FARMERS BRANCH

ORDINANCE NO. 3326

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 AN APPROXIMATELY 6.105± ACRE TRACT OF LAND OUT OF BLOCK A, WESTSIDE ADDITION, SECTION 1, CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS, DESCRIBED IN EXHIBIT "A," HERETO, AND LOCATED WITHIN PD-88 (MERCER CROSSING CODE) FROM "COMMERCE DISTRICT" TO "URBAN CENTER"; ADOPTING A CONCEPTUAL SITE PLAN; GRANTING A SPECIFIC USE PERMIT FOR A HOTEL USE; PROVIDING FOR ADDITIONAL DEVELOPMENT REGULATIONS AND SPECIAL EXCEPTIONS WITH RESPECT TO SAID PROPERTY; 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 ("the Property"), as follows:

A. The Property shall be removed from the "Commerce" sub-district and be added to, and used and developed in accordance with the use and development regulations for, the "Urban Center" sub-district as set forth in Planned Development No. 88 (PD 88 -Mercer Crossing Code) except as set forth in Section 1, Paragraph C, below.

B. A Specific Use Permit is hereby granted for use and development of the southern portion of the Property for Hotel use as shown on the Site Plan.

C. The Property shall be used and developed in accordance with the Site Plan, Landscape Plan, and Elevations attached hereto as Exhibits "B," "C," and "D, "respectively and incorporated herein by reference.

D. Notwithstanding the provisions of PD-88, the Property may be developed in accordance with the following development regulations:

(1) The Required Building Line relating to the mixed use retail/residential building located on northern portion of the Property adjacent to Luna Road shall be as shown on the Site Plan.

(2) The frontage of the Property on Luna Road shall be developed in accordance with the Luna Colonnade Street Type, but may be modified to the extent shown in the Site Plan adjacent to the mixed use retail/residential building located on the northern portion of Property.

(3) The exterior construction of the building façades can be a Hebel Panel with a polymer modified cementitious base coat, in excess of 0.25 inches and a textured acrylic finish as shown on the Building Elevations.

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 16th DAY OF JUNE, 2015.

ATTEST:

Angela Kelly, City Secretary

APPROVED:

Bob Phelps, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:5/29/15:71853)

Ordinance No. 3326
Exhibit "A"
Description of Property

BEING all that certain 6.105 acres of land, which is the tract described in the deed to Art Walker Cummings, Inc., recorded in Volume 98173, Page 4575, in the Deed Records of Dallas County, Texas, also out of Block A, Westside Addition Section 1, an addition to the City of Farmers Branch, recorded in Volume 20060017, Page 2708 in the Deed Records of Dallas County, Texas, in the Francis Miller Survey, A-926, and the James F. Chenoeth Survey, A-267, City of Farmers Branch, Dallas County, Texas, and more particularly described by metes and bounds as follows (all bearings based on the Texas State Plane Coordinate System, North Central Zone):

BEGINNING at a 5/8 inch iron rod with a cap stamped "C&B" found for the most southerly southwest corner of said Block A, Westside Addition 1, common to an angle corner of Park West Phase II, an addition to the City of Farmers Branch, recorded in Volume 84168, Page 3301 in the Deed Records of Dallas County, Texas;

THENCE North 02 degrees 17 minutes 46 seconds West - 390.36 feet along the west line of the herein described tract, common to an east line of said Park West Phase II to a 5/8 inch iron rod with a cap stamped "3963" found for an angle corner of the herein described tract, common to the most northerly northeast corner of said Park West Phase II;

THENCE South 89 degrees 48 minutes 23 seconds West - 50.06 feet to a PK Nail found for an angle corner of the herein described tract, common to the most southerly southeast corner of the 35.98 acre tract described in the Deed to TCI Mercer Crossing, Inc., recorded in Instrument Number 200600375806, in the Deed Records of Dallas County, Texas;

THENCE North 14 degrees 10 minutes 45 seconds West - 288.06 feet along the west line of the herein described tract to a 5/8 inch iron rod with a cap stamped "PATE" found for an angle corner of the herein described tract, common to an angle corner of said 35.98 acre tract;

