

**FARMERS
BRANCH**

ORDINANCE NUMBER 2170

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 4.5 ACRE TRACT OF LAND GENERALLY BOUNDED BY VALLEY VIEW LANE TO THE NORTH AND EAST, LBJ FREEWAY AND THE CITY LIMITS OF FARMERS BRANCH ON THE SOUTH AND EXISTING MULTI-FAMILY TWO (MF-2) ZONING TO THE WEST, FROM THE CURRENT CLASSIFICATION OF MF-2 TO PLANNED DEVELOPMENT ZONING DISTRICT NUMBER SEVENTY ONE (PD-71) ALLOWING RETAIL AND SERVICE TYPE USES AND MISCELLANEOUS USES AS PERMITTED IN LOCAL RETAIL-TWO (LR-2) ZONING DISTRICTS AND AS LISTED IN ARTICLE 8, SECTIONS 107 AND 114 OF THE COMPREHENSIVE ZONING ORDINANCE; PROHIBITING MORTUARY OR FUNERAL PARLOR AS AN ALLOWABLE USE IN PD-71; ADOPTING SPECIFIC DEVELOPMENT STANDARDS FOR PD-71; APPROVING A CONCEPT PLAN FOR PD-71; PROVIDING A SEVERABILITY CLAUSE AND SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING 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 Charter of the City of Farmers Branch, and the State Law with reference to amending 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 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 use 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 so as to change the zoning district classification on the MF-2 tract of land described on Exhibit "A" from Multi-Family-2 (MF-2) to Planned Development zoning district number seventy-one (PD-71) allowing retail, service and miscellaneous uses as listed in Article 8, Sections 107 and 114 of the Comprehensive Zoning Ordinance, except that mortuary or funeral parlor is a specifically prohibited use in PD-71.

SECTION 2. That all uses in Planned Development Number 71 zoning district (PD-71) shall conform in operation, location and construction to the performance and development standards set out in Exhibit "B" and , except as modified by Exhibit "B", to those established by the Comprehensive Zoning Ordinance of the City of Farmers Branch.

SECTION 3. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, as herein amended.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense.

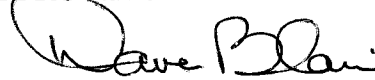
SECTION 5. If any section, paragraph, subdivision, clause, phrase, provision, or word of this ordinance shall be judged invalid or unconstitutional such judgement shall not affect the remainder of this ordinance.

SECTION 6. 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 7. 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 20th day of February, 1995.

APPROVED:



Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

Post-it® Fax Note		7671	Date	2/15/95	Page #	1
To	Tom Scales		From	Staley		
Co./Dept.			Co.	Festive		
Phone #			Phone #	950 0084		
Fax #	241 6305		Fax #			

Being a tract or parcel of land situated in the Valentine Wampler Survey Abstract No. 1570, City of Farmers Branch, Dallas, County, Texas and being part of a 4.565 acre tract conveyed to the trustees of the Alice Abigail Wiseman trust, known as tract No. 1 as recorded in Volume 74216, Page 0810, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a concrete monument for corner at the intersection of the southwest line of Valley View Lane (variable width right-of-way) with the northwesterly line of Interstate Highway No. 635 (variable width right-of-way), being the east corner of said 4.565 acre tract;

THENCE South 63°07'26" West with the northwesterly line of said Highway and the southeast line of said 4.565 acre tract a distance of 675.00 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG" set for corner, being the southeast corner of said 4.565 acre tract and the northeast corner of a 0.0458 acre tract recorded in Volume 93118, Page 3029, Deed Records, Dallas County, Texas;

THENCE North 89°45'31" West with the common line of said 4.565 acre tract and 0.0458 acre tract a distance of 90.59 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG" set for corner in the east line of Moran's Valley View, an addition to the City of Farmers Branch according to the plat recorded in Volume 68175, Page 2057, Deed Records, Dallas County, Texas and being the southwest corner of said 4.565 acre tract and the northwest corner of said 0.0458 acre tract;

THENCE North 00°06'03" East with the common line of said 4.565 acre tract and Moran's Valley View a distance of 490.32 feet to a 1/2" iron rod found for corner in the south line of Valley View Lane and being the northeast corner of said Moran's Valley View;

THENCE North 89°53'13" East with the south line of said Valley View Lane a distance of 245.60 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG" set for corner in the southerly line of said Valley View Lane;

THENCE South 69°22'34" East with the southerly line of said Valley View Lane and the northerly line of said 4.565 acre tract a distance of 179.37 feet to a concrete monument found for corner;

THENCE South 48°22'34" East with the southwest line of said Valley View Lane and the northeast line of said 4.565 acre tract a distance of 253.03 feet to the **POINT OF BEGINNING** and containing 196,326 square feet or 4.5070 acres of land, more or less.

