

**FARMERS
BRANCH**

"BEST LIVING PLACE"

ORDINANCE NO. 1650

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; BY AMENDING THE ZONING DISTRICT CLASSIFICATION OF THE 6.099 ACRE TRACT OF LAND LOCATED AT THE SOUTHEAST QUADRANT OF LBJ FREEWAY AND LUNA ROAD FROM THE CURRENT ZONING DISTRICT CLASSIFICATION OF PD-22 (LI) TO A PLANNED DEVELOPMENT DISTRICT NUMBER 62 (PD-62) ALLOWING MIXED OFFICE USE, HOTEL, AND FINANCIAL INSTITUTIONS; ESTABLISHING DEVELOPMENT STANDARDS FOR PD ZONING DISTRICT NUMBER 62; PROVIDING A SAVINGS CLAUSE; PROVIDING INJUNCTIVE RELIEF; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS; AND PROVIDING AN EFFECTIVE DATE.

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 changes of zoning classifications 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 zoning map of the City of Farmers Branch, Texas, so as to change the zoning on the following described tract of land from PD-22 (LI) to Planned Development Zoning District 62, (PD-62), allowing mixed office use, hotel, and financial institutions and establishing development standards as set out in Exhibit "B". Said tract of land being more specifically described on Exhibit "A".

SECTION 2. That all uses in Planned Development Zoning District 62 (PD-62) shall conform in operation, location and construction to the performance standards set out in Exhibit "B" and, to those established by the Comprehensive Zoning Ordinance of the City of Farmers Branch.

SECTION 3. That all uses in Planned Development District Number 62 (PD-62) shall conform to the conditions and requirements of the Development Conceptual Plan attached as Exhibit "C".

SECTION 4. That the development of the above described 6.099 acre tract shall comply with and be in accordance with the following provisions:

- (a) The owner of the subject property must provide street right-of-way for proposed east-west Boulevard as required by City Council at time of platting;
- (b) No Site Plan shall be considered by the city, until the West Side Thoroughfare Plan is adopted.

SECTION 5. That the Applicant shall submit a traffic study or analysis with each site plan submitted to the City. The traffic study or analysis shall include projections and monitor existing traffic levels and levels of development.

SECTION 6. 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 7. That the developer shall agree to participate, on a pro rata basis, in an areawide Transit Management Organization if and when a TMO is created.

SECTION 8. 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 9. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not effect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

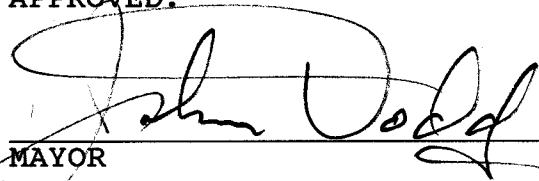
SECTION 10. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 11. Whereas, it appears that the above described property requires that it be given the Rezoning in order to permit its proper use and 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 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 25 day of August, 1986.

APPROVED:



MAYOR

APPROVED AS TO FORM:

ATTEST:



CITY ATTORNEY



CITY SECRETARY

EXHIBIT "A"

BEING 6.099 acres of land in the Wm. P. Shahan Survey, Abstract No. 1337, Dallas County, Texas, and being out of a 349.71 acre tract of land conveyed to Wilson H. Brown and the Texas Empire Development Corporation by deed dated May 8, 1963, also being that same tract of land as conveyed to Trinity River Authority by deed recorded in Volume 69084, Page 1113 of the Deed Records of said county and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod in the easterly right-of-way line of Luna Road, said point being located 2089 feet southeasterly along Luna Road from the north boundary of said 349.71 acre tract, said point also being South 32 deg. 14 min. 40 sec. East, 341.00 feet from the intersection of the easterly line of Luna Road with the southerly right-of-way line of State Highway Loop 635;

THENCE North 65 deg. 55 min. 20 sec. East, 550.41 feet to an iron rod for a corner;

THENCE South 24 deg. 04 min. 40 sec. East, 498.72 feet to an iron rod for a corner;

THENCE South 65 deg. 55 min. 20 sec. West, 546.52 feet to an iron rod for a corner in the easterly right-of-way line of Luna Road;

THENCE northerly an arc distance of 402.24 feet along a curve to the left and along said easterly line of Luna Road to an iron rod, said curve having a central angle of 19 deg. 15 min. 55 sec. and a radius of 1196.28 feet;

THENCE North 32 deg. 14 min. 40 sec. West, 99.52 feet to the POINT OF BEGINNING and containing 6.099 acres of land, more or less;

SAVE AND EXCEPT an easement and right-of-way reserved by GRANTOR, in on, over, through, under and across that certain land situated in Dallas County, Texas, to wit:

BEING 1.77 acres of land, more or less, lying and being situated between the southerly right-of-way line of a sanitary sewer easement as recorded in Volume 5036, Page 618 of the Deed Records of Dallas County, Texas and the northerly line of the above-described 6.099 acres being described as follows:

BEGINNING at the most westerly north corner of said 6.099 acre tract;

THENCE North 65 deg. 55 min. 20 sec. East, 550.41 feet to the most easterly north corner of said 6.099 acre tract;

THENCE South 24 deg. 04 min. 40 sec. East, along the easterly line of said 6.099 acre tract 154.71 feet to a point on the southerly line of aforesaid sanitary sewer easement, the beginning of a non-tangent curve to the left having a central angle of 16 deg. 56 min. 46 sec. and a radius that bears South 07 deg. 26 min. 29 sec. East, 325.00 feet;

THENCE along the southerly line of said easement and said curve to the left an arc distance of 96.12 feet to the point of tangency;

THENCE continuing along the southerly line of said easement South 65 deg. 36 min. 45 sec. West, 435.89 feet to a point in the easterly right-of-way of Luna Road, the beginning of a non-tangent curve to the left having a central angle of 02 deg. 10 min. 12 sec. and a radius which bears South 59 deg. 55 min. 32 sec. West, 1196.28 feet;

THENCE along the easterly right-of-way line of Luna Road and said curve to the left an arc distance of 45.31 feet to the point of tangency;

THENCE continuing along the easterly right-of-way line of Luna Road North 32 deg. 14 min. 40 sec. West, 99.52 feet to the POINT OF BEGINNING.

EXHIBIT "B"

OFFICE DISTRICT
ZONING PERFORMANCE & DEVELOPMENT STANDARDS
CITY OF FARMERS BRANCH, TEXAS

The following Development Standards shall be strictly adhered to with regard to the uses (s), operation, siting, design and construction of any building structure(s) and/or other property physical improvements located within this proposed Office Planned Development Zoning District Number 62 (the "District").

A. USES: The following uses shall be permitted within the District:

1. Principal Uses Permitted:

- a. Office buildings (includes, but is not limited to: private corporate offices, professional offices, medical and diagnostic offices).
- b. Hotels.
- c. Banks, savings and loan associations, and other financial institutions.
- d. Medical and dental laboratories.
- e. Signage and other Property - related identification uses generally permitted in a planning development district ("PD") under Section 8-108 of the Farmers Branch Comprehensive Zoning Ordinance, as such uses may specifically be permitted with regard to type and location on an approved Site Plan (the "Site Plan") for the Property as herein required.

2. Secondary Uses Permitted:

- a. Barber and beauty shops.
- b. Bakery and confectionary shop (retail).
- c. Cafeteria.
- d. Cleaning and pressing, small shop or pick up.

- e. Customer personal service shop.
- f. Florist or garden shop.
- g. Memograph, stationery, or letter shop.
- h. Studio for photographer, musician or artist.
- i. Optical shop.
- j. Travel agency.
- k. Snack and sandwich shop.
- l. Print shop.

3. Specific Use Permit Required:

- a. Skating rink, roller or ice.
- b. Private club.
- c. Indoor theatre (movie or legitimate).
- d. Health club or studio, public and private.
- e. Transportation related uses.
- f. Restaurant establishment.
- g. Drive-in banking facility.

