



FARMERS BRANCH

online

ORDINANCE NUMBER 2576

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT – INTERIM USE BEGINNING ON NOVEMBER 6, 2000, AND EXPIRING ON NOVEMBER 6, 2005, TO ALLOW FOR A 400 SPACE PARKING LOT AS AN INTERIM PRIMARY USE, LOCATED AT THE NORTHEAST CORNER OF IH 635 AND COMMERCE DRIVE AND LOCATED WITHIN PLANNED DEVELOPMENT NUMBER , ZONING DISTRICT 50 (PD-50); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Council finds and determines, on the basis of facts presented on the application for a Specific Use Permit - Interim Use and at the public hearings, the following:

1. That the proposed use is consistent with the existing uses of adjacent and nearby property;
2. That 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; and (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. That 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. That 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; and
5. That any 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 of the permit.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter and Code of Ordinances of the City of Farmers Branch, and the State Law with reference to the granting of specific use permits - interim use under the Zoning Ordinance 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

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zoning use should be made, subject to the conditions set out herein; and

WHEREAS, the applicant has agreed to be bound by the terms of their application and the provisions contained in the Zoning Ordinance concerning the granting of a specific use permit-interim use; and

WHEREAS, the applicant has committed that the value of any improvements to be constructed or installed pursuant to this Ordinance will be fully amortized prior to the expiration of the specific use permit-interim use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. 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 grant a Specific Use Permit – Interim Use beginning on November 6, 2000 and expiring on November 6, 2005, to allow for a 400 space parking lot as an interim primary use, located at the northeast corner of IH 635 and Commerce Drive and located within Planned Development Number , Zoning District 50 (PD-50)

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 as herein amended by the granting of a specific use permit – interim use and approval of an associated site plan for the 400 space parking lot in accordance with the approved site plan attached as Exhibit “A” and the following four conditions:

1. The asphalt construction and specification of the paving materials shall be subject to review and approval of the City Engineer, prior to the issuance of a building permit.
2. Upon the expiration of the Specific Use Permit-Interim Use on November 6, 2005, the paving material shall be removed, and the site shall be planted with grass or other ground cover, subject to review and approval by staff.
3. A total of 17 trees shall be planted along Interstate 635 frontage.
4. The proposed berm along the Commerce Drive shall average three feet in height. Proposed landscaping shall be automatically irrigated.

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 as 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 Dollars (\$2,000.00) for each offense.

SECTION 5. 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 portion thereof other than that portion so decided to be invalid or unconstitutional.