EXHIBIT "A"

EXHIBIT "B"

PERFORMANCE AND DEVELOPMENT STANDARDS

FOR PLANNED DEVELOPMENT ZONING DISTRICT NUMBER 71

The following performance and development standards, (the "Standards") shall be considered in the use, operation, design, location, siting, and construction of any structure or other development features within Planned Development Zoning District Number 71 (the "District").

Variances to these standards may be requested by the developer and shall be considered as a part of the building site plan approval. All variances requested by the developer as a part of the building site plan approval shall be specifically identified on the building site plan as a variance request.

A. Uses Permitted.

1. Any use as permitted within the Local Retail-2 (LR-2) zoning district and listed in the Comprehensive Zoning Ordinance Schedule of Uses under Article 8, Section 107 (i.e., Retail and Service Type Uses) and Section 114 (i.e., Miscellaneous Uses), as permitted in Local Retail-2 (LR-2) zoning district with the exception that mortuary or funeral parlor is specifically prohibited.

B. Density.

1. 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.
2. The maximum density permitted within the PD-71 district shall not exceed a floor area ratio (F.A.R.) of one to one (1:1), computed by comparing the total building structure square footage on the Property to the area of the Property measured in square feet.

C. Building Heights.

1. The maximum building height, in feet, of any building structure at any location within the District, said height being measured from proposed finish grade of any such structure to the top of its highest physical protrusion above the ground shall not exceed 40 feet.

2. In calculating the height of any building structure, parapets, penthouses, signs, antennae or any other elements protruding above the roof of the upper floor, shall be included in said calculation.

D. Building Setbacks.

1. Front Yard.

- a. Above ground building structures shall be setback a minimum of 35 feet from Valley View Lane and 35 feet from LBJ Freeway (IH-635).

2. Side Yard.

- a. A 35 foot setback is required adjacent to residential zoning districts.

E. Building Materials.

1. One hundred (100) percent of exterior walls of building shall be masonry construction which shall include brick, split-face concrete block, or tilt wall concrete. Stucco and other decorative materials may be used as trim on the building.

F. Building Site Coverage.

1. The maximum ground floor gross square foot building coverage within the district shall not exceed 35 percent of the total square foot area of the property remaining after deduction of any required public street right-of-way dedications.

G. Landscaped Open Space.

1. The following section shall establish minimum requirements for the provision of Landscaped Open Space (the "Landscaped Open Space") within the District:
 - a. 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.
 - b. Landscaped Open Space as hereinabove defined shall be limited to areas of the Property located outside the external wall lines of building structure. Open courtyard areas internal to buildings specifically are excluded from being counted in meeting minimum landscaped open space requirements provided for herein.

- c. Unless otherwise shown on the Approved Plans, Landscaped Open Space area provided within the District shall be not less than 10 percent of the total square foot area of the Property remaining after dedication of any required public street right-of-way dedications along the external boundaries of the Property and outside the external wall lines of building structures.

2. **Parking Areas - Interior.**

- a. A minimum of 5 percent of the total vehicular surface area shall be landscaped. Such landscaping shall be located within medians, islands or peninsulas.

3. **Tree Requirements.**

- a. Quantity. One tree is required for every thirty lineal feet of street frontage along Valley View Lane and one tree is required for every 40 feet of street frontage along LBJ Freeway. All fractions equal to or greater than 0.5 shall be rounded to the next higher number of trees.
- b. Tree Size. Required trees shall have a minimum trunk caliper of 2 inches measured at a height of 5 feet above the ground, at time of planting. Plants not considered trees, but grown to tree form (e.g., crepe myrtles, ligustrum) which can be substituted for required trees shall be at a minimum of 6 feet in height at time of planting.
- c. Trees for screening. See Section K(1).
- d. Tree location. Required trees to be located between the building face and property lines abutting street thoroughfares.