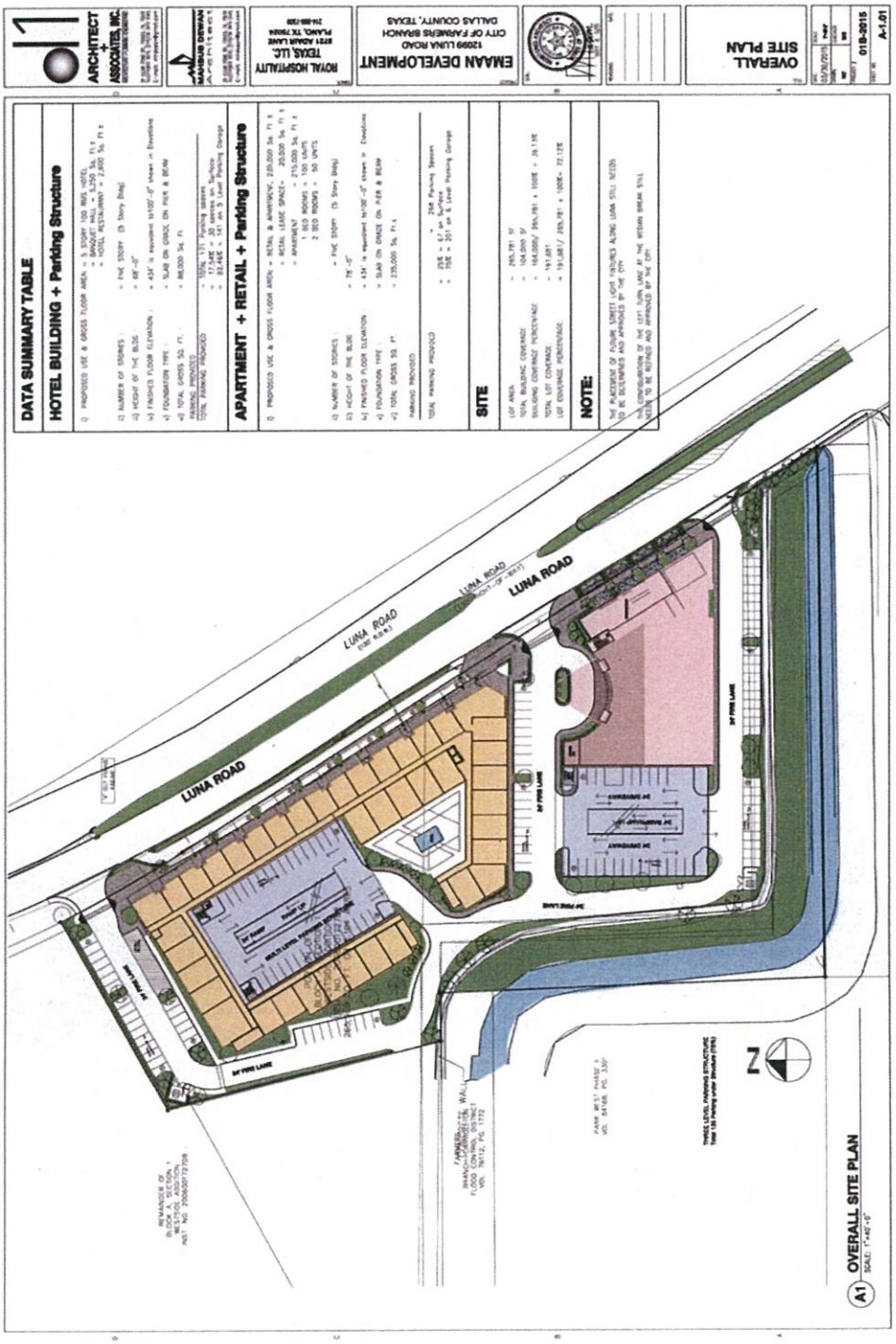
THENCE North 60 degrees 56 minutes 15 seconds East - 224.22 feet along the north line of the herein described tract to a 5/8 inch iron rod with a cap stamped "PATE" found for the most easterly southeast corner of said 35.98 acre tract, in the West right-of-way line of Luna Road (a 130 foot right-of-way), which is a point on a curve to the left, having a central angle of 05 degrees 09 minutes 55 seconds, a radius of 1,590.00 feet, and a chord bearing and distance of South 29 degrees 46 minutes 49 seconds East - 143.29 feet;

