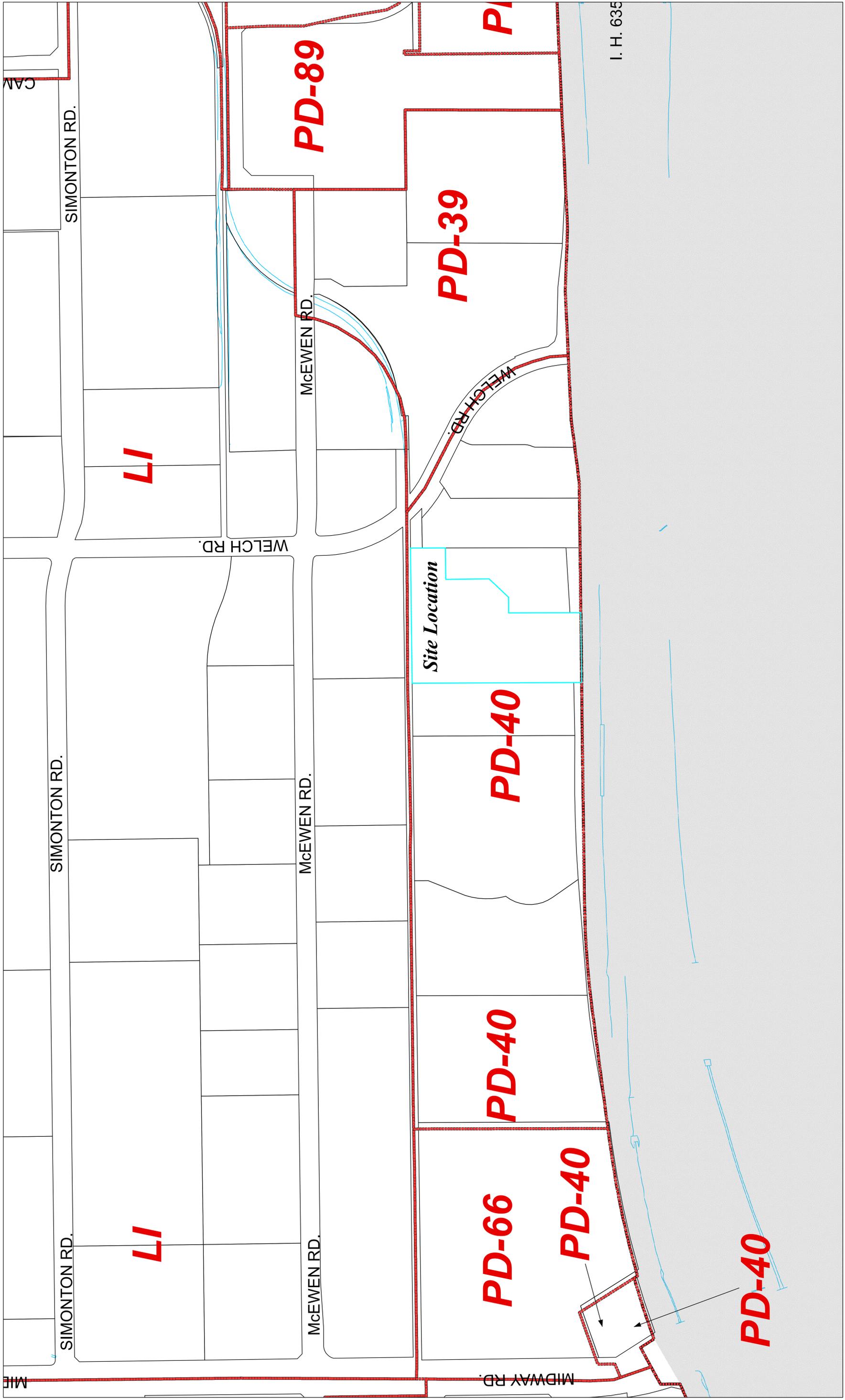
Staff recommends approval of this Specific Use Permit.

### ACTIONS:

1. Motion to recommend Approval of the Specific Use Permit as presented at this meeting.
2. Motion to recommend Denial of the Specific Use Permit as presented at this meeting.
3. Motion to recommend Approval with modifications of the Specific Use Permit.
4. Motion to continue discussion of this case at the next meeting.

### ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Staff Report
4. Notification Map
5. Summary of Mailed Notices

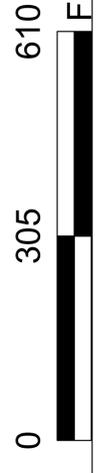


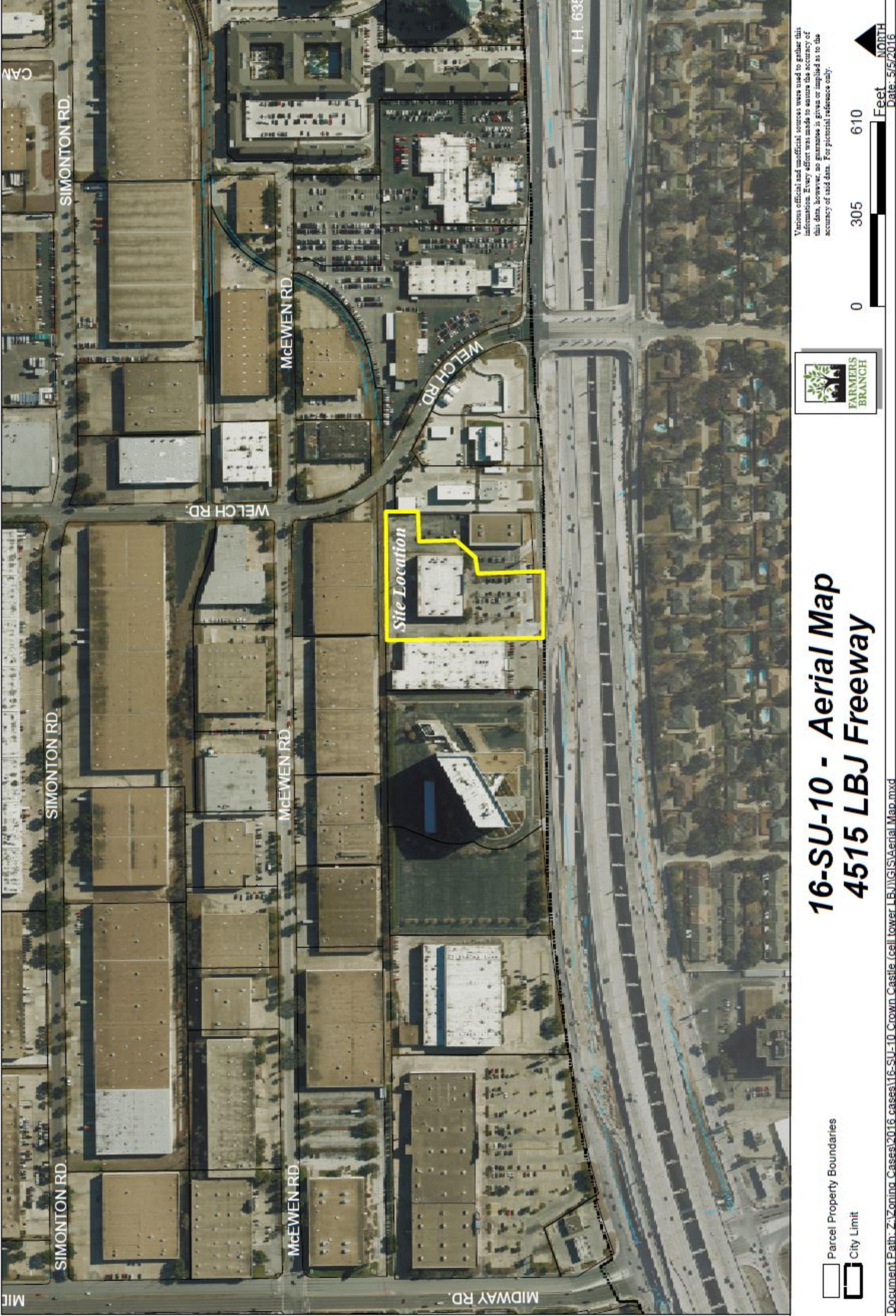
# 16-SU-10 - Location Map

## 4515 LBJ Freeway

-  Zoning District Boundary
-  Parcel Property Boundaries
-  City Limit

Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.





Site Location

# 16-SU-10 - Aerial Map 4515 LBJ Freeway

-  Parcel Property Boundaries
-  City Limit



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0 305 610

Feet NORTH

## STAFF REPORT

**Case Number:** 16-SU-10  
**Request:** Specific Use Permit  
**Address:** 4515 LBJ Freeway  
**Lot Size:** 5 acres  
**Petitioner:** Crown Castle USA Inc.

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### **Existing Conditions:**

The subject property is located north of the LBJ Freeway and is accessed by Welch Road and LBJ. The telecommunication tower site is approximately 400 feet north from the LBJ Freeway frontage. There is a monopole located behind the existing two-story building located on the property. This site is located within Planned Development No. 40 (PD-40) which require all telecommunication towers obtain a Specific Use Permit. This site is surrounded by commercial and light industrial land uses to north, and to the south by the LBJ Freeway.

The current Interim Specific Use Permit (Ordinance 2581) was for a period of 10 years and expired on January 08, 2011. This applicant, Crown Castle is requesting a new Specific Use Permit to replace the expired SUP and to allow continued telecommunications operations at this site for as long as the property owner allows.

### **Site Design:**

The subject property is owned by Dallas County and is the site of the old REI building. The tower owner/manager, Crown Castle USA Inc., leases the site (20' x 40') from the property owner. The cell tower and the ground equipment are existing and have been in place for 10 years. This SUP application proposes to extend the tower 15' in height. Currently the existing tower is 65' feet in height, therefore, if approved, the monopole tower would extend 80' tall.

The existing tower supports antennas and equipment for one carrier, AT&T, and the applicant is requesting the additional height for a future carrier. The ground equipment and monopole is located within Crown Castle's existing area and also includes an existing mechanical shelter (10' x 16') as well as a transformer. (See Site Plan and Elevations.)

In regards to the height increase and the proximity to the Addison airport, staff did verify that notification to the Federal Aviation Administration (FAA) is required for any tower construction or alteration of an antenna structure that is registered with the Commission. Towers that meet certain height and location criteria (generally towers more than 200 feet in height or located near an airport) will require notice to the FAA and registration with the FCC.

### **Parking:**

This site will not require any onsite employee or customer parking. Occasionally, maintenance workers and technicians may be on site, but no daily visitors. The site includes space for service trucks to be parked next to the telecommunications facility.

