

ORDINANCE NO. 1240

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, SO AS TO AMEND AN EXISTING PLANNED DEVELOPMENT DISTRICT FOR GENERAL RETAIL USES FOR THE PROPERTY DESCRIBED AS A 37.695 ACRE TRACT OF LAND, MORE OR LESS, IN THE A. HYER SURVEY, ABSTRACT NUMBER 203, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND FORMALLY KNOWN AS PLACE LEGRAND PLANNED DEVELOPMENT WITH A PROJECT NAME CHANGE TO KICKAPOO TRACE CENTER PLANNED DEVELOPMENT; APPROVING PLANNED DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "B"; APPROVING A CONCEPT/SITE PLAN/ELEVATIONS PLAN FOR BUILDING "A" ATTACHED HERETO AS EXHIBIT "C"; APPROVING A REVISED LANDSCAPING PLAN FOR BUILDING "A" ATTACHED HERETO AS EXHIBIT "D", PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Forney and the City Council of the City of Forney, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Forney is of the opinion and finds that said zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Forney, Texas, be, and the same are hereby, amended so as to grant an amendment to an existing Planned Development District for General Retail Uses for the property described as a 37.695 acre tract of land, more or less, in the A. Hyer Survey, Abstract No. 203, in the City of Forney,

SECTION 2. That the development standards for this Planned Development District, are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Section 34a.3, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

SECTION 3. That the concept/site plan/elevations plan for Building "A" for this Planned Development District is attached hereto as Exhibit "C", and the same is hereby approved for said Planned Development District as required by Section 34a.4, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

SECTION 4. That the revised landscaping plan for Building "A" for this Planned Development District is attached hereto as Exhibit "D", and the same is hereby approved for said Planned Development District as required by Section 34a.4, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

SECTION 5. That all ordinances of the City of Forney in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

SECTION 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held 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 declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance and Map as a whole.

SECTION 7. That any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be deemed guilty

of a misdemeanor and, upon conviction in the municipal court of the City of Forney, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED by the City Council of the City of Forney, Texas, on the 6th day of

November, 2007



CITY OF FORNEY, TEXAS

Wanell L. Lewis

MAYOR

ATTEST:

Adessa Moore

CITY SECRETARY

EXHIBIT "A"

LEGAL DESCRIPTION

Tract 6:
Parcel A:

A tract of land in the A. Hyer Survey, Abstract No. 203, Kaufman County, Texas, and being a part of that called 234.706 acre tract as conveyed by Substitute Trustee's Deed to Glenn Red Whaley, as recorded in Volume 1000, Page 352, Deed Records, Kaufman County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for corner at the most Northerly corner of said tract, said point being at the East corner of a 29.35 acre tract conveyed to Douglas Campbell, as recorded in Volume 1067, Page 554, and said point being in the Southwest R.O.W. of F.M. 741; THENCE South 45 degrees 04 minutes 00 seconds East, along the Southwest R.O.W. of F.M. 741, a distance of 274.30 feet to a brass highway monument found for corner and the POINT OF BEGINNING, said point being at the intersection of the Southwest R.O.W. of F.M. 741 and the Southeast R.O.W. of the New F.M. 548;

THENCE South 45 degrees 04 minutes 00 seconds East, continuing along the Southwest R.O.W. of F.M. 741, a distance of 813.65 feet to a point for corner near the centerline of a creek, a 1/2 inch iron rod set for witness bears North 45 degrees 04 minutes 00 seconds West, 30.00 feet;

THENCE North 87 degrees 51 minutes 08 seconds West, along and near the centerline of said creek, a distance of 441.66 feet to a point for corner, a 1/2 inch iron rod set for witness bears North 45 degrees 04 minutes 00 seconds West, 30.00 feet;

THENCE North 45 degrees 04 minutes 00 seconds West, a distance of 489.51 feet to a 1/2 inch iron rod set for corner in the Southeast R.O.W. of the New F.M. 548, said point being in a non-tangent curve to the left, having a central angle of 1 degree 67 minutes 51 seconds, a radius of 1864.46 feet and a chord bearing and distance of North 45 degrees 42 minutes 14 seconds East, 63.91 feet; THENCE with said curve and R.O.W., an arc length of 63.92 feet to a brass highway monument found for corner;