THENCE along said curve to the left, along the west right-of-way line of aforesaid Luna Road an arc distance of 143.34 feet to a 5/8 inch iron rod with a cap stamped "PATE" set for the end of curve;

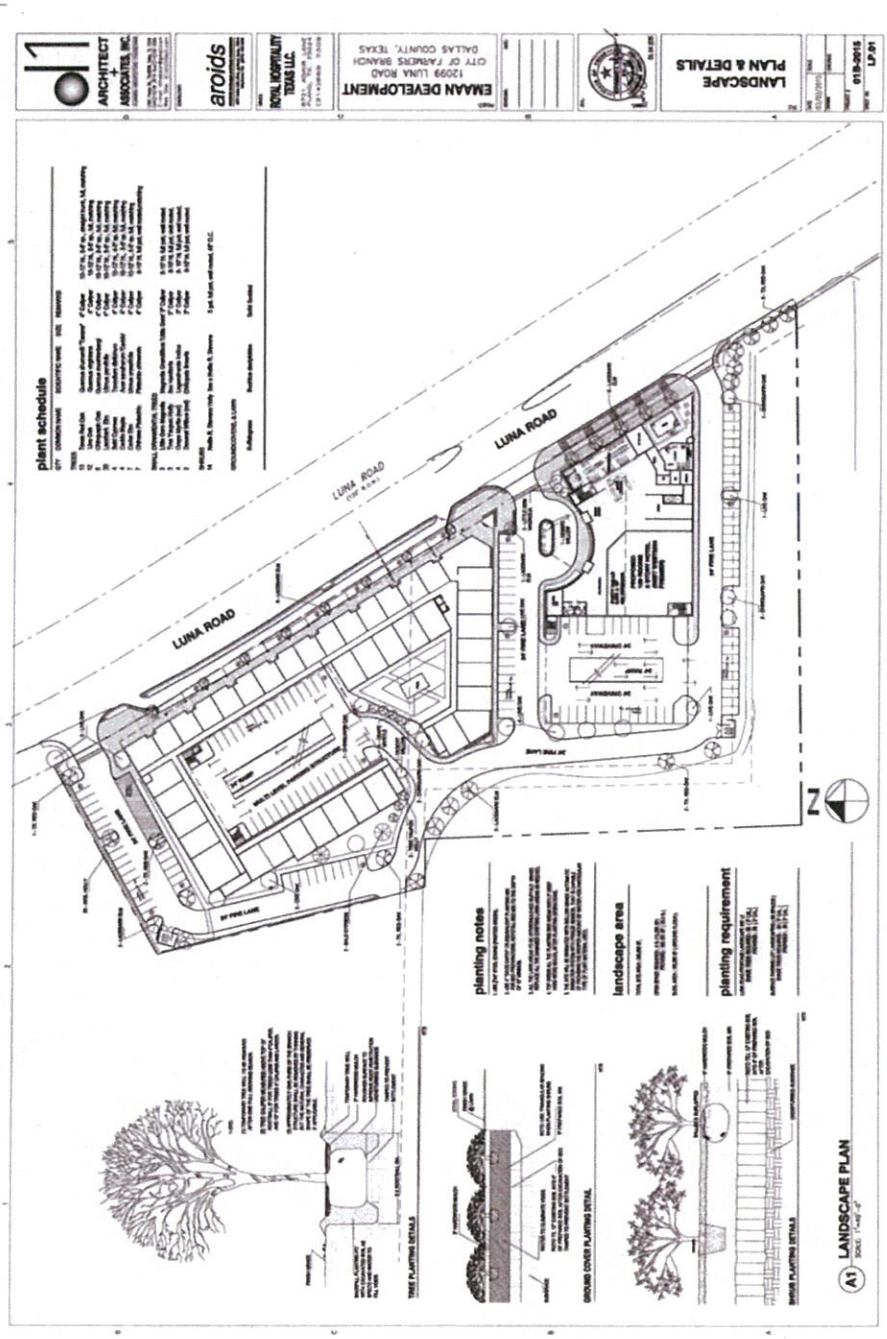
THENCE South 32 degrees 21 minutes 47 seconds East - 764.52 feet continuing along the east line of the herein described tract, common to the west right-of-way line of aforesaid Luna Road to a 5/8 inch iron rod with a cap stamped "PATE" set for the southeast corner of the herein described tract, common to a northeast corner of aforesaid Park West Phase II;

THENCE South 89 degrees 09 minutes 28 seconds West - 540.19 feet along the most southerly line of the herein described tract, common to a north line of said Park West Phase II to the POINT OF BEGINNING and containing 6.105 acres of land.

