



ORDINANCE NO. 3643

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 AMENDING THE DEVELOPMENT AND USE REGULATIONS OF PLANNED DEVELOPMENT ZONING DISTRICT NUMBER 99 (PD-99) AS SET FORTH IN EXHIBIT "C" OF ORDINANCE NO. 3429 AS AMENDED BY ORDINANCE NO. 3581 BY AMENDING ARTICLE VIII "ADMINISTRATION" SECTION F "PHASING OF DEVELOPMENT" RELATING TO THE TIMING OF DEVELOPMENT AND CONSTRUCTION OF CERTAIN IMPROVEMENTS AND USES AND AMENDING APPENDIX "J" - "DEVELOPMENT PHASING MAP"; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); 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 legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and Zoning Map of the City of Farmers Branch, Texas, be, and the same are hereby amended by amending as follows Article VIII "Administration," Section F. "Phasing of Development" of the development and use regulations of Planned Development District No. 99 ("PD-99") as set forth in Exhibit "C" of Ordinance No. 3429 as amended by Ordinance No. 3581 applicable to the property described and depicted in Exhibits "A" and "B" of Ordinance No. 3429 ("the Property"), said property being the same as depicted in Exhibits "A" and "B" attached hereto:

- A.** Article VIII "Administration," Section F. "Phasing of Development" of said Exhibit "C" is amended to read as follows:

F. Phasing of Development

In approving this ORDINANCE, the City Council expresses its intent to adopt regulations that require the Property to be developed as a mix of COMMERCE and RESIDENTIAL uses as described in Section I.A. of this Exhibit C. In order to ensure that COMMERCE uses and the AMENITY CENTER are developed along with RESIDENTIAL use, and specifically, SINGLE-FAMILY RESIDENTIAL, the following development phasing requirements shall apply:

1. Construction of one (1) AMENITY CENTER including related site improvements, located on the north side of Mercer Parkway, on the east side of Chartwell Crest, and west of the lake as shown on Appendix J – Development Phasing Map, shall be completed and a certificate of occupancy issued prior to the issuance of the 451st building permit for construction of SINGLE-FAMILY RESIDENTIAL dwellings on the Property.
2. Completion of Construction (as such phrase is defined in F.3. below) of the following shall occur as stated below, as shown on Appendix J – Development Phasing Map. In the event of an irreconcilable conflict between Appendix J and the provisions of this Section F, the provisions of this Section F shall control:
 - a. Not later than March 31, 2021, Completion of Construction shall occur on one (1) SHELL BUILDING, designed to be used as an OFFICE BUILDING containing not less than 100,000 square feet of gross floor area located in the area east of Chartwell Crest Drive and on the north side of Wittington Place East;
 - b. Not later than December 31, 2020 (subject to review and approval by the City Manager or designee), Completion of Construction relating to the dredging of the lake located adjacent to the south side of Tract 2 south of I-635 (as shown on Appendix “J”) and the following shall occur:
 - (1) An as-built survey of the bottom of the lake is provided to the Director of Public Works showing the lake depth is not less than five feet (5.0’) deep; and
 - (2) Not less than three (3) illuminated aeration fountains are installed in the lake and operational;
 - c. Not later than December 31, 2020, Completion of Construction of a sidewalk along the frontage of the Amphitheater Tract adjacent to Whittington Place East (as shown on Appendix “J”) shall occur;