4. **Irrigation.**

All required landscaped areas shall be irrigated with an automatic irrigation system, the design of which shall be subject to Staff approval prior to the issuance of building permits.

5. **Parking Areas - Abutting Streets.**

All parking areas abutting a public street or street right-of-way shall be screened in accordance with the following requirements.

- 1. **Height.** Screening shall be a minimum of three 3 feet in height.

2. **Location.** Screening shall be located within the required setback areas.
3. **Materials.** Screening shall consist of one or a combination of the following: nondeciduous shrubs, or landscaped earthen berms.
 - a. The maximum acceptable grade for screening areas, such as berms or planting beds shall be 1:3.
 - b. Screening shrub species determined on site plan.
 - c. Screening shrubs shall be spaced a maximum of 3 feet on center and the container size shall be a minimum of 5 gallons at time of planting.

H. Parking.

Uses for which off-street parking requirements are not specified herein shall comply with the off-street parking requirements of the Comprehensive Zoning Ordinance.

- a. Retail Stores: 1 space per 250 square feet of gross floor area.
- b. Showroom Retail: 1 space per 500 square feet of gross floor area.
- c. Warehousing: 1 space per 1,000 square feet of gross floor area.
- d. Eating Establishments: 1 space per 100 square feet of gross floor area.

I. Parking Materials and Dimensions.

1. Any off-street parking spaces provided or used shall be comprised strictly of an improved surface of concrete or other hard surface material (e.g., brick pavers) as may be approved by the Building Official and constructed in accordance with City of Farmers Branch engineering standards.
2. Standard parking spaces shall measure at least 8' 6" wide and 18' in length. A 2 foot overhang is permissible but may not encroach property lines or obstruct a 4 foot walkway around the building which provides access to the main entrance of the building from parking areas.

J. Compact Car Parking.

A maximum of 10 percent of the required off-street parking may be devoted to compact car spaces at least 7'6" wide x 15' length. Location of compact car area on site to be determined on site plan.

K. Residential Screening.

Screening wall and landscaping shall be provided separating any adjoining multi-family zoned property from the retail development.

1. **Height.** Eight foot masonry fence architecturally compatible to the adjoining structure and 12 feet tall trees along the west property line (i.e., live oak or photinia standard tree form). Tree spacing dependent upon plant material chosen and will be determined at time of site plan approval.

L. Refuse Areas.

1. Refuse storage containers shall be screened from view of public streets, street rights-of-way and abutting properties.
2. Where not entirely screened by meeting the requirements of other sections of this ordinance, refuse containers shall be screened by masonry walls having the same or similar finished appearance as the facade of the building.
3. Refuse storage container location determined at time of site plan approval.

M. Mechanical Equipment.

All mechanical equipment, roof mounted or otherwise, shall be screened from view of all abutting thoroughfares, streets, street rights-of-way and residential zoning district.

N. Signs.

1. One sign shall be permitted along Valley View Lane, monument type only, a maximum 100 square feet in area, 15 feet tall, and setback a minimum of 10 feet from the right-of-way line.
2. One sign shall be permitted along LBJ Freeway, pylon or monument, a maximum of 200 square feet in area for one tenant and 300 square feet in area for multi-tenant, 50 feet tall, and setback a minimum of 10 feet from the property line.
3. Wall signage shall be limited to one sign on the east elevation a maximum of 300 square feet in area for one tenant, and a total 400 square feet for two tenants. Wall signage along the north and south elevations is 200 square feet regardless of the number of tenants. Only non-illuminated directional signage is permitted on the west elevation, a maximum of 20 square feet in area total.

