



ORDINANCE NO. 1378

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, AS HERETOFORE AMENDED BY AMENDING THE BUILDING HEIGHT REGULATION LIMIT FOR A 1.911 ACRE TRACT OF LAND WITHIN THE PD-18 (O) ZONING DISTRICT SO AS TO ALLOW ONE SIX (6) STORY BUILDING WITH ELEVATOR PENTHOUSE TO BE CONSTRUCTED, ESTABLISHING SCREENING REQUIREMENTS, PROHIBITING ACCESS TO CERTAIN STREETS AND RESIDENTIAL AREAS, REQUIRING SITE PLAN APPROVAL; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; AND DECLARING AN EMERGENCY.

Whereas, the City Plan Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to granting of a specific use permit under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said change in zoning uses should be made;

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 building height regulation limit for a 1.911 acre tract of land within the PD-18 (0) zoning district. Said tract of land being more specifically described as follows:

BEGINNING, at a point at the northeast corner of said tract of Brookhaven Medical Plaza - Phase III; said point being the southeast corner of the right-of-way of Maybrook Drive (35 foot width) as recorded in Volume 77080, Page 0852, Deed Records, Dallas County, Texas;

THENCE, S 18°02'30" E, along said property line of Brookhaven Medical Plaza - Phase III, a distance of 307.14 feet to a point for corner; said point being on the southeast corner of said property; said point being on the northeast corner of the right-of-way of Medical Center Drive (60 foot width) as recorded in Volume 77080, Page 0852, Deed Records, Dallas County, Texas;

THENCE, S 71°57'30" W, with said north right-of-way line of Medical Center Drive, a distance of 258.00 feet to a point for corner;

THENCE, N 18°02'30" W, a distance of 338.25 feet to a point for corner, said point being on north property line of said Brookhaven Medical Plaza - Phase III; said point being on south right-of-way line of said Maybrook Drive;

THENCE, N 78°49'59" E, with said south right-of-way line of Maybrook Drive a distance of 259.87 feet to the PLACE OF BEGINNING;

CONTAINING, 83,255.83 square feet, or 1.911 acres of land.

SECTION 2. That the building height regulation limit for the above described 1.911 acre tract of land is hereby amended so as to provide that no building or structure shall be located, erected or altered so as to exceed a height of six (6) stories, with the exception that an elevator penthouse may be placed above the six (6) story limitation.

SECTION 3. That there shall be no access from any street, parking lot or other area within the PD-18 (0) zoning district to Myra Lane, Eunice Street, Brisbane Avenue, Amsterdam Road, Morningstar Lane, or

to any residential area located north of the PD-18 (0) zoning district.

SECTION 4. That all possible access points to the above referenced streets shall be blocked by traffic barriers. The traffic barriers shall be of a type and material approved by the City Staff.

SECTION 5. That the single six (6) story building shall be constructed in accordance with the site plan that is attached hereto as exhibit "A".

SECTION 6. That there shall be only one six (6) story building constructed on the 1.911 acre tract.

SECTION 7. That there shall be visual screening along the north side of the property to provide screening for the adjacent residential areas. The screening shall include fences, trees and shrubs of a type that shall be expected to grow to a height of thirty five feet. The trees and shrubs shall be of a disiduous and evergreen type and shall be a minimum of seven (7) inches in diameter when planted. That the fence and screening plan shall be approved by the City Council prior to any permits being approved for the six (6) story building, and no Certificate of Occupancy shall be issued until fence and screening plan has been fully implemented and all requirements of the screening plan as approved by the City Council, completed. The applicant and owner recognizes that the legal description for subject zoning case covers the 1.911 acre tract and that the fence and screening plan encompasses the entire northerly boundary of the PD-18 (0) zoning district as noted on Exhibit "A". The applicant agrees that the screen is necessary and appropriate for the development of the 1.911

acre tract and does hereby approve and accept this screening requirement and all of its attendant legal conditions as an integral part of the zoning of subject 1.911 acre tract.

SECTION 8. The project shall conform to all other PD-18 (0) requirements of the City's Zoning Ordinance, specifically in relation to parking, fire lane, screening and landscaping.

SECTION 9. That the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 10. 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, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense.

SECTION 11. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or portion thereof, other than that portion so decided to be invalid or unconstitutional.

