

ORDINANCE NO. 3085



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 IN THE REGULATION PLAN OF A PORTION OF PLANNED DEVELOPMENT NO. 88 (PD-88) FOR 21.16 ACRE TRACT OF LAND GENERALLY LOCATED NORTH OF WITTINGTON PLACE AND EAST OF CHARTWELL CREST AND WEST OF SENLAC DRIVE AND BEING FURTHER DESCRIBED IN EXHIBIT "A" FROM "COMMERCE DISTRICT" TO "URBAN CENTER" AND AMENDING THE STREET TYPE PLAN FOR CERTAIN STREETS WITHIN THE 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 the use and development regulations for an approximately 21.16 acre portion of Planned Development No. 88 (PD-88) Mercer Crossing Code ("the Mercer Crossing Code"), as amended, said property being more particularly described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), by amending Section II "The Regulating Plan," Subsection D, "Regulating Plan" of the Mercer Crossing Code by changing the designation of the Property from "Commerce District" to "Urban Center" as illustrated in Exhibit "B," and by amending the Street Type Plan for the Property as shown in "Exhibit "C," attached hereto and incorporated herein by reference.

SECTION 2. The use and development of the Property shall be subject to the regulations set forth in Section III "Building Envelope Standards," Subsection C "Urban Center Sites" Development Standards" of the Mercer Crossing Code.

SECTION 3. The Property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and as amended herein.

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.

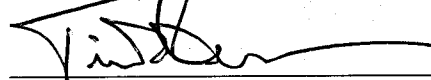
SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

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. 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.

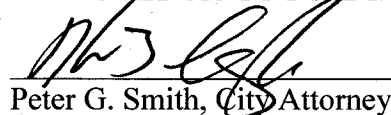
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 13TH DAY OF JULY, 2010.

APPROVED:



Tim O'Hare, Mayor

APPROVED AS TO FORM:


Peter G. Smith, City Attorney

ATTEST:



Cindee Peters, City Secretary

EXHIBIT "A"
Legal Description

BEING an approximately 21.16 acre tract of land situated in the Wm. M. Cochran Survey, Abstract No. 279 and in Farmers Branch, Dallas County, Texas. Said property being a portion of land as owned by American Realty Trust, Inc. as located in Volume 2001068, Page 1590, Deed Records Dallas County, Texas and being described more particularly as follows:

BEGINNING at a point on the corner clip of Senlac Drive (a 70 foot right-of-way) and Wittington Place (a 110 foot right-of-way);

THENCE southwesterly along said corner clip, South 44°07'14" West, a distance of 35.64 feet to a point for corner on the north right-of-way of said Wittington Place;

THENCE westerly along said north right-of-way of Wittington Place the following:

South 88°42'44" West, a distance of 2,021.24 feet to a point for corner on a curve to the left;

Westerly along said curve having a radius of 1,057.93 feet, a central angle of 16°33'53" and an arc distance of 305.86 feet to a point for corner on the corner clip of Chartwell Crest (a 85 foot right-of-way),

THENCE northwesterly and along said corner clip of Chartwell Crest, North 66°09'54" West, a distance of 21.37 feet to a point for corner on the northeast right-of-way of Chartwell Crest;

THENCE northwesterly along Chartwell Crest the following:

North 24°25'18" West, a distance of 39.35 feet to a point for corner on a curve to the left;

Northwesterly along said curve having a radius of 642.50 feet, a central angle of 34°34'27" and an arc distance of 387.71 feet to a point for corner, said point being the most southerly corner of Lot 1, Block A, Mercer Crossing Addition I, as recorded in Volume 2003184, Page 61, Deed Records Dallas County, Texas;

THENCE northeasterly along the southeast property line of said Lot 1, Block A and leaving said Chartwell Crest, North 44°07'00" East, a distance of 358.35 feet to the north property boundary of said American Realty Trust, Inc. tract and a point for corner;

THENCE southeasterly along said American Realty Trust tract, South 46°00'08" East, a distance of 281.29 feet to a point for corner;

THENCE easterly and continuing along said American Realty Trust tract, North 88°42'31" East, a distance of 1,688.10 feet to the southwest corner of Hutton Drive (a 70 foot right-of-way) as recorded in Volume 2000028, Page 02701, D.R.D.C.T., and a point for corner;

EXHIBIT "A" (con't)
Legal Description

THENCE northerly along said west right-of-way of Hutton Drive, North 02°44'37" West, a distance of 122.03 feet to a point on the south boundary of Valley View Commerce Park as recorded in Volume 84084, Page 2455, D.R.D.C.T., and a point for corner;

THENCE easterly along said south boundary of Valley View Commerce Park, North 89°19'56" East, a distance of 497.13 feet to a point for corner on the west right-of-way of said Senlac Drive;

THENCE southerly along said west right-of-way of Senlac Drive the following:

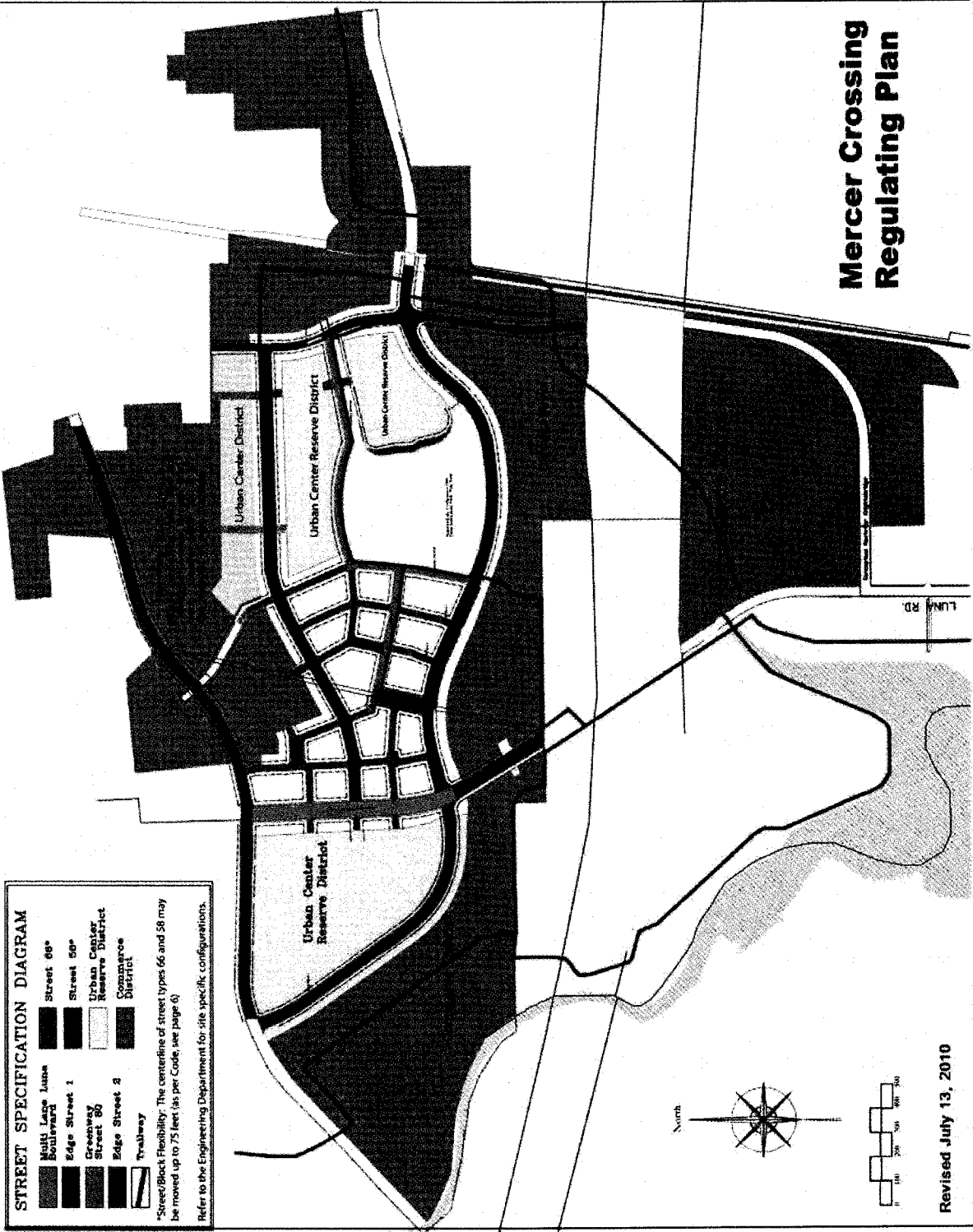
South 00°20'33" West, a distance of 66.26 feet to a point for corner;

North 89°31'44" East, a distance of 2.55 feet to a point for corner;

South 00°29'51" East, a distance of 370.79 feet to the

POINT OF BEGINNING and containing 21.16 acres of land, more or less.

EXHIBIT "B"
Revised Regulating Plan

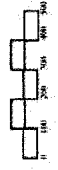


STREET SPECIFICATION DIAGRAM

Multi Lane Lane	Street 60*
Shoulder	Street 50*
Edge Street 1	Urban Center Reserve District
Crossway Street 90	Urban Center Reserve District
Edge Street 2	Overpass
Trafficway	Overpass

*Street/Block Flexibility: The centerline of street types 66 and 58 may be moved up to 75 feet (as per Code, see page 6)

Refer to the Engineering Department for site specific configurations.



Revised July 13, 2010

**Mercer Crossing
 Regulating Plan**

EXHIBIT "C"
Revised Street Type Plan