- d. Unless a later date is established pursuant to an agreement authorized by the City Council, Completion of Construction shall occur on three (3) SHELL BUILDINGS, each containing not less than 10,000 square feet of gross floor area, designed for restaurant (inclusive of indoor table and bar seating and outdoor seating areas) and RETAIL uses, constructed in the URBAN COMMERCE DISTRICT located south of I-635 (i.e. Tract 2) identified as Buildings #3, #4, and #5 on the Detailed Site Plan set forth in Exhibit "B" to Resolution No. 2019-182 approved December 10, 2019, not later than one (1) year after issuance of building permits for said three (3) SHELL BUILDINGS;
 - e. Unless a later date is established pursuant to an agreement authorized by the City Council, Completion of Construction of an AMPHITHEATER located on the south side of Wittington Place East, east of Chartwell Crest, and on the north side of the lake shall occur not later than one (1) year after issuance of building permits for said AMPHITHEATER; and
 - f. Not later than the date of Completion of Construction of the improvements described in Sections F.2.d and e, above:
 - (1) Completion of Construction of a hike and bike trail and low water pedestrian crossing not less than twelve feet (12.0') wide in the location generally shown on Appendix G - Parks, Open Space, Trails and Other Recreational Facilities Map shall occur, the final design and construction of which shall be subject to review and approval by the City Manager or designee and which, following completion of construction, shall be maintained by a property owners' association; and
 - (2) A public access easement beginning at the hike and trail system along the southern edge of Tract 2 and continuing across the low water crossing/weir to connect to the existing hike and bike trail located on the north side of Lot 1, Block A of the Mercer Crossing South Addition shall be dedicated to the City.
3. For purposes of this Section VIII.F. "Completion of Construction" means that construction of all utilities, STREETS, PARKS, OPEN SPACES, PARKING (whether ground level or STRUCTURED PARKING), and landscaping are completed and construction of the AMENITY BUILDING, AMPHITHEATER, and SHELL BUILDINGS for the particular use has reached the point that, in accordance with the DEVELOPMENT REGULATIONS, the City's Building Official is able to issue a certificate of occupancy (or temporary certificate of occupancy, if applicable and

eligible) or, in the case of the improvements described in Section VIII.F.2.b., Section VII.F.2.e., and Section VIII.2.f, have been accepted and/or approved by the City Manager or designee.

- B.** Article IX “Definitions” of said Exhibit “C” is amended by amending the definition of the word “Amphitheater” to read as follows:

AMPHITHEATER - an OPEN SPACE devoted to an open-air venue used for entertainment and similar events designed and constructed with (i) a fixed outdoor covered stage sufficiently sized, equipped, and furnished to allow for conducting performances by professional and amateur theatrical and musical performers and artists; (ii) both fixed (i.e. permanent bench and/or chair seating) and grass seating areas for performance attendees with a minimum seating capacity of 750; (iii) permanent public restroom facilities sufficiently sized to serve the maximum seating capacity of the Amphitheater; (iv) permanent light and sound control booth; and (v) permanent concession and sales counter areas.

- C.** Appendix “J” - “Development Phasing Map” of said Exhibit “C” is amended in its entirety as set forth in Attachment 1, attached hereto and incorporated herein by reference.

SECTION 2. The Property shall be only used and developed in accordance with the applicable provisions of the City of Farmers Branch Comprehensive Zoning Ordinance, as amended (“CZO”) except to the extent modified by the development regulations set forth in Exhibit “C” of Ordinance No. 3429 as amended by Ordinance No. 3581 and this Ordinance.

SECTION 3. 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, including the provisions of the CZO, this Ordinance shall be controlling; however, in the absence of a relevant standard regulating the use or development of the Property in Exhibit “C” of Ordinance No. 3429, as amended, then the provisions of the CZO, as amended, shall apply.

SECTION 4. 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. 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. In addition to and accumulative of all other remedies or penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. 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.

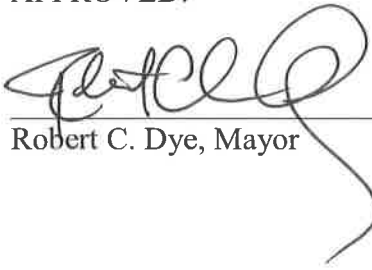
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 10TH DAY OF AUGUST 2020.

ATTEST:

APPROVED:

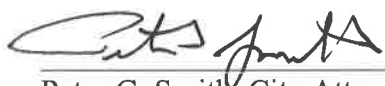


Amy Piukana, City Secretary



Robert C. Dye, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney
(kbt:8/5/20:116618)

Ordinance No. 3643
Exhibit "A" – Boundary Description of the Property

TRACT ONE 247.36 ACRES: Being a tract of land out of the J. F. Chenoeth Survey, Abstract No. 267, the F. Miller Survey, Abstract No. 926, the W. Shannon Survey, Abstract No. 1337 and the H. C. Marsh Survey, Abstract No. 916 and situated in the City of Farmers Branch, Dallas County, Texas, and being more particularly described by metes and bounds as follows (based on records and not an on-the-ground survey):