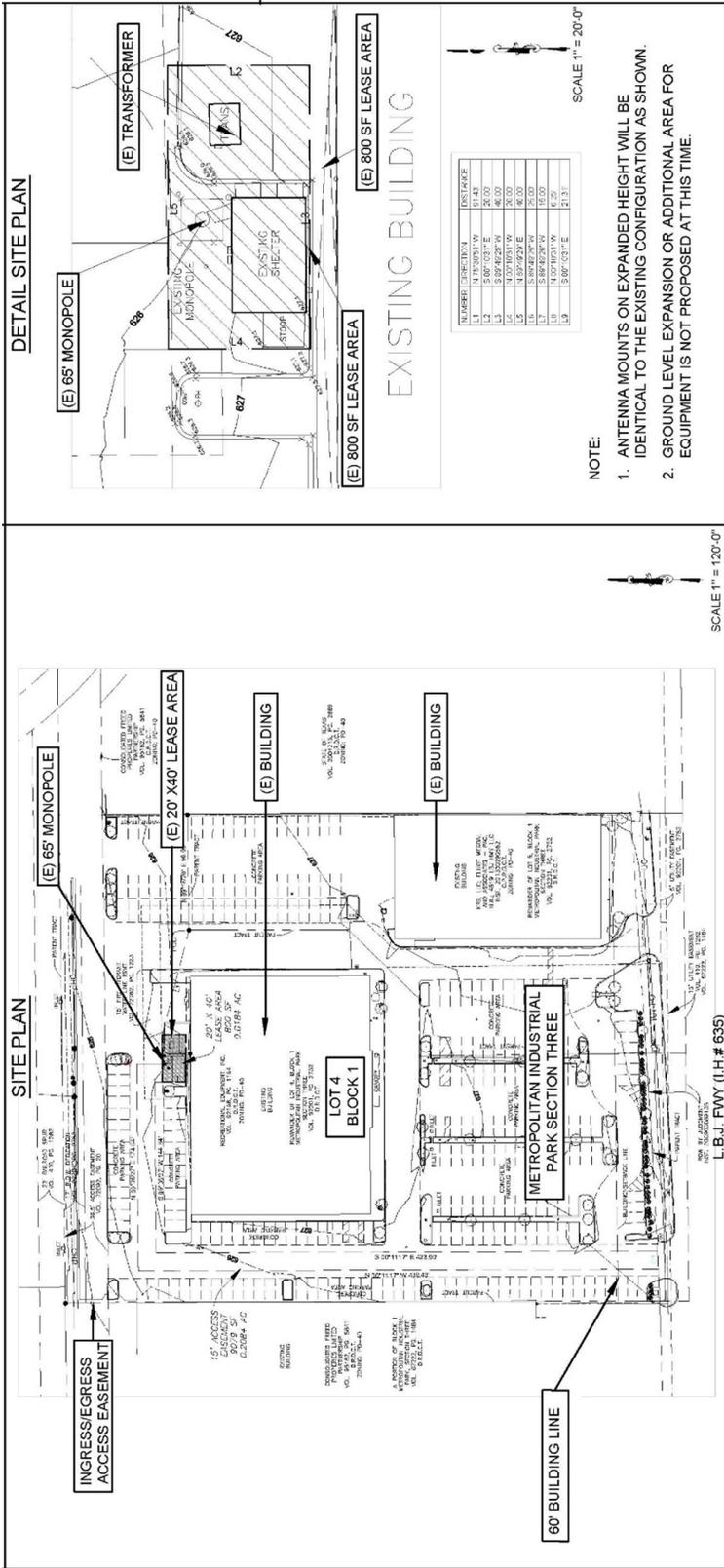
**Landscaping and Screening:**

No supplemental landscape or screening is required at this location. Additionally, staff did not find any opportunity for additional landscaping due to the location of the tower behind the existing building.

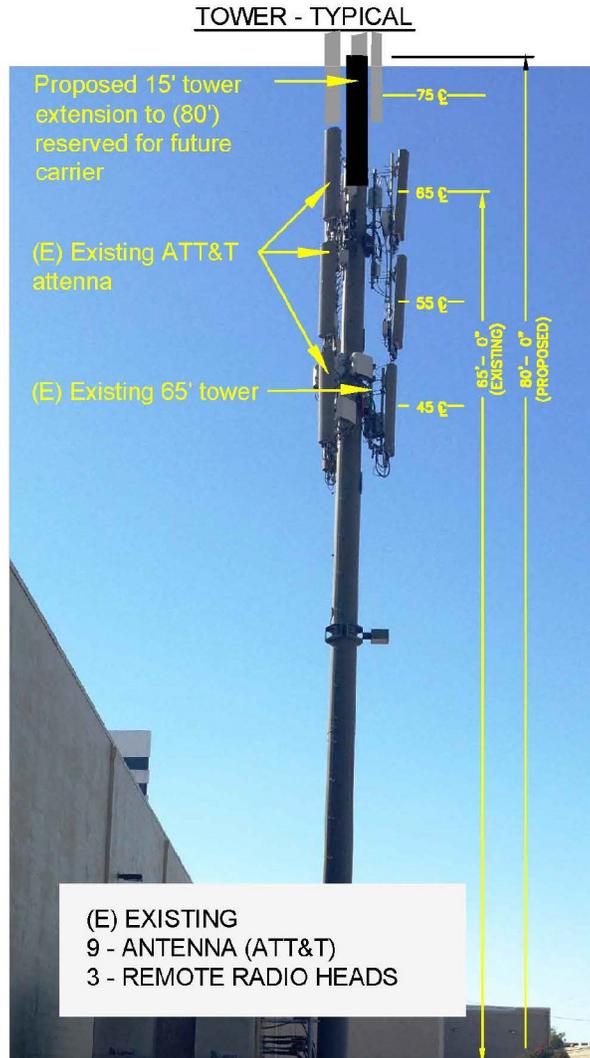
**Public Response:**

Eleven (11) notification letters were mailed to the surrounding property owners on June 10th, 2015. Two zoning notification signs were also placed on the site on that same day. As of May 31, 2016 no written opposition to this SUP request has been received by the City.

# SITE PLAN



# ELEVATIONS

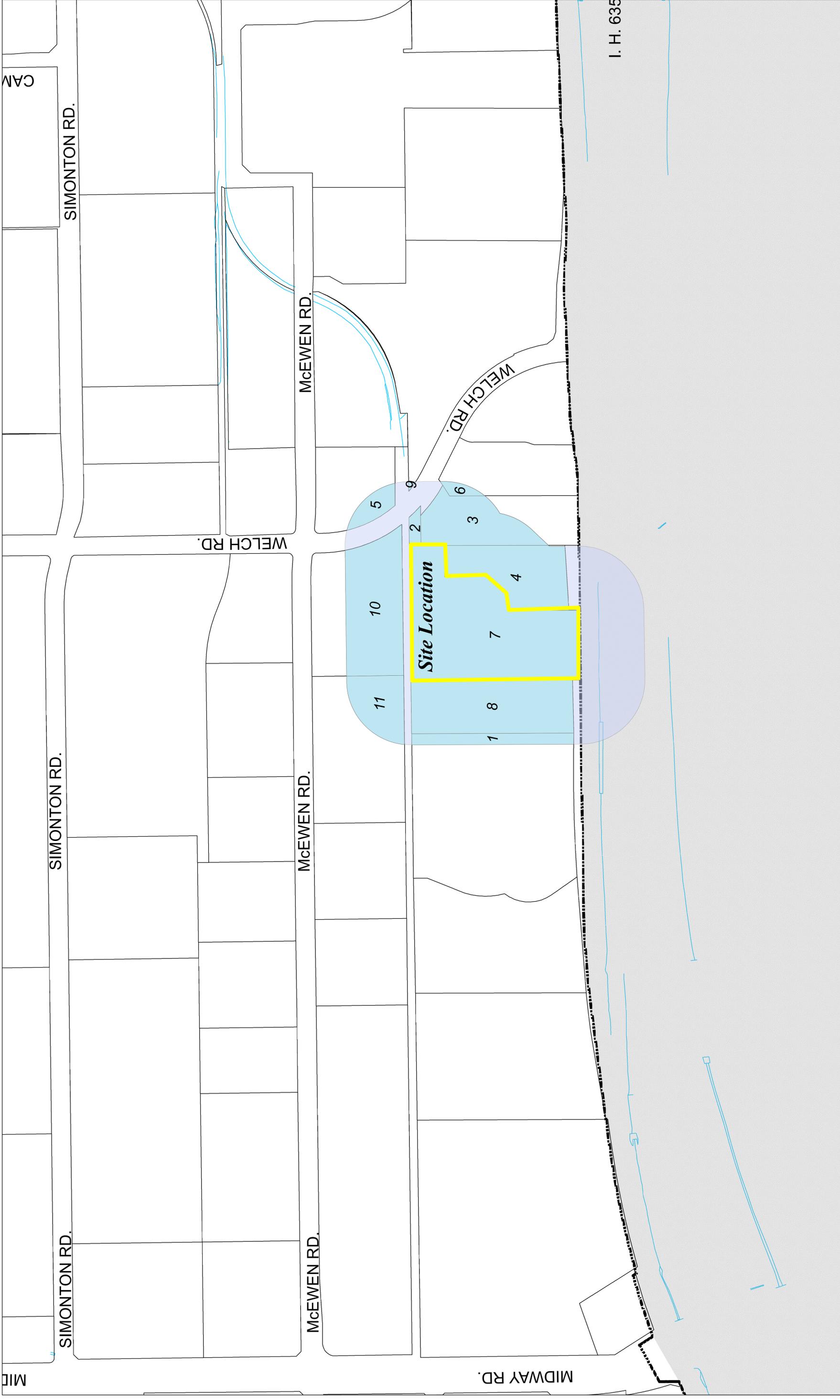


NOTE  
(P) PROPOSED 15' EXTENSION OF TOWER HEIGHT ALLOWS ONE (1) POTENTIAL FUTURE CARRIER TO CO-LOCATE ON THIS EXISTING STRUCTURE OR AT&T EXPANSION FOR 3 ADDITIONAL ANTENNA.

**SITE PHOTOGRAPHS**



NOT TO SCALE



# 16-SU-10 - Notification Map

## 4515 LBJ Freeway



Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.

-  Parcel Property Boundaries
-  City Limit



CAN

SIMONTON RD.

SIMONTON RD.

SIMONTON RD.

MID

McEWEN RD.

McEWEN RD.

McEWEN RD.

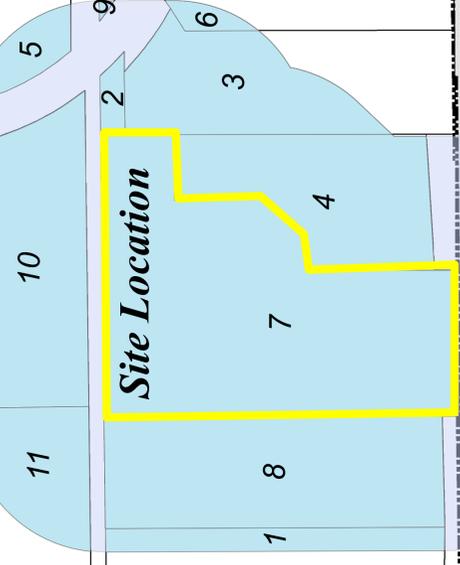
WELCH RD.

WELCH RD.

MIDWAY RD.

I. H. 635

Site Location



**Summary of Mailed Notices  
Property Owner List  
16-SU-10  
4515 LBJ Freeway**

<b>Map</b>	<b>First Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Written Response</b>
1	TOWN NORTH BANK	4455 LBJ Fwy Suite 812	Dallas	TX	75244-5931	No response
2	LAND ONLY	866 W Peachtree St NW	Atlanta	GA	30308-1123	No response
3	LBJ EXPRESS	PO BOX 133067	Dallas	TX	75313-3067	No response
4	GUITAR CENTER	433 N Camden Dr Suite 1070	Beverly Hills	CA	90210-4434	No response
5	UNOCCUPIED	4707 LBJ Fwy	Dallas	TX	75244-5909	No response
6	LBJ EXPRESS PROJECT PUBLIC INFORMATION CENTER	4777 US Highway 80 E	Mesquite	TX	75150-6642	No response
7	R E I	6750 S 228th ST	Kent	WA	98032-4803	No response
8	HAVERTYS FURNITURE	866 W Peachtree St NW	Atlanta	GA	30308-1123	No response
9	BANKSTON NISSAN	4707 LBJ Fwy	Dallas	TX	75244-5909	No response
10	AMERICAN FURNITUE MART/FURNITURE WORLD	8333 Douglas Ave Suite 1414	Dallas	TX	75225-5821	No response
11	LIBERTY Dallas/ROOMSTORE	2001 Ross Ave Suite 3400	Dallas	TX	75201-2966	No response



# City of Farmers Branch

Farmers Branch City Hall  
13000 Wm Dodson Pkwy  
Farmers Branch, Texas  
75234

## Staff Report

File Number: 16-SU-08

**Agenda Date:** 6/13/2016

**Version:** 1

**Status:** Public Hearing

**In Control:** Planning and Zoning Commission

**File Type:** Specific Use Permit

**Agenda Number:** C.2

**Consider a request from Pillar Income Asset Management to repeal and terminate the existing Specific Use Permit allowing a gas well drilling facility at 11500 Mathis Drive and take appropriate action.**

### BACKGROUND:

In October 2009 the City of Farmers Branch adopted Ordinance No. 3057 approving a Specific Use Permit for a natural gas well site on a 4.5 acres tract located east of the intersection of Mathis Avenue and Crown Drive, commonly known as 11500 Mathis Drive. Due to recent zoning amendments adjacent to the site, Pillar Income Asset Management is requesting the repeal and termination of the existing gas well SUP

### RECOMMENDATION:

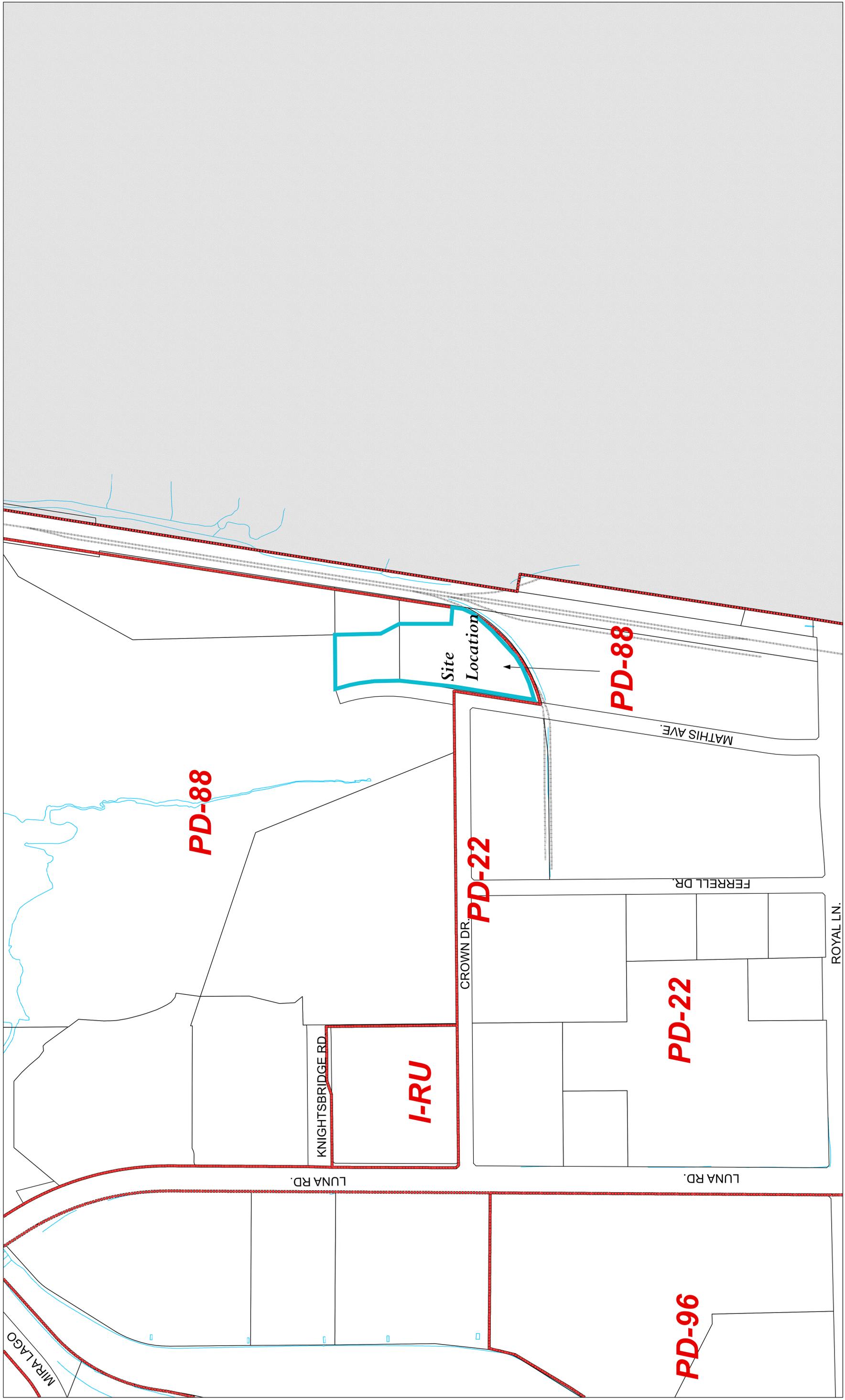
Staff recommends the repeal of this gas well Specific Use Permit described in Ordinance No. 3057.

### ACTIONS:

1. Motion to recommend Approval of the repeal of the Specific Use Permit as described in Ordinance No. 3057.
2. Motion to recommend Denial of the repeal of the Specific Use Permit as described in Ordinance No. 3057.
3. Motion to continue discussion on this case at the next meeting.

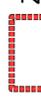
### ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Staff Report
4. Gas Well No build Zone Exhibit
5. Gas Well Network Map
6. Ordinance 3057 creating the gas well SUP
7. Proposed Ordinance repealing 3057
8. Notification Map
9. Summary of Mailed Notices



# 16-SU-08 - Location Map

## 11500 Mathis Ave.

-  Zoning District Boundary
-  Parcel Property Boundaries
-  City Limit

Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.





Site Location

# 16-SU-08 - Aerial Map 11500 Mathis Ave.

-  Parcel Property Boundaries
-  City Limit



Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.

0 405 810

Feet



NORTH

## STAFF REPORT

**Case Number:** 16-SU-08  
**Request:** Consider the request for repeal and termination of the existing Specific Use Permit allowing a natural gas well site on a 4.55 acre tract located east of the intersection of Mathis Drive and Crown Drive and approximately 1,900 feet east of Luna Road  
**Address:** 11500 Mathis Drive  
**Lot Size:** 4.55 Acres  
**Petitioner:** Pillar Income Asset Management

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### Existing Conditions:

The subject property is currently an undeveloped 4.55 acre lot located along the eastern side of Mathis Drive, adjacent to the intersection with Crown Drive. The site is surrounded by commercial or industrial land uses. To the west of the site (on the southwest corner of the Mathis /Crown intersection) is an existing business park. Most of the occupants in this business park are small and intermediate businesses requiring both office and warehouse space. To the south and east of the site are active railroad tracks (formerly owned by Burlington Northern and now by the City of Dallas) and additional warehouse or industrial uses. To the north of the site is undeveloped commercial land.

This site is located within Planned Development District 88 (PD-88), also known as the Mercer Crossing Form-Based Code. In 2008, the City amended the Comprehensive Zoning Ordinance to allow gas well land uses within this zoning district with granting of a Specific Use Permit. In 2009 the City approved the second Specific Use Permit for a gas well site at this location, 11500 Mathis Drive, with the adoption of Ordinance No. 3057 (See attached).

Currently Mathis Drive terminates at the intersection with Crown Drive. Future development plans for this area, however, includes an expansion of Knightsbridge Road to the west of the site. Earlier this year the city approved an amendment to PD-88 establishing the property immediate to the west of this site to be development for new multi-family community. With this new change in land use immediately next door to this industrial site, the existing property owner, Pillar Income, has requested this existing Gas Well SUP be repealed and terminated.

### Comprehensive Plan:

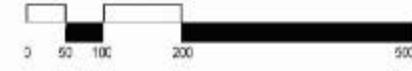
The West Side Plan was developed in 2003. Within the West Side Plan, this area was generally identified for open space and employment use.

### Thoroughfare Plan:

This site only has street access to the future northern extension of Mathis Drive. Future Mathis Drive is planned to be is a 4 lane undivided street, however, no construction date has been estimated or budget established for this road improvement at this time.

**PROJECT DATA**

<b>ZONING:</b>	EXISTING - PD-88	
	PROPOSED - PD	
<b>UNIT AVERAGE NET SF:</b>	900 S.F.	
<b>TOTAL UNIT:</b>	840	
	PHASE I: 420	
	PHASE II: 420	
<b>TOTAL ACREAGE:</b>	30.1 NET ACRES	
	PHASE I: 15.0 NET ACRES	
	PHASE II: 15.1 NET ACRES	
<b>DENSITY:</b>	28 UNITS/ ACRE TOTAL ACREAGE	
	PHASE I: 28 UNITS/ ACRE	
	PHASE II: 28 UNITS/ ACRE	
<b>BUILDING AREA:</b>	PHASE I: 550,000 S.F.	
	PHASE II: 555,000 S.F.	
<b>AMENITY SPACE:</b>	PHASE I: 11,500 S.F.	
	PHASE II: 8,500 S.F.	
<b>PARKING:</b>	PROVIDED 1302	(1.55 PARKING/ UNIT)
	PHASE I: SURFACE - 451	
	GARAGE - 200	
	PHASE II: SURFACE - 441	
	GARAGE - 210	



**ARCHITECTURE DEMAREST**  
 227 Valero St. Dallas, TX 75207 T: 214.748.9600 F: 214.748.9063

**Conceptual Site Plan**  
**Scale: 1" = 100' - 0"**

**JPI Mercer Crossing**  
**Farmers Branch, Texas**  
**01/19/2016**

**VALLEY VIEW LN**

**MERCER PKWY**

**TRINITY WEST ADDITION (C7)**

**TRINITY EAST ADDITION (C3)**

**IH 635**

**TRINITY SOUTH ADDITION (C4)**

**LUNA RD**

**ROYAL LN**

**Burlington Northern R.R. (City of Dallas)**





FARMERS  
BRANCH

**ORDINANCE NUMBER 3057**

**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 WELL SITE ON A 4.55 ACRE TRACT LOCATED EAST OF THE INTERSECTION OF MATHIS DRIVE AND CROWN DRIVE APPROXIMATELY 1900 FEET EAST OF LUNA ROAD AND WITHIN PLANNED DEVELOPMENT 88 (PD-88) ZONING DISTRICT; ADOPTING A SITE PLAN, SPECIAL EXCEPTIONS, AND SPECIAL CONDITIONS; PROVIDING FOR A REPEALING CLAUSE; 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:**

**SECTION 1.** That 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 so as to grant a Specific Use Permit to allow a natural gas well site on a 4.55-acre tract located east of the intersection of Mathis Drive and Crown Drive approximately 1900 feet from Luna Road (11500 Mathis Drive) and within Planned Development 88 (PD-88) zoning district (hereinafter the "Property"), 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.** That 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) To allow the proposed concrete wall and fence to be located within the thirty foot (30.0') front setback along existing and future Mathis Drive as shown on Exhibit "B"-Site Plan (Landscape Plan Details).
- (2) To allow the use of eight inch (8.0") flex-based gravel (compressed to support at least 80,000 vehicles) for fire lanes, travel-ways and parking areas within the site.

**B. Special Conditions:**

- (1) A final plat of the Property must be approved and recorded prior to issuance of a Building Permit or Gas Well Permit for the site.
- (2) Installation of all sidewalk, streetlights, landscaping and fence improvements as shown on the Site Plan (Exhibit "B") shall be completed not later than nine (9) months after the date of the issuance of a Building Permit or Gas Well Permit for the site.
- (3) If the operator who obtains a Gas Well Permit for the drilling and production of natural gas on and from the Property commences drilling one or more gas wells on the Property and subsequently abandons all such drilling and/or production activities, and such abandonment occurs prior to the completion of construction of the improvements required by the Special Condition set forth in Paragraph (2), above, the Property must be restored to the condition of the Property prior to the adoption of this Ordinance, said restoration to be completed not later than three (3) months after the abandonment.
- (4) No activity for the exploration, drilling, or production of oil, gas, or other minerals shall occur on the Property until the holder of the Gas Well Permit authorizing such activities on the Property has signed a Right-of Way Maintenance and Repair Agreement with the City of Farmers Branch.

