

**ORDINANCE NO. 3177**



**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 FOR GENERAL AUTOMOTIVE REPAIR WITH OUTDOOR STORAGE AN APPROXIMATELY 12,200 SQUARE FOOT AREA OF BUILDING LOCATED ON A PORTION BLOCK 6 OF BROOKHAVEN BUSINESS PARK, PHASE II DEPICTED IN EXHIBIT "A," ATTACHED HERETO, AND COMMONLY KNOWN AS 3607 GARDEN BROOK DRIVE, WHICH PROPERTY IS ZONED AS LIGHT INDUSTRIAL (LI) ZONING DISTRICT; PROVIDING FOR APPROVAL OF A SITE PLAN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; 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; 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 (as defined below), to wit:

1. The proposed use of the Property is consistent with existing uses of adjacent and nearby property;
2. The proposed use of the Property 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 of the Property 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 of the Property 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 \$6,000.00 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 five (5) 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 for General Automotive Repair with Outdoor Storage for an approximately 12,200 square foot area of the building commonly known as 3607 Garden Brook Drive, Farmers Branch, Texas, and located on a portion of Block 6, Brookhaven Business Park Phase II, an addition to the City of Farmers Branch, Texas, according to the plat recorded in Volume 72063, Page 2250, Deed Records, Dallas County, Texas, said building area being generally depicted on Exhibit "A" attached hereto and incorporated herein for all purposes ("the Property") and located within a Light Industrial (LI) Zoning District.

**SECTION 2.** The Property shall conform in operation, location and construction to the development standards specified within the Light Industrial (LI) Zoning District and, if used for the purpose of using the Property for General Automotive Repair with Outdoor Storage, the following additional standards and conditions:

- A. The permitted outdoor storage shall be allowed only in the area shown on the Site Plan attached hereto as Exhibit "B" and incorporated herein by reference, which is hereby approved.
- B. Outdoor storage shall be limited to parts, equipment, and supplies utilized in the operation of the general automotive repair business in an enclosure where the parts, equipment, and supplies are not visible from any public street or other right of way, which may include an enclosed trailer not exceeding 30 foot in length;
- C. The parking areas and drives located on said Block 6, Brookhaven Business Park