4. Use Limitation

- a. All development occurring within the Property, whether constructed at one time or in phases, shall be done in strict accordance with all requirements established by the City, including but not limited to these Standards.
- b. Secondary uses shall be permitted only within office uses, or hotel.
- c. The gross floor area of secondary uses, except parking shall not exceed 2% of the total principal uses of the development.
- d. All primary uses shall be permitted only in locations specifically designated on an approved Site Plan. Any secondary use(s) shall be located within a main building structure with a primary use, unless otherwise designated on the Site Plan.
- e. No departure in the location of primary and/or secondary uses approved on the Site Plan for the Property shall be permitted unless an amended Site Plan showing proposed changes in the location of a use or uses is resubmitted in accordance with all requirements herein stipulated and approved by Planning and Zoning Commission and City Council.

B. DENSITY: The term density as used herein shall mean the relationship between the total gross square footage of above grade buildings or structures of any type placed on the Property and the square footage area of the Property. The maximum density permitted within this Office Zoning District shall be determined as follows:

1. Floor Area Ratio: The maximum allowable floor area ratio (F.A.R.), computed by comparing the total building structure square footage on the property to the area of the Property measured in square feet, shall not exceed a 3:1 ratio, with such building structure calculation including the square footage area of all at-grade and above-grade parking structure levels. Any below-grade mechanical rooms and related accessways and/or below-grade parking structure levels shall not be included in the building structure calculation in determining this ratio.
 2. Maximum Building Floor Area: The maximum gross square footage of building structures located within the Property devoted to primary and secondary uses as defined in Sections A.1 and A.2 of these standards shall not exceed a total of 797,017 gross square feet.
- C. MAXIMUM BUILDING HEIGHT: The maximum building height in feet of any building structure at any location within the District, said height being measured from proposed finish grade at any such structure to the top of its highest physical protrusion above the ground shall be the lesser of: (i) that height in feet established on the Site Plan for the Property as hereinafter required; or, (ii) that height in feet as may be certified in writing by the Federal Aviation Authority (the "FAA") in a form satisfactory to the City. In calculating the height of any building structure, parapets, penthouses, signs, antennae or any other elements protruding above the roof of the upper most floor shall be included in said calculation. The City staff shall certify the final approved height for each and every building within the property prior to the issuance of a permit for its construction.
- D. BUILDING SETBACKS: Setbacks shall be established on the Site Plan. Minimum setback distance from the right-of-way line of public streets and adjacent property lines are as follows:
1. Public Streets Rights-Of-Way: Above ground building structures shall be setback a minimum of 50 feet from Luna Rd. and 30 feet from all other right-of-way lines.
 2. Side and Rear Property Lines: Above ground building structures shall be setback a minimum of 12 feet from property lines shared with adjacent properties and not fronting onto public street rights-of-way. The intent shall be to guarantee a permanently unobstructed area of 24 feet between building structures for fire access purposes.
 3. Underground Setbacks: All underground parking or other structures shall be setback a minimum of 15'0" from any property line of the Property.
- E. BUILDING SITE COVERAGE: Maximum ground floor gross square foot building coverage within the District shall not exceed 40% of the

total square foot area of the Property remaining after deduction of any required public street right-of-way dedications.

F. **LANDSCAPED OPEN SPACE:** The following section shall establish minimum requirements for the provision of landscaped open space (the "Landscaped Open Space") within the District:

1. For purposes of this Section, Landscaped Open Space shall be defined as those unpaved areas of the Property within which are planted trees, shrubs, ground cover, grass, and flowering plants. Paved external pedestrian courtyards and walkways (other than required sidewalks), waterways (i.e., streams) or waterbodies (i.e., lakes) may be counted as landscaped open space up to Not Applicable percent (NA%) of the total landscaped open space requirement of Item 2 below.
2. Landscaped Open Space as hereinabove defined shall be limited to areas of the Property located outside the external wall lines of building structures. Open courtyard areas internal to buildings specifically are excluded from being counted in meeting minimum landscaped open space requirements provided for herein.
3. Landscaped Open Space area provided within the District shall be not less than 20% of the total square foot area of the Property remaining after deduction of any required public street right-of-way deductions along the external boundaries of the Property. If development within the District is phased, the 20% requirement for developed Landscaped Open Space shall be required for each phase unless otherwise specifically stipulated on the approved Site Plan.
4. Surface parking areas with bays (i.e., two parking stall depth plus vehicle access lane) exceeding sixty two feet (62') in width shall have not less than 10% of the total internal area of such parking area developed as Landscaped Open Space, provided, however, that Landscaped Open Space areas located along the perimeter of any parking area or outside the property line shall not be counted in meeting the requirement.
5. All planted Landscaped Open Space areas within the District shall be supplied with a fully automatic irrigation system.
6. All landscaped open space areas and supporting automatic irrigation systems within the District shall be provided in strict accordance with the landscape and irrigation plan required under Section K.5.d of these Standards.
7. All Landscaped Open Space and other physical development located within the District shall conform with the City pathway system, as may be amended.