**SECTION 3.** That all provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** That 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.** That 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 6<sup>TH</sup> DAY OF OCTOBER, 2009.**

ATTEST:

  
\_\_\_\_\_  
Cindee Peters, City Secretary

APPROVED:

  
\_\_\_\_\_  
Tim O'Hare, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Peter G. Smith, City Attorney

## Exhibit A- Legal Description

### LAND DESCRIPTION

Being a tract of land situated in the William M. Cochran Survey, Abstract No. 279, Dallas County, Texas and being a portion of Lot 2R, Block C, Luna 635 Business Park, an addition to the City of Farmers Branch, Texas as recorded in Volume 80017, Page 2039 of the Deed Records of Dallas County, Texas and also being a portion of those certain tracts of land as described in deeds to Transcontinental Realty Trust, Inc. as recorded in Volume 2000030, Page 4607 and Volume 2002176, Page 10952 of the Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8 inch iron rod set with "Pate" cap at the intersection of the northerly right of way line of Crown Drive (64 foot wide right-of-way) and the easterly right-of-way line of Mathis Drive (64 foot wide right-of-way) according to the plat of said Luna 635 Business Park;

**THENCE** North 13 degrees 54 minutes 20 seconds East, departing the right-of-way lines of said Crown Drive and Mathis Drive, a distance of 10.58 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** North 08 degrees 53 minutes 00 seconds East, a distance of 159.86 feet to a 5/8 inch iron rod set with "Pate" cap at the beginning of a curve to the left, having a central angle of 27 degrees 16 minutes 55 seconds, a radius of 682.00 feet and being subtended by a 321.68 foot chord which bears North 04 degrees 45 minutes 28 seconds West;

**THENCE**, along said curve to the left in a northwesterly direction, an arc distance of 324.74 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** North 89 degrees 32 minutes 34 seconds East, a distance of 223.47 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** South 01 degrees 24 minutes 10 seconds East, a distance of 188.12 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** South 27 degrees 51 minutes 18 seconds East, a distance of 133.99 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** South 11 degrees 35 minutes 46 seconds West, a distance of 202.04 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** South 89 degrees 42 minutes 29 seconds East, a distance of 90.79 feet to a 5/8 inch iron rod set with "Pate" cap for a corner on the westerly line of that certain 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;

**THENCE** South 08 degrees 50 minutes 28 seconds West, along the westerly line of said City of Dallas tract, a distance of 39.32 feet to a 5/8 inch iron rod set with "Pate" cap at the beginning of a non-tangent curve to the right, having a central angle of 48 degrees 13 minutes 44 seconds, a radius of 603.29 feet and being subtended by a 492.96 foot chord which bears South 52 degrees 20 minutes 12 seconds West;

**THENCE**, along said curve to the right in a southwesterly direction, an arc distance of 507.82 feet to a 5/8 inch iron rod set with "Pate" cap for a corner on the easterly right-of-way line of the aforementioned Mathis Drive;

**THENCE** North 08 degrees 48 minutes 13 seconds East, along the easterly right-of-way line of said Mathis Drive, a distance of 358.62 feet to the **POINT OF BEGINNING** and containing 198,520 Square Feet or 4.557 acres of land, more or less.



# Exhibit B – Site Plan- (Production Phase)

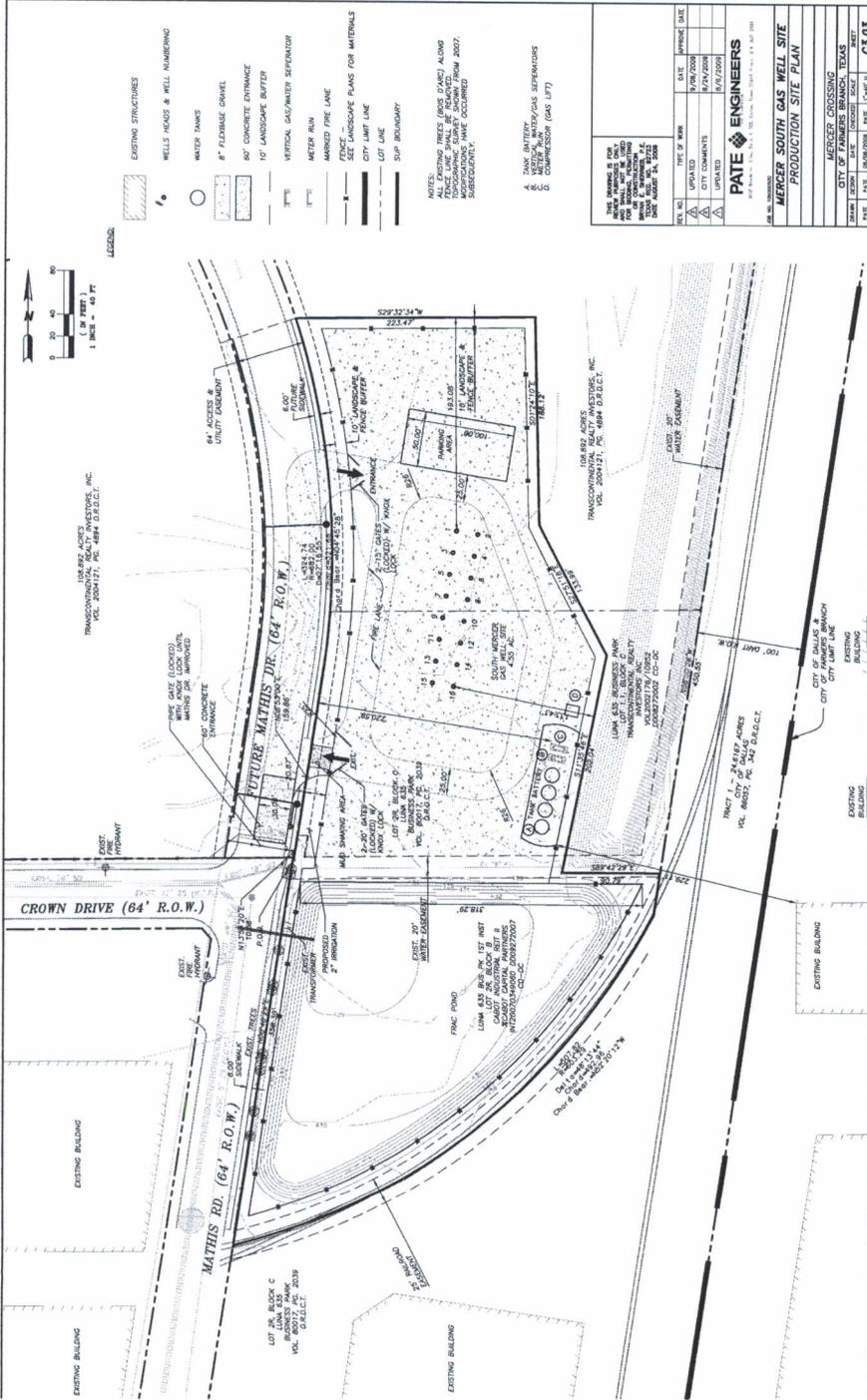
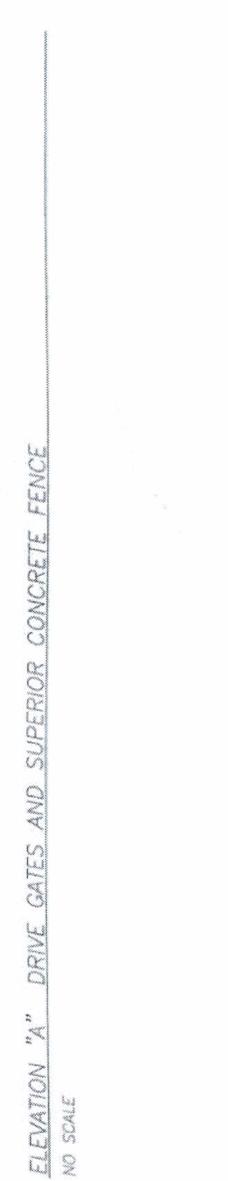
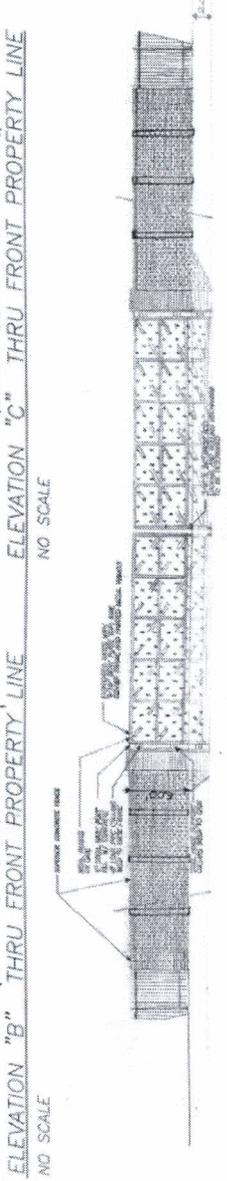
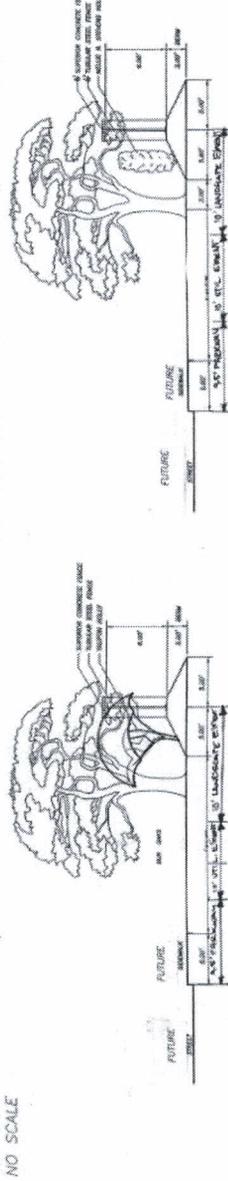
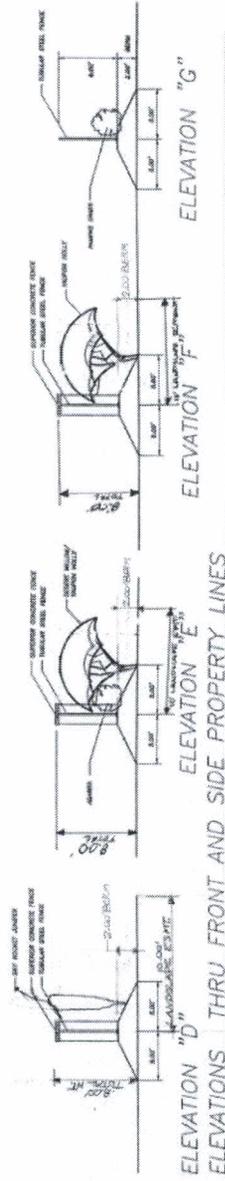




Exhibit B – Site Plan- (Landscape and Wall Details)



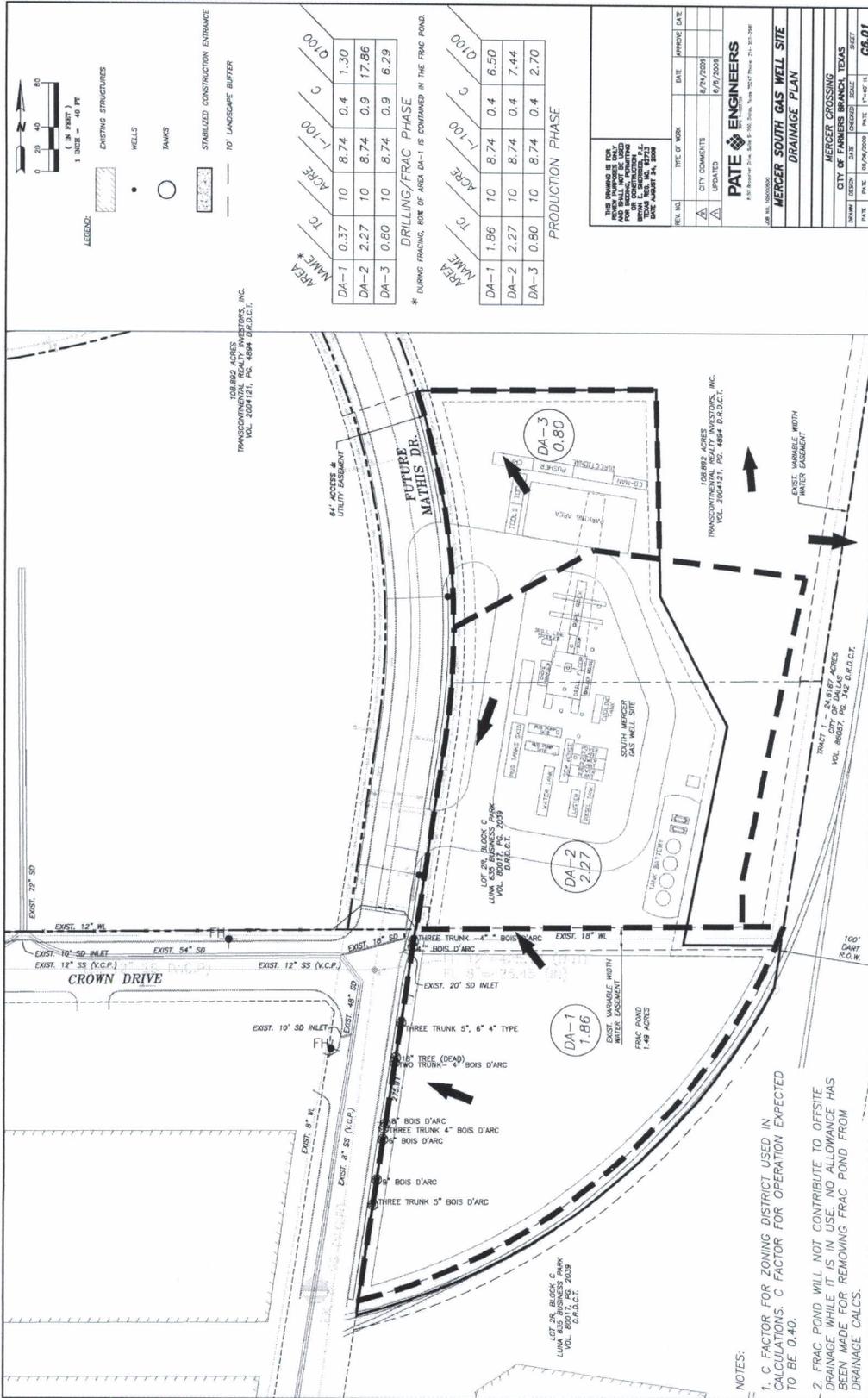
REV. NO.	DESCRIPTION	DATE	BY	CHKD.