Beginning in the southerly right-of-way line of Valley View Lane at the northwest corner of Block A, Westside Addition Section 1, an addition to the City of Farmers Branch according to the plat recorded as Document No. 200600172708 in the Official Public Records of Dallas County;

Thence North 46 degrees 37 minutes 54 seconds East with said right-of-way line a distance of 445.85 feet;

Thence North 65 degrees 44 minutes 36 seconds East continuing with said right-of-way line a distance of 296.40 feet to the beginning of a curve to the right with a radius of 1585.95 feet and whose chord bears North 85 degrees 57 minutes 37 seconds East at 363.94 feet;

Thence easterly continuing with said right-of-way line and with said curve along an arc length of 364.74;

Thence South 88 degrees 36 minutes 17 seconds East continuing with said right-of-way line a distance of 1109.32 feet to the northwest corner of the same tract of land described in the deed to Thompson I Graham Mortgage Corporation recorded as Document No. 201100087228 in the Official Public Records of Dallas County, Texas;

Thence South 01 degrees 49 minutes 17 seconds East with the westerly boundary line of said Thomas tract a distance of 524.72 feet to the southwest corner thereof;

Thence North 88 degrees 50 minutes 25 seconds East a distance of 460.17 feet to the easterly right-of-way line of Luna Road;

Thence North 02 degrees 42 minutes 47 seconds West with said easterly right-of-way line a distance of 485.72 feet to the southwest end of a corner clip for said easterly right-of-way line and said southerly right-of-way line;

Thence North 42 degrees 29 minutes 34 seconds East with said corner clip a distance of 38.72 feet to the beginning of a curve to the left with a radius of 1975.08 feet and whose chord bears North 69 degrees 28 minutes 39 seconds East at 1085.28 feet;

Thence easterly with said southerly right-of-way line and with said curve along an arc length of 1099.42 feet to the northeast corner of Lot 1, Block A, Mercer School Addition, an addition to the City of Farmers Branch according to the plat recorded as Document No. 201400169982 in said plat records;

Thence South 02 degrees 23 minutes 57 seconds East with the easterly boundary line of said Lot 1 a distance of 613.05 feet;

Thence North 60 degrees 36 minutes 58 seconds East continuing with said easterly boundary line a distance of 169.79 feet;

Thence South 29 degrees 25 minutes 10 seconds East a distance of 504.54 feet to the southerly right-of-way line Wittington Place;

Thence North 60 degrees 37 minutes 23 seconds East with said southerly right-of-way line a distance of 513.71 feet to the beginning of a curve to the right with a radius of 947.93 feet and whose chord bears North 74 degrees 30 minutes 11 seconds East at 454.80 feet;

Thence northerly continuing with said southerly right-of-way line and with said curve along an arc length of 459.28 feet to the end of said curve;

Thence South 01 degrees 11 minutes 26 seconds East a distance of 1137.01 feet;

Thence WEST a distance of 48.23 feet to the beginning of a curve to the right with a radius of 2453.01 feet and whose chord bears South 05 degrees 04 minutes 42 seconds West at 388.76 feet;

Thence southerly with said curve along an arc length of 389.17 feet to the end of said curve;

Thence South 09 degrees 37 minutes 24 seconds West a distance of 359.71 feet to the northerly right-of-way line of Mercer Parkway;

Thence South 24 degrees 10 minutes 31 seconds West a distance of 100.00 feet to the southerly right-of-way line of Mercer Parkway being in a curve to the left with a radius of 2050.00 feet and whose chord bears South 80 degrees 27 minutes 30 seconds East at 993.90 feet;

Thence easterly with said southerly right-of-way line and with said curve along an arc length of 1003.90 feet to the end of said curve;

Thence South 00 degrees 31 minutes 28 seconds East a distance of 875.17 feet to the northerly right-of-way line of LBJ Freeway;

Thence South 81 degrees 14 minutes 51 seconds West with said northerly right-of-way line a distance of 142.92 feet;

Thence South 87 degrees 58 minutes 25 seconds West continuing with said northerly right-of-way line a distance of 353.54 feet to the southeast corner of said Block E;

Thence North 00 degrees 32 minutes 43 seconds West with the westerly boundary line of said Block E a distance of 489.36 feet to an inner corner thereof;

Thence South 89 degrees 04 minutes 07 seconds West with the southerly boundary line of said Block E a distance of 1936.36 feet to the easterly right-of-way line of Luna Road;

Thence North 32 degrees 27 minutes 13 seconds West with said easterly right-of-way line a distance of 842.56 feet to the beginning of a curve to the right with a radius of 1460.00 feet and whose chord bears North 31 degrees 23 minutes 58 seconds West at 53.72 feet;

Thence northerly continuing with said easterly right-of-way line and with said curve along an arc length of 53.73 feet to the end of said curve;

Thence North 22 degrees 45 minutes 01 seconds West continuing with said easterly right-of-way line a distance of 82.39 feet;

Thence South 60 degrees 51 minutes 06 seconds West, crossing said Luna road and continuing a total distance of 363.42 feet;

Thence South 14 degrees 15 minutes 54 seconds East a distance of 288.06 feet to the southerly boundary line of said Block E;

Thence South 89 degrees 43 minutes 14 seconds West with said southerly boundary line a distance of 1224.36 feet to the southwest corner of said Block E;

Thence North 01 degrees 08 minutes 40 seconds East with the westerly boundary line of said Block E a distance of 22.65 feet to the beginning of a curve to the left with a radius of 654.67 feet and whose chord bears North 17 degrees 15 minutes 53 seconds West at 426.05 feet;

Thence northerly continuing with said westerly boundary line and with said curve along an arc length of 433.95 feet to the end of said curve;

Thence North 36 degrees 12 minutes 51 seconds West continuing with said westerly boundary line a distance of 1952.80 feet to the point of beginning and containing **247.36 acres** of land, more or less.

TRACT TWO 19.51 ACRES: Being a tract of land out of the H. C. Marsh Survey, Abstract No. 916 and situated in the City of Farmers Branch, Dallas County, Texas, and being more particularly described by metes and bounds as follows (based on records and not an on-the-ground survey):

Beginning in the southerly right-of-way line of LBJ Freeway and the easterly boundary line of the same tract of land described in the deed to 2M Holdings, LP recorded as Document No. 201100225464 in the Official Public Records of Dallas County, Texas;

Thence South 08 degrees 37 minutes 58 seconds West with said easterly boundary line a distance of 163.72 feet;

Thence North 81 degrees 22 minutes 02 seconds West a distance of 23.44 feet;

Thence South 43 degrees 21 minutes 29 seconds West a distance of 28.27 feet;

Thence South 57 degrees 30 minutes 35 seconds West a distance of 335.55 feet;

Thence South 59 degrees 56 minutes 34 seconds West a distance of 53.53 feet;

Thence South 44 degrees 06 minutes 28 seconds West a distance of 28.07 feet;

Thence South 40 degrees 07 minutes 44 seconds West a distance of 188.06 feet;

Thence South 60 degrees 18 minutes 47 seconds West a distance of 112.39 feet;

Thence South 81 degrees 31 minutes 25 seconds West a distance of 165.26 feet;

Thence North 84 degrees 15 minutes 23 seconds West a distance of 117.80 feet;

Thence North 76 degrees 30 minutes 38 seconds West a distance of 31.33 feet;

Thence North 60 degrees 43 minutes 54 seconds West a distance of 124.96 feet;

Thence North 51 degrees 23 minutes 21 seconds West a distance of 30.47 feet;

Thence North 39 degrees 56 minutes 07 seconds West a distance of 180.19 feet;

Thence North 64 degrees 13 minutes 09 seconds West a distance of 29.69 feet;

Thence South 87 degrees 28 minutes 20 seconds West a distance of 520.79 feet;

Thence North 84 degrees 43 minutes 59 seconds West a distance of 200.96 feet;

Thence North 82 degrees 26 minutes 33 seconds West a distance of 138.67 feet to the westerly boundary line of said 2M tract;

Thence North 00 degrees 33 minutes 53 seconds West with said westerly boundary line a distance of 315.07 feet to said southerly right-of-way line;

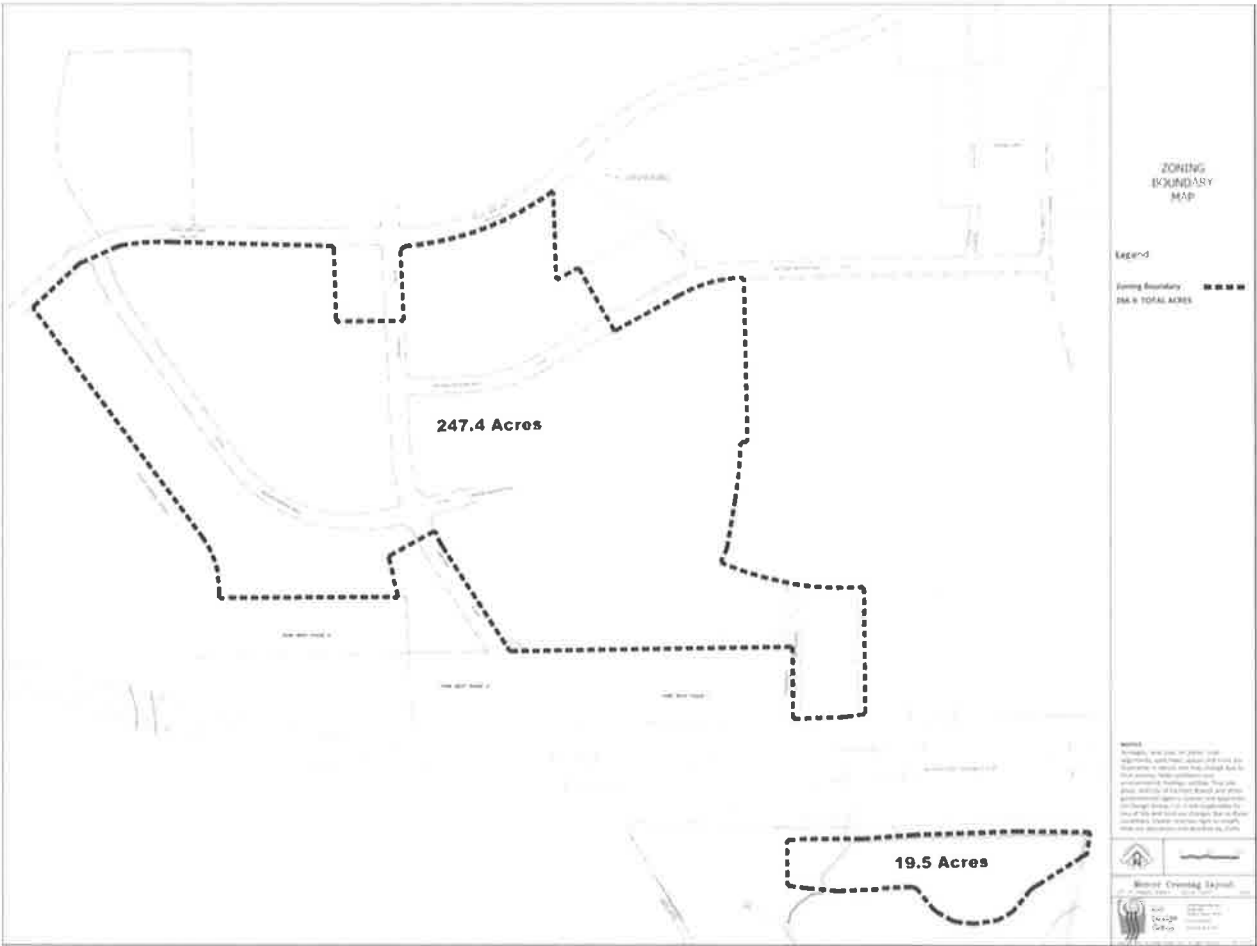
Thence North 89 degrees 44 minutes 04 seconds East with said southerly right-of-way line a distance of 514.53 feet;

Thence North 85 degrees 23 minutes 28 seconds East continuing with said southerly right-of-way line a distance of 357.12 feet;

Thence North 87 degrees 59 minutes 30 seconds East continuing with said southerly right-of-way line a distance of 707.23 feet;

Thence South 89 degrees 25 minutes 45 seconds East continuing with said southerly right-of-way line a distance of 503.97 feet to the point of beginning and containing 19.51 acres of land, more or less.

Ordinance No. 3643
Exhibit "B" – Zoning Boundary Map



Ordinance No. 3643 Attachment 1

Appendix "J" - "Development Phasing Map"

