



FARMERS  
BRANCH

ORDINANCE NO. 3189

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 WITH SPECIAL CONDITIONS TO ALLOW AN INDOOR CRICKET AND BASEBALL PRACTICE FACILITY ON A PORTION OF AN APPROXIMATELY 1.95 ACRE TRACT OF LAND LOCATED WITHIN PLANNED DEVELOPMENT NO. 70 "OLD FARMERS BRANCH - FREEWAY SUBDISTRICT" (PD-70-OFB-FW) ZONING DISTRICT; AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND GENERALLY LOCATED AT 2435 SQUIRE PLACE, SUITES 600 AND 700; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "B"; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; PROVIDING A SAVINGS CLAUSE; REPEALING ORDINANCE NO. 3069; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS PER VIOLATION; 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 described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), 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. In addition to the amount of investment set forth in Ordinance No. 3069, the applicant has proposed to make an investment of up to \$15,000 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 three (3) 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**, because this Ordinance is intended to renew and replace the Specific Use Permit - Interim Use granted pursuant to Ordinance No. 3069, Ordinance No. 3069 should be repealed; 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 with special conditions for an indoor Cricket or Baseball Practice Facility for property zoned Planned Development No. 70 "Old Farmers Branch - Freeway Subdistrict" (PD-70-OFB-FW) Zoning District, with respect to an approximately 9,624± square foot portion of the building located on the Property and more particularly described and depicted in Exhibit "A" hereto.

**SECTION 2.** The Property shall conform in operation, location and construction to the development standards specified within Planned Development No. 70 "Old Farmers Branch - Freeway Subdistrict" (PD-70-OFB-FW) zoning district as well as the following special conditions: