Study Session Meeting - 6:00 PM

This meeting will be open to the public and/or viewable via Zoom Videoconference. Texas Governor Greg Abbott has granted temporary suspension of the Open Meetings Act to allow telephone or videoconference. These actions are being taken to mitigate the spread of COVID-19.

The Planning and Zoning Commission will conduct the meeting by video conference and live at City Hall utilizing telephonic capabilities. Any residents wishing to speak are invited to attend the Planning and Zoning Commission meeting at City Hall in person or via Zoom if related to the Public Hearing item.

Members are entitled to participate remotely via Zoom Teleconferencing. To join the meeting by videoconference visit the link below:
http://farmersbranchtx.gov/pandzmeeting

Or iPhone one-tap:
  US: +13462487799,,81000691838# or +12532158782,,81000691838#
Or Telephone:
  Dial(for higher quality, dial a number based on your current location):
    US: +1 346 248 7799 or +1 312 626 6799

Webinar ID: 810 0069 1838

The meeting will be recorded and uploaded to the City website following the conclusion of the meeting.

A. STUDY SESSION

A.1 20-209 Discuss Regular Agenda items.


A.3 20-248 Discuss a future driving tour of Farmers Branch with the Planning and Zoning Commission.

A.4 20-210 Discuss agenda items for future Planning and Zoning Commission consideration.
B. **CITIZEN COMMENTS**

Members of the public who wish to speak may attend the live meeting at City Hall and submit a speaker request form prior to the start of the meeting. Please include your name and address. All comments will be limited to 3 minutes.

C. **REGULAR AGENDA ITEMS**

C.1 20-211 Consider approval of the Attendance Matrix for the Planning and Zoning Commission as presented; and take appropriate action.

C.2 20-212 Consider approval of the April 13, 2020 Planning and Zoning Commission Minutes; and take appropriate action.

C.3 20-PL-06 Consider a request from FB Land, LTD for final plat approval of Mustang Station North, Lots 1 and 2, Block A, and Lot 1, Block B, located at the southwest and southeast corners of Bee Street at Valley View Lane; and take appropriate action.

D. **PUBLIC HEARING**

Members of the public who wish to speak during the public hearing, must raise their hand via Zoom and wait to be recognized by the Chairman. Those attending in person, may submit a speaker request form prior to the start of the meeting and attend the live meeting at City Hall. All comments will be limited to 3 minutes.

D.1 20-ZA-03 Conduct a public hearing and consider a request to amend the Comprehensive Zoning Ordinance including but not limited to amending: Article 2.6 Alcoholic Beverage Sales in Restaurants and Private Clubs, Article 3.21 Light Industrial District, Article 3.22 Heavy Industrial District, and Article 4.5 Performance Standards as it relates to uses and development standards requiring approval of a Specific Use Permit; and take appropriate action.

E. **ADJOURNMENT**

This Board or Commission may convene into executive session at anytime during the meeting pursuant to Texas Government Code Section 551.071 (2) for the purpose of seeking confidential legal advice from the City Attorney on any agenda item.

Farmers Branch City Hall is wheelchair accessible. Access to the building and special parking are available at the main entrance facing William Dodson Parkway. Persons with disabilities planning to attend this meeting who are deaf, hearing impaired or who may need auxiliary aids such as sign interpreters or large print, are requested to contact the City Secretary at (972) 919-2503 at least 72 hours prior to the meeting.
Certification

I certify that the above notice of this meeting was posted 72 hours prior to the scheduled meeting time, in accordance with the Open Meetings Act, on the bulletin board at City Hall.

_________________________
City Secretary

_________________________
Stamp:

_________________________
Posted By:

_________________________
Posted Date:
Discuss Regular Agenda items.
Discuss IH-35E Corridor Vision Study public engagement plan.

BACKGROUND:
The purpose of this agenda item is to provide an overview of the public engagement process designed in support of the IH-35E Corridor Vision Study. The vision study will guide development within the IH-35E corridor for approximately the next 20 years and include recommended action items to leverage existing assets in order to increase property values and allow for higher quality land uses within the corridor.

A robust public engagement plan was developed at the outset of the plan process in November, 2019. Input and feedback received through public engagement is important to ensure that the vision study considers the views and opinions of all affected parties including elected officials, land owners, businesses, residents residing near the corridor, staff, and other interested members of the community. The desired outcome of the public engagement process is that the community as a whole will support the adoption and implementation of the IH-35 Corridor Vision Study final plan document.

The coronavirus health pandemic has required review and adjustment of the original public engagement plan to be in line with current social distancing requirements, and being sensitive to the impact of the health pandemic on businesses and property owners within the IH-35E corridor. Staff and the consultant team are working together to adjust the engagement plan to ensure planned events are appropriate for this stage of the current health crisis.

ATTACHMENTS:
1. Staff report
2. Study area map
STAFF REPORT

Case Number: N/A
Request: Discuss IH-35E Corridor Vision Study public engagement plan.
Address: IH-35E Corridor
Lot Size: ± 463 net acres
Petitioner: City of Farmers Branch

BACKGROUND:

The purpose of this agenda item is to provide an overview of the public engagement process designed in support of the IH-35E Corridor Vision Study. The vision study will guide development within the IH-35E corridor for approximately the next 20 years and include recommended action items to leverage existing assets in order to increase property values and allow for higher quality land uses within the corridor.

A robust public engagement plan was developed at the outset of the plan process in November, 2019. Input and feedback received through public engagement is important to ensure that the vision study considers the views and opinions of all affected parties including elected officials, landowners, businesses, residents residing near the corridor, staff, and other interested members of the community. The desired outcome of the public engagement process is that the community as a whole will support the adoption and implementation of the IH-35 Corridor Vision Study final plan document.

The coronavirus health pandemic has required review and adjustment of the original public engagement plan to be in line with current social distancing requirements, and being sensitive to the impact of the health pandemic on businesses and property owners within the IH-35E corridor. Staff and the consultant team are working together to adjust the engagement plan to ensure planned events are appropriate for this stage of the current health crisis.

STUDY AREA:

The study area, shown in Attachment 2, includes approximately 463 net acres of land on the east and west sides of the IH-35E right-of-way. The study area is bounded by the City of Dallas to the south; City of Carrollton to the north; the Madill Railroad on the west; and generally the eastern boundary of PD-70, PD-86, and PD-32.

CORONAVIRUS CONSIDERATIONS:

The first open house for the vision study was scheduled to take place on March 19, 2020, however, it was canceled due to the coronavirus outbreak. Due to the importance of having property owners and representatives from businesses located within the corridor participate in the engagement events, staff is sensitive to the fact that their priorities currently lie with protecting their property
and business interests, hence engagement events have been paused until such time when it is appropriate to engage the public. It is expected that public consultation (outlined in more detail below) will resume, in an online forum, in mid-June. Staff will reassess the proposed timelines on a regular basis and further modifications may be necessary based on the progression of the current health pandemic.

ENGAGEMENT OVERVIEW:

The public engagement plan was developed by Interface Studio LLC (the consultant) as one of the initial tasks in the plan process. Development of the engagement plan at an early stage helps to ensure that the project as a whole can remain on schedule and on budget. Also, and most importantly, it ensures that public engagement takes place during the appropriate phases of the plan development allowing feedback received to be considered and responded to, as well as ensuring that the final plan (vision study) is reflective of the feedback received.

The graphic below illustrates the project plan, demonstrating where engagement is anticipated to occur relative to plan development. Each engagement method proposed for the corridor vision study is explained in more detail below the graphic.

Marketing Materials and Website:

The consultant has prepared a number of marketing materials as needed in support of the plan development process. The goal of these materials is to provide a recognizable brand for the plan process, and promote the plan to the Farmers Branch community. Examples include postcards, email banners, graphics for the webpage, and maps.

A website is being maintained to provide information to the public on the vision study process. As the amount of online engagement increases, the amount of information on the website will be increased, so that the website can act as an online resource and engagement venue for the public.
Steering Committee:

The steering committee, which is comprised of the Planning and Zoning Commission, has met twice, first on January 13, 2020 and for a second time on April 13, 2020. The group will meet two additional times over the course of the plan preparation. The role of the steering committee is to provide input into the visioning stage of the process, and provide feedback on any draft development scenarios and draft versions of the IH-35E Corridor Vision Study plan document that are produced. Another key role for the steering committee is to help the consultant and staff conduct outreach within the community in order to promote participation in vision study events, as well as its adoption and implementation.

Stakeholder and Councilor Interviews:

A series of stakeholder interviews were conducted in January. Land owners, business owners, developers, residents and councilors provided a baseline of knowledge for the corridor through identification of strengths, opportunities, and challenges. Interviews with councilors also provided the opportunity for them to share their development vision for the corridor with the consultant.

Public Meetings/Online Engagement:

Two public meetings were envisioned for the plan development process. The first public meeting was originally planned for March 19, 2020 but was canceled due to the coronavirus public health crisis. In lieu of the in person public open house, staff and the consultant team are working on developing opportunities for online public engagement, including an online survey. This will allow the consultant to share analysis with the public and provide the opportunity for the public to answer a number of questions; the responses received will inform a draft vision, goals, and recommendations for future development within the corridor. It is anticipated that this first online survey will go forward in mid-June. Staff and the consultant are currently modifying the survey (similar to the one that the steering committee filled out) to include questions related to the impact of the coronavirus.

The second public meeting will be designed to solicit feedback related to the proposed vision and land use scenarios for the vision study. It is anticipated that this event will be held in September, or approximately three months after the online survey. The form of this public event will be determined based on the status of the health crisis, and staff and the consultant are remaining flexible so that the event can be designed to capture the best input given the conditions.

Focus Groups:

Focus groups will follow the online survey by approximately one month, and are currently anticipated to occur in mid-July. Once the response period for the online survey has closed, analysis of the responses received will occur by the consultant. The focus groups will discuss the analysis and findings resulting from the online survey, as well as discuss topics such as open space, transportation, housing and infrastructure. The focus groups will present an opportunity for participants to raise ideas and concerns surrounding the analysis. It is expected that five focus
groups will be held and that they will be organized to target specific interests, such as developers, property owners, businesses or residents.

*Plan Rollout:*

The plan rollout phase includes presentation to and consideration by the Planning and Zoning Commission and City Council of the proposed final plan document for the IH-35E Corridor Vision Study. This phase will include a public hearing process so that the public can express their views to the Planning and Zoning Commission and City Council related to the proposed final plan document for the IH-35E Corridor Vision Study.

**SUMMARY:**

In summary, each of the engagement opportunities identified above will contribute to the development of the IH-35E Corridor Vision Study with the end goal of developing a final plan document that stakeholders can support through adoption and implementation.
This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Texas HB1147, Effective 9/1/2011.
Discuss a future driving tour of Farmers Branch with the Planning and Zoning Commission.

BACKGROUND:
The Planning and Zoning Commission expressed interest in touring various development projects and sites in Farmers Branch that are either under construction and/or recently completed. In order to assist staff with preparing for this driving tour, staff seeks feedback from the Commission regarding the following items:

- Length of the tour (full day or half day);
- Day of the week (weekday versus Saturday; if weekday tour then preferred weekday or should the tour be scheduled before a Planning and Zoning Commission meeting); and
- Projects or sites in Farmers Branch that may be of interest

RECOMMENDATION:
Staff recommends the Planning and Zoning Commission provide feedback related to content and scheduling for a future driving tour of Farmers Branch.

ACTION:
No action required.

ATTACHMENT:
1. List of proposed projects and sites
Proposed Project and Sites
Future Driving Tour of Farmers Branch

The list provided below are possible projects/developments and sites to visit during the driving tour with the Planning and Zoning Commission. The projects are not in a particular order but are separated by areas of the City and type of development. Additionally, this list includes areas that pertain to future study areas and zoning amendments (i.e. IH-35E Corridor Study and proposed Entertainment Overlay District).

West Side – South of IH-635

- Multi-Family:
  - Jefferson Boardwalk Apartments on Knightsbridge Rd.
  - Lakeside Lofts on Lago Vista E.
  - Dominion at Mercer Crossing Apartments on Mira Lago Blvd.

- Hotel:
  - Hampton Inn on Mira Lago Blvd.
  - Holiday Inn on Mira Lago Blvd.
  - Candlewood Suites on Mira Lago Blvd.

West Side – North of IH-635

- Single-Family Subdivision:
  - Brighton and Windermere Subdivisions (PD-99)
  - Kensington Subdivision (PD-100) – under construction
  - Hutton Townhomes on Hutton Dr. – under construction

- Multi-Family:
  - Mansions, Towers, Grand Estates Apartments (Western Rim) on Mercer Pkwy. – under construction
  - The Gatherings by Beazer Homes on Wittington Pl. – under construction
  - Brickyard Ph 1 & 2 on Senlac Dr.

- Office/Warehouse Distribution:
  - Bedrosian Office Warehouse
  - TSC Office Warehouse SEC Diplomat Dr. & Hutton Dr. – under construction
  - Office Warehouse SWC Diplomat Dr. & Hutton Dr. – under construction
  - Valwood Logistics Warehouse Distribution (13330 Senlac Dr.)

Central Area

- Industrial:
  - Phoenix 1 Restoration Expansion (14032 Distribution Way)

- Commercial:
  - Bee Street Restaurant Row/Mustang Retail
  - Starbucks & Chipotle – Valley View Ln. & Frontage Rd.
• Single-Family Residential:
  o Rose Creek townhomes on Valley View Ln. – under construction
  o Vintage Townhomes
• Other:
  o Fire Station #2 – under construction

East Side

• Multi-Family:
  o Jefferson East Branch Ph 1 & 2 (14175 Dallas North Tollway)
  o Jefferson Alpha West NWC Simonton Rd. and Inwood Rd.
  o Jefferson Landmark (14650 Landmark Blvd.)
  o Blue Lake/Midway Urban Village
• Other:
  o US Foods (4240 Alpha Rd.)
  o FreshPoint (4721 Simonton Rd.)
  o Commercial façade reimbursement Grant sites on Alpha Rd.
  o Streets within the proposed Entertainment Overlay District – Midway Rd., Spring Valley Rd., Welch Rd., Alpha Rd., and Galleria Dr.

IH-35E Study Area

• West side of IH-35E (from Valwood Pkwy.) – Industrial/warehouse, office (Essilor campus, office warehouse development) and the motel/hotels; properties that will be affected by TXDOT
• West side of IH-35E and south of Valley View Ln. - office/warehouse and distribution uses
• East side of IH-35E (from Valley View Ln.) - warehouse/showrooms, vehicle sales, and also along Denton Dr. to see lots with double street frontages (i.e. Denton Dr. and frontage road)
• Properties along Distribution Way - point out the challenge of the transition from light industrial to residential (immediately to the east)
Discuss agenda items for future Planning and Zoning Commission consideration.
Consider approval of the Attendance Matrix for the Planning and Zoning Commission as presented; and take appropriate action.

BACKGROUND:
As stated in the City of Farmers Branch Ethics Handbook for Elected Officials & Advisory Board Members, all appointed members should make every effort to attend regularly scheduled meetings.

ACTIONS:
Per Ordinance No. 3563 adopted April 2, 2019, any person appointed by the City Council to a board or commission as either a regular member or alternate member shall be automatically considered for removal by the City Council after such person has been absent from two regular or special meetings of the board or commission to which the person is appointed during any period of twelve (12) consecutive months which absences have not been excused by an affirmative vote of the board or commission to which the person is appointed.

A Comprehensive Attendance Matrix has been developed to keep record of these excused and unexcused absences.

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- ✦ Present
- ✓ Excused
- ✗ Unexcused
Consider approval of the April 13, 2020 Planning and Zoning Commission Minutes; and take appropriate action.

RECOMMENDATION
Staff recommends approval of the minutes of the April 13, 2020 meeting.

ACTIONS
1. Motion to approve the minutes of April 13, 2020.
2. Any other action desired by the Commission.

ATTACHMENTS:
1. April 13, 2020 Meeting Minutes
This meeting was held virtually via Zoom teleconferencing in accordance with the temporary suspension of the Open Meetings Act to allow telephone or videoconference granted by Texas Governor Greg Abbott, in order to mitigate the spread of COVID-19.

Study Session Meeting – 5:30 PM

Present 17 - Chairman David Moore, Commissioner Tim Yarbrough, Commissioner Linda Bertl, Commissioner Giovanni Zavala, Commissioner Jarrod Williams, Commissioner Bonnie Potraza, Alternate Commissioner Barrett Cole, Vice Chairman Sergio De Los Santos, Tina Furgens AICP Director of Planning, Jenifer Paz AICP Lead Planner, Surupa Sen AICP Senior Planner, Brian Campbell Planning Technician, Kyra McCardle Planning Consultant, Allison Cook Economic Development Director, Tom Bryson Communications Director, Amy Piukana City Secretary and John Land Deputy City Manager

A. STUDY SESSION

A.1 20-146 Discuss Regular Agenda items.

Chairman Moore called the Study Session to order at 5:30 PM.

Chairman Moore stated the following: That this was the first virtual meeting of the Planning and Zoning Commission; if the meeting was hacked, staff would stop the meeting and the Commission would reconvene at a future date uncertain; and he thanked the Commissioners for their service.

Chairman Moore opened discussion on Study Session Agenda item A.1 Discuss Regular Agenda items.

Chairman Moore asked for any questions regarding the Regular Agenda or Public Hearing items.

Regarding Public Hearing item D.1:

- Chairman Moore gave an overview of the proposed sign package.
- Vice Chairman De Los Santos commented that he liked the proposed sign package.
• Commissioner Bertl commented that she liked the proposed sign package, and asked if the signs would be easily interchangeable should the buildings change tenants in the future.

Regarding Public Hearing item D.2:

• Commissioner Bertl asked about the types of alcoholic beverages to be sold.

• Commissioner Yarbrough asked about the following: whether the Specific Use Permit would preside with the property or the business owner pending approval; and whether it was typical for a tenant to file for a Specific Use Permit related to the sale and consumption of alcoholic beverages on behalf of the property owner.

• Commissioner Potraza asked about the following: whether this request was similar to a previous case heard by the Commission regarding the existing office building located at International Plaza; and for clarification regarding the types of alcoholic beverages to be sold.

Hearing no further questions or comments from the Commissioners, Chairman Moore closed discussion on this agenda item.

A.2 20-206 Discuss the IH-35E Corridor Vision Study including review of analysis and research conducted for the corridor.

Chairman Moore opened discussion on Study Session Agenda item A.2 Discuss the IH-35E Corridor Vision Study including review of analysis and research conducted for the corridor.

Ms. Tina Firgens, Director of Planning, stated that this agenda item was originally scheduled for the March 30, 2020 Study Session of the Planning and Zoning Commission, but was postponed due challenges related to the COVID-19 situation. Ms. Firgens then introduced Ms. Stacey Chen of Interface Studio, LLC, consultant for the study.

Ms. Chen and Mr. Scott Page, principle of Interface Studio, LLC, gave a presentation regarding the IH-35E Corridor Vision Study, including: an overview of the subject area and project timeline; key takeaways from analysis and research of current conditions within the subject area; analysis of the corridor related to the North Texas region; analysis of current land uses and conditions within the corridor, including building typologies, parking and loading, potential opportunities for enhanced landscaping, and statistics on violent crime; challenges related to mobility within the corridor related to the Dallas Area Rapid Transit (DART) rail line and insufficient bike and sidewalk infrastructure; potential opportunities related to the Texas Department of Transportation’s (TxDOT) expansion of IH-35E; the importance of the corridor creating a sense of place for the City; key questions to consider in determining the overall vision for the corridor; and an overview of next steps for the corridor study.

Questions and comments from the Commissioners regarding Ms. Chen’s and Mr. Page’s presentation were as follows:

• Chairman Moore commented that he liked the presentation and then discussed the following: potential implications of TxDOT’s expansion of IH-35E; stakeholders interviewed by the consultant team; clarification regarding
the employment districts identified within the North Texas region; whether a major goal of development within the corridor should be more office land uses versus industrial uses, and how this would be accomplished; number of Essilor employees residing within Carrollton, Texas and the amount of housing within the City; whether issues of land vacancy were due to challenges related to mobility and connectivity within the corridor, and if other cities within the North Texas area have addressed this similar issue; whether the proposed road diet for Valley View Lane would help with safety of pedestrians and bikers within the area; that he liked the graphics illustrating what other cities have done related to public art and placemaking; and that analysis should begin with the areas closest to the Station Area.

- Commissioner Zavala commented that he liked the presentation.

- Commissioner Yarbrough discussed the following: the number of employers interviewed by the consultants; whether there was a threshold goal for the percentage of stakeholders to be interviewed in relation to public outreach efforts; requested clarification on the slide discussing three-tiered zip codes; statistics related to bicycle and pedestrian safety within the corridor and how these statistics compared with other areas of the corridor elsewhere within the metroplex; why the consultants believed there were many underutilized parking lots within the City; and whether the consultants had any conceptual plans for how the underutilized parking lots could be repurposed.

- Ms. Firgens discussed the following related to public engagement efforts and the COVID-19 situation: the postponement of the open house and interviews with employees of employers within the corridor and obtaining their feedback; the postponement of pop up events at various locations within the City to engage residents living within proximity of the corridor and obtaining their feedback; and the reevaluation of current public engagement efforts including incorporating utilizing technology to engage stakeholders and the public such as online surveying, as well as determining how best to move these efforts forward.

- Commissioner Williams discussed the following: whether the consultant team had received feedback from developers related to development within the corridor; how to redevelop the area of the corridor west of IH-35E featuring the former El Mio hotel development and other motel developments; requested clarification on what was meant by wholesale retail uses related to the business use categories presented; and the importance of redevelopment of the area west of IH-35E and Valley View Lane in relation to encouraging ridership of DART public transit service.

- Commissioner Potraza discussed the following: properties within the corridor that could be potentially affected by TxDOT’s IH-35E expansion; the importance of walkability and connectivity within the corridor, including connected sidewalks; wait time and the “last mile” connection related to public transit; bicycle and scooter use within the Central Business district of Dallas, Texas, and a cost-benefit analysis of these transportation modes and other last mile connectivity options within the corridor; and the importance of improving connectivity under the overpasses.

- Commissioner Bertl discussed the following: development at the intersections of IH-35E with both Valley View Lane and Valwood Parkway; the importance of walkability and mobility within the corridor; and potential opportunities
related to greenspace development for both existing parking lots and adjacent to existing buildings. Commissioner Bertl commented that she liked the presentation.

- Alternate Commissioner Cole asked whether the Mayor’s IH-35E Betterments Task Force was related to the corridor vision study, and if information was being shared with the consultant team related to the betterments efforts.

- Vice Chairman De Los Santos discussed the following: options for connectivity between the east and west sides of IH-35E, citing the important of connecting areas on both sides of the corridor; concerns related to crime rates near the intersections of IH-35E at both Valley View Lane and Valwood Parkway; concerns regarding walkability and mobility within the corridor, as well as pedestrian safety; and underutilized parking within the corridor;

- Chairman Moore thanked the Commissioners for their questions and feedback.

Hearing no further questions or comments from the Commissioners, Chairman Moore closed discussion on this agenda item.

A.3 20-198 Discuss a future driving tour of Farmers Branch with the Planning and Zoning Commission.

Chairman Moore stated due to time constraints, discussion on this agenda item was being postponed to the May 11, 2020 Study Session meeting of the Planning and Zoning Commission.

Hearing no questions or comments from the Commissioners, Chairman Moore closed discussion on this agenda item.

A.4 20-147 Discuss agenda items for future Planning and Zoning Commission consideration.

Chairman Moore opened discussion on Study Session agenda item A.4 Discuss agenda items for future Planning and Zoning Commission consideration. Chairman Moore asked for any items to be added to the list.

No items were requested by the Commissioners.

Hearing no questions or comments from the Commissioners, Chairman Moore closed discussion on this agenda item and adjourned the Study Session at 6:59 PM. Staff and the Commissioners reconvened in Council Chambers for the Regular Meeting at 7:00 PM.

B. CITIZEN COMMENTS

Chairman Moore stated that those citizens desiring to address the Commission at this meeting could do so by contacting the Planning department by 12:00 PM today. Chairman Moore stated that the Planning department received no Citizen Comments.

C. REGULAR AGENDA ITEMS

C.1 20-120 Consider approval of the Attendance Matrix for the Planning and
Zoning Commission as presented; and take appropriate action.

A motion was made by Commissioner Bertl, seconded by Commissioner Zavala, that the Attendance Matrix be approved. The motion carried unanimously.

Aye: 7 – Chairman Moore, Commissioner Yarbrough, Commissioner Bertl, Commissioner Zavala, Commissioner Williams, Commissioner Potraza and Vice Chairman De Los Santos

C.2 20-203

Consider approval of the March 16, 2020 Planning and Zoning Commission Minutes; and take appropriate action.

A motion was made by Commissioner Bertl, seconded by Commissioner Potraza, that the Minutes be approved. The motion carried unanimously.

Aye: 7 – Chairman Moore, Commissioner Yarbrough, Commissioner Bertl, Commissioner Zavala, Commissioner Williams, Commissioner Potraza and Vice Chairman De Los Santos

D. PUBLIC HEARING

D.1 20-SP-02

Conduct a public hearing and consider a Detailed Site Plan request for special exceptions from Chapter 6.F – Signage of Planned Development Ordinance No. 86 (PD-86) to allow for multiple wall signs within the multi-tenant retail/restaurant development, located on an approximately 3.74-acre property at the southeast and southwest corners of Valley View Lane and Bee Street; and take appropriate action.

The applicant, FB Land, Ltd., is requesting approval of special exceptions from Chapter 6.F. – Signage of Planned Development Ordinance No. 86 (PD-86), commonly known as the Station Area Code, to allow for multiple wall signs within the existing multi-tenant retail/restaurant development. The Detailed Site Plan for this development was originally approved in 2017 by Resolution No. 2017-066. PD-86 has specific requirements for wall signs including limited area and height, thereby promoting signage appropriate for pedestrian-scaled developments. The applicant is requesting approval of wall signs that are larger and taller than what the code allows, thus the request for special exceptions from the PD ordinance. PD-86 authorizes the Planning and Zoning Commission to consider and approve special exception requests. Staff recommends approval of this Detailed Site Plan as presented.

Ms. Surupa Sen, Senior Planner, gave a presentation regarding the proposed detailed site plan.

Chairman Moore invited Ms. Elise Mikus, the applicant, 2626 Howell Street, Dallas, Texas, to speak on behalf of the proposed development.

Ms. Mikus discussed the following: the opening of the Cox Farmers Market; the challenges faced by businesses related to the COVID-19 situation; the construction timing of the Cedar Creek Brewery and Starwood Café restaurants; the delay in construction of three additional restaurant uses; the importance of signage for this development being large enough to be noticed at both pedestrian and vehicle levels; she requested that the Commission approve the proposed Detailed Site Plan as she...
believed the proposed signage would help contribute to the success of the businesses within this development.

Chairman Moore commended Ms. Mikus for the Cox Farmers Market business opening and then asked for any questions or comments.

Commissioner Bertl commented that she liked the Cox Farmers Market and agreed on the proposed increased sizes of the signage. Commissioner Bertl then asked why the originally approved Detailed Site Plan for this development did not include this sign package. Ms. Firgens stated that it is not uncommon for sign packages to be designed and developed at a later date, once tenants have been determined and construction nearing completion.

Hearing no further questions or comments from the Commissioners, Chairman Moore opened the public hearing. No one came forward to address this agenda item. Chairman Moore closed the public hearing and asked for a motion.

A motion was made by Vice Chairman De Los Santos, seconded by Commissioner Bertl, that this Detailed Site Plan be approved. The motion carried unanimously.

Aye: 7 – Chairman Moore, Commissioner Yarbrough, Commissioner Bertl, Commissioner Zavala, Commissioner Williams, Commissioner Potraza and Vice Chairman De Los Santos

D.2 20-SU-01 Conduct a public hearing and consider the request for a Specific Use Permit to allow for on-site sale/consumption of alcoholic beverages, within a qualifying restaurant for an approximate 4.58-acre property located at 2727 LBJ Freeway; and take appropriate action.

The existing ten-story office building and associated parking garage located at 2727 LBJ Freeway has a restaurant on the first floor. The applicant, 1910 Beverage Service, LLC on behalf of the property owner, has applied for a Specific Use Permit to allow on-premise consumption of alcoholic beverages within this existing restaurant. This restaurant is an amenity for the tenants of the office building and serves primarily the employees and people working within the office building. The subject property is located in Planned Development District No. 74 (PD-74), which allows for on-premise consumption of alcoholic beverages within a qualifying restaurant subject to approval of an SUP. Staff recommends approval of this Specific Use Permit as presented.

Ms. Surupa Sen, Senior Planner, gave a brief presentation regarding the Specific Use Permit proposal.

Chairman Moore invited Ms. Jordan Berkstresser, the applicant, 2727 Lyndon B. Johnson Freeway, Farmers Branch, Texas, to speak on behalf of the proposal.

Ms. Berkstresser discussed the following: the success of this concept at other locations; potential social and employee engagement opportunities associated with this concept; the potential to attract additional employees to work inside the existing office building; and the types of alcoholic beverages to be served.

Chairman Moore asked for any questions.

Commissioner Bertl asked about the restaurant type and menu options.
Hearing no further questions or comments from the Commissioners, Chairman Moore opened the public hearing. No one came forward to address this agenda item. Chairman Moore closed the public hearing and asked for a motion.

**A motion was made by Commissioner Yarbrough, seconded by Commissioner Bertl, that this Specific Use Permit be recommended for approval. The motion carried unanimously.**

**Aye: 7 –** Chairman Moore, Commissioner Yarbrough, Commissioner Bertl, Commissioner Zavala, Commissioner Williams, Commissioner Potraza and Vice Chairman De Los Santos

Chairman Moore thanked the Commissioners and that he believed this meeting to be successful, as well as thanked staff for their work related to conducting the meeting virtually.

**E. **ADJOURNMENT

Being no further business, Chairman Moore adjourned the meeting at 7:38 PM.

_________________________  
Chairman

_________________________  
City Administration
Consider a request from FB Land, LTD for final plat approval of Mustang Station North, Lots 1 and 2, Block A, and Lot 1, Block B, located at the southwest and southeast corners of Bee Street at Valley View Lane; and take appropriate action.

BACKGROUND:
FB Land, LTD is the sole owner of two tracts of land totaling 3.74 acres located at the southwest and southeast corners of Bee Street at Valley View Lane, and extending west to the DART rail line and east to Goodland Street.

The purpose of the final plat of Mustang Station North, Lots 1 and 2, Block A and Lot 1, Block B, is to plat the subject property into three lots and dedicate the easements necessary for the development of the lots. This plat is consistent with the detailed site plan approved by City Council on May 16, 2017 by Resolution Number 2017-066.

The final plat of Mustang Station North, Lots 1 and 2, Block A and Lot 1, Block B is consistent with the Texas Local Government Code and the City’s platting requirements for final plat approval.

RECOMMENDATION:
Staff recommends approval of the final plat of Mustang Station North, Lots 1 and 2, Block A and Lot 1, Block B.

ACTIONS:
1. Motion to approve the final plat of Mustang Station North, Lots 1 and 2, Block A and Lot 1, Block B.
2. Any other action desired by the Planning and Zoning Commission.

ATTACHMENTS:
1. Location Map
2. Final plat of Mustang Station North
3. Approved Detailed Site Plan
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**COUNTY MAP**

**PROJECT LOCATION**

**DALLAS**

**D12 V**

**FINAL PLAT - MUSTANG STATION NORTH**

**Lots 1 and 2, Block A, and Lot 1, Block B**

(3.740 acres or 163,900 square feet)

A replat of part of block C. Longlee's Addition

Vol. 74, pg. 234 deed records

And part of the Jenny Lynn Addition

By Thomas Heden Survey, Abstrakt No. 733.

An addition to the City of Farmers Branch, Dallas County, Texas

**Pacheco Koch**
OWNER'S CERTIFICATE AND DEDICATION

TITLE OF LAND:

OWNER:

SURVEYOR:

CERTIFICATION:

Dedication:

NOTES:

CERTIFICATE OF APPROVAL

SURVEYOR'S DECLARATION

CERTIFICATE OF APPROVAL (CONTINUED)

FINAL PLAT - MUSTANG STATION NORTH

Lots 1 and 2, Block A, and Lot 1, Block B

A PART OF BLOCK C, LINGAMAN'S ADDITION

AND A PART OF THE JENNY LYNN ADDITION

THOMAS HEED SURVEY, ABSTRACT NO. 733
AN ADDITION TO THE CITY OF FARMERS BRANCH,

DALLAS COUNTY, TEXAS

SHEET 3 OF 2
Conduct a public hearing and consider a request to amend the Comprehensive Zoning Ordinance including but not limited to amending: Article 2.6 Alcoholic Beverage Sales in Restaurants and Private Clubs, Article 3.21 Light Industrial District, Article 3.22 Heavy Industrial District, and Article 4.5 Performance Standards as it relates to uses and development standards requiring approval of a Specific Use Permit; and take appropriate action.

BACKGROUND:
This is a city initiated Comprehensive Zoning Ordinance (CZO) text amendment. City Council directed staff to consider removing Specific Use Permit requirements from the CZO that may no longer be necessary or the most appropriate means for regulating certain uses and/or improvements. The last major overhaul of the CZO was adopted by City Council in January of 2017 and included a thorough review of the land uses subject to approval of a specific use permit. However, there still remains provisions within the CZO that require approval of an SUP particularly as it relates to development standards; therefore, staff has focused its review on the development performance standards. The following items listed below are proposed for removal of the SUP requirement and clarification of existing requirements:

- Outdoor patio areas associated with qualifying restaurants;
- More than two driveway approaches for properties located within Light Industrial (LI) and Heavy Industrial (HI) zoning districts; and
- The amount of open storage allowed by right versus that which requires approval of an SUP.

Staff presented this proposed CZO amendment to the Planning and Zoning Commission at a study session discussion during their February 10, 2020 regular meeting. The Commission was agreeable to the proposal and advised staff to proceed with the public hearing and ordinance adoption process.

RECOMMENDATION:
Staff recommends approval of the Zoning request.

ACTIONS:
1. Motion to recommend approval of the Zoning request.
2. Motion to recommend approval of the Zoning request with the following modifications…
3. Motion to recommend denial.
4. Motion to continue discussion at the next meeting.
ATTACHMENT(S):
1. Staff Report
2. CZO excerpts (Subsections 2.6.F.3, 3.21, 3.22, 4.5.B, and 4.5.C)
3. Proposed Ordinance
Case Number: 20-ZA-03

Request: Conduct a public hearing and consider a request to amend the Comprehensive Zoning Ordinance including but not limited to amending: Article 2.6 Alcoholic Beverage Sales in Restaurants and Private Clubs, Article 3.21 Light Industrial District, Article 3.22 Heavy Industrial District, and Article 4.5 Performance Standards as it relates to uses and development standards requiring approval of a Specific Use Permit; and take appropriate action.

Applicant: City of Farmers Branch

Planning & Zoning Commission Meeting: May 11, 2020

Background:
This is a city initiated Comprehensive Zoning Ordinance (CZO) text amendment. City Council directed staff to consider removing Specific Use Permit requirements from the CZO that may no longer be necessary or the most appropriate means for regulating certain uses and/or improvements. The last major overhaul of the CZO was adopted by City Council in January of 2017 and included a thorough review of the land uses subject to approval of a specific use permit. However, there still remains provisions within the CZO that require approval of an SUP particularly as it relates to development standards; therefore, staff has focused its review on the development performance standards. The following items listed below are proposed for removal of the SUP requirement and clarification of existing requirements:

- Outdoor patio areas associated with qualifying restaurants;
- More than two driveway approaches for properties located within Light Industrial (LI) and Heavy Industrial (HI) zoning districts; and
- The amount of open storage allowed by right versus that which requires approval of an SUP.

Staff presented this proposed CZO amendment to the Planning and Zoning Commission at a study session discussion during their February 10, 2020 regular meeting. The Commission was agreeable to the proposal and advised staff to proceed with the public hearing and ordinance adoption process. The proposed amending ordinance is attached with this staff report.

Proposed Amendments:
Staff has identified the following provisions within the CZO to discuss removal or clarification of the SUP requirement.

A. Qualifying Restaurants
The CZO defines qualifying restaurants as an existing or proposed eating establishment whose gross sale of food and non-alcoholic beverages shall constitute at least 50% of the establishment's
combined gross sales of food, non-alcoholic and alcoholic beverages quarterly. The CZO allows qualifying restaurants by right in the Local Retail District-1 (LR-1), Local Retail District-2 (LR-2), Commercial (C), Light Industrial (LI) and Heavy Industrial (HI) zoning districts pursuant to requirements in Section 2.6 which includes provisions related to alcoholic beverage sales, structural and building requirements, food service regulations, application and submittal criteria, and alcohol awareness program. Additionally, Section 2.6 requires approval of an SUP for the sale of alcoholic beverage within an outdoor patio, as provided for below:

**2.6 Alcoholic beverage sales in restaurants and private clubs**

*F. Food Service*

3. A qualifying restaurant may provide service in an attached patio or garden subject to approval of a specific use permit by the City Council.

As previously mentioned, the CZO allows qualifying restaurants by right in the LR-1, LR-2, C, LI and HI zoning districts. However, the aforementioned provision requiring approval of an SUP for an attached patio with a qualifying restaurant defeats the intent of the CZO to allow qualifying restaurants by right. Staff believes it is appropriate to remove the SUP requirement for the attached patio with qualifying restaurants. If the location allows a qualifying restaurant by right through the base zoning district, then the attached patio should not be required to go through an SUP approval process as it is part of the main land use, i.e. the restaurant.

**B. Access Drive Approaches**

*Article 3. Zoning District Dimensional Standards* of the CZO includes standards that regulate siting and massing of structures on a property. For each zoning district there are additional notes (or provisions) listing unique development standards applicable to that particular zoning district, outside of the height or siting standards. There are two such provisions within LI and HI zoning districts that has an SUP approval requirement for access drive approaches, specifically sites wanting more than two drive approaches.

3.21 **LI (Light Industrial District)**

*Notes*

5. Two approach driveways not exceeding 40 feet in width each may be located in the front yard. Additional driveways require approval of a specific use permit in accordance with Section 6.5.

3.22 **HI (Heavy Industrial District)**

*Notes*

6. Two approach driveways not exceeding 40 feet in width each may be located in the front yard. Additional driveways require approval of a specific use permit pursuant to Section 6.5.

Currently driveway spacing, maximum number of driveways, driveway location and other site design related items are reviewed on a case by case basis through the city’s detailed site plan review process. The city’s Public Works Department follows engineering best management practices and standards for these site design elements. As a result, there is no need for having
maximum number, width or location of driveways within the LI or HI zoning districts being subject to approval of an SUP to design otherwise. These standards can unintentionally contradict optimal site layout and configuration based on engineering best management practices. Furthermore, the SUP process should be reserved for evaluating the appropriateness of land uses within a zoning district, including but not limited to land use impacts on adjacent properties, compatibility of uses, and use operations. Therefore, staff recommends these two SUP requirements should be removed from the CZO.

C. Open Storage

Article 4. Site Development Standards of the CZO has requirements related to how open storage may be provided on a property. The open storage provisions stated below require clarification, as through ordinance amendments over the years, the ordinance language might have lost some of its original clarity related to the amount of open storage allowed by right on a property versus the amount which triggers approval of an SUP.

4.5 Performance Standards

B. C, LI and PD Districts

8. Open Storage

b. The area designated as open storage shall not exceed 15% of the total gross square foot of the building located on the same lot as the open storage prior to approval of a specific use permit in accordance with Section 6.5.

C. HI District

8. Open Storage

b. The area designated as open storage shall not exceed the total gross square foot of the building located on the same lot as the open storage area prior to approval of a specific use permit in accordance with Section 6.5.

This CZO requirement of restricting open storage on site is to control nuisance and aesthetic issues of any operation. There has been a need to clarify the “15%” provision within the C and LI districts as the statement is confusing in determining when the SUP requirement is triggered. Based on past review of the city’s CZO prior to the ordinance being amended in 2017, the equivalent up to 15% of building floor area was allowed as open storage by right, and any amount of open storage exceeding 15% required approval of an SUP. Therefore, staff proposes to amend the language as follows:

b. The area designated as of open storage authorized by right pursuant to paragraph a, above, shall not exceed 15% of the total gross square footage of the area of the building(s) located on the same lot and to which such outside storage constitutes an accessory use as the open storage. Use of an area for open storage exceeding 15% of the total gross square footage of the area of the building(s) on the same lot and to which such outside storage constitutes an accessory use shall require prior to approval of a specific use permit in accordance with Section 6.5.
Similar clarification is proposed for the open storage provision in the HI zoning district as follows:

b. The area designated as of open storage authorized by right pursuant to paragraph a, above, shall not exceed the total gross square footage of the area of the building(s) located on the same lot and to which such outside storage constitutes an accessory use as the open storage area. Use of an area for open storage exceeding the total gross square footage of the building(s) on the same lot and to which such outside storage constitutes an accessory use shall require prior to approval of a specific use permit in accordance with Section 6.5.

Open storage shall still be subject to existing screening requirements as provided for in the CZO; no changes are proposed to the screening requirements (i.e. minimum 6-ft/maximum 8-ft tall masonry wall and landscaping).

**Comprehensive Plan Recommendation:**

The City of Farmers Branch comprehensive plan is comprised of the West Side Plan, Central Area Plan, and East Side Plan. Each of these comprehensive plans recognize zoning as one of the most important tools to accomplish the land use goals and objectives of these long range plans’ recommendations. The East Side Plan states that zoning restrictions and complicated alcohol regulations are a significant barrier to entry for new businesses. By removing the unwarranted SUP requirement from the CZO, the proposed amendment is consistent with the Plan’s recommendations, thereby allowing for streamlined development review process. The amendment encourages new and re-development projects by reducing application review and processing time.

**Public Response:**

The required public hearing notice was published in the Dallas Morning News on May 1, 2020. No zoning notification signs nor mailed notices are required for amendments to the CZO. Staff has received no correspondence related to this proposed CZO amendment.

**Staff Recommendation:**

Staff recommends approval of the proposed zoning request.
The following standards shall be used in the design, location and sighting of Garden and Nursery Sales (Outside). A comprehensive site plan shall be submitted for approval by the Building Official prior to permit approval. Garden and Nursery Sales (Outside) sites shall comply with the following:

1. **Location** - The site shall be adjoining the building in which the primary business is conducted. No sales shall be located in front of the building. The site shall be located in such a manner so that it will not impede or hinder traffic flow.

2. **Screening** - The sales area shall be screened from public view by a minimum six-foot-high, maximum eight foot high screening fence. No merchandise may be stacked above the fence. No merchandise may be displayed outside the sales area. Fencing shall be of a material consistent with the exterior of the building. Visual openings may be allowed in the fence provided the opening does not exceed four inches in width with a minimum of eight feet between openings. Visual openings in the fence shall be constructed of wrought iron with no space larger than six feet, measured in any direction. Tree limbs may extend above the required fence.

3. **Roof** - A roof shall be required over the sales area. The roof shall be consistent with materials and construction methods approved by the Building Code.

4. **Accessibility** - The sales area shall have ingress and egress only through the main building.

5. **Deliveries and Customer Pick-up** - An opening ten feet wide, equipped with a gate, may be allowed only on the side or the rear of the sales area for deliveries and customer pick-up of merchandise. This opening may not be used as an entrance to the sales area, except as indicated in this section.

6. **Drainage** - A 12 inches high concrete curb shall be placed on all sides of the sales area to prevent drainage of chemicals into the public storm sewer system. An onsite drainage system with a dilution basin shall be installed when required by the Plumbing Code.

7. **Exceptions** - Exceptions to these operation standards may be requested by the applicant. Exceptions must be submitted on a site plan and approved by the Commission and City Council.

### 2.6 ALCOHOLIC BEVERAGE SALES IN RESTAURANTS AND PRIVATE CLUBS

**A. Compliance with Additional Regulations**

The sale of alcoholic beverages in a restaurant or private club on any property within the City, whether by right or pursuant to a specific use permit, shall be in compliance with this section.

**B. Definitions**

Whenever used in this section, the following words and phrases shall have the meaning set forth below unless specifically defined otherwise:
1. **Private Club**: An association of persons, whether incorporated or unincorporated under the laws of the State of Texas, that is the holder of a valid and subsisting private club permit issued by the Texas Alcoholic Beverage Commission and whose stated purpose is for the promotion of some common object and whose members must be passed upon by a committee made up of members of the club.

2. **Qualifying Restaurant**: An existing or proposed eating establishment whose gross sale of food and non-alcoholic beverages shall constitute at least 50% of the establishment's combined gross sales of food, non-alcoholic and alcoholic beverages quarterly.

3. **Restaurant**: Unless specifically indicated otherwise, the term "restaurant" shall mean a qualifying restaurant where the operator is the holder of a mixed beverage permit or a private club permit.

4. **Holder of a Mixed Beverage Permit**: Holder of a mixed beverage permit issued by the Texas Alcoholic Beverage Commission pursuant to Chapter 28 of the Texas Alcoholic Beverage Code.

C. **Continuation of Existing Private Clubs**: All existing and legal private clubs are declared legal and valid and may continue to operate as legal and valid operations after the effective date of this ordinance.

D. **Eleemosynary Corporations**: No application for a specific use permit for an applicant claiming to be an eleemosynary corporation, may be considered or approved until, based on data and information provided by the applicant, the City Attorney has determined the applicant is an eleemosynary corporation as defined in Section 2.6B.5.

E. **Structural and Building Requirements**

1. No qualifying restaurant may be located in a hotel unless such hotel:
   a. Has at least 200 sleeping rooms; or
   b. Has at least 160 sleeping rooms and meeting space in excess of 2,000 square feet.

2. Exterior signs or signs visible from the restaurant’s exterior that advertise the sale of alcoholic beverages are prohibited.

3. No qualifying restaurant shall be located within 300 feet of a church, school (public or private), or public hospital. The method for measuring distance shall be as determined in Texas Alcoholic Beverage Code §109.33(b), as amended.

F. **Food Service**

1. Qualifying restaurants shall provide regular food service for their customers.

2. All qualifying restaurants shall receive from the sale of food at least 50% of the restaurant’s gross sales at that location which sales figures shall be accurately reflected on a quarterly basis, subject to verification by the City in accordance with Section 2.6J.

3. **A qualifying restaurant may provide service in an attached patio or garden subject to approval of a specific use permit by the City Council.**
3.21 **LI (LIGHT INDUSTRIAL DISTRICT)**

**Description**

The LI District is intended to accommodate offices, light manufacturing, research and development, warehousing, wholesale, processing and commercial uses in order promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Facilities in the district should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses. The district should be applied in established industrial areas or where such a land use pattern is desired in the future.

**Height** (see Section 3.3 for additional height provisions)

![Height Diagram]

- A: Height (no max stories)
- A: Height of Building (Set by FAA)
- B: Height of Encroachments (max 10 ft)

**Siting** (see Section 3.3 for additional lot and yard provisions)

![Siting Diagram]

- C: Lot Area (no min)
- C: Lot Width (no min)
- D: Lot Depth (no min)
- E: Front Yard (no min)
- F: Side Yard (min 5 ft)
- G: Rear Yard (no min)
- G: Floor Area Ratio (1:1 max)

**Notes**

1. Buildings may be built to any height not prohibited by other laws and ordinances.
2. Buildings constructed on a lot fronting on a street with a right-of-way with a width of 100 feet or greater must have a front yard setback of at least 30 feet. For corner lots, frontage along both streets are considered front yards.
3. Except along secondary streets where automobile parking areas are allowed within six (6) feet of the front property line, front yards must be kept free and clear of structures, parking areas, accessory buildings, fences, and other uses, unless allowed in other sections of this zoning ordinance.
4. Loading docks located on the front of the building must be set back not less than 60 feet.
5. Two approach driveways not exceeding 40 feet in width each may be located in the front yard. Additional driveways require approval of a specific use permit in accordance with Section 6.5.

6. The area between the lot line and the minimum side yard line must be kept free and clear of accessory buildings and storage areas, but may be paved and used as driveways.

7. When retail, commercial, or industrial uses back to a common lot line with a residential district, a 10 feet rear setback is required unless another provision of this zoning ordinance requires a greater rear setback, in which case the other provision shall control.

8. When commercial or industrial uses do not back upon an alley or easement with a width of at least 20 feet, a 10 foot rear setback is required.

9. Parking requirements shall comply with Section 4.3.
3.22 HI (HEAVY INDUSTRIAL DISTRICT)

Description
The HI District is intended to accommodate a broad range of high-impact manufacturing, industrial or other uses, including extractive and waste-related uses, that by their nature create some nuisance, and which are not properly associated with or are not compatible with nearby residential districts or other less intense districts. The district should be applied in established heavy industrial areas or where such a land use pattern is desired in the future.

Height (see Section 3.3 for additional height provisions)

Siting (see Section 3.3 for additional lot and yard provisions)

Notes
1. Buildings may be built to any height not prohibited by other laws and ordinances.
2. Gasoline pumps must be set back not less than 18 feet from the street right-of-way line.
3. Buildings constructed on a lot fronting on a street with a right-of-way with a width of 100 feet or greater must have a front yard setback of at least 30 feet. For corner lots, frontage along both streets are considered front yards.
4. Except along secondary streets where automobile parking areas are allowed within 6 feet of the front property line, front yards must be kept free and clear of structures, parking areas, accessory buildings, fences, and other uses, unless allowed in other sections of zoning ordinance.
5. Loading docks located on the front of the building must be set back not less than 60
6. Two approach driveways not exceeding 40 feet in width each may be located in the front yard. Additional driveways require approval of a specific use permit pursuant to Section 6.5.

7. The area between the side lot line and the minimum side yard line must be kept free and clear of accessory buildings and storage areas but may be paved and used as driveways.

8. When retail, commercial, or industrial uses back to a common lot line with a residential district, a 10 foot rear setback is required unless another provision of this zoning ordinance requires a greater rear setback, in which case the other provision shall control.

9. When commercial or industrial uses do not back upon an alley or easement with a width of least 20 feet, a 10 foot rear setback is required.

10. Parking requirements shall comply with Section 4.3.
4.5 PERFORMANCE STANDARDS

A. Applicability

1. All uses in all zoning districts shall conform in operation, location, and construction to the performance standards specified for noise, odorous matter, toxic and noxious matter and glare set forth in this Section 4.5.

2. All uses in the C, LI, HI, or PD zoning districts shall conform in operation, location and construction to the performance standards specified for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration, open storage, planting, waste materials, and sanitation set forth in this Section 4.5.

B. C, LI and PD Districts

1. Applicability
   The provisions of this Section 4.5.C. shall apply only within the C, LI, and PD zoning districts.

2. Noise
   At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Bands groups designated in the following table:

   a. The maximum permissible daytime octave band-decibel limits at the bounding property line shall be as follows:

<table>
<thead>
<tr>
<th>Octave Band (Cycles per Second)</th>
<th>37-75</th>
<th>75-150</th>
<th>150-300</th>
<th>300-600</th>
<th>600-1200</th>
<th>1200-2400</th>
<th>2400-4800</th>
<th>4800-9600</th>
<th>A Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decibel Band Limit (dB re 0.0002 micro-bars)</td>
<td>86</td>
<td>76</td>
<td>70</td>
<td>65</td>
<td>63</td>
<td>58</td>
<td>55</td>
<td>53</td>
<td>70</td>
</tr>
</tbody>
</table>

   Note: Scale levels are provided for monitoring purposes only and are not applicable to detailed sound analysis.

   b. The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards:
      i. When noise is present at nighttime: subtract -7 dB.
      ii. When noise contains strong pure-tone components or is impulsive, that is, when meter changes at 10 decibels or more per second: subtract -7 dB.
iii. When noise is present for not more than ½ minute in any ½-hour period, 1 minute in any 1-hour period, 10 minutes in any 2-hour period, or 20 minutes in any 4-hour period: add 10 dB.

c. Measurement of noise shall be made with a sound level meter or Octave band analyzer meeting the standards prescribed by the American Standards Association.

3. Smoke and Particulate Matter

No operation or use shall cause, create or allow the emission for more than three minutes in any one hour of air contaminants which at the emission point or within the property are:

a. As dark or darker in shade as that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines Information Circular 7118;

b. Of such opacity as to obscure an observers view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in Section 4.5B.3.a above except that; when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, the standards in Sections 4.5B.3.a and 4.5B.3.b shall not apply;

c. The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the 0.5 pounds per acre of property within the plan site per any one-hour; or

d. The open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter, or which involves dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sand blasting, shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding 4 grains per 1,000 cubic feet of air.

4. Odorous Matter

a. No use shall be permitted which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.

b. The odor threshold shall be determined by observation by on or more people. In any case, where uncertainty may arise, the operator or owner of an odor emitting use may disagree with the enforcing officer, or specific measurement of odor concentration is required, the method and procedures as specified by American Society for Testing Materials A.S.T.M.D. 1391-57 titled "Standard Method for Measurement of Odor in Atmospheres" shall be used as the standard for determining the odor threshold, which standards are incorporated herein by reference.
5. **Fire and Explosive Materials**

No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorous and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the City’s Fire Department.

6. **Toxic and Noxious Matter**

No operation or use shall emit across the bounding property line of the tract on which such operation or use is located a concentration of toxic or noxious matter which will exceed ten percent of the concentration (exposure) considered as the threshold limit for an industrial worker as set forth by the Texas State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3, a copy of which is incorporated herein by reference and is on file in the office of the Director.

7. **Vibration**

No operation or use shall at any time create earth-borne vibrations which, when measured at the bounding property line of the source of operation, exceed the limits of displacement set forth in the following table in the frequency ranges specified.

<table>
<thead>
<tr>
<th>Frequency (Cycles per Second)</th>
<th>Displacement (In Inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10</td>
<td>.0010</td>
</tr>
<tr>
<td>10-20</td>
<td>.0008</td>
</tr>
<tr>
<td>20-30</td>
<td>.0005</td>
</tr>
<tr>
<td>30-40</td>
<td>.0004</td>
</tr>
<tr>
<td>40 &amp; Over</td>
<td>.0003</td>
</tr>
</tbody>
</table>

8. **Open Storage**

a. Open storage shall be permitted as an accessory use to a main use which is located in a building in a C, LI or PD district allowing uses and standards in accordance with the LI zoning district.

b. **The area designated as open storage shall not exceed 15% of the total gross square foot of the building located on the same lot as the open storage prior to approval of a specific use permit in accordance with Section 6.5.**

c. Open storage shall be located on the rear one-half of the lot.

d. No open storage shall be located in front of the main building.

e. No open storage may be used for a wrecking, junk or salvage yard prior to approval of a specific use permit Section 6.5 authorizing such use.

f. All open storage areas shall be screened from view of the public by a masonry wall not less than six feet nor greater than eight feet in height, and shrubs, trees or other landscaping as approved by the Director.
4. Site Development Standards

4.5. Performance Standards

C. HI District

9. Glare

No use or operation shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

C. HI District

1. Applicability

The provisions of this Section 4.5.C shall apply only to property located within the HI zoning districts.

2. Noise

a. At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Band groups designated in the following table. Maximum permissible daytime octave band-decibel limits at the bounding property line shall be as follows:

<table>
<thead>
<tr>
<th>Octave Band (Cycles per Second)</th>
<th>37-75</th>
<th>75-150</th>
<th>150-300</th>
<th>300-600</th>
<th>600-1200</th>
<th>1200-2400</th>
<th>2400-4800</th>
<th>4800-9600</th>
<th>A Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decibel Band Limit (dB re 0.0002 micro-bars)</td>
<td>90</td>
<td>80</td>
<td>74</td>
<td>69</td>
<td>65</td>
<td>62</td>
<td>60</td>
<td>58</td>
<td>70</td>
</tr>
</tbody>
</table>

Note: Scale levels are provided for monitoring purposes only and are not applicable to detailed sound analysis.

b. The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards:

i. When Noise is present at nighttime: subtract -7 dB.

ii. When Noise contains strong pure-tone components or is impulsive, that is, when meter changes at 10 decibels or more per second: subtract -7 dB.

iii. When Noise is present for not more than ½ minute in any ½-hour period, 1 minute in any 1-hour period, 10 minutes in any 2-hour period, or 20 minutes in any 4-hour period: add 10 dB.

c. Measurement of noise shall be made with an Octave band analyzer meeting the standards prescribed by the American Standards Association.
3. **Smoke and Particulate Matter**

   No operation or use shall cause, create, or allow the emission for more than 3 minutes in any 1 hour of air contaminants which at the emission point or within the bounds of the property are:

   a. As dark or darker in shade as that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines Information Bulletin 7118.

   b. Of such opacity as to obscure an observer’s view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in Section 4.5C.3.a above except that; when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere, the standards specified in Sections 4.5C.3.a and 4.5C.3.b shall not apply.

   c. The emission of particulate matter from all sources shall not exceed 1.0 pounds per acre of property within the plant site per any one hour.

   d. The open storage and open processing operations including on site transportation movements which are the source of wind or airborne dust or other particulate air contaminants generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding 4 grains per 1,000 cubic feet of air.

4. **Odorous Matter**

   a. No use shall be located or operated which involves the emission of odorous matter from a source operation where the odorous matter exceeds a concentration at the bounding property line or any point beyond which, when diluted with an equal volume of odor free air, exceeds the odor threshold (two odor units).

   b. The odor threshold and odor unit shall be determined by observation by one or more people. In any case where uncertainty may arise, the operator or owner of an odor emitting use may disagree with the enforcing officer, or specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials, A.S.T.M.D. 1391-57 titled *Standard Method for Measurement of Odor in Atmosphere* shall be used as the standard for determining the odor threshold, which standards are incorporated herein by reference.

5. **Fire or Explosive Hazard Material**

   a. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except when such use is in conformance with all other City ordinances and has been approved by the City’s Fire Department.

   b. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be
permitted only when such storage or use conforms to the standards and regulations of City’s Fire Department.

6. Toxic and Noxious Matter
No operation or use shall emit across the bounding property line of the tract on which such use or operation is located a concentration of toxic or noxious matter which will exceed ten percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in *Threshold Limit Values Occupational Health Regulation No. 3*, a copy of which is incorporated herein by reference and on file in the office of the Director.

7. Vibrations
No operation or use shall at any time create earthborne vibrations which, when measured at the bounding property line of the source operation, exceeds the limit of displacement set forth in the following table in the frequency ranges specified:

<table>
<thead>
<tr>
<th>Frequency (Cycles per Second)</th>
<th>Displacement (In Inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10</td>
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<tr>
<td>10-20</td>
<td>.0016</td>
</tr>
<tr>
<td>20-30</td>
<td>.0010</td>
</tr>
<tr>
<td>30-40</td>
<td>.0006</td>
</tr>
<tr>
<td>40 &amp; Over</td>
<td>.0005</td>
</tr>
</tbody>
</table>

8. Open Storage
   a. Open storage shall be permitted as an accessory use to a main use which is located in a building in an HI district or a PD district allowing uses and standards in accordance with the HI zoning district.
   b. The area designated as open storage shall not exceed the total gross square foot of the building located on the same lot as the open storage area without the prior approval of a specific use permit in accordance with Section 6.5.
   c. Open storage shall be located on the rear one-half of the lot.
   d. No open storage shall be located in front of the main building.
   e. No open storage area shall be used as a wrecking, junk or salvage yard prior to approval of as a specific use permit in accordance with Section 6.5 authorizing such use.
   f. All open storage areas shall be screened from view of the public by a masonry wall not less than six feet nor greater than eight feet in height, and shrubs, trees or other landscaping as approved by the Director.
   g. Items stored in an authorized open storage area shall not extend above the required screening wall or fence.

9. Waste Materials
No use or operation shall discharge onto the ground or into any driveway, open pit, pond or into any street or street right-of-way, any waste materials, liquids, residue or by products for storage, decomposition, disposal or fill, unless
approved by the Director.

D. “Daytime” and “Bounding Property Line”

1. “Daytime” As used in Sections 4.5.B. and C., “daytime” means the hours between sunrise and sunset on any given day.

2. “Bounding Property Line”

As used in Sections 4.5.B. and C., “bounding property line” means (i) the far side of any street, alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property, and (ii) when no such open space exists, the common line between two parcels of property.
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS AMENDING THE CHAPTER 94 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 2 “ZONING DISTRICTS AND USES” SECTION 2.6 “ALCOHOLIC BEVERAGE SALES IN RESTAURANTS AND PRIVATE CLUBS” BY AMENDING SUBSECTION F "FOOD SERVICE" TO ELIMINATE THE REQUIREMENT TO OBTAIN SPECIFIC USE PERMITS FOR OUTDOOR PATIOS AND MAKE OTHER CONFORMING AMENDMENTS; AMENDING ARTICLE 3 “ZONING DISTRICT DIMENSIONAL STANDARDS” BY REPEALING NOTE 5 IN SECTION 3.21 “LI (LIGHT INDUSTRIAL DISTRICT)” AND RENUMBERING SUBSEQUENT NOTES ACCORDINGLY, AND; BY REPEALING NOTE 6 IN SECTION 3.22 “HI (HEAVY INDUSTRIAL DISTRICT)” AND RENUMBERING SUBSEQUENT NOTES ACCORDINGLY; AND AMENDING ARTICLE 4 “SITE DEVELOPMENT STANDARDS” SECTION 4.5 “PERFORMANCE STANDARDS” BY AMENDING PARAGRAPH 8.b. OF SUBSECTION B “C, LI, AND PD DISTRICTS” AND PARAGRAPH 8.b. OF SUBSECTION C “HI DISTRICT” RELATING TO ALLOWABLE AREA USED FOR OPEN STORAGE; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS ($2000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING PUBLICATION

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 interested persons, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended;

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

SECTION 1. Chapter 94 “Zoning” of the Code of Ordinances of the City of Farmers Branch, Texas, as previously amended, (i.e. the Comprehensive Zoning Ordinance) is hereby further amended as follows
A. Subsection F “Food Service” of Article 2 “Zoning Districts and Uses,” Section 2.6 “Alcoholic Beverage Sales in Restaurants and Private Clubs” is amended to read as follows:

F. Food Service

1. Qualifying restaurants shall provide regular food service for their customers.

2. All qualifying restaurants shall receive from the sale of food at least 50% of the restaurant's gross sales at that location which sales figures shall be accurately reflected on a quarterly basis, subject to verification by the City in accordance with Section 2.6J.

3. Only attached patios or gardens that occupy an area greater than or equal to 50% of the total floor area occupied by the enclosed portion of a qualifying restaurant shall be included in the calculation of minimum required parking.

4. No drive-in, drive-through, or curb service of alcoholic beverages is permitted.

5. The qualifying restaurant shall designate a portion of its total combined floor area for food preparation and storage adequate to service customers in a manner that permits and allows the qualifying restaurant to maintain the prescribed food to alcoholic beverage sales ratio prescribed herein.

6. A private club or mixed beverage serving area located in a hotel or motel will be allowed in an area totally separate from the restaurant area subject to the following:

   a. The qualifying restaurant must be located within the same building as the hotel or motel.

   b. Not less than 2,000 square feet of floor area shall be occupied by qualifying restaurant facilities (total qualifying restaurant operations).

   c. The floor area devoted to the sale of alcoholic beverages within the qualifying restaurant does not exceed the floor area devoted to food service.

   d. The qualifying restaurant will designate a portion of its total combined floor area for food preparation and storage adequate to service customers in a manner that permits and
allows the qualifying restaurant to maintain the prescribed food to alcoholic beverage sales ratio prescribed in this Chapter.

e. The sale and consumption of alcoholic beverages may be permitted within the restaurant area.

f. Pursuant to Texas Alcoholic Beverage Code § 28.01(b), the holder of a mixed beverage permit for a qualifying restaurant in a hotel zoned pursuant to this Chapter may deliver mixed beverages, including wine and beer, to individual rooms of the hotel or to any other location in the hotel building or grounds, except a parking area on the licensed premises or another alcoholic beverage establishment, without regard to whether the place of delivery is part of the licensed premises. A permittee in a hotel may allow a patron or visitor to enter or leave the licensed premises, even though the patron or visitor possesses an alcoholic beverage, if the beverage is in an open container and appears to be possessed for present consumption.

B. Article 3 “Zoning District Dimensional Standards” is amended as follows:

1. Section 3.21 “LI (Light Industrial District)” is amended by repealing and deleting Note 5 and renumbering Notes 6 through 9 to become Notes 5 through 8, respectively; and

2. Section 3.22 “HI (Heavy Industrial District)” is amended by repealing and deleting Note 6 and renumbering Notes 7 through 10 to become Notes 6 through 9, respectively.

C. Article 4 “Site Development Standards”, Section 4.5 “Performance Standards” is amended as follows:

1. Paragraph 8.b. of Subsection B “C, LI and PD Districts” is amended to read as follows:

   b. The area of open storage authorized by right pursuant to paragraph a, above, shall not exceed 15% of the total gross square footage of the area of the building(s) located on the same lot and to which such outside storage constitutes an accessory use. Use of an area for open storage exceeding 15% of the total gross square footage of the area of the building(s) located on the same lot and to which such outside storage constitutes an accessory use shall require prior approval of a specific use permit in accordance with Section 6.5.
2. Paragraph 8.b. of Subsection C “HI District” is amended to read as follows:

b. The area of the open storage authorized by right pursuant to paragraph a, above, shall not exceed the total gross square footage of the area of the building(s) located on the same lot and to which such outside storage constitutes an accessory use. Use of an area for open storage exceeding the total gross square footage of the area of the building(s) located on the same lot and to which such outside storage constitutes an accessory use shall require prior approval of a specific use permit in accordance with Section 6.5.

SECTION 2. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. 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, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.


ATTEST: ___________________  APPROVED: ___________________

____________________________  ______________________________
Amy Piukana, TRMC, City Secretary        Robert C. Dye, Mayor
APPROVED AS TO FORM:

________________________
Peter G. Smith, City Attorney
(kbl:5/7/2020:115331)