SECTION 12. Injunctive relieve. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 13. Whereas, it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to

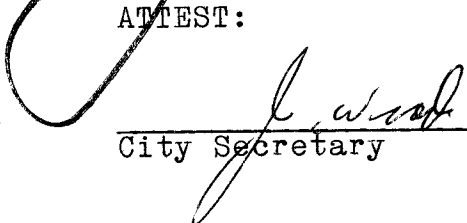
permit its proper development, and in order to protect the public interest, comfort and general welfare of the City of Farmers Branch, and creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance as the law in such case provides.

DULY PASSED by the City Council of the City of Farmers Branch, Texas, on this the 17th day of May, 1982.


APPROVED

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Secretary

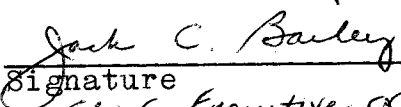
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

APPROVED, agreed upon and accepted this the 21st day of

December, 1982.

(SEAL)

  
\_\_\_\_\_  
Signature

Chief Executive Officer

Lutheran Medical System of North Texas

(FROM JUNE 16, 1982 CITY COUNCIL MINS.)

The City is presently working on an employee performance evaluation system. The assistance provided by the TDCA will be most helpful in this area. The opportunity to have outside experts review the City's entire personnel system at no cost will be very helpful in strengthening the system.

City Staff recommends approval of Resolution #82-007 authorizing the City Manager to enter into a contract with the Texas Department of Community Affairs for Municipal Personnel Management System.

After some consideration, a motion by Councilman Weidinger, a second by Councilman Glancy, all voting "Aye", authorized the City Manager to enter into a contract with the Texas Department of Community Affairs for Municipal Personnel Management System by adopting Resolution #82-007.

AGENDA ITEM NO. D.6-CONSIDER REQUEST OF LUTHERN MEDICAL SYSTEMS TO REVIEW A SCREENING PLAN AND TAKE APPROPRIATE ACTION.

Mayor Dodd opened the discussion by giving the following information from an administrative memo. On May 17, 1982, the City Council adopted Ordinance #1376 to allow a six story twin tower to be constructed on the Brookhaven Hospital Campus. The ordinance requires that a screening plan be brought back to the City Council for approval.

Luthern Medial Systems has submitted a plan for the Council's review.

The plan indicates trees and shrubbery along the northern boundary line of the hospital property. A double row of Japanese ligustrums is indicated along the northern boundary line near the intersection of Eunice Street with the drainage channel north of the hospital property.

City Attorney, John Boyle, explained the procedure for approving the screening plan and site plan approval.

Mr. Bailey, representative of Luthern Medical Systems, was present to discuss the landscaping plan and explained that the fence would be shielded on both sides by vegetation. He explained where the fence will be located and the foilage to be put in.

After some discussion concerning traffic cutting through Church property to exit from Hospital, Mr. Bailey discussed landscaping along Myra Lane to defer traffic onto property.

Dr. Robert Moon told of landscaping plans and stated that the cost would be about the same for the fence as for the berming.

After some consideration, a motion by Councilman Johnson, a second by Councilman Weidinger, approved the screening plan with sculptured berms being employed along continuation of Amsterdam to termination of trees to a point at the South end of the service road. Motion carried unanimously.

JUN 28 1982

PROPOSED BUILDING SECTION

PROPOSED CEDAR CEDAR.