G. **PARKING:** Parking shall be provided for the proposed uses at the following minimum ratios:

1. Offices (other than Medical Offices): one space per 300 SF of gross floor area.
2. Medical and Diagnostic Offices: one space per 175 SF of gross floor area.
3. Hotels: one space for each of the first 250 rooms, plus 3/4 space per room for the next 250 rooms, plus 1/2 space for each additional room, plus such spaces as required by restaurants, ballrooms, and affiliated facilities.
4. Retail and Affiliated Office Support Systems: one space per 250 SF of gross floor area.
5. Eating Establishments: one space per 3 seats.
6. Theatres: one space for every 3 seats.

H. LOADING FACILITIES

1. All office, commercial, hotel and restaurant uses shall provide and maintain off-street loading facilities in the quantities stated below:
 - a. Office uses:
 - i. 10,000 to 50,000 GSF: one space.
 - ii. Each additional 100,000 GSF: one space
 - b. Commercial uses:
 - i. 0 to 20,000 GSF: one space.
 - ii. Each additional 20,000 GSF: one space.
 - c. Hotel uses:
 - i. 1 space per each 100,000 GSF
 - d. Restaurant uses:
 - i. 0 to 50,000 GSF: one space.
 - ii. Each additional 100,000 GSF: one space.
2. The City Staff shall determine the off-street loading requirements for uses not specified, based on the most similar use listed above.
3. A structure containing more than one use must meet the loading requirements of each use unless one use occupies 90% or more of the gross building area, in which case the loading requirement is calculated as if that use occupied the entire structure.
4. Dimensions of loading facilities, including tractor-trailer facilities, will be determined and recommended by the City Staff as a part of the approved Site Plan. Loading facilities shall consist of a minimum area of 10 feet by 45 feet.
5. Loading facilities for more than one building may be provided in a common terminal if connections between building and terminal are off-street.

6. Loading facilities shall be designed to minimize interference with traffic flow to eliminate the need to use any public street for maneuvering of any delivery vehicle.

I. STREETS: All public streets and rights-of-way, public alleys, and fire lanes within the District shall be constructed in conformance with City engineering design criteria.

J. CONCEPT PLAN APPROVAL: Prior to submittal of the first Site Plan for land within the District, a Concept Plan (the "Concept Plan") shall be submitted and approved. Said Concept Plan shall be for the purpose of establishing general development intent for the Property, including but not limited to internal and external vehicle circulation, proposed land use allocation, density and building height allocations, public utility servicing and required parking spaces. The Concept Plan as approved shall serve as a guide for the approval of any and all Site Plan submissions relating to the Property. Concept Plan submittal requirements are as follows:

1. A vicinity map at a scale of 1" = 1,000 ft. as part of the Concept Plan, showing size, boundary configuration and ownership of all land immediately adjacent to the District.
2. A boundary survey of the District including the following:
 - a. Metes and bounds of all boundary lines of the District.
 - b. Total land area within the District.
 - c. Graphic scale and north arrow.
 - d. Names and route numbers of boundary streets and rights-of-way.
 - e. Existing topography with a maximum contour interval of two feet.
3. A copy of the warranty deed showing current ownership of the Property.
4. A generalized land use plan showing approximate location of proposed land uses, circulation corridors, and public utility corridors. This shall include a statement of maximum allowable building area and parking space and anticipated building heights.
5. An aerial photograph of the District and all adjacent properties within 500 feet, stating date of photograph.
6. A traffic study based upon guidelines established by the City Traffic Department.
7. A water and sewer impact analysis, based upon guidelines established by the City Engineering Department.
8. A plan showing the anticipated location and sequence of development phases within the Property.

