



ORDINANCE NUMBER 2706

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 TO ALLOW OUTSIDE STORAGE OF BUILDING MATERIALS AND APPROVING A VARIANCE TO ALLOW FOR A 30 PERCENT REDUCTION IN THE REQUIRED PARKING SPACES, LOCATED ON A 16.44-ACRE TRACT AT 2115 VALLEY VIEW LANE AND WITHIN THE PLANNED DEVELOPMENT NUMBER 77 (PD-77) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING 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, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

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 of the City of Farmers Branch, and state law with reference to the granting of changes to the 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 property

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owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made;

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 to allow outside storage of building materials and approving a variance to allow for a 30 percent reduction in the required parking spaces, located on a 16.44-acre tract at 2115 Valley View Lane, and within Planned Development No. 77 (PD-77) zoning district, on the property shown on the attached Exhibit "A" (hereinafter the "Property").

SECTION 3. That this Specific Use Permit shall be operated in compliance with the approved site plan attached as Exhibit "B" and with the conditions as follows:

1. The property owner shall install broad leaf evergreen variety shrubs, minimum 6' tall with a full spread not less than 2/3 of the shrub height at time of planting. Evergreen variety shrubs shall be subject to review and approval by staff prior to installation of shrubs, and shrubs shall be installed no more than 90 days after City Council action. The shrubs shall be irrigated by an automatic irrigation system and be maintained in a living state and at a minimum height of 8 feet upon maturity.
2. The outside storage shall be limited to the area and location identified on the site plan and the operation shall be subject to the parameters listed in the Plan of Operation on the attached Exhibit "C".
3. The parking variance shall pertain exclusively to the use of the property as wholesale warehouse and distribution facility consistent with the approved site plan.
4. The subject property shall be replatted.

SECTION 4. That the City Council does hereby approve the following variance to the requirements of PD77:

1. Allow for a minimum of 196 parking spaces in lieu of 282 required parking spaces.

SECTION 5. That the tract of land described in Exhibit "A" shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as amended herein.

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SECTION 6. 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 thousand dollars (\$2,000.00) for each offense.

SECTION 7. 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.

SECTION 8. 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 9. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 3rd DAY OF FEBRUARY, 2003.**

APPROVED:



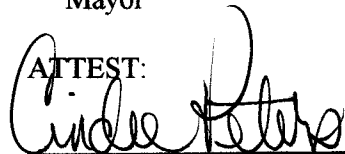
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

Exhibit A (page 1 of 2)

PROPERTY DESCRIPTION

BEING all that certain tract situated in the City of Farmers Branch, Dallas County Texas, and being part of the Thomas Keenan Survey Abstract 733, S.A. & M.G. Survey, Abstract No. 1418 and the W.H. Pulliam Survey, Abstract No. 1171, and being known as Second Revised Lasting Products Addition, an addition to the City of Farmers Branch, as recorded in Volume 82104, Page 1072, Deed Records of Dallas County, Texas, and being a part of tract conveyed to Harold Blankemeyer, Trustee by deed recorded in Volume 82147, Page 1832, Volume 77020, Page 1842 and Volume 77039, Page 2117, all of these are Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an 60d nail found for corner in the North line of Valley View Lane, a 100 foot public right-of-way, and in the West line of C.R.I. & G. Railroad, an 100 right-of-way, said point being the Southeast corner of said Lasting Products Addition;

THENCE Along the North line of Valley View Lane as follows:

THENCE North 81 degrees 23 minutes 12 seconds West a distance of 165.22 feet to an ½ inch iron rod found for corner, said point being the beginning of a curve to the left having a radius of 2914.79 feet, a tangent of 58.62 feet, a central angle of 2 degrees 18 minutes 15 seconds and a chord of North 82 degrees 19 minutes 33 seconds West, 117.21 feet;

THENCE along said curve to the left an arc length of 117.22 feet to a ½ inch iron rod found for corner;

THENCE North 00 degrees 36 minutes 49 seconds West, leaving the North line of said Valley View Lane and passing at 37.43 feet the Southeast corner of Kennington Square Addition, an addition to the City of Farmers Branch, Dallas County, Texas, as recorded in Volume 76020, Page 1900, Deed Records of Dallas County, Texas, and continuing along the East line of said addition a distance of 570.05 feet to an ½ inch iron rod found for corner, said point the Northeast corner of said addition;

THENCE North 10 degrees 27 minutes 23 seconds East, a distance of 947.29 feet to a ½ inch iron rod found for corner;

THENCE along the South line of said Flood Control District as follows:

North 48 degrees 10 minutes 02 seconds East a distance of 159.45 feet to an ½ inch iron rod set for corner;

North 22 degrees 41 minutes 36 seconds East a distance of 851.95 feet to an ½ inch iron rod set for corner;

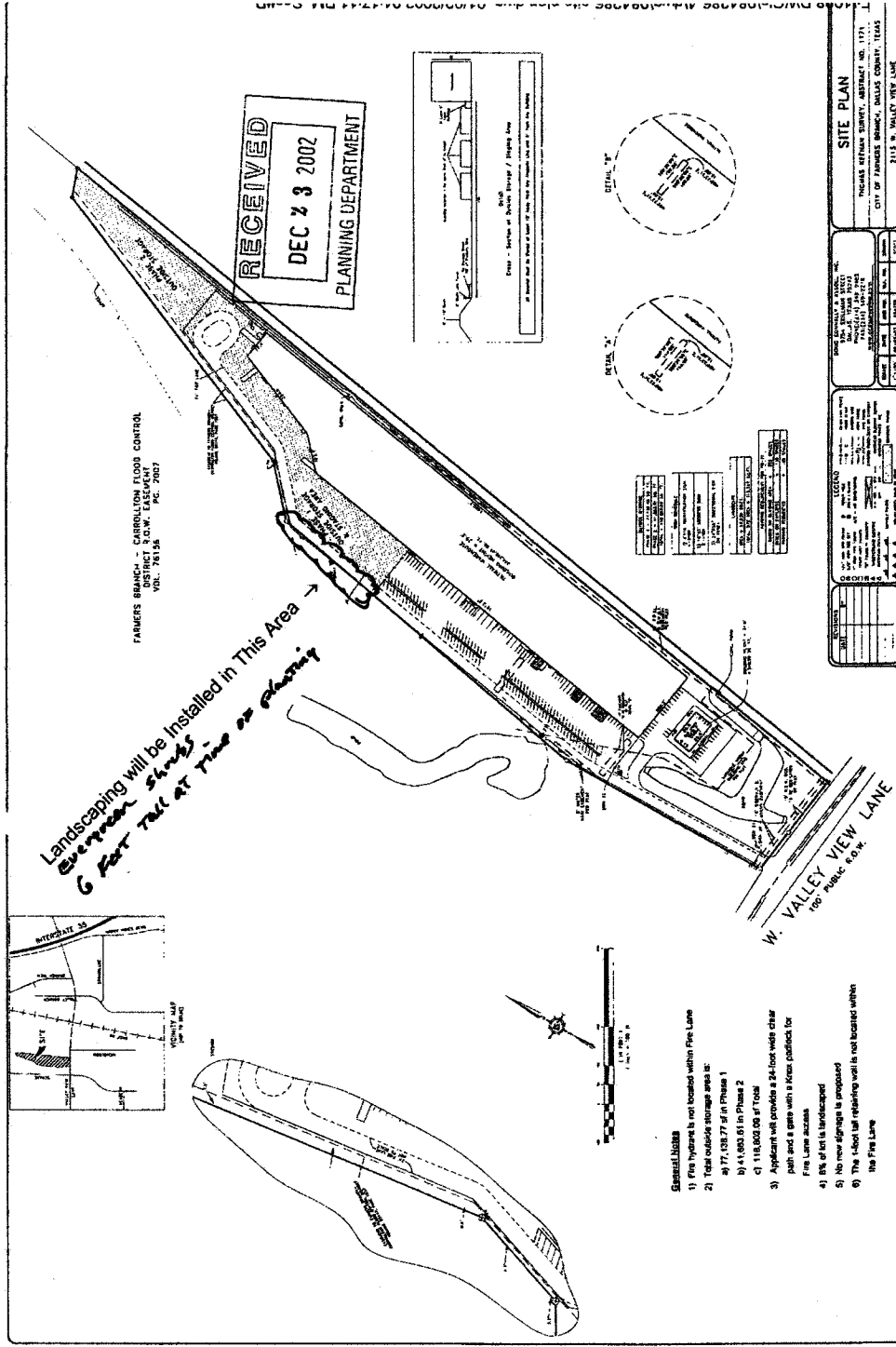
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Exhibit A (page 2 of 2)

North 70 degrees 02 minutes 59 seconds East a distance of 77.75 feet to an ½ inch iron rod set for corner in the West line of said railroad;

THENCE South 09 degrees 23 minutes 18 seconds West, along the West line of said railroad, leaving the South line of said Flood Control District, a distance of 2494.25 feet to the Point of BEGINNING and containing 16.44 acres or 715,930.11 square feet of land.

Exhibit B (page 1 of 3)
 SITE PLAN



RECEIVED
 DEC 23 2002
 PLANNING DEPARTMENT

FARMERS BRANCH - CARROLLTON FLOOD CONTROL DISTRICT 3.0 W. EASEMENT VOL. 76156 PG. 7007

Landscaping will be installed in This Area -
 Evergreen Shrubs -
 6 feet tall at time of planting

W. VALLEY VIEW LANE
 100' PUBLIC R.O.W.

- General Notes**
- 1) Fire hydrant is not located within Fire Lane
 - 2) Total outside storage area is:
 - a) 77,032.77 sq ft in Phase 1
 - b) 41,603.61 sq ft in Phase 2
 - c) 116,002.08 sq ft Total
 - 3) Applicant will provide a 24-foot wide clear path and a gate with a Knox padlock for Fire Lane access.
 - 4) 1% of lot is landscaped
 - 5) No new signage is proposed
 - 6) The 1-foot tall retaining wall is not located within the Fire Lane

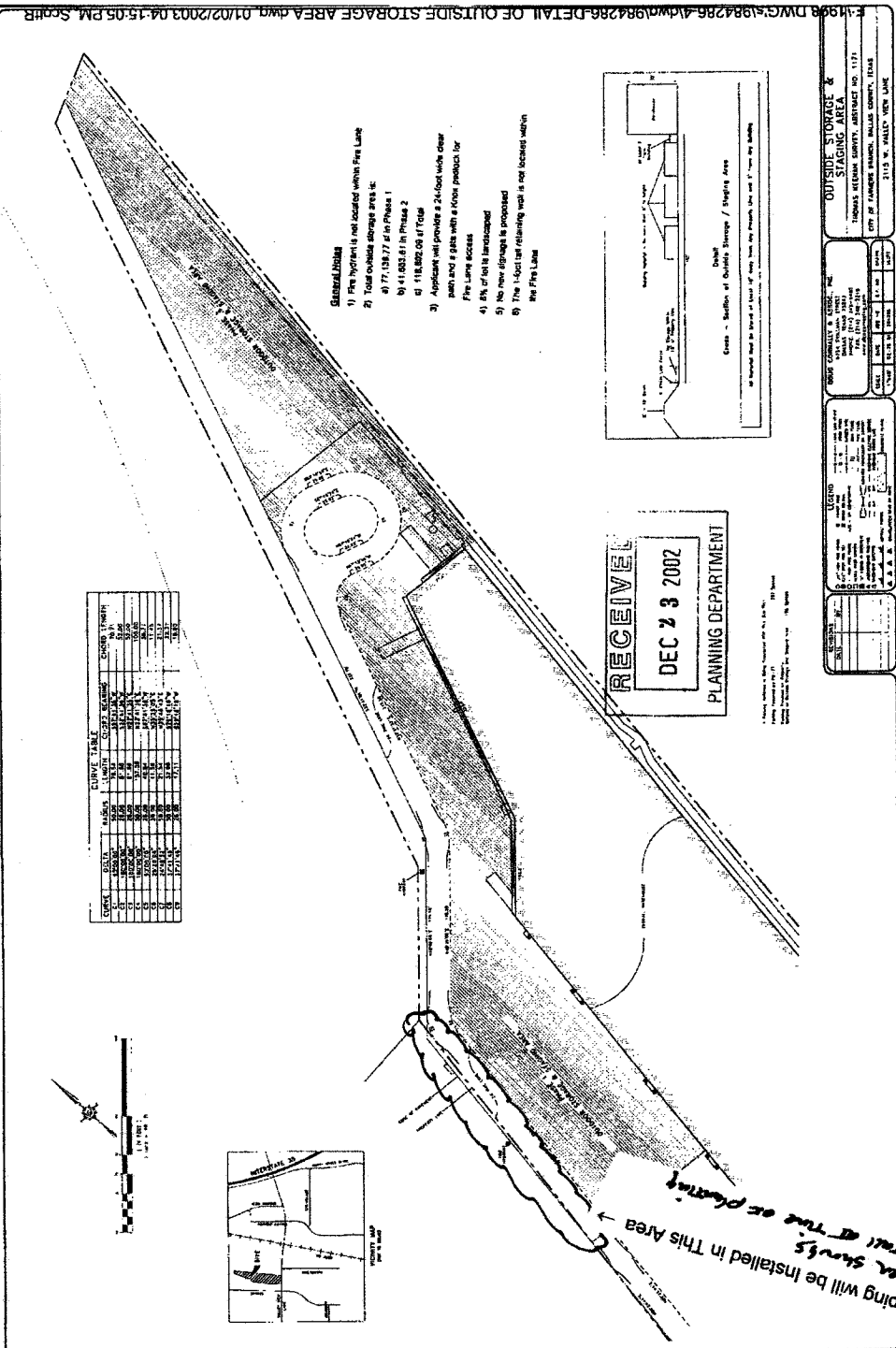
SITE PLAN
 THOMAS RETIRED SURVEY, ABSTRACT NO. 11771
 CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS
 214.5 W. VALLEY VIEW LANE

DATE	NO. OF SHEETS	TOTAL SHEETS
12/23/02	1	1

DATE	NO. OF SHEETS	TOTAL SHEETS
12/23/02	1	1

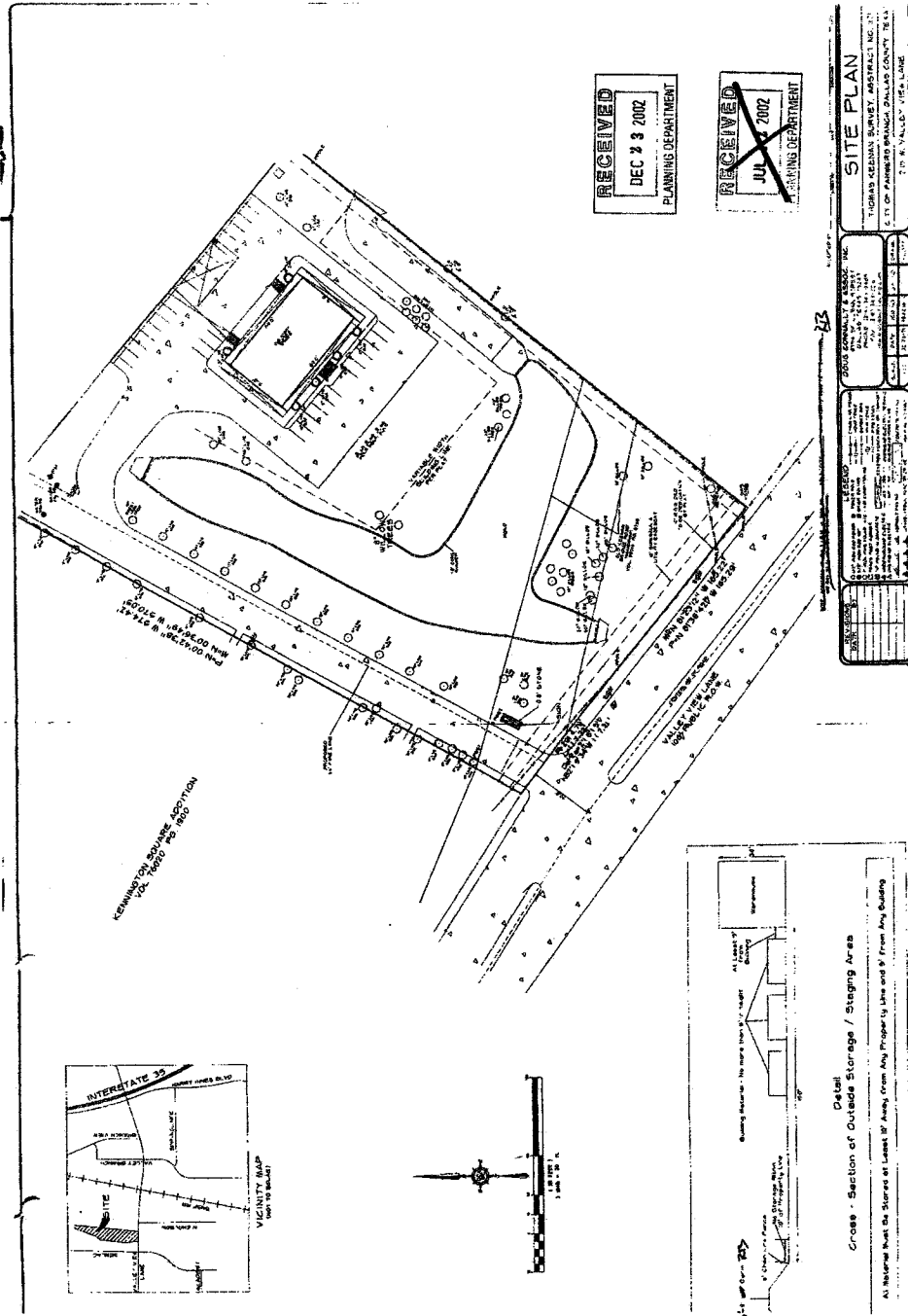
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Exhibit C (page 1 of 2)

Plan of Operation

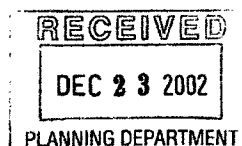
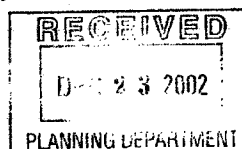
**Texas Wholesale Building Materials, Inc.
2115 W. Valley View Lane
Farmers Branch, Texas**

Proposed Use: The subject property is proposed to be used as a warehouse and distribution facility with outside storage of building materials. Building materials will be the only items stored in the Outside Storage and Staging Area. No junk or debris will be stored in this area. Warehousing and distribution is the historic use of this property and is permitted under the current zoning. The proposed outdoor storage and staging area will be located within a fenced area at the far north and west of this long and narrow lot. The proposed outside storage is an accessory use to the warehouse and distribution use and will be divided into two (2) phases. The first phase is an area of 77,138.77 square feet and is currently paved. Phase 2 will be an area of 41,663.61 square feet and is not currently paved. Phase 2 will remain landscaped with sod until such time that it is utilized for storage. The Phase 2 area will be paved prior to its use for storage.

Hours of Operation of Outside Storage: The materials stored in the area identified on the Site Plan as the "Outside Storage and Staging Area" will be kept there 24 hours a day, seven days a week. The "Outside Storage and Staging Area" will be accessible Monday through Saturday from 7:00 AM to Midnight.

Total Number of Employees: Approximately 105 employees will work at this location. As of May 1, 2002 there are 35 employees who work in the front office; 13 employees that work in offices located in the warehouse; 41 warehouse employees and 16 delivery personnel.

Screening: The outside storage will be screened from view by distance, a landscaped hedge, an existing levee system and the building itself. The outside storage and staging area is approximately 1,200 feet away from Valley View Lane and is located between a levee system on the west and the building on the east. The distance from Valley View Lane, combined with the configuration of the levee system, the landscaped hedge and the building, will screen the outside storage and staging area from all public roadways. The amount of outside storage will not exceed the design parameters for the area. The material will not be stacked higher than eight (8) feet from the ground so that the material stored outside will not be visible from any public roadways.



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Exhibit C (page 2 of 2)

Design of the outside storage: The outside storage will be limited to the area enclosed within the fenced area at the far northern and western portions of the property and shall be not more than eight (8) feet in height. The proposed outdoor storage and staging area will occupy the space of 58 off-street parking spaces, leaving a total of 196 parking spaces outside of the area proposed for outside storage. The applicant has provided Knox Lock access through the gate for fire protection purposes and the required 24-foot wide fire land will be kept clear at all times. There will be no storage located within five (5) feet of the building and within 10 feet of any property line. The outdoor storage and staging area will strictly adhere to the approved site plan. As detailed earlier, the outside storage area will be divided into two distinct phases. The first phase is currently paved and will be used immediately upon approval of the SUP. The second phase is not currently paved and will continue to be landscaped with sod until such time as it is utilized. The Phase 2 area will be paved prior to its use for outside storage.