MICHAEL ZEFFRACH & ASSOCIATES, INC.  
 200 N. W. 100th Ave.  
 Suite 100  
 Fort Lauderdale, FL 33309  
 Phone: (954) 571-1111  
 Fax: (954) 571-1112

MERCER SOUTH GAS WELL SITE  
 LANDSCAPE  
 CONSTRUCTION DETAILS

MERCER CROSSING  
 CITY OF FARMERS BRANCH, TEXAS  
 DRAWN: J. GARDNER DATE: 08/02/2008 SCALE: AS SHOWN  
 PLOT NO.: 14.000 DATE: 08/02/2008 SHEET NO.: C6.01

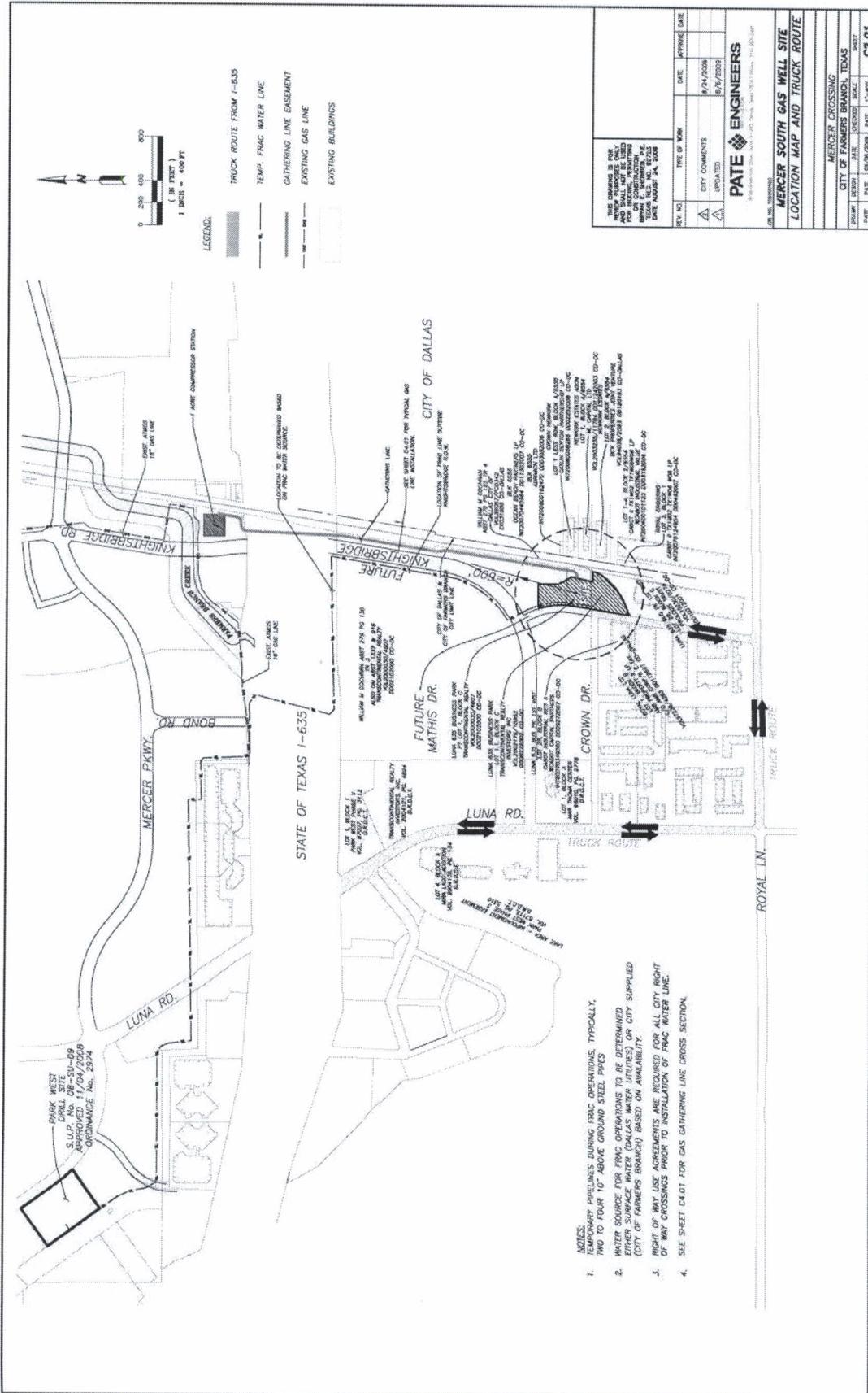
# Exhibit B – Site Plan- ( Drainage )







# Exhibit B – Site Plan- ( Gas Well Network Plan)





**ORDINANCE NO. \_\_\_\_**

**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 REPEALING ORDINANCE NO. 3057 GRANTING A SPECIFIC USE PERMIT FOR A GAS WELL SITE ON A 4.22 ACRE TRACT LOCATED EAST OF THE INTERSECTION OF MATHIS DRIVE AND CROWN DRIVE APPROXIMATELY 1900 FEET EAST OF LUNA ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; 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 the Zoning Map of the City of Farmers Branch, Texas, be, and the same are hereby amended, by repealing Ordinance No. 3057 granting a Specific Use Permit for a Gas Well Site on a 4.22-acre tract located east of the intersection of Mathis Drive and Crown Drive approximately 1900 feet from Luna Road (11500 Mathis Drive) more particularly described in Exhibit "A" of said Ordinance No. 3057 ("the Property"), and terminating all rights granted in said ordinance for use and development of the Property for a gas well site.

**SECTION 2.** 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 3.** 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 4.** 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 \_\_\_\_ DAY OF JULY, 2016.**

ATTEST:

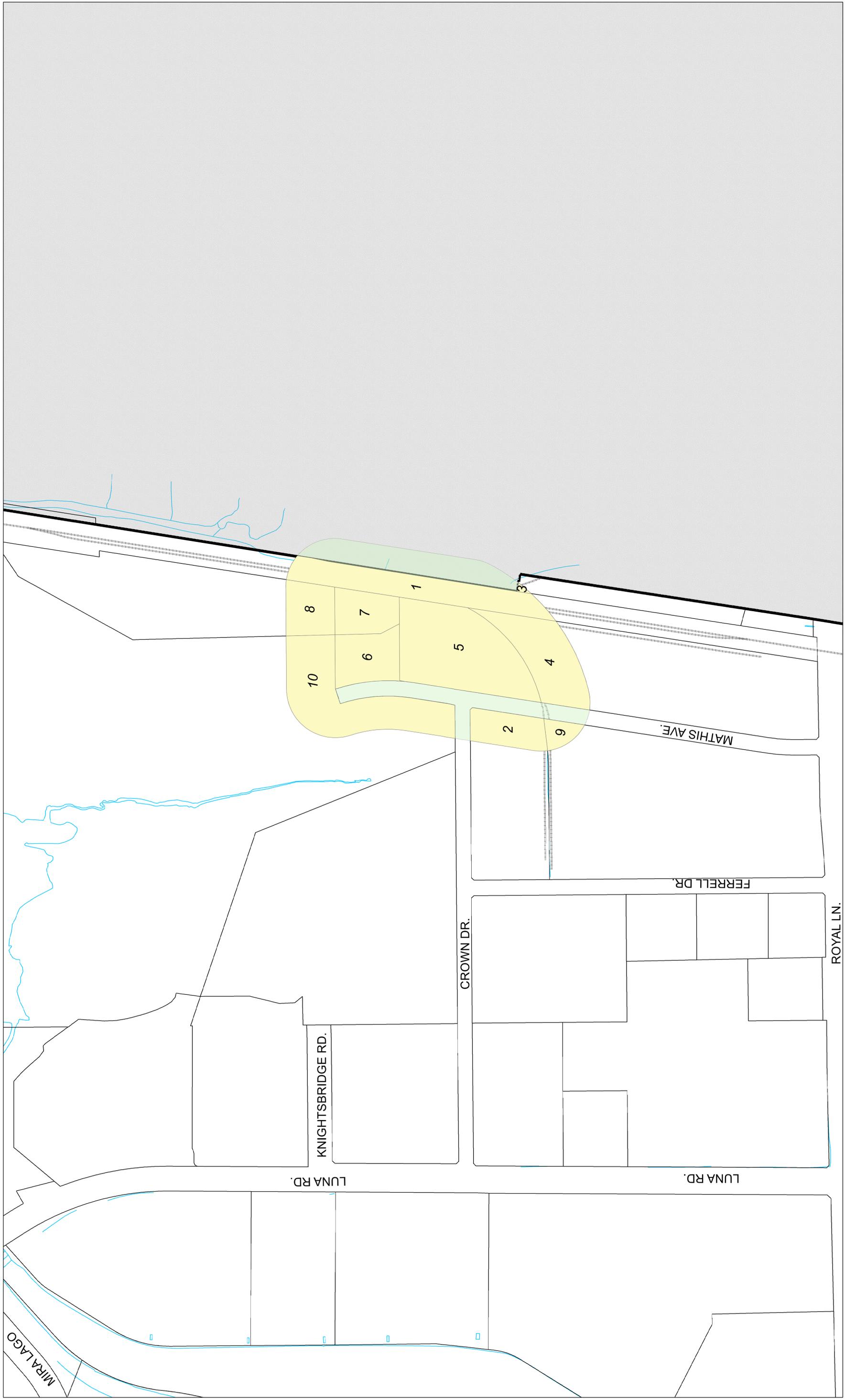
APPROVED:

\_\_\_\_\_  
Amy Piukana, City Secretary

\_\_\_\_\_  
Bob Phelps, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter G. Smith, City Attorney  
(kbl:5/27/16:77141)



Parcels2015\_Clip22

City Limit

Parcel Property Boundaries



Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.

0 400 800 Feet



# 16-SU-08 - Notification Map

## 11500 Mathis Ave.

**Summary of Mailed Notices  
Property Owner List  
16-SU-08  
11500 Mathis Ave**

<b>Map</b>	<b>First Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Written Response</b>
1	DALLAS CITY OF	1500 Marilla St	Dallas	TX	75201-6318	No response
2	COLFIN COBALT I II OWNER LLC	2450 Broadway Suite 600	Santa Monica	CA	90404-3591	No response
3	CABOT II TX1M02	1 Beacon St Suite 1700	Boston	MA	02108-3106	No response
4	CATELLUS OPERATING LTD PS	4545 Airport Way	Denver	CO	80239-5716	No response
5	TRANSCONTINENTAL REALTY INVESTORS INC	1603 LBJ Fwy Suite 300	Dallas	TX	75234-6057	No response
6	2M HOLDINGS LP	1603 LBJ Fwy Suite 300	Dallas	TX	75234-6057	No response
7	TCI MANHANTTAN 2 LLC	1603 LBJ Fwy Suite 300	Dallas	TX	75234-6057	No response
8	TCI MANHANTTAN 2 LLC	1603 LBJ Fwy Suite 300	Coppell	Texas	750196907	No response
9	AMB PROPERTY II LP	14305 Olympic Ct	Farmers Branch	Texas	752343878	No response
10	2M HOLDINGS LP	14371 Olympic Dr	Farmers Branch	Texas	752343831	No response



# City of Farmers Branch

Farmers Branch City Hall  
13000 Wm Dodson Pkwy  
Farmers Branch, Texas  
75234

## Staff Report

File Number: 16-SU-09

Agenda Date: 6/13/2016

Version: 1

Status: Public Hearing

In Control: Planning and Zoning Commission

File Type: Specific Use Permit

Agenda Number: C.3

**Consider a request from Centurion American to repeal and terminate the existing Specific Use Permit allowing a gas well drilling facility at 12651 Mercer Parkway and take appropriate action.**

### BACKGROUND:

In March 2011 the City of Farmers Branch adopted Ordinance No. 3129 approving a Specific Use Permit for a natural gas exploration and drilling activity on a 4.2 acres tract located on the west side of Mercer Parkway commonly known as 12651 Mercer Parkway. With the recent approval of Planned Development No. 99 (PD-99). Centurion American is requesting the repeal and termination of the existing Gas Well SUP.