9. A statement acknowledging potential financial responsibility of the developer for equitable funding of needed improvements generated by the project.

K. SITE PLAN APPROVAL: Prior to beginning of any development on a building site within the District, a comprehensive Site Plan detailing the proposed development shall be submitted for approval as required by paragraph 8-502 of the Comprehensive Zoning Ordinance. This submittal shall be required before a building permit shall be issued. The following are the submittal requirements for such approval:

1. A vicinity map at a scale of 1" - 1,000 ft. as part of Site Plan.
2. A boundary survey of the building site including the following:
 - a. Metes and bounds of all boundary lines of the building site.
 - b. Total land area within the property.
 - c. Graphic scale and north arrow.
 - d. Names and route numbers of boundary streets and rights-of-way.
 - e. Existing topography with a maximum contour interval of two feet.
3. A copy of warranty deed showing current ownership of the Property.
4. An aerial photograph of the building site and all adjacent properties within at least 500 feet, stating date of photography.
5. A detailed and to scale Site Plan showing:
 - a. Existing and proposed public or private streets and curb cuts.
 - b. Existing and proposed building and parking structures locations, including size in number of square feet, number of floors, number of spaces and size of spaces in parking structures, and height above grade. This should include a statement of maximum allowable building heights as restricted by the FAA.
 - c. Existing and proposed utility easements and fire lanes.
Landscape and irrigation plan for Landscaped Open Space areas within the Property to include:
 - (1) A planting plan showing the proposal locations, types, and sizes at time of planting for all types of trees, shrubs, ground cover, flowering plants and other plant materials.
 - (2) An irrigation system plan showing: the proposed locations and sizes of supply pipes; locations, types,

capacities and coverage areas for irrigation heads; and, type, location(s) and zoning for any automatic control system.

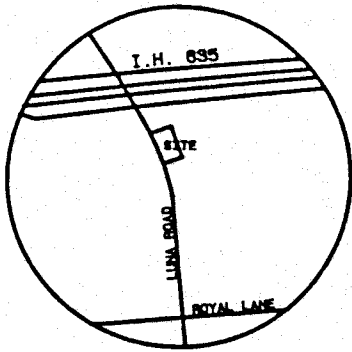
- e. Proposed at-grade parking lots and loading facilities.
 - f. A statement of proposed floor area ratio, building site coverage ratio, and landscape area ratio.
 - g. Proposed on-site identification and directional signage.
 - h. Anticipated uses within the building site.
 - i. Proposed drainage and grading plan.
 - j. All existing and proposed utilities, including site and tap location and all fire hydrants.
6. If any portion of the buildings or parking structures within the building site are to be located below grade, a separate below grade building site plan shall be submitted showing the boundaries of the building site; above ground public street rights-of-way and street paving; the elevations and grades of the ground level floor of all buildings and parking structures; the elevation and grade of all surface parking; plans for all proposed underground structures including parking levels and vehicle circulation; graphic scale and north arrow. The underground structures shall be drawn in solid lines, and the above ground structures shall be shown with dashed lines.
 7. If a building site is to be developed in phases, the submittal shall also include a conceptual plan for future phases showing the approximate location of circulation corridors and public utility corridors, and the approximate location of buildings and parking for future phases.
 8. Any other information requested by Staff, Planning & Zoning, and/or City Council reasonably necessary to determine compliance of the Site Plan with the Comprehensive Zoning Ordinance, as amended hereby.
 9. A statement affirming how, when and to what extent the applicant will fund the improvements required due to increased traffic and utility burdens that this project generates in this area of the City.

END OF EXHIBIT "B".