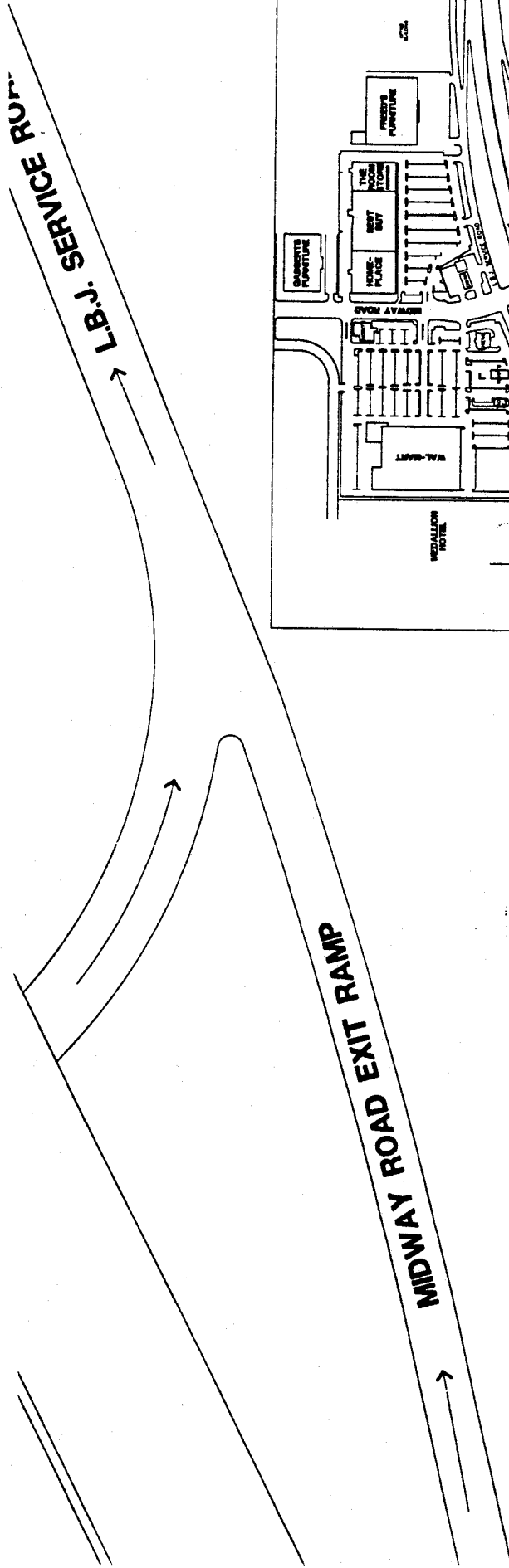
4. No advertising sign structure shall contain more than two (2) sign panels.

O. 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. The following are the submittal requirements:

1. A vicinity map at a scale of 1" - 1,000 feet as part of the 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 the 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 photograph.
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.
 - c. Existing and proposed utility easements and fire lanes.
 - d. Landscape and irrigation plan for Landscaped Open Space areas within the Property to include:
 - i. 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.

- ii. An irrigation system plan showing: the proposed locations and sizes of supply pipes: locations, types, capabilities 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 (F.A.R.), building site coverage ratio, and landscaped 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 building 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 and Zoning, and/or city Council reasonably necessary to determine compliance of the site plan with the Comprehensive Zoning Ordinance, as amended hereby.



CONCEPT PLAN SUMMARY:

- 1. PRESENT ZONING: MF
- 2. PROPOSED ZONING: PLANNED DEVELOPMENT - RETAIL
- 3. TOTAL SITE AREA: 4.507 ACRES
196,326 S.F.
- 4. MEDIAN TO BE RECONSTRUCTED IN VALLEY VIEW LANE TO ADD A LEFT TURN LANE.

CONCEPT PLAN TABULATION:

(BASED UPON EXAMPLE OF 50,000 S.F. GROUND FLOOR BUILDING SHOWN)

- 1. BUILDING AREA: 50,000 S.F.
- 2. SITE COVERAGE: 25.5 %
- 3. LANDSCAPING: 21,387 S.F.
 - A. TOTAL LANDSCAPED AREA: 14.62 %
 - LESS BUILDINGS: 6,525 S.F. = 5.2 %
 - B. LANDSCAPED AREA WITHIN TOTAL VEHICULAR SURFACE AREA:
- 4. PARKING:
 - A. REQUIRED ● 1 CAR / 250 S.F.:
 - B. PROVIDED: 200 CARS
258 CARS
1 CAR PER 193 S.F.
5.16 CARS / 1,000 S.F.