THENCE North 44 degrees 43 minutes 19 seconds East, continuing along the Southeast R.O.W. of the new F.M. 548, a distance of 236.09 feet to the POINT OF BEGINNING and containing 4.484 acres of land.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

Parcel B:

All that certain tract or parcel of land in the A. Hyer Survey, Abstract No. 203, Kaufman County, Texas, and being a part of that called 234.706 acre tract as conveyed by Substitute Trustee's Deed to Glenn Red Whaley, as recorded in Volume 1000, Page 352, Deed Records, Kaufman County, Texas, and being more particularly described as follows:

LEGAL DESCRIPTION (continued)

COMMENCING at a 1/2 inch iron rod found for corner at the most Northerly corner of said tract, said point being at the East corner of a 29.35 acre tract conveyed to Douglas Campbell, recorded in Volume 1067, Page 554, and said point being in the Southwest R.O.W. of F.M. 741; THENCE South 45 degrees 04 minutes 00 seconds East, along the Southwest R.O.W. of F.M. 741, a distance of 274.30 feet to a brass highway monument found for corner, said point being at the intersection of the Southwest R.O.W. of F.M. 741 and the Southeast R.O.W. of the New F.M. 548; THENCE South 45 degrees 04 minutes 00 seconds East, continuing along the Southwest R.O.W. of F.M. 741, a distance of 813.55 to the POINT OF BEGINNING, said point being near the centerline of a creek, a 1/2 inch iron rod set for witness bears North 45 degrees 04 minutes 00 seconds West, 30.00 feet;

THENCE South 45 degrees 04 minutes 00 seconds East, continuing along the Southwest R.O.W. of F.M. 741, a distance of 137.45 feet to a 1/2 inch iron rod found for corner at the North corner of a 40 acre tract conveyed to the Forney Independent School District as recorded in Volume 868, Page 641;

THENCE South 44 degrees 30 minutes 10 seconds West, a distance of 1444.69 feet to a 1/2 inch iron rod found for corner;

THENCE North 45 degrees 03 minutes 18 seconds West, a distance of 1237.48 feet to a 1/2 inch iron rod found for corner;

THENCE North 44 degrees 58 minutes 55 seconds East, a distance of 203.81 feet to a brass highway monument found for corner in the Southeasterly R.O.W. of the New F.M. 548;

THENCE North 75 degrees 06 minutes 58 seconds East, along said R.O.W., a distance of 63.83 feet to a brass highway monument found for corner, said point being the beginning of a curve to the left, having a central angle of 0 degrees 57 minutes 11 seconds, a radius of 1874.46 feet, and a chord bearing and distance of North 74 degrees 38 minutes 23 seconds East, 31.18 feet;

THENCE with said curve and R.O.W., an arc length of 31.18 feet to a brass highway monument found for corner;

THENCE North 15 degrees 50 minutes 12 seconds West, continuing along the Southeasterly R.O.W. of the New F.M. 548, a distance of 10.00 feet to a brass highway monument found for corner, said point being in a non-tangent curve to the left.

LEGAL DESCRIPTION (continued)

having a central angle of 27 degrees 28 minutes 39 seconds, a radius of 1864.46 feet, and a chord bearing and distance of North 60 degrees 25 minutes 30 seconds East, 885.60 feet;

THENCE with said curve and the Southeasterly R.O.W. of the New F.M. 548, an arc length of 894.15 feet to a 1/2 inch iron rod set for corner;

THENCE South 45 degrees 04 minutes 00 seconds East, a distance of 489.51 feet to a point for corner near the centerline of a creek, a 1/2 inch iron rod set for witness bears North 45 degrees 04 minutes 00 seconds West, 30.00 feet;

THENCE South 87 degrees 51 minutes 08 seconds East, along and near the centerline of said creek, a distance of 441.66 feet to the POINT OF BEGINNING and containing 30.614 acres of land.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

Parcel C:

All that certain tract or parcel of land in the A. Hyer Survey, Abstract No. 203, Kaufman County, Texas, and being a part of that called 234.706 acre tract as conveyed by Substitute Trustee's Deed to Glenn Red Whaley, as recorded in Volume 1000, Page 352, Deed Records, Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the most Northerly corner of said tract, said point being at the East corner of a 29.35 acre tract conveyed to Douglas Campbell, as recorded in Volume 1067, Page 554, and said point being in the Southwest R.O.W. of F.M. 741;

THENCE South 45 degrees 04 minutes 00 seconds East, along the Southwest R.O.W. of F.M. 741, a distance of 154.30 feet to a brass highway monument found for corner at the intersection of the Southwest R.O.W. of F.M. 741 and the Northwest R.O.W. of the new F.M. 548;

THENCE South 44 degrees 43 minutes 19 seconds West along the Northwest R.O.W. of the new F.M. 548; a distance of 236.53 feet to a brass highway monument found for corner, said point being the beginning of a curve to the right, having a central angle of 24 degrees 37 minutes 35 seconds, a radius of 1744.46 feet, and a chord bearing and distance of South 57 degrees 02 minutes 07 seconds West, 744.03 feet;

THENCE with said curve and the Northwest R.O.W. of the New F.M. 548, an arc length of 749.79 feet to a brass highway monument found;

THENCE North 44 degrees 58 minutes 55 seconds East, along the Northwest line of said Whaley tract and along the Southeast line of said Douglas Campbell tract, a distance of 964.03 feet to the POINT OF BEGINNING and containing 2.596 acres of land, more or less.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

**KICKAPOO TRACE CENTER
PLANNED DEVELOPMENT DISTRICT
FORNEY, TEXAS**

I. Applicability

- a. The planned development district created herein shall apply to and govern the development of the tract(s) of land described on Exhibits A and B. The planned development district created herein will include characteristics and features that are designed to enhance the natural attributes of the site, as well as provide a pleasurable experience to the public. The characteristics and features that are focal points include: (1) multi - tenant open air pedestrian mall with double-sided (entrance on two different sides of the building) retail / office center capability; (2) multi-level landscaped creek with waterfalls constructed upon the existing drainage way; (3) pedestrian friendly access to the buildings with improved walking surfaces; (4) outdoor dining capability; and, (5) multi-story structures with various architectural accents and articulating components.
- b. Except as stated herein, the regulations of this planned development shall be based upon the General Retail (GR) district in effect as of the date of the adoption of this planned development as outlined in the City of Forney Zoning Ordinance Number 1085 adopted on August 19, 2003. If there is a conflict then the regulations of this district shall apply.

II. Submittals Required

- a. Concept Plan – a concept plan shall be submitted in accordance with the requirements of the City of Forney Zoning Ordinance. The concept plan may be for the entire area of land contained within the planned development district or any portion thereof. The concept plan may be amended from time to time, subject to review and approval by the City
- b. Phasing Plan- Two phases are to be identified for preliminary platting purposes-Phase I on the west side of F.M. 548 and Phase II on the east side of F.M. 548. A preliminary plat may be submitted separately for each phase or a preliminary plat may be submitted for the entire development. Final plats may be submitted for each lot (approved on the preliminary plats) to be approved and recorded in phases. If the lot configuration changes from what was approved on the preliminary plat for that phase, then the preliminary plat must be revised to reflect the changes and approved by the Governing Authority.

- c. Site Plan – a site plan shall be submitted in accordance with the requirements of the City of Forney Zoning Ordinance. The site plan may be for all or any part of the land contained within the planned development district.
- d. Concept plan approval shall be for a period of one year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted for a portion of the development, then the concept plan shall be deemed to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan.
- e. Any proposed covenants, maintenance agreements, trust indentures or deed restrictions must be submitted with the first preliminary plat for approval by the Planning Commission. Copies of the recorded documents shall be submitted to the Planning Department for inclusion into the file.