### RECOMMENDATION:

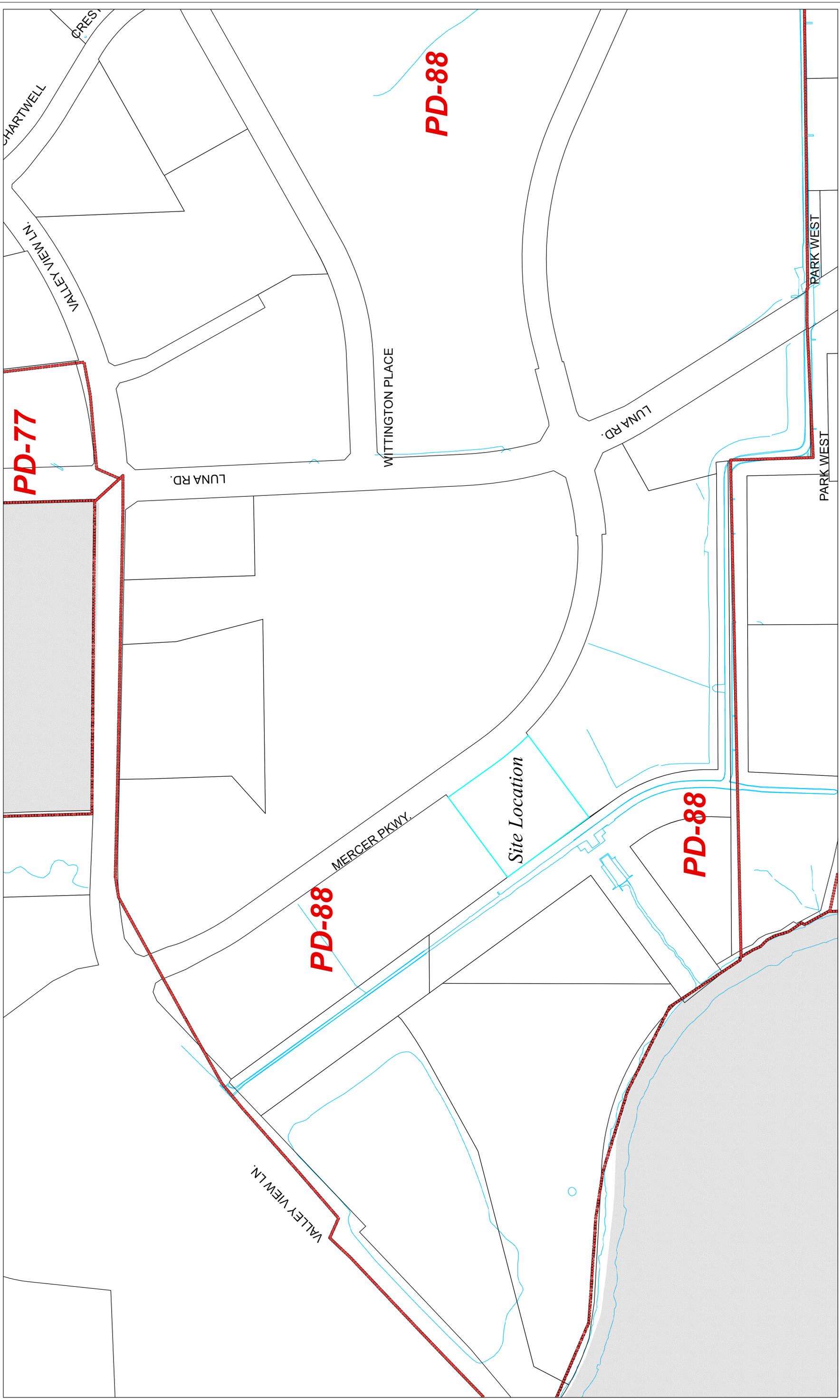
Staff recommends repeal and termination of this Specific Use Permit as described in Ordinance No. 3129.

### ACTIONS:

1. Motion to recommend Approval of the repeal of the Specific Use Permit as described in Ordinance No. 3129.
2. Motion to recommend Denial of the repeal Specific Use Permit removal as described in Ordinance No. 3129.
3. Motion to continue discussion on this case at the next meeting.

### ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Staff Report
4. PD-99 Conceptual Site Plan
5. Ordinance 3129 creating gas well SUP
6. Proposed Ordinance repealing 3129
7. Site Photographs
8. Notification Map
9. Summary of Mailed Notices



-  Zoning District Boundary
-  Parcel Property Boundaries
-  City Limit

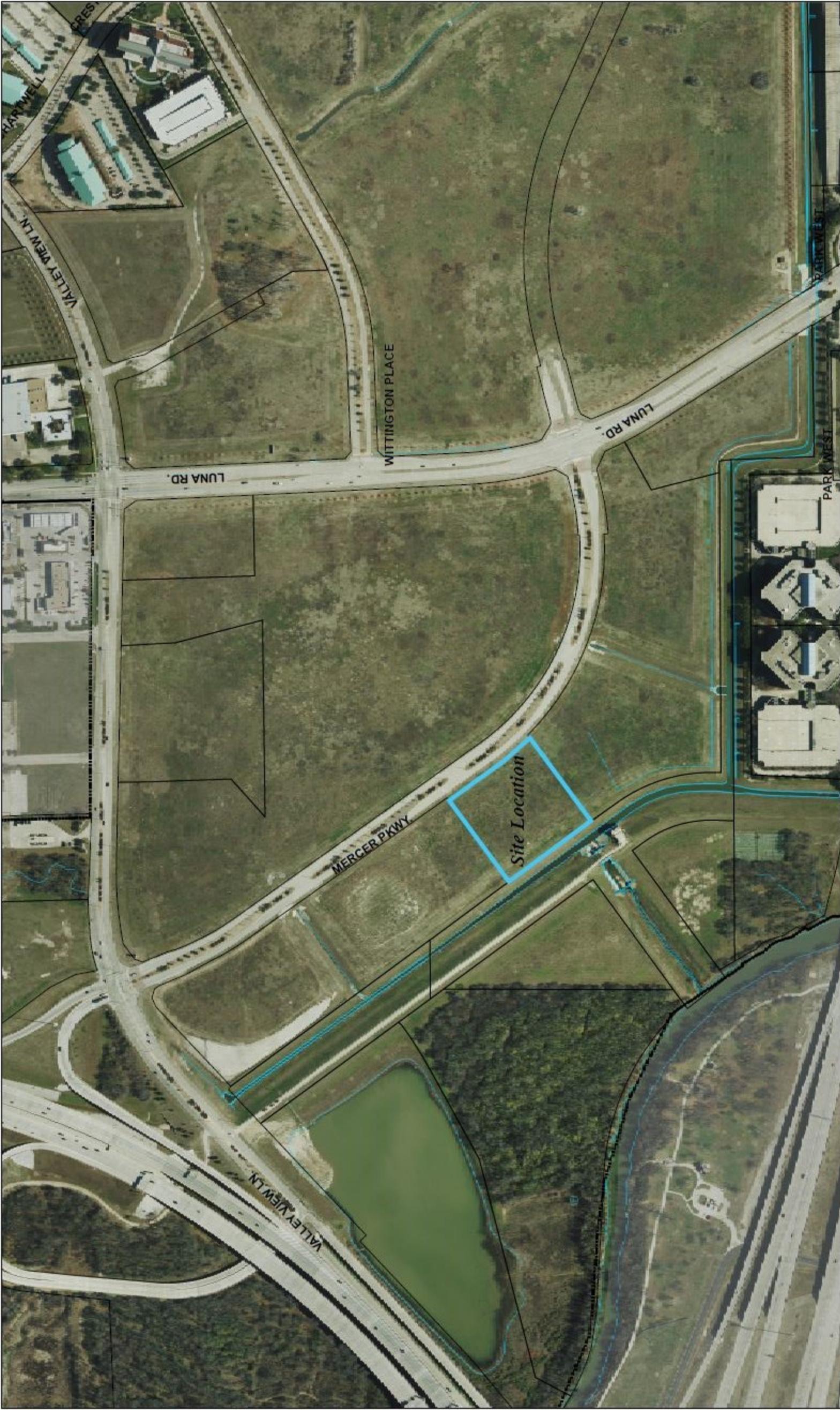
# 16-SU-09 - Location Map

## 12651 Mercer Parkway



Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.





# 16-SU-09 - Aerial Map

## 12651 Mercer Parkway



- Parcel Property Boundaries
- City Limit

Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.



## STAFF REPORT

**Case Number:** 16-SU-09  
**Request:** Repeal and terminate the existing Specific Use Permit , associated Site Plan, and three Special Exceptions for a Gas Well Site located along Mercer Parkway approximately 1,150 feet from Luna Road as outlined in Ordinance No. 3129.  
**Address:** 12651 Mercer Parkway  
**Lot Size:** 4.2 acres  
**Petitioner:** Centurion American

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### **Existing Conditions:**

The subject property is currently an undeveloped 4.2 acre lot located along the western side of new Mercer Parkway, approximately midway between Valley View Lane and Luna Road. There are no existing buildings immediately adjacent to the site. The closest permanent structure to the site is an unoccupied water pump house located approximately 60 feet west of the southwest corner of the site. An extensive levee system, owned and operated by the Valwood Improvement District is located directly west of the subject property. This site is located within Planned Development District 99 (PD-99)

Earlier this year Centurion American proposed a new master planned community for approximately 268 acres west of Mercer Crossing Lake. This new community, known as Planned Development No. 99 (PD-99) was approved by the City with the adoption of Ordinance No. 3359. The approved conceptual site plan for this new community included a wide variety of new residential development on the west side of Luna Road, including this 4.2 acre site allowing a future gas well. In preparation of this new residential development, Centurion American is now requesting this existing Specific Use Permit be repealed and terminated. The repeal of this SUP, as outlined in Ordinance No. 3129, will protect these new residential land uses from potential industrial activity.

### **Comprehensive Plan:**

The West Side Plan generally identifies this area for open space and employment use.

### **Thoroughfare Plan:**

This site only has street access to Mercer Parkway. Mercer Parkway is a 4 lane divided street, and was constructed in 2007. Based on Planned Development No. 99 (PD-99) several modifications to Mercer Parkway will be necessary in order to implement the Conceptual site Plan. Currently a Detailed Site Plan for this area is being prepared, and should be submitted to the city later this year.

**Public Response:**

Three notices were mailed to the surrounding property owners on June 3, 2016. Signs were also placed on the site on June 1, 2016. As of June 10<sup>th</sup>, the City has not received any written responses in opposition to this request.