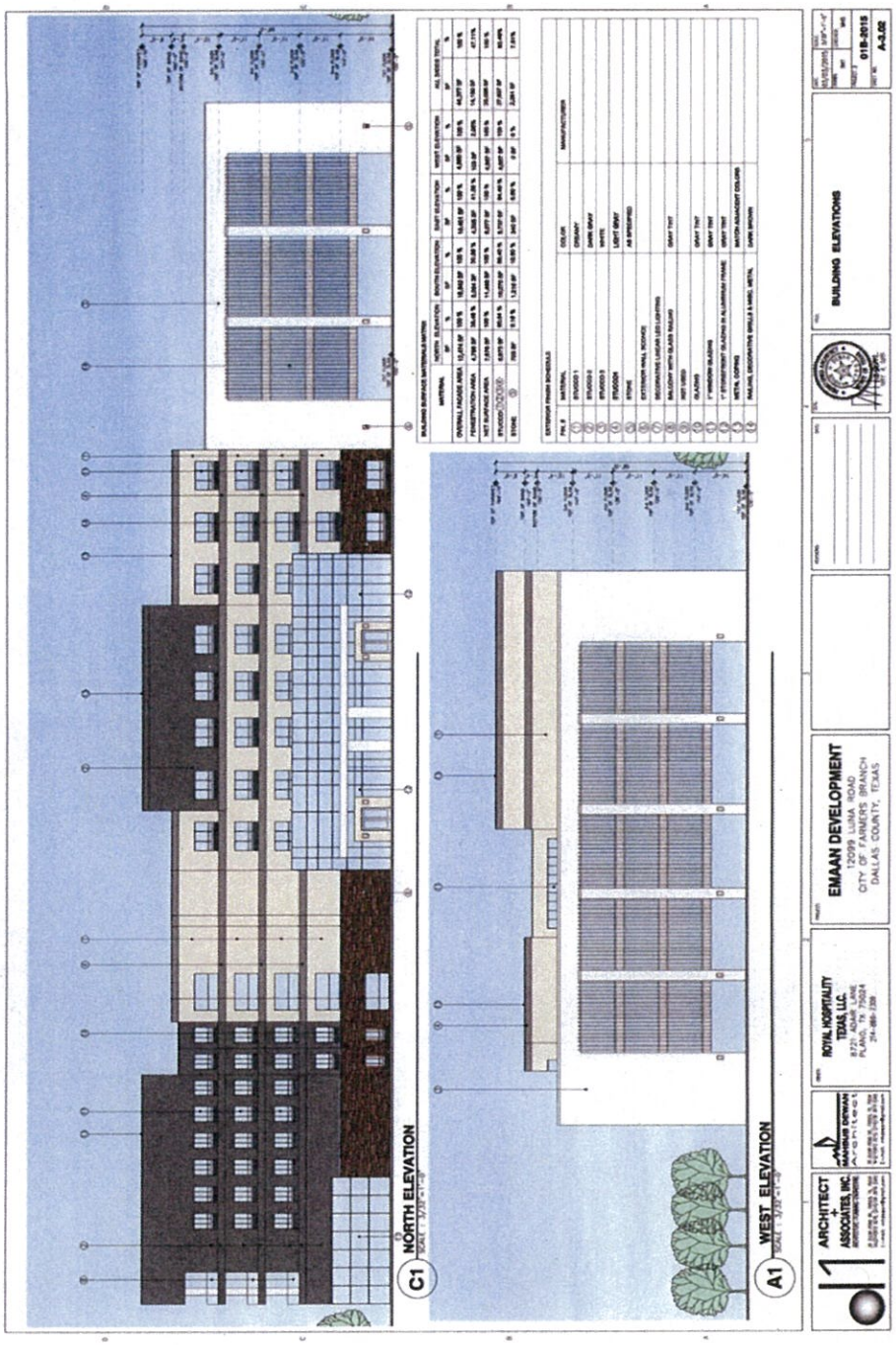
Ordinance No. 3326
Exhibit "B"
Site Plan



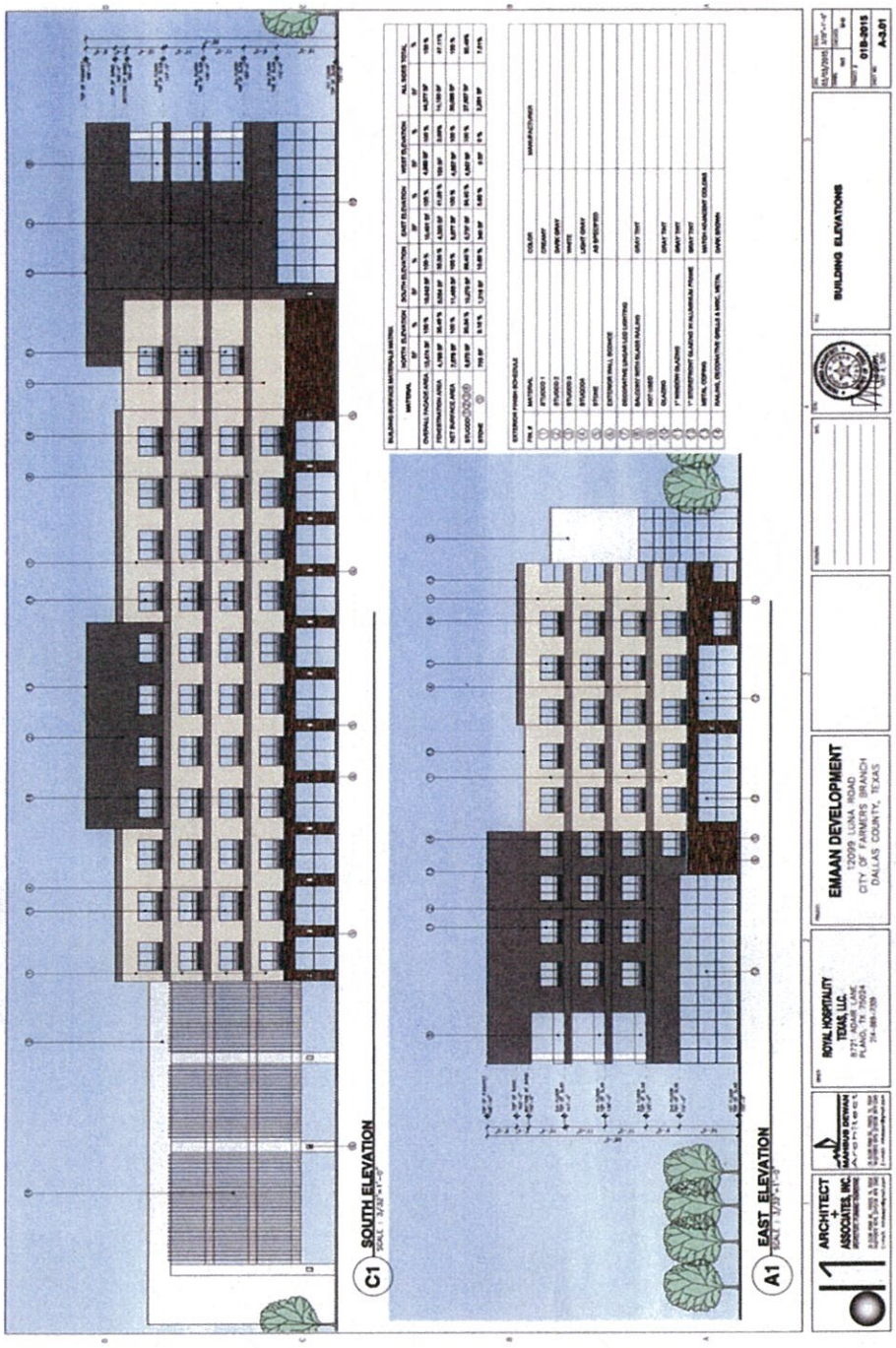
Ordinance No. 3326
Exhibit "C"
Landscape Plan



