

S-386

13300 Branch View Lane



ORDINANCE NO. 3049

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 GRANTING A SPECIFIC USE PERMIT-INTERIM USE WITH SPECIAL CONDITIONS FOR AN INDOOR COMMERCIAL AMUSEMENT FACILITY ON PROPERTY LOCATED IN PLANNED DEVELOPMENT NO. 25 (PD-25) ZONING DISTRICT, BEING AN APPROXIMATELY 2.26 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF BRANCH VIEW LANE APPROXIMATELY 450 FEET NORTH OF VALLEY VIEW LANE AND BEING FURTHER DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "B"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A TERMINATION 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; and

WHEREAS, in accordance with Section 8-452 of the Comprehensive Zoning Ordinance, as amended, the City Council makes the following findings with respect to the application requesting the issuance of a Specific Use Permit - Interim Use on the property described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), to wit:

1. The proposed use is consistent with existing uses of adjacent and nearby Property;
2. The proposed use is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; or (b) the use of the Property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;
3. The proposed use will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;

4. The proposed use will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan;

5. The applicant has proposed to make an investment of up to \$20,000.00 in improvements to the Property related to the use to be authorized pursuant to the issuance of the requested Specific Use Permit - Interim Use and has stated that such investment can be recovered within three (3) years from the effective date of said permit and this Ordinance; and

6. The investment contemplated to be made by the applicant in the Property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of this Ordinance and the Specific Use Permit - Interim Use created hereby;

and

WHEREAS, having held the above-referenced public hearing and making the above findings, the governing body, in the exercise of its 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 is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit-Interim Use with special conditions for an indoor commercial amusement facility limited to small concert events on the Property within the Planned Development No. 25 (PD-25) zoning district.

SECTION 2. The Specific Use Permit - Interim Use described in Section 1, above, is hereby granted subject to compliance with the following special conditions:

- A. The Property shall be developed and used only in accordance with the Site Plan attached hereto as Exhibit "B," and incorporated herein by reference, which is hereby approved.
- B. A new masonry dumpster enclosure must be constructed on site prior to issuance of a Certificate of Occupancy for the soundstage or concert area within the existing building.
- C. Occupancy for the soundstage or concert area shall not exceed 300 people.
- D. Concerts shall commence not earlier than 12:00 p.m. (Noon) and must end on or before 12:00 a.m. (Midnight).