# LAND USE MAP

## Legend

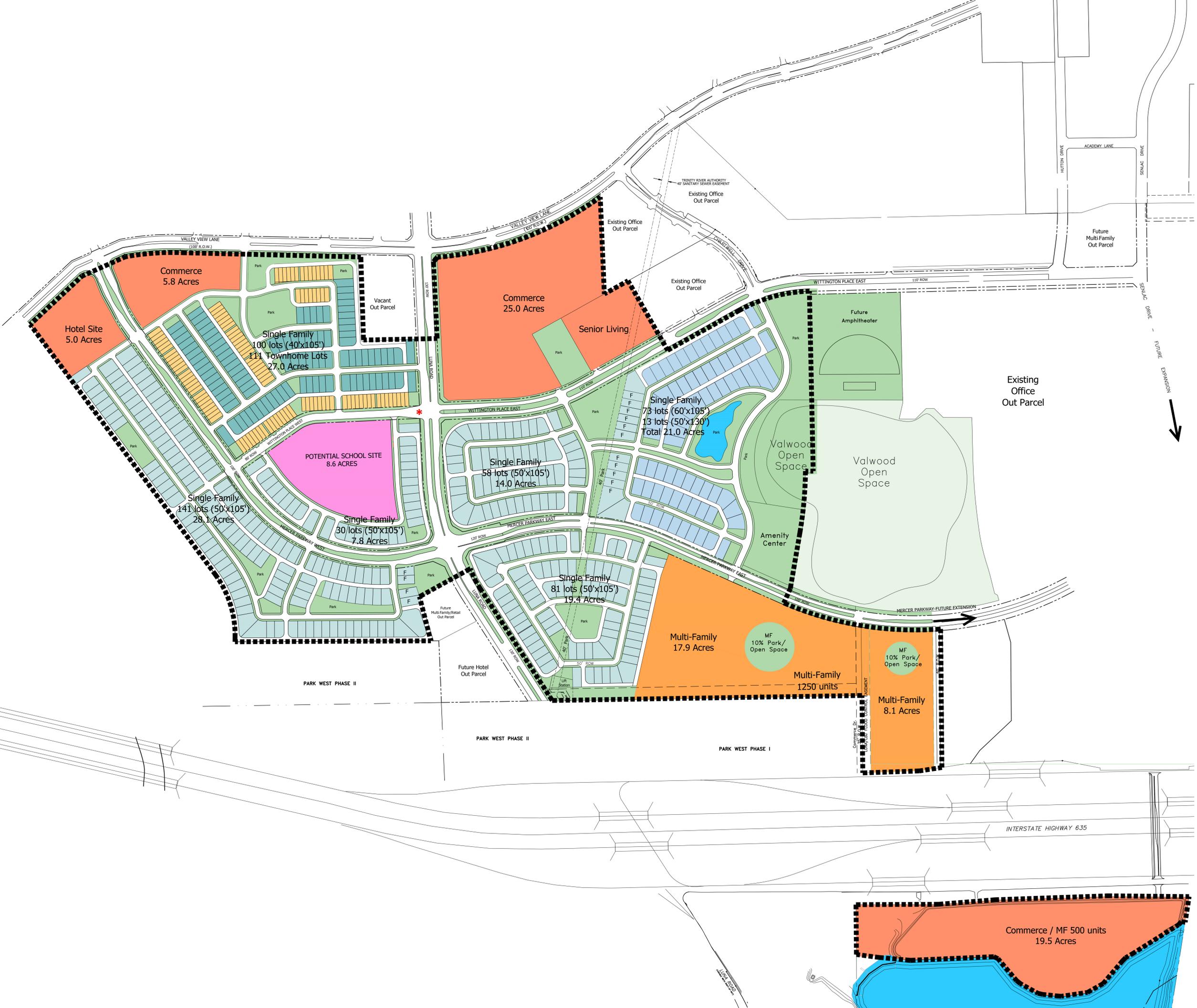
Single Family 60'x105' lots	73 lots
Single Family 50'x130' lots	13 lots
Single Family 50'x105' lots	310 lots
Single Family 40'x105' lots	100 lots
Townhomes 25'x90' lots	111 lots
Multi-Family (Includes O.S.)	26.0 Acres
Commerce/ Hotel/Sr. Living	55.3 Acres
Potential School Site	8.6 Acres
Park / Linear Park Amenity Center/ Valwood OS (inside)	26.8 Acres
Amphitheater	8.8 Acres
Valwood Open Space (Outside)	31.2 Acres
Water Area	
Zoning Boundary	■■■■■■
F Front-Load Lot	
* Final alignment of Wittington and Luna intersection to be addressed during street design.	

**NOTICE:**  
Acreages, land uses, lot yields, road alignments, park/open spaces and trails are illustrative in nature and may change due to final surveys, field conditions and environmental findings, utilities, final site plans, and City of Farmers Branch and other governmental agency reviews and approvals. Ion Design Group, LLC is not responsible for loss of lots and land use changes due to these conditions. Owner reserves right to modify land-use allocations and densities by ±10%.



JOB NAME  
**Mercer Crossing Layout**  
CITY OF FARMERS BRANCH DALLAS COUNTY TEXAS

**Ion Design Group**  
7075 Twin Hills Ave  
Suite 300  
Dallas, Texas 75231  
Firm TX F6701  
214.370.3470 Ph



FUTURE EXPANSION





## ORDINANCE NO. 3129

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING THE PROPERTY DESCRIPTION, SITE PLAN, SPECIAL EXCEPTIONS, AND SPECIAL CONDITIONS IN ORDINANCE NO. 2974 GRANTING A SPECIFIC USE PERMIT TO ALLOW A GAS WELL SITE ON A TRACT OF LAND LOCATED AT 12651 MERCER PARKWAY, WHICH PROPERTY IS LOCATED WITHIN PLANNED DEVELOPMENT 88 (PD-88) ZONING DISTRICT; PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS PER OFFENSE; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING 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 so as to amend Ordinance No. 2974 granting a Specific Use Permit to allow a natural gas well site on a tract located property generally at 12651 Mercer Parkway as follows:

- A. The property to which the Specific Use Permit applies shall be reduced from 6.0 acres to 4.179 acres, said property being more particularly described in Exhibit "A" attached hereto and incorporated herein by reference ("the Property").
- B. Section 2 of Ordinance No.2974 is hereby amended to read in its entirety as follows:

**SECTION 2.** If used and developed as a gas well site, 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 consisting of Exhibits B-1, B-2, B-3, and B-4, respectively, and shall be further developed in

accordance with the following Special Exceptions and Conditions:

**A. Special Exceptions:**

(1) The precast concrete screening wall to be constructed/installed in accordance with the Site Plan shall be permitted to have blank wall lengths of more than 40 feet.

(2) The screening wall surrounding the well site may be constructed with a forty foot (40.0') wide solid metal gate at the entrance of the site as shown on the Site Plan.

(3) Fire lanes, travel ways, and parking areas throughout the interior of the site may be constructed using eight inch (8.0") flex-based gravel compressed to support at least 80,000 pound vehicles.

**B. Special Conditions:**

(1) A final plat of the Property must approved and recorded prior to (a) issuance of a Certificate of Occupancy or Gas Well Permit or (b) activities relating to the exploration and/or production of natural gas may commence on the Property.

(2) Construction and/or installation on the Property of all sidewalks, street lights, landscaping, and fence improvements shown on Exhibit "B," must be completed not later than twelve (12) months from the date a Gas Well Permit is issued for the Property.

(3) If the operator who obtains a Gas Well Permit for the drilling and production of natural gas on and from the Property commences drilling one or more gas wells on the Property and subsequently abandons all such drilling and/or production activities, and such abandonment occurs prior to the completion of construction of the improvements required by the Special Condition set forth in Paragraph (2), above, the Property must be restored to the condition of the Property prior to the adoption of this Ordinance, said restoration to be completed not later than nine (9) months after abandonment of the site for gas exploration or production or such later date as may be authorized by the City Manager.

(4) No Gas Well Permit shall be issued for the Property has signed a Right-of Way Maintenance and Repair Agreement with the City of Farmers Branch.

C. Exhibit "B" – Site Plan (Drilling Phase), Exhibit "B" – Site Plan (Production Phase), and Exhibit "B" – Site Plan (Landscape Plan Details) shall be amended in their

entirety as shown in Exhibits B-1, B-2, and B-3, respectively, attached hereto and incorporated herein by reference.

D. Adding a new Exhibit B-4 Site Plan (Streetscape Details) as shown in Exhibit B-4, attached hereto and incorporated herein by reference.

**SECTION 3.** The provisions of Ordinance No. 2974 are hereby repealed to the extent that Ordinance No. 2974 grants a specific use permit for the use and development of a gas well on property which is not described in Exhibit “A” to this Ordinance.

**SECTION 4.** 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 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.** 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 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 15<sup>th</sup> DAY OF MARCH, 2011.**

ATTEST:

APPROVED:

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Cindee Peters, City Secretary

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Tim O'Hare, Mayor

APPROVED AS TO FORM:

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Peter G. Smith, City Attorney  
(Reviewed by K. Laughlin 3/8/11 48184)

## **Exhibit A- Legal Description**

Being a tract of land situated in the James F. Chenwith Survey, Abstract No. 267, Dallas County, Texas and being a portion of Block A, Westside Addition Section 1, an addition to the City of Farmer's Branch as recorded in County Clerk's Document No. 200600172708 of the Deed Records of Dallas County, Texas and also being a portion of that certain tract of land as described in deed to TCI Mercer Crossing, Inc. as recorded in County Clerk's Document No. 200600375806 as recorded in the Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the westerly right-of-way line of Luna Road (a variable width right-of-way) and the southerly right-of-way line of Mercer Parkway (a variable width right-of-way);

THENCE, departing the westerly right-of-way line of said Luna Road and along the southerly right-of-way line of said Mercer Parkway the following courses:

North 65 degrees 01 minutes 09 seconds West, a distance of 80.59 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

South 75 degrees 36 minutes 09 seconds West, a distance of 55.41 feet to a 5/8 inch iron rod set with "Pate" cap for a corner and being the beginning of a curve to the right, having a central angle of 11 degrees 14 minutes 04 seconds, a radius of 1,086.50 feet and being subtended by a 212.70 foot chord which bears South 81 degrees 13 minutes 12 seconds West;

Along said curve to the right in a southwesterly direction, an arc distance of 213.04 feet to a 5/8 inch iron rod set with "Pate" cap for a corner at the end of said curve;

North 03 degrees 09 minutes 47 seconds West, a distance of 16.50 feet to a 5/8 inch iron rod set with "Pate" cap for a corner at the beginning of a non-tangent curve to the left, having a central angle of 47 degrees 58 minutes 13 seconds. A radius of 1070.00 feet and being subtended by a 869.91 foot chord which bears North 69 degrees 10 minutes 40 seconds West;

Along said curve to the left and along said northwesterly direction, an arc distance of 895.84 feet to a 5/8 inch iron rod set with "Pate" cap for the POINT OF BEGINNING;

THENCE South 53 degrees 52 minutes 19 seconds West, departing the southwesterly right-of-way line of said Mercer Parkway, a distance of 440.89 feet to a 5/8 inch iron rod set with "Pate" cap for a corner on the easterly line of the Farmers Branch - Carrollton Flood Control District as recorded in Volume 76185, Page 1406 of the Deed Records of Dallas County, Texas;

THENCE North 36 degrees 07 minutes 41 seconds West, along the easterly line of said Farmers Branch - Carrollton Flood Control District, a distance of 423.00 feet to a point for a corner;