III. Uses

- a. Uses will be established as follows: All uses permitted by right and with a Conditional Use Permit in the General Retail (GR) district as established by the City of Forney Use Regulations will be considered permitted uses by right (i.e. additional uses) in the Forney PD with the following exceptions:

The following uses will not be permitted by right or with a Conditional Use Permit:

- Funeral Home and Gravestone/Tombstone Sales
- Tool Rental with Outdoor Storage.
- Auto Dealer New and Used
- Building Material Sales with Outdoor Storage
- Lawnmower Sales and or Repair
- Motorcycle Dealer New/Repair
- Personal Watercraft Sales New/Repair
- Auto Leasing and Rental
- Auto Interior Shop/Upholstery
- Auto Muffler Shop
- Auto Paint Shop
- Auto Repair Major
- Car Wash (Self-Service, Automated or Full Service)
- Gasoline Service Station
- Amusement Commercial Outdoors
- Bingo Facility
- Cemetery or Mausoleum
- Contractor's Office with Outside Storage
- Outside Storage
- Woodworking Shop
- Convenience Store on Lot 1 only
- Drive-in Restaurant on Lot 1 only

- Amusement & Billiards on Lot 1 only

IV. Development Standards

- a. Height, Area and Yard Regulations
 - i. Maximum building height shall not exceed 65 feet. Special architectural features such as towers or end pieces may exceed 65 but will not exceed 70 feet. Maximum number of stories is four.
 - ii. Minimum lot area shall not be less than 15,000 square feet except for approved kiosks and ATM buildings.
 - iii. Minimum lot width shall be 60 feet.
 - iv. Minimum lot depth shall be 100 feet. There shall be no maximum lot depth.
 - v. Minimum front setback shall be 40 feet from street right-of-way line. Where property has frontage on more than one street, both shall have a minimum front setback of 40 feet.
 - vi. Minimum side setbacks shall be 20 feet, and minimum rear setbacks shall be 20 feet from street right-of-way line or boundary line of the planned development.
 - vii. There shall be no minimum interior side setback as long as fire separation standards are met.
 - viii. Lot coverage by buildings shall not exceed 60%.
 - ix. A minimum of twenty-five percent (25 %) of the gross area of the development will be established as open space and landscaping.
 - x. There is no maximum building size as long as fire standards and other site requirements, such as parking and landscaping, are met.
- b. Minimum Exterior Construction Standards, Building Materials and Design – The objective is to obtain compatibility and quality in architectural design to protect and enhance the value of the development and each building site. Various architectural and exterior treatments will be used through out the development in order to create a different visual aspect of each building. All sides of all buildings (except for Bldg. A) will have vertical and

horizontal offsets of at least five feet (5') for every fifty-feet of flat wall. Attention will be given to the compatible treatment of all exterior surfaces.

- i. There shall be a compatible architectural character. All buildings shall be finished on all sides and shall be architecturally compatible with each other and shall not detract from adjacent property.
- ii. Walking surfaces will be continuous between the buildings and adjacent to the creek. Walking surfaces will feature paving textures such as architectural pavers, stamped concrete, stone, pavestone, tile, slate or broom finished, colored, or exposed aggregate concrete. One or more of the listed textures will be used in meeting an overall landscape theme that will be developed by a landscape architect.
- iii. Ancillary support structures shall be of same style, design, color, and material as that used for principal structures, e.g. dumpster enclosure. The screening on all enclosed dumpsters shall be at least two (2) feet taller than the dumpster.
- iv. Except for Bldg. A, buildings shall be a minimum of 75 % brick (excluding windows and doors). The other allowed building materials and those required for Bldg. A shall be of permanent, lasting quality such as masonry, stone, E.I.F.S., pre-cast concrete tilt wall panels (only permitted along the west wall of Building A) of a highly textured, architectural finish which is at least as textured in appearance as face brick or stone; can be brick-like or stone-like in appearance and shall not be smooth, untextured, or have an inadequately textured finish, and/or Hardie board, cast stone, tile, stucco, cast iron, and glass. Decorative features shall incorporate the use of brick, stucco, composite metals, wood simulated materials, E.I.F.S. and stone (and/or high quality simulated stone) in areas such as walls, columns, roof lines, crown molding, windows and doors.
- v. E.I.F.S. is limited to a maximum of twenty five (25 %) percent of the exterior material of the buildings (including windows and doors), and also limited to those areas of the building not accessible to either pedestrian or vehicular traffic.
- vi. Every structure to have a varied roofline (except for the rear of Bldg. A) along all facades that serve as a principal entrance to the building and any facade that faces a public street.

- vii. Awnings must be placed over all the tenant's public and private entrances that exist on all sides of the retail structures. This will be indicated on every elevation as applicable.
- viii. Color schemes shall be earthtone or pastels of earthtone that reflect a certain quality and expression consistent with the architectural character and design of the structure in order to achieve an overall, visually compatible appearance. Accent colors may be used to identify architectural features or highlight details.
- ix. Stand fans, skylights, cooling towers, communication towers, vents, and any other mechanical equipment, whether located on the roof, ground, or elsewhere, shall be completely hidden from public view by architecturally compatible means (such as architecturally compatible screening wall) or hidden by parapets. All sides of all parapets must be finished.
- x. Each building shall have a trash bin adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from public view.
- xi. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance. Build-up roofs will have a minimum roof pitch of $\frac{1}{2}''/12$, and will be architecturally compatible with parapet or screening wall if needed. Standing seam metal roofs in an earth-tone uniform color will have a minimum roof pitch of 4/12.
- xiii. Masonry screening walls six to eight feet in height shall be constructed along the boundary of the Planned Development that is adjacent to residential zoned property, except along the southwest property line that is adjacent to the 100 year flood plain. Along this property line a decorative masonry and iron fence, a minimum of six (6) feet in height, with masonry support columns no further apart than ten (10) feet will be constructed. Along the western property line of Lot 1 (abutting the residential homes), a six (6') to eight (8') foot pre-cast panelized masonry fence will be allowed.
- c. Service, Loading and Storage – Loading dock areas, storage areas, storage tanks, trash containers and maintenance facilities, that are located between the face of the building and a property line fronting on a public street shall either be housed in closed

buildings or shall, with the exception of driveway ingress/egress points, be screened from view from public roadways by the use of retaining walls, parapet walls, living screens and berms or a combination thereof. The gates on the dumpsters shall either be constructed of steel or cedar.

- d. All utility equipment serving each individual building such as conduits, meters, electrical panels, plumbing risers, etc. shall be screened from view and when necessary, located in a room of the applicable building with secure access from the exterior.
- e. Site Lighting
 - i. Lighting should be provided for vehicular, pedestrian, signage, architectural and site features.
 - ii. Site lighting fixtures shall be uniform and be a consistent design within the development. Lighting standards for illuminating the entrance driveways and parking areas shall be no taller than 25 ft. high.
 - iii. Architectural light fixtures such as up/down lighting, sconces, goose neck, or similar decorative architectural lighting fixtures compatible in style with the associated building shall be used. Standard wall packs will only be allowed above service doors.
 - iv. The pattern of light pooling from each fixture shall be carefully considered to provide smooth, even lighting of driveways and parking, while eliminating undesirable glare of light intrusion into adjacent property outside of the planned development district. Parking areas shall have a minimum of 1.2-foot candles initial, and a minimum average of .6-foot candle on a maintained basis. Light sources shall be metal halide, mercury vapor or of similar color. Yellow/orange source lights are prohibited from use. Incandescent source lighting should be considered for pedestrian areas and near buildings.
 - v. Pedestrian walkways along the creek and surrounding the buildings shall be illuminated to enhance the pedestrian qualities of the development. Low level fixtures should complement the architectural design and focus on quality lighting that will enhance the water features and landscaping of the development.
 - vi. General illumination shall commence one half hour before sunset and last until one half hour after the site is closed for the evening. Parking areas and pedestrian walkways shall be illuminated to 25%

of required lighting levels during all hours of darkness after the site is closed, and when poor weather conditions warrant.

vii. Photometric lighting plans shall be submitted to the Planning Department with each site plan for approval. An overall photometric plan shall be maintained for the development and submitted for approval with the additional lighting plan added as each lot develops. The overall lighting plan shall conform to the PD requirements.

f. Signage and Graphics

i. Free-standing-

1. All signage must be approved by separate permit from the Building Department.

2. The current sign regulations in place for the City of Forney as each lot develops will apply in all cases except for the following exceptions.

a. All free-standing signage must have a five (5') foot landscape bed established around the entire radius around the sign to be planted with low ornamental bushes and seasonal color.

b. 1 freestanding sign shall be allowed for one side only of each ingress/egress point along the frontage roads (max. size 150 sq. ft. per face and 35' in height) .

Lots 4, 5, 6, 7, 8, 9, 10, & 11 will be allowed a five (5) foot by eight (8) foot low-profile free-standing sign to be placed internally within the development and will not be placed on the frontage. Lot 1 will be allowed an additional freestanding sign along the frontage of FM 741 to be 10 foot tall and no more than 75 sq. ft. per face.

c. All free-standing signs shall be spaced at a minimum of one hundred (100') lineal feet apart.

ii. Tenant Exterior Signage-

1. All signage must be approved by separate permit from the Building Department.

2. The current sign regulations in place for the City of Forney as each lot develops will apply in all cases except for the following exceptions.
- a. Each tenant shall be allowed primary identification signs on the exterior of the premises above their primary entrance. In such cases where the tenant has two entrances (double-sided), two signs – one front and one back – may be utilized for inline tenants.
 - Inline tenant – one (1) sign
 - Endcap tenant – two (2) signs
 - Freestanding tenant – three (3) signs
 - b. Secondary message signs shall be allowed with food service uses. Menu boards will be allowed on exterior walls of food service establishments. Sandwich signs will be allowed for food service establishments with outdoor dining along the creek.
 - c. Rotating, box, can (individual lighted channel letters are permissible), flashing noise making, odor producing, or back-lit canopy signs shall not be permitted.
 - d. All materials and components used in the manufacture and installation of tenant's sign shall be new stock, free from defects that impair strength, durability and appearance. All signage material shall be of non-corrosive material or treated to be non-corrosive.
 - e. -Signs of individual tenants with rentable space equal to or in excess of 15,000 sq. ft. shall have a maximum letter height of 60 inches.
 - f. Signs for tenants of less than 15,000 sq. ft. but equal to or in excess of 5,000 sq. ft. shall have a maximum letter height of 42 inches.
 - g. Signs for tenants of less than 5,000 sq. ft. shall have a maximum letter height of 36 inches.
 - h. Each tenant sign shall be a channel letter sign with logo (if desired by tenant) on a raceway attached to the designated sign area. Individual lighted letters may also be used.
 - i. The maximum overall length of any tenant's installed storefront sign shall not exceed 75% of the storefront width. If the tenant's fascia length is less than the storefront width, such as at the

corners, then the tenant's maximum sign length shall be the lesser of (a) 90% of the allotted space or (b) 75% of the storefront width. No portable signs (other than a sidewalk sign) shall be placed by any tenant on the exterior of the premises.

j. Landlord or Tenants (if Tenant is a single tenant user) shall be required to place the store address numerals on the front of each building using 6" high black numbers in an acceptable, standard font. These numbers shall be mounted on the sign fascia as directed by the U.S. Postal Service. Landlord or Tenant's shall be required to place the store suite numbers (if in a multi-tenant building) above the front door to each suite using 4", white numbers in a standard font, consistent with each space.

k. Store logo or name may be used on glass or a graphic band. Such logo or name shall be installed using professional, vinyl graphics. This lettering will be counted toward the permitted square footage.

l. Tenant shall be required to place the suite number on the rear service door (when applicable) which shall be at least 3" high.

m. No banners, posters, flyers or advertising material of any kind shall be permitted to be mounted on the exterior glass or upon any exterior wall surface or structure, except as provided below. Notwithstanding the above, all tenants shall have the right to place a "Grand Opening" or similarly worded, professionally designed banner above the entrance to their suite for a maximum of 45 days during the initial opening of their business. Each "Grand Opening" banner shall be limited in size to 50 sq. ft. Tenant shall have a permit for such banner.

n. Standards not currently established in the text will refer back to the Sign Ordinance for the City of Forney in place at the time of sign permit application. Any sign in violation of the standards set forth in this document may be approved by the City of Forney Board of Adjustment.

g. Parking and driveways

i. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Forney codes and ordinances in effect at the time the lot or phase is platted.

- ii. There will be a reciprocal parking agreement throughout the planned development district using the parking ratio of 1 parking space per 250 sq. ft. of building, inclusive of retail, restaurant, medical, office, hotel, and any other permitted use.
- iii. The approval of the Reciprocal Parking Agreement is based on the use categories in relation to the square footage of each category indicated on the Concept Plan. The applicant must request approval of the P & Z and City Council of a revised parking plan if the categories change to the extent the parking becomes inadequate to serve the development
- iv. No parking space may be occupied by signs, merchandise or display items at any time.

V. Landscaping Standards

a. General – The overall objective of the landscape standards is to:

- i. Enhance the overall development site.
- ii. Provide a level of unity along the perimeter of the development and along roadways.
- iii. Reinforce views of the multi-level landscaped creek, waterfalls and other features of the property.
- iv. Identify and define site entrances and on-site traffic circulation aisles.
- v. Minimize views to parking, service and loading areas.

b. Landscape edge

- i. A minimum twenty (20) foot wide landscaping edge shall be required along all public street frontages on the East side of FM 548. A minimum fifteen (15) foot wide landscaping edge shall be required along all public street frontages on the West side of FM 548..
- ii. A minimum of one (1) large, deciduous shade street tree for every thirty-five (35) lineal feet of street frontage, or portion thereof, shall be planted upon the subject property within the twenty (20) foot landscaping edge. Said trees may be clustered or arranged within the setback, and need not be placed at a uniform thirty-five (35) foot interval. To provide a more immediate effect and to offset the larger scale of structures, street trees shall be three (3) to three and one-half (3½) inch caliper in size as measured six (6) inches above the ground. Within the fifteen (15) foot wide

landscaping edge, street trees shall be five (5) inch caliper in size as measured six (6) inches above the ground.

- iii. A minimum of one (1) small ornamental deciduous tree and three medium evergreen trees (planted on a 25 foot triangular staggered spacing) for every seventy-five (75) lineal feet of frontage shall be planted on the subject property within the twenty (20) foot or the fifteen (15) landscape edge.
- iv. A minimum of one (1) large screening tree 3 ½ inches in caliper shall be planted for every forty (40) feet along the rear of Bldg. A.

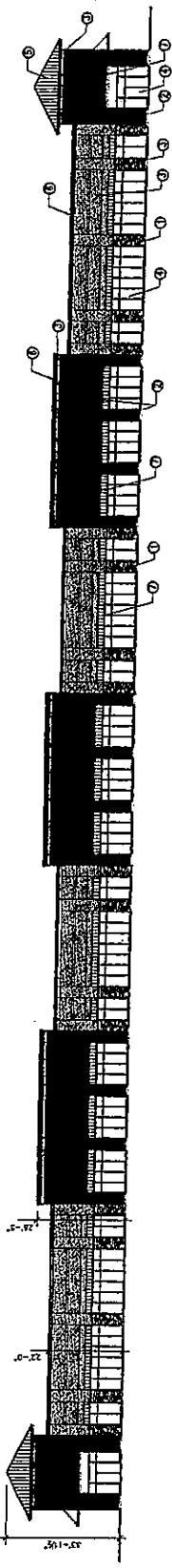
c. Parking Lots

- i. There shall be a minimum of twenty (20) square feet of interior landscaped area provided within the parking area for each parking space. The landscaping shall be in one or more areas so as to minimize and reduce the apparent size of the parking area.
- ii. Parking areas shall be organized as a series of small parking bays with landscape islands separating them. A landscape island shall be placed for each one hundred (100) lineal feet of parking, as follows:
 - Single Loaded Parking Rows -- A raised island, not less than six (6) inches in height, five (5) feet wide by twenty (20) feet in length shall be located at both ends of every single loaded parking row and for every one hundred (100) lineal feet of parking. The island shall contain a minimum of one (1) medium deciduous shade tree, two (2) to two and one-half (2½) inches in caliper, as measured six (6) inches above the ground, and low shrubs at least eighteen (18) inches high.
 - Double Loaded Parking Rows -- A raised island, not less than six (6) inches in height, five (5) feet wide by forty (40) feet in length shall be located at both ends of every double loaded parking row and for every one hundred (100) lineal feet of parking. The island shall contain a minimum of two (2) medium deciduous shade trees, two (2) to two and one-half (2½) inches in caliper, as measured six (6) inches above the ground, and low shrubs.
- iii. Trees planted for the purpose of complying with the perimeter landscaping requirements shall not be double counted for compliance with the interior landscaping requirements.

- iv. Ground Cover -- Areas adjacent to streets and pedestrian walkways, as well as interior landscape areas, shall be treated with grass and/or other types of vegetative ground cover. Such areas shall be sod or established lawn prior to building occupancy.
 - v. Continuing Maintenance of Overall Landscape Plan -- The trees, shrubs, and other landscaping materials depicted on the Site Plan shall be considered as elements of the project in the same manner as parking, building, materials, and other details. The applicant, his successors, assigns, and/or subsequent owners and their agents shall be responsible for the continued maintenance of all landscaping materials. All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved. Plant material which exhibits evidence of insects, disease, and/or damage shall be appropriately treated. Dead plants shall be removed and replaced within thirty (30) days following notification by the City.
 - vi. All landscaped areas shall be protected by a raised six (6) inch concrete curb.
 - vii. Surface parking areas must be screened from public streets and adjacent building sites outside of the PD by the use of plantings, screening walls, earthen berms, and/or minimum 3 gallon shrubs, or a combination thereof in order to minimize views of automobiles from public view.
 - viii. All planting shall be from the City of Forney approved plant list as stipulated in the zoning ordinance.
- d. Not less than 25 % of the area within the planned development shall be developed and maintained as open space. Open space includes areas used for walks, plazas, courts, detention ponds, open drainage areas, and other similar features which are not specifically designed for vehicular access or parking or other required landscaping elements. The open space requirement is cumulative for the planned development and open space may be aggregated on lots of parcels anywhere within the overall development.
 - e. A conventional automatic or manual underground irrigation system with freeze and moisture sensors must be used to ensure adequate watering of the plant materials in landscaped areas. No irrigation shall be required for undisturbed natural areas or undisturbed future development areas unless needed to establish turf or ground cover to prevent or mitigate erosion.

VI. Other Standards

- a. The ingress/egress points of access must be approved by TXDOT as to location and construction.
- b. The City Engineer must approve all grading, drainage, utility, and subdivision improvement construction plans for each phase. The Fire Chief must also approve the fire lane access on each site plan to ensure sufficient emergency routes exist within the development.
- c. Sidewalks to be constructed per the City of Forney regulations along all roadways to the extent the roadways border the development.
- d. As in all cases, those standards not specifically addressed with the PD text and Concept Plan will refer back to the Comprehensive Zoning Ordinance, Subdivision Regulations, and Engineering Design Standards of the City of Forney.
- e. All open space, waterways, landscaping and appurtenances will be maintained by the owner. A maintenance agreement will be submitted with the first preliminary plat.
- f. A revised project text, elevations, site plan, etc must be submitted for inclusion into the file. The submitted site plan, elevations, and landscaping with any changes incorporated into the drawings will serve as the design document for the development of Building A and become an integral part of the PD amendment.

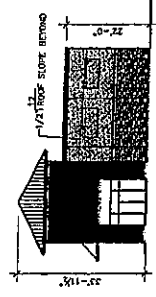


F.M. 548 ELEVATION
SCALE : 1/16" = 1'-0"

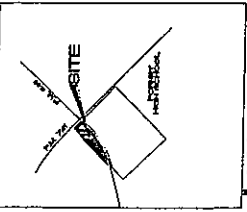
EXTERIOR MATERIALS KEY

- ① STONE - IRONORY
- ② FACE BRICK
- ③ EXTERIOR INSULATED FINISH SYSTEM (EIFS)
- ④ EXTERIOR ALUMINUM STOREFRONT
- ⑤ CLEAR ANODIZED ALUMINUM COLOR WITH CLEAR RELATED GLASS
- ⑥ STAINLESS SEAM METAL ROOFING
- ⑦ METAL COPING
- ⑧ PRETANED METAL FINNERS

NOTE:
ALL MATERIAL COLORS WILL BE COORDINATED EXTERIOR TRIM COLORS.