**PLANNED RETAIL DEVELOPMENT
VALLEY VIEW LANE AT
LBJ FREEWAY (I-635) & MIDWAY ROAD
FARMERS BRANCH, TEXAS**

**Peskind Development Company
5485 Belt Line Road, Suite 100
Dallas, Texas 75240
Phone: (214) 980-0080**

Val / View Lane

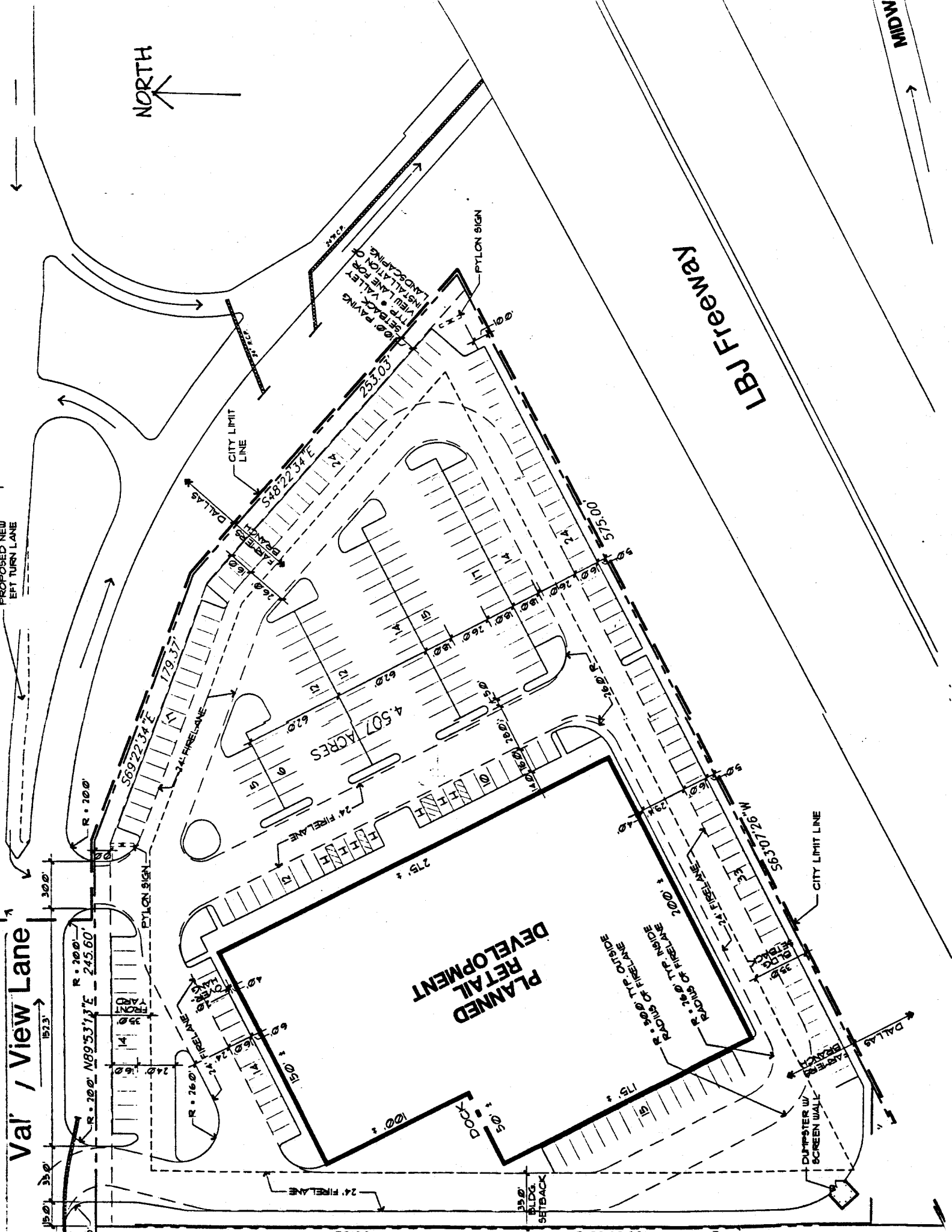
NORTH

MIDW

LBJ Freeway

PLANNED RETAIL DEVELOPMENT

4.507 ACRES



S-126

PD - 64

NORTH

S-2

PD-17

R-3

PD-20 (R-3)

S-25

PD-1 (O-LI)