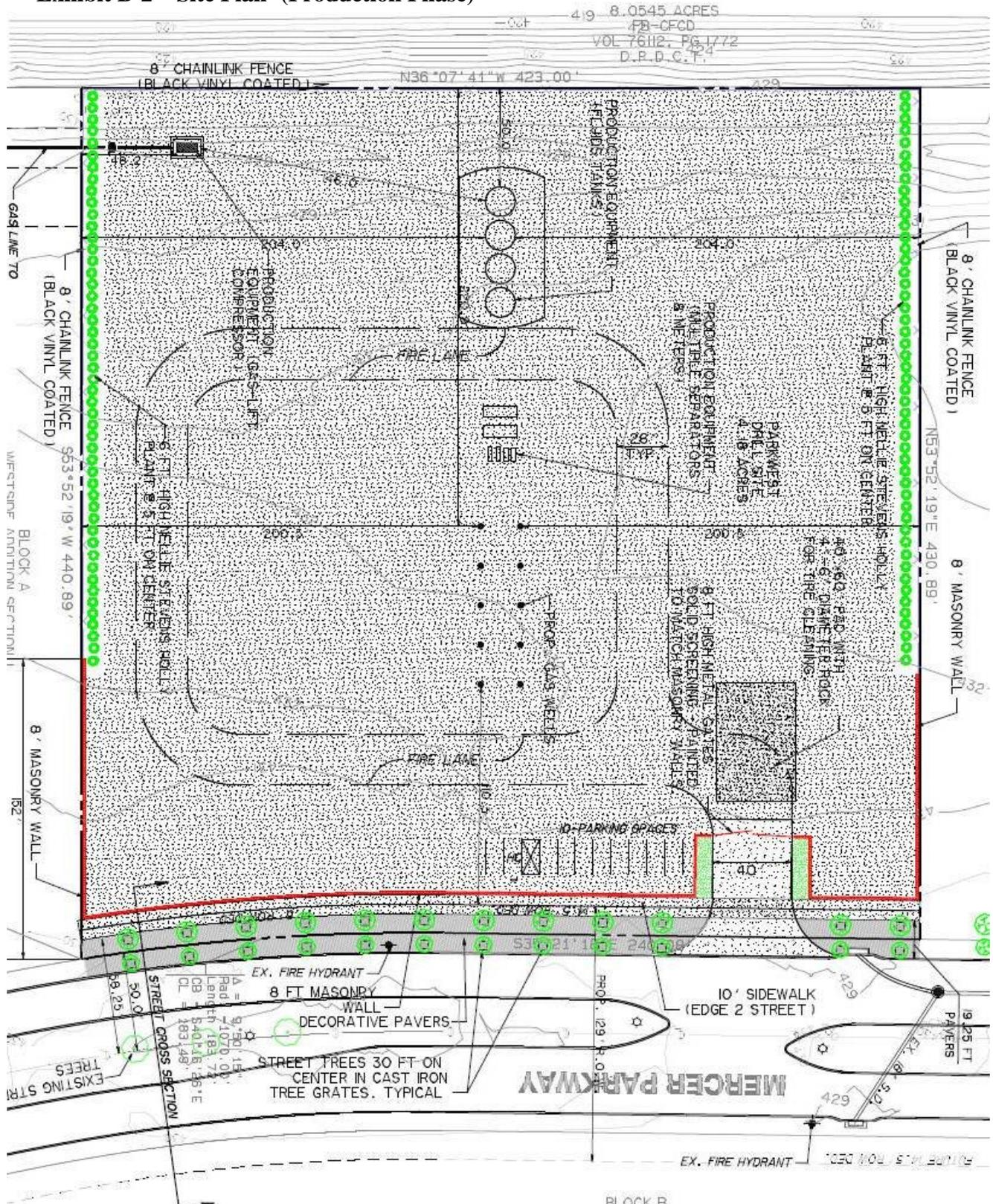
THENCE North 53 degrees 52 minutes 19 seconds East, a distance of 430.89 feet to a point for a corner on the southwesterly right-of-way line of the aforesaid Mercer Parkway;

THENCE South 35 degrees 21 minutes 18 seconds East, along the southwesterly right-of-way line of said Mercer Parkway, a distance of 240.08 feet to a 5/8 inch iron rod set with "Pate" cap for a corner at the beginning of a curve to the left, having a central angle of 09 degrees 50 minutes 15 seconds, a radius of 1,070.00 feet and being subtended by a 183.49 foot chord which bears South 40 degrees 16 minutes 26 seconds East;

THENCE, along said curve to the left and along the southwesterly right-of-way line of said Mercer Parkway in a southeasterly direction, an arc distance of 183.72 feet returning to the POINT OF BEGINNING and containing 82,017 square feet or 4.179 acres of land, more or less.



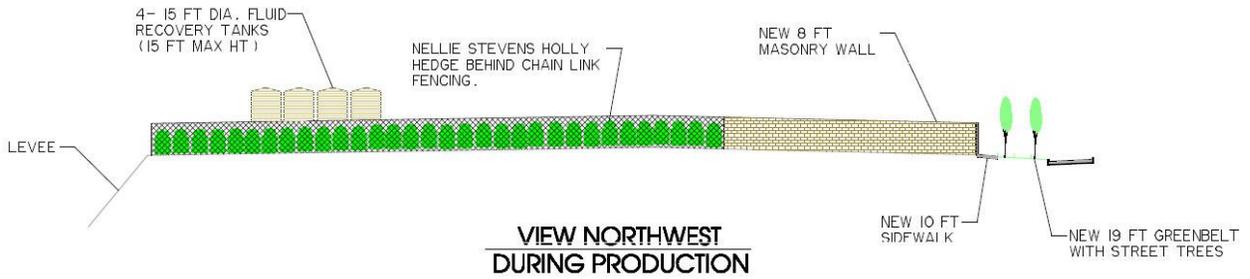
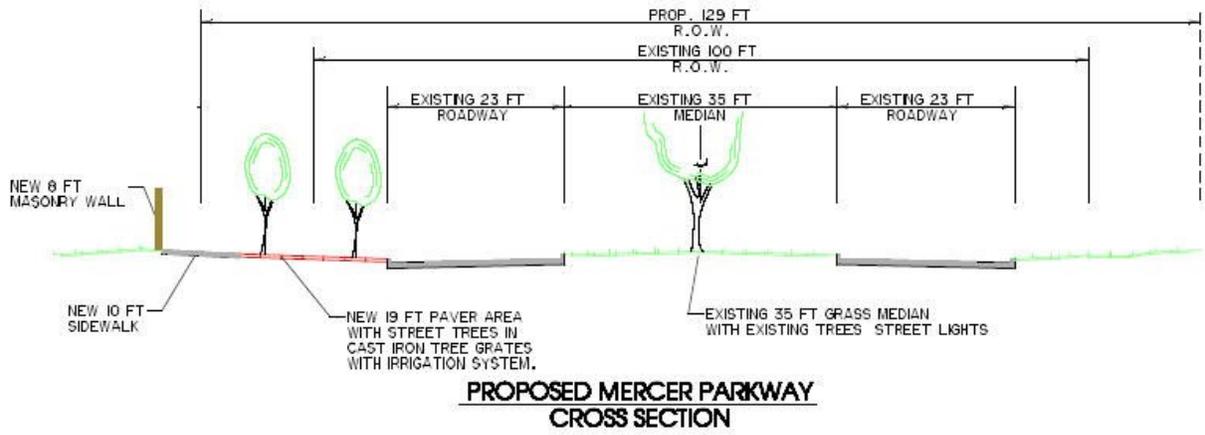
**Exhibit B-2 – Site Plan- (Production Phase)**



BLOCK B  
 WESTSIDE ADDITION SECTION I  
 DOC. NO 200600172708 D.R.D.C.T.



**Exhibit B -4- Site Plan- (Streetscape Details)**



Proposed Wall Treatment



ORDINANCE NO. \_\_\_\_\_

**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 REPEALING ORDINANCE NO. 2974, AS AMENDED BY ORDINANCE NO. 3129, GRANTING A SPECIFIC USE PERMIT FOR A GAS WELL SITE ON A TRACT OF LAND LOCATED AT 12651 MERCER PARKWAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING 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 the Zoning Map of the City of Farmers Branch, Texas, be, and the same are hereby amended, by repealing Ordinance No. 2974, as amended by Ordinance No. 3129, granting a Specific Use Permit for a Gas Well Site on a 4.179 acre tract of land generally located at 12651 Mercer Parkway more particularly described in Exhibit “A” of said Ordinance No. 3129 (“the Property”), and terminating all rights granted in said ordinance for development and use of the Property for a gas well site.

**SECTION 2.** 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 3.** 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 4.** 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 \_\_\_\_ DAY OF JULY, 2016.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Amy Piukana, City Secretary

\_\_\_\_\_  
Bob Phelps, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter G. Smith, City Attorney  
(kbl:5/27/16:77143)

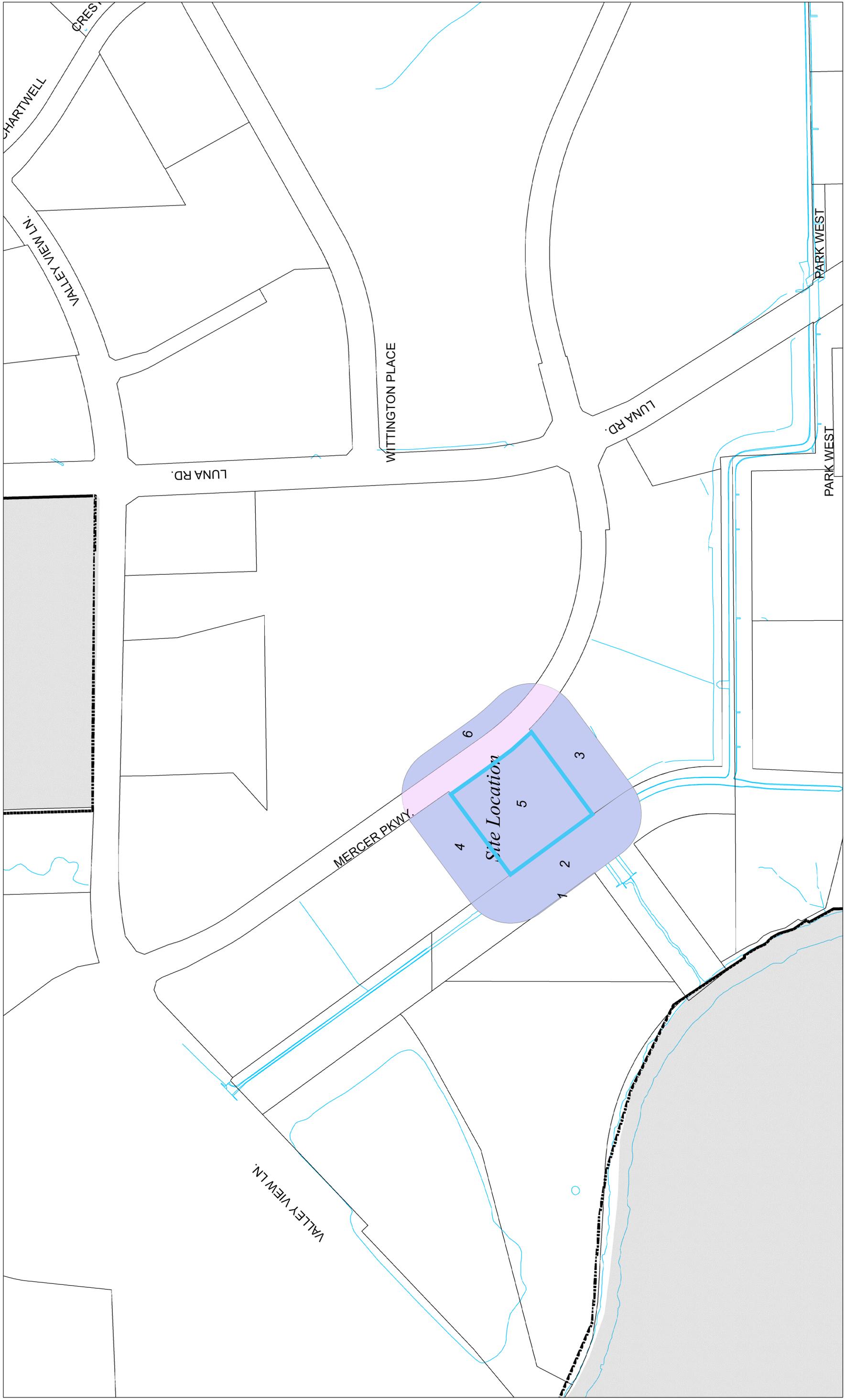
**Site Photographs**



From southbound Mercer Parkway looking southwest at site



Looking southbound on Mercer Parkway



# 16-SU-09 - Notification Map

## 12651 Mercer Parkway

-  Parcel Property Boundaries
-  City Limit

Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.



**Feet**  
 NORTH  
 Date: 5/25/2016

**Summary of Mailed Notices  
Property Owner List  
16-SU-09  
12651 Mercer Parkway**

<b>Map</b>	<b>First Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Written Response</b>
1	REALTY ADVISORS INC	1603 LBJ Fwy Suite 800	Dallas	TX	75234-6061	No response
2	VALWOOD IMPT AUTHORITY	1430 Valwood Pkwy Suite 160	Carrollton	TX	75006-8378	No response
3	TCI MERCER CROSSING INC	1603 LBJ Fwy Suite 300	Dallas	TX	75234-6057	No response
4	TCI MERCER CROSSING INC	1603 LBJ Fwy Suite 300	Dallas	TX	75234-6057	No response
5	TCI MERCER CROSSING INC	1603 LBJ Fwy Suite 300	Dallas	TX	75234-6057	No response
6	TCI MERCER CROSSING INC	1603 LBJ Fwy Suite 300	Dallas	TX	75234-6057	No response