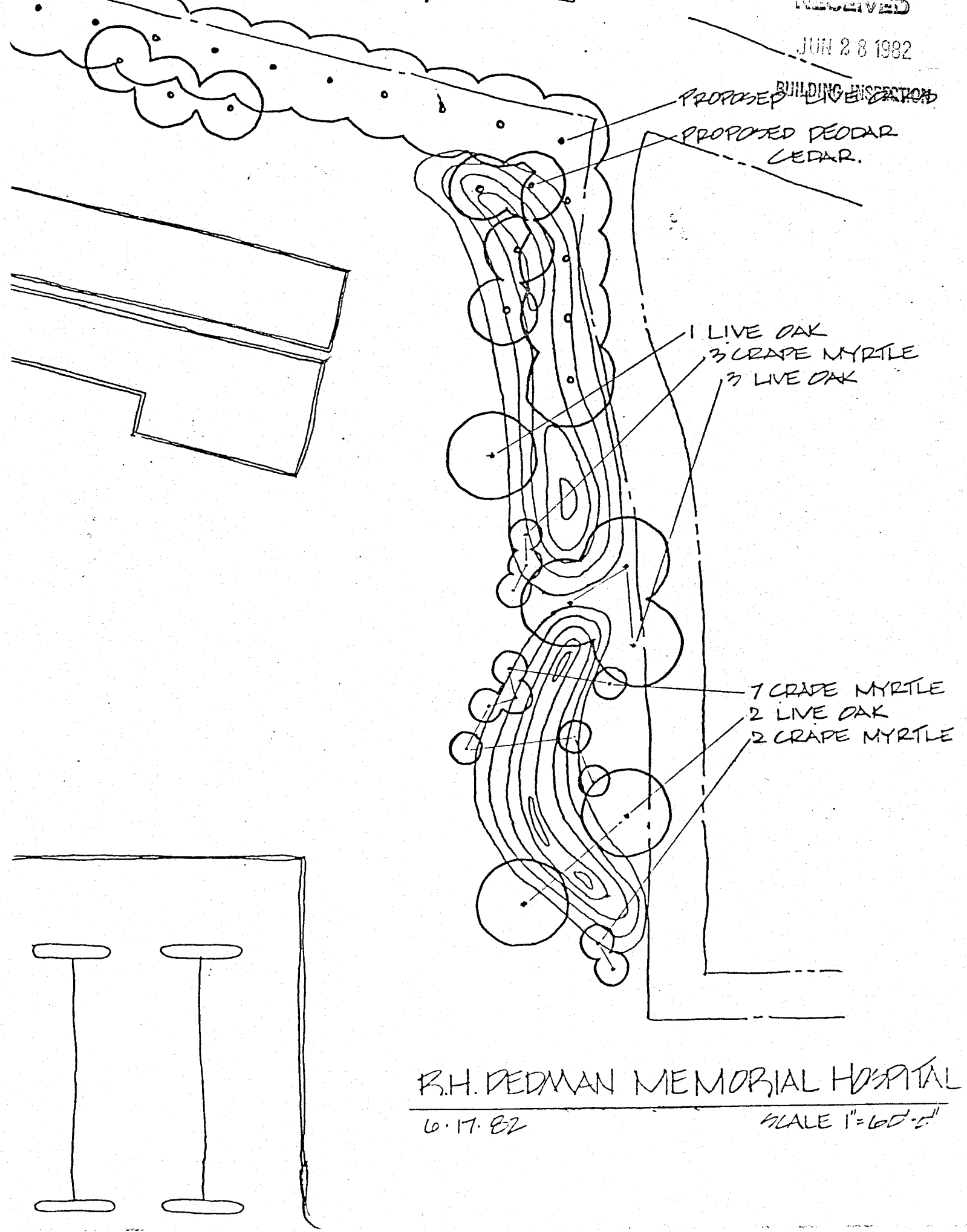
1 LIVE OAK  
3 CRAPE MYRTLE  
3 LIVE OAK

7 CRAPE MYRTLE  
2 LIVE OAK  
2 CRAPE MYRTLE

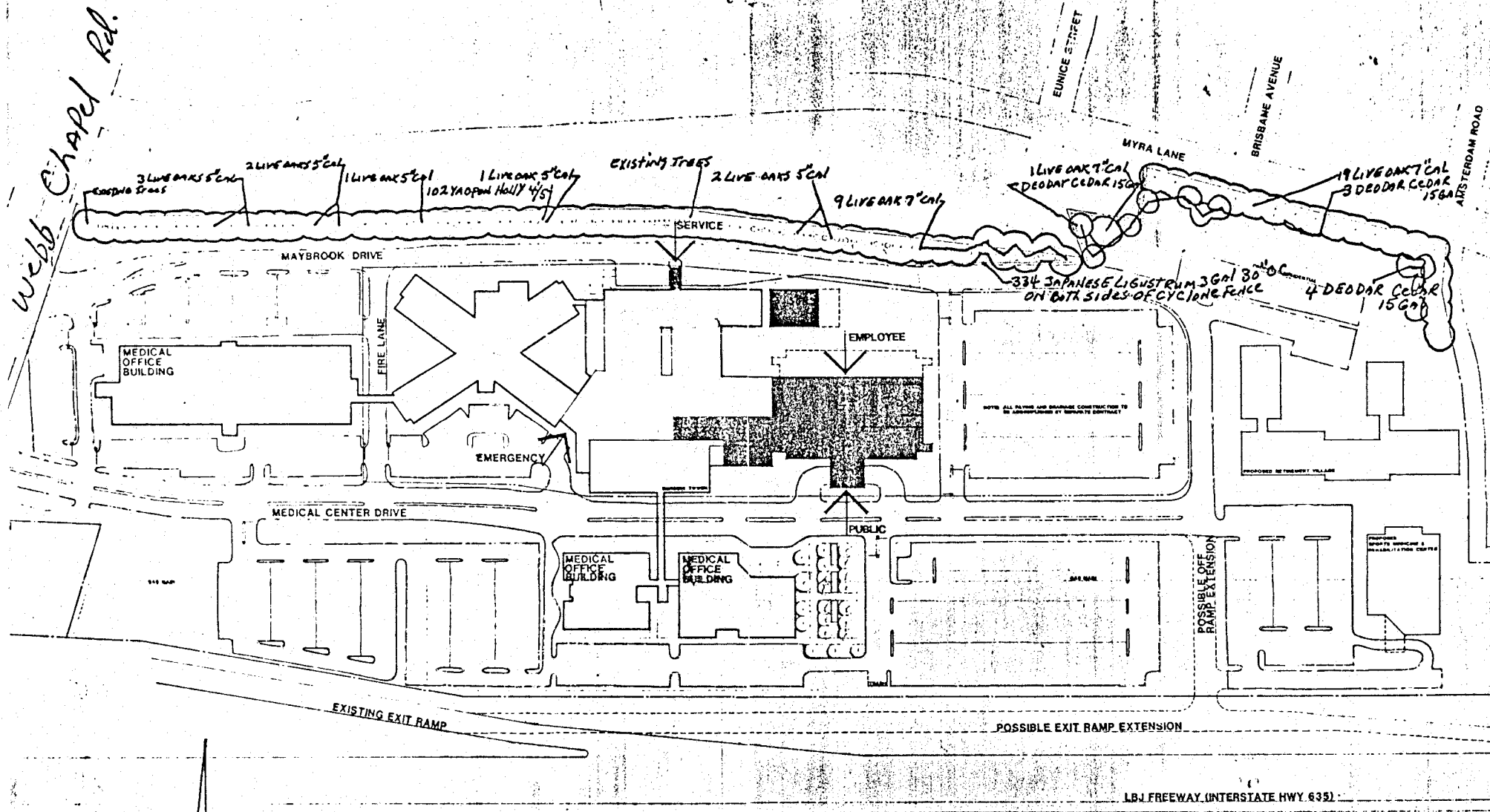
R.H. DEDMAN MEMORIAL HOSPITAL

6.17.82

SCALE 1"=60'-0"

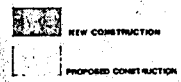


Webb Chapel Rd.



COMMON NAME / BOTANICAL NAME	SIZE	ROOT CONDITION	QUANTITY	NOTES
Live Oak / Quercus virginiana	3" cal.	B & B	29	Nursery grown
Live Oak / Quercus virginiana	5" cal.	B & B	9	Nursery grown
Deodar Cedar / Cedrus deodara	15 gal.	TOP	14	Nursery grown
Yapoon Holly / Ilex vomitoria	6' / 5'	B & B	102	Tree form; Native
Japanese Ligustrum / Ligustrum lucidum	6"	B & B	324	Nursery grown

**General:**  
 All plants are to be nursery grown and cured unless otherwise specified.  
 All plants must conform to the American Association of Nurserymen's American Standard.



- LEGEND**
- + EXISTING TREE
  - PRECISED TREE (LIVE OAK OR DEODAR CEDAR)
  - TREE REPLY TAKEN HOLLY (TREE)