PD S-27
S-116
SI-2

PD-66

S-77
S-75

PI

PD - 40

Midway Road

Valley View Lane

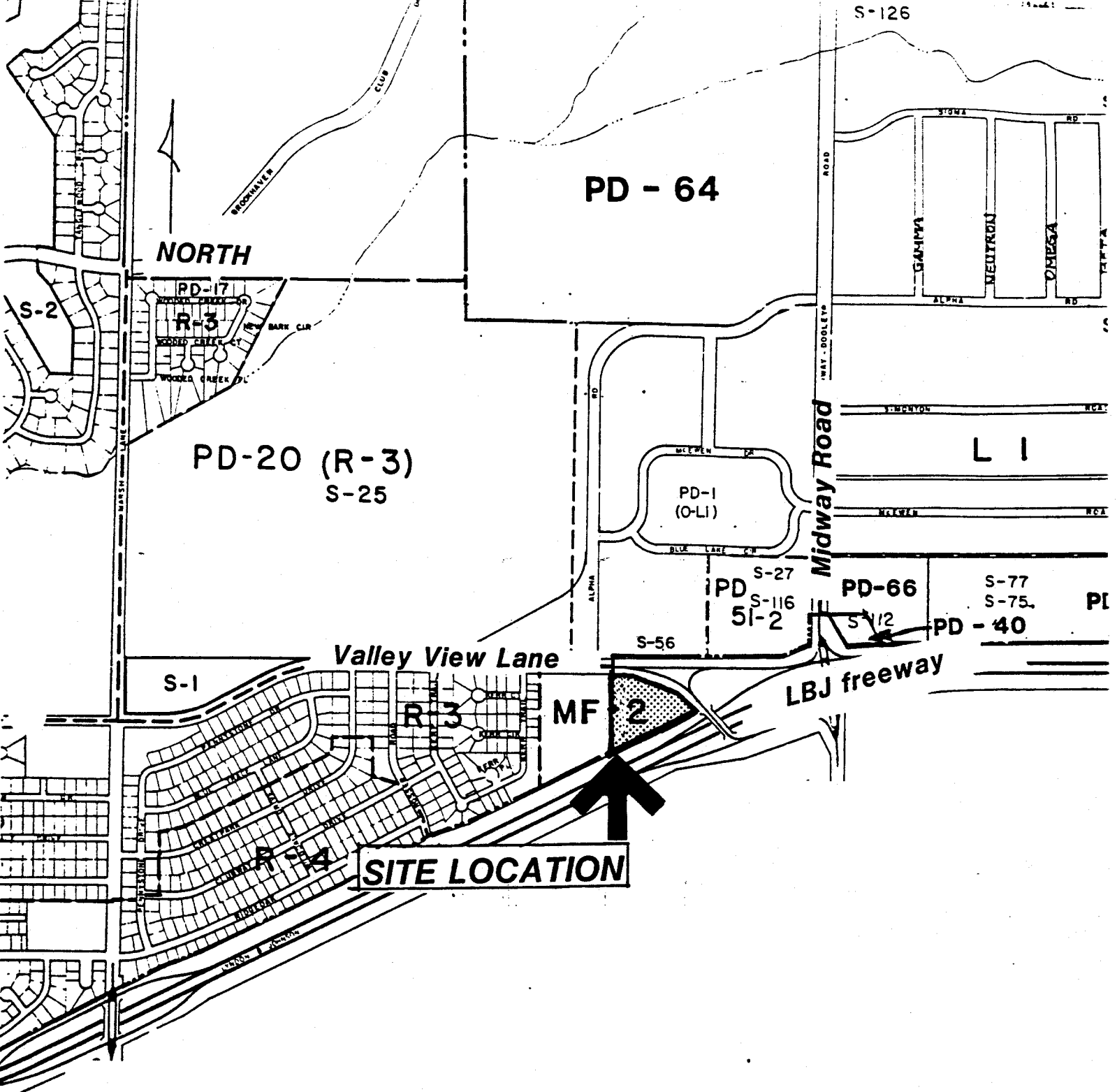
LBJ freeway

S-1

R-3

MF-2

SITE LOCATION



CITY OF FARMERS BRANCH

LEGAL NOTICE

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Duly passed by the City Council on the 20th day of February, 1995

Dave Blair
Mayor

Attest:
Ruth Ann Parish
City Secretary

PLEASE PUBLISH - MARCH 9, AND MARCH 16, 1995.

THANK YOU.

RUTH ANN - 919-2503 CALL IF QUESTIONS.