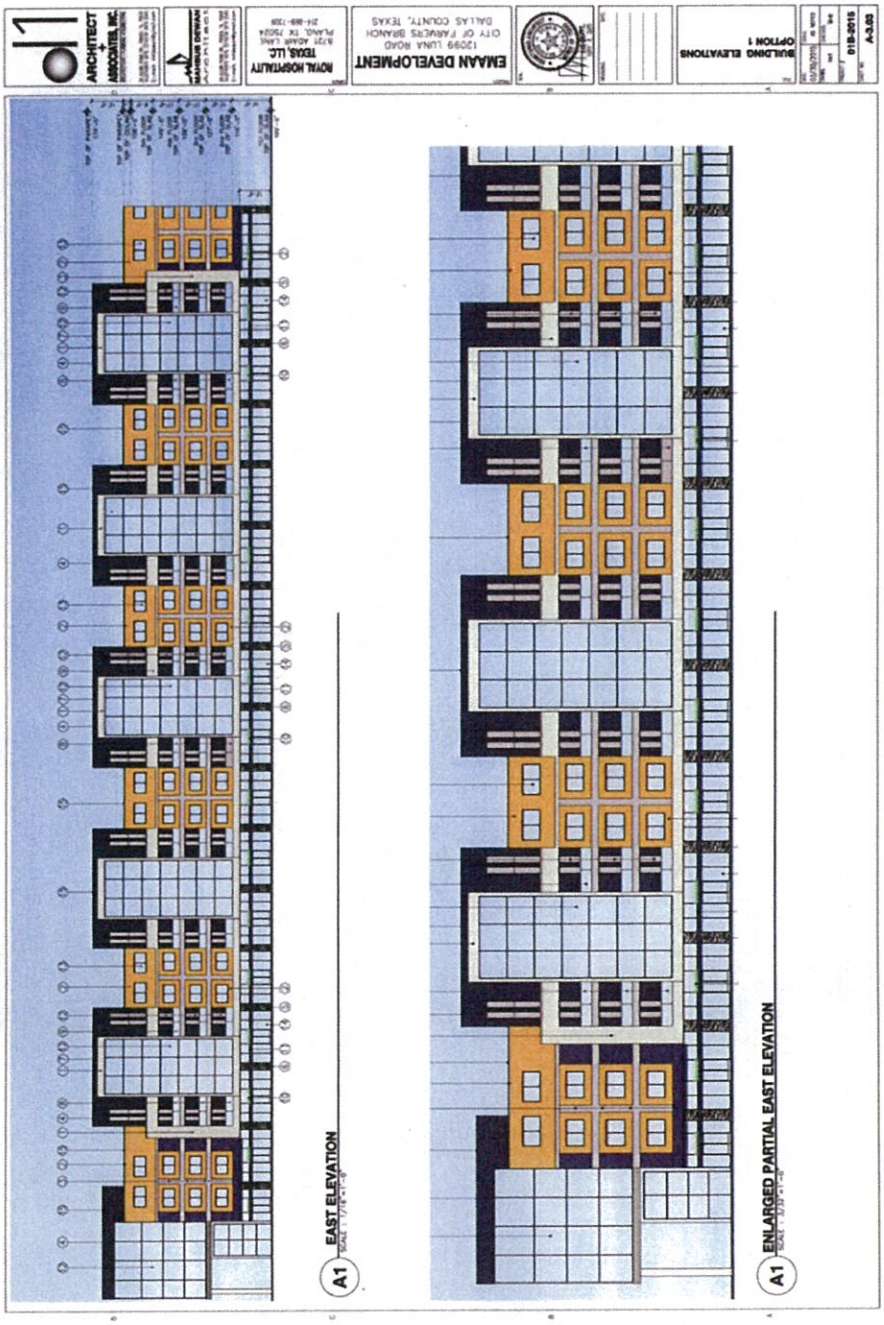
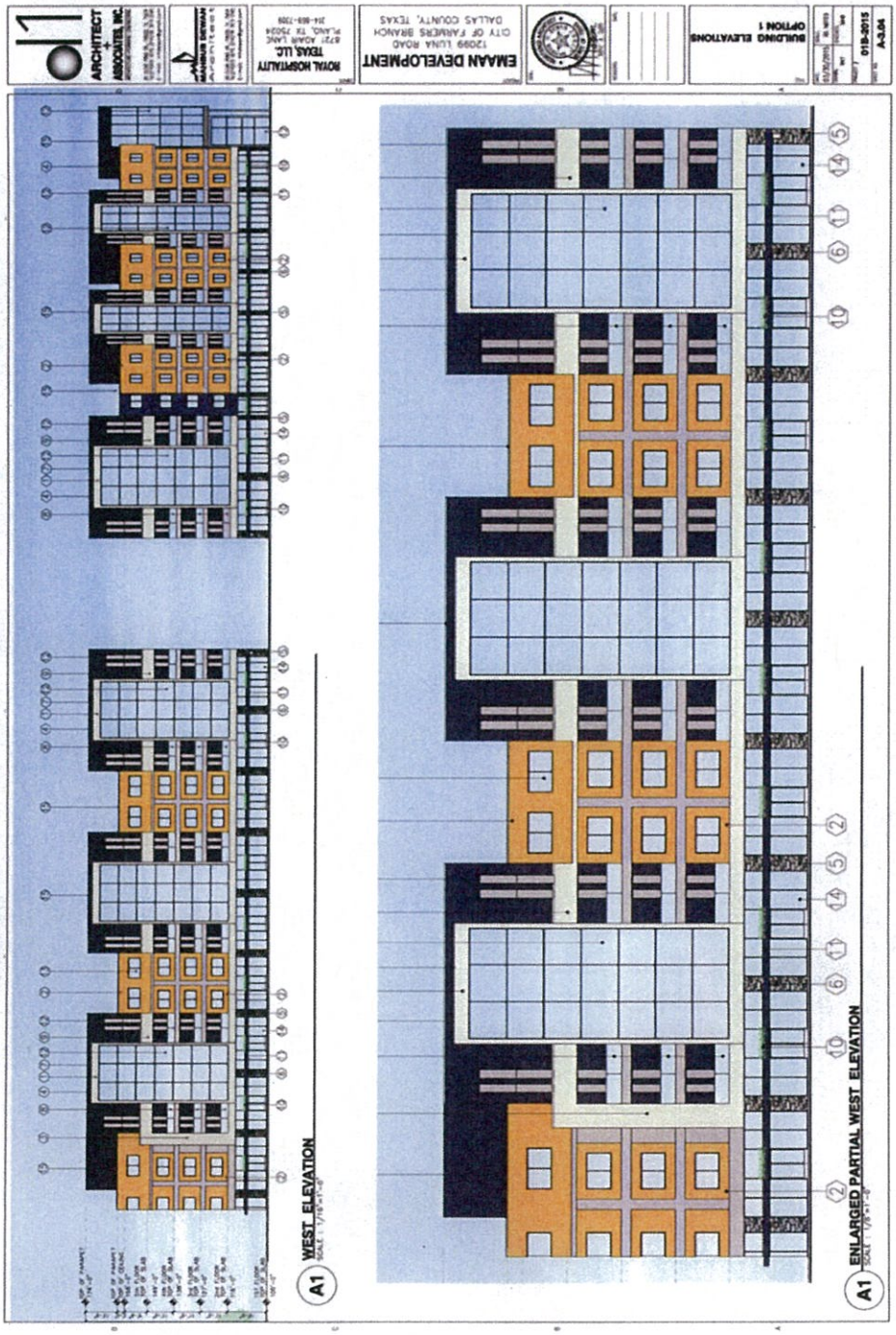
Ordinance No. 3326
Exhibit "D"
Building Elevations-Hotel



Ordinance No. 3326
Exhibit "D"
Building Elevations-Hotel (cont.)



Ordinance No. 3326
Exhibit "D"
Building Elevations- Mixed Use (cont.)



Ordinance No. 3326
Exhibit "D"
Building Elevations – Mixed Use (cont.)