**R.H. DEDMAN MEMORIAL HOSPITAL  
 SITE PLAN**

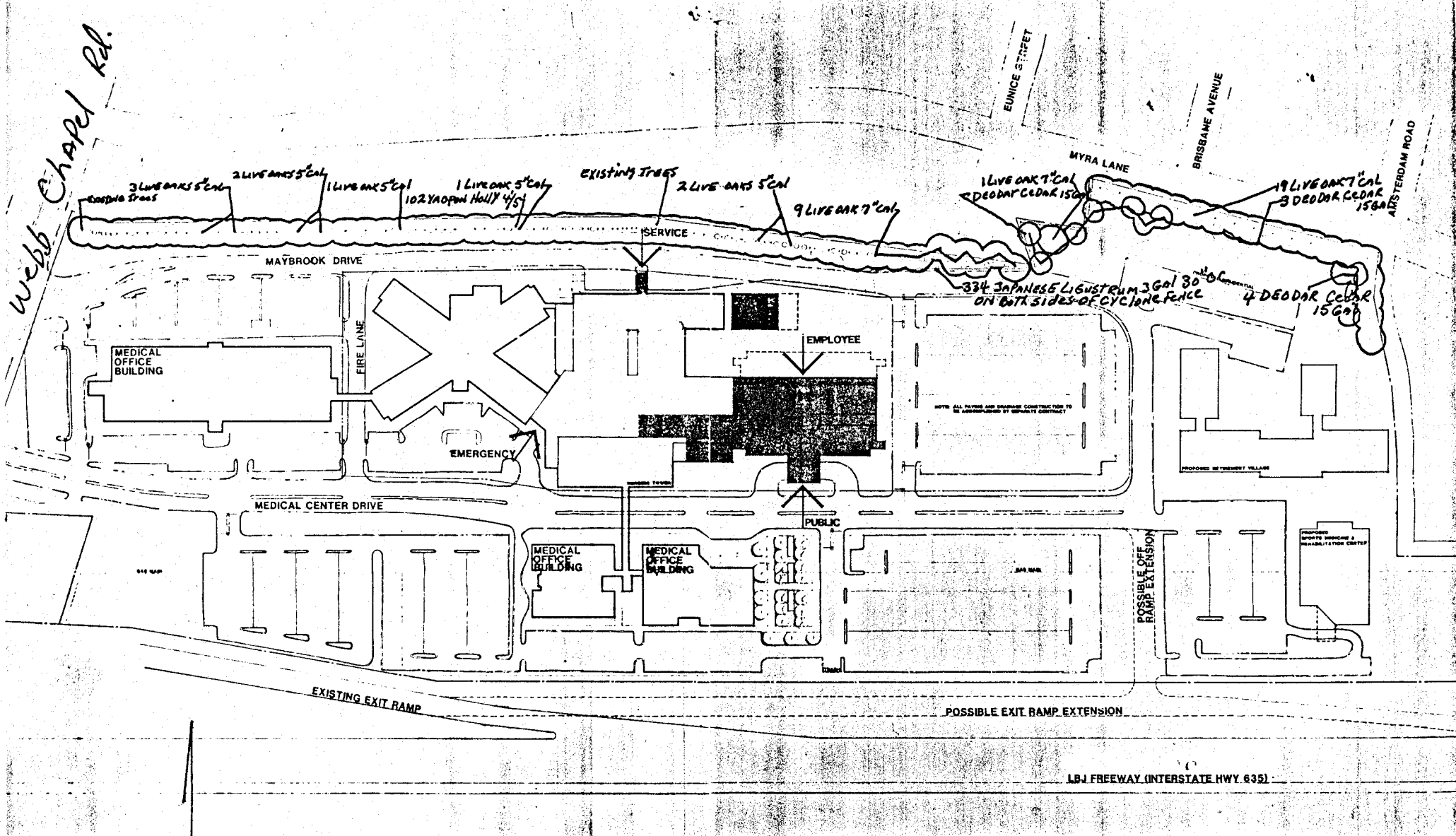
**LUTHERAN  
 MEDICAL  
 SYSTEM**



**TEXSCAPES  
 LANDSCAPING**



Webb Chapel Rd.



PLANT SCHEDULE

COMMON NAME / NOTARIAL NAME	SIZE	ROOT CONDITION	QUANTITY	NOTES
Live Oak / Quercus virginiana	7" cal.	B & B	29	Nursery grown
Live Oak / Quercus virginiana	5" cal.	B & B	9	Nursery grown
Deodar Cedar / Cedrus deodara	15 gal.	POF	14	Nursery grown
Yaupon Holly / Ilex vomitoria	1' / 9"	B & B	102	Tree form; Native
Japanese Ligustrum / Ligustrum lucidum	6"	B & B	324	Nursery grown

**Notes:**  
 All plants are to be nursery grown and cared unless otherwise specified.  
 All plants must conform to the American Association of Nurserymen's AMERICAN STANDARD.

**LEGEND**

- EXISTING TREE
- PREPARED TREE (LIVE OAK OR DEODAR CEDAR)
- PREPARED YAUPON HOLLY (TREE)

NEW CONSTRUCTION  
 PROPOSED CONSTRUCTION

R.H. DEDMAN MEMORIAL HOSPITAL  
 SITE PLAN

LUTHERAN  
 MEDICAL  
 SYSTEM



**TEXSCAPES**  
 LANDSCAPING