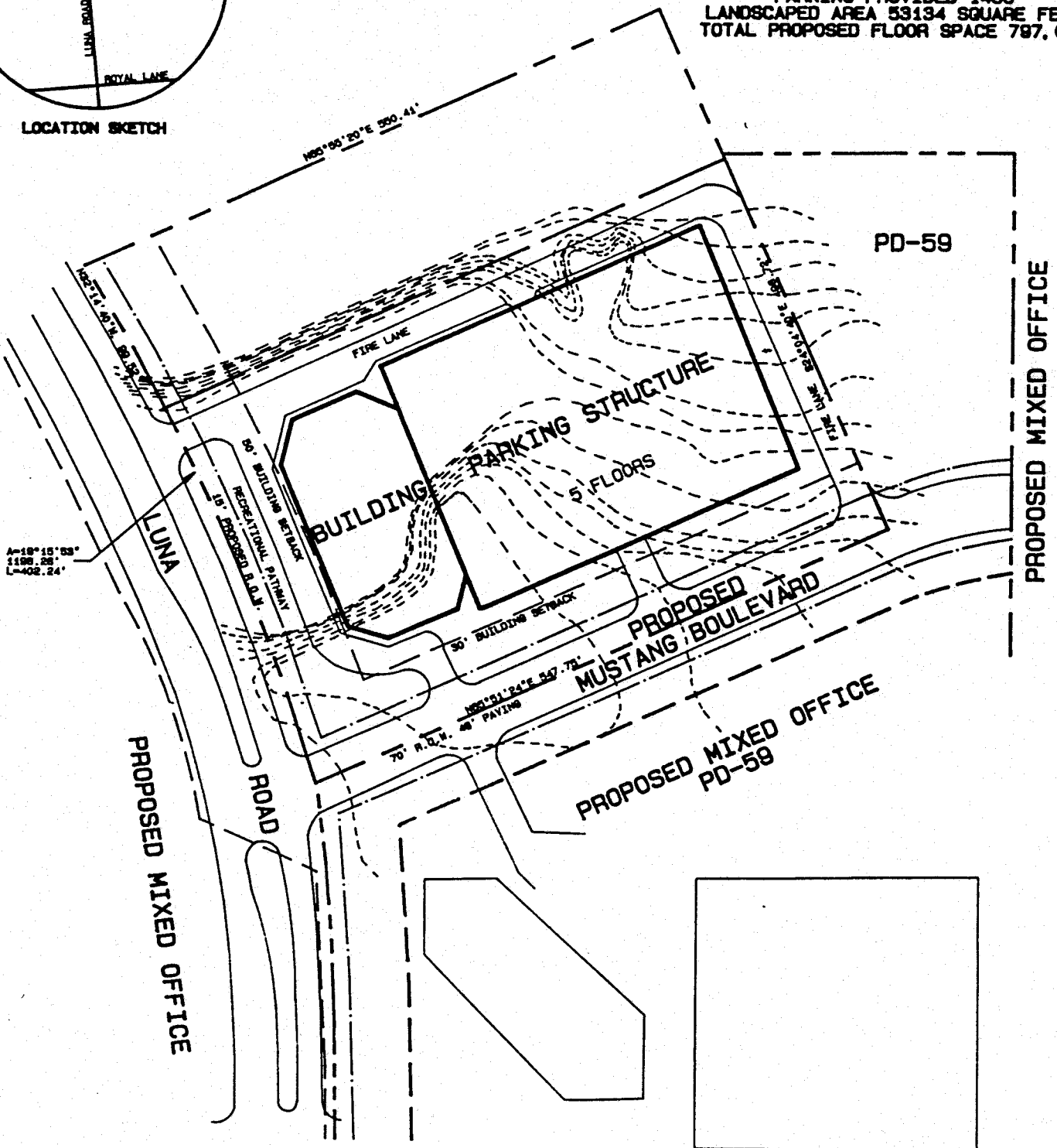
NOTE: Any requested modification of the language and values of the Farmers Branch Office District Zoning Performance and Development Standards shall be presented on a separate document. It shall reference the page number, paragraph number and sub-paragraph number of the section to which the modification is requested.

CONCEPT PLAN
CALCULATIONS

TOTAL SITE 285,872 SQUARE FEET
 MAXIMUM FLOOR AREA 3: 1
 TOTAL BUILDING 18 FLOORS 430,820
 TOTAL PARKING STRUCTURE 368,197
 PARKING REQUIRED 1438
 PARKING PROVIDED 1438
 LANDSCAPED AREA 53134 SQUARE FEET
 TOTAL PROPOSED FLOOR SPACE 797,017



LOCATION SKETCH



LACY/TRA JOINT VENTURE
 J.H. LACY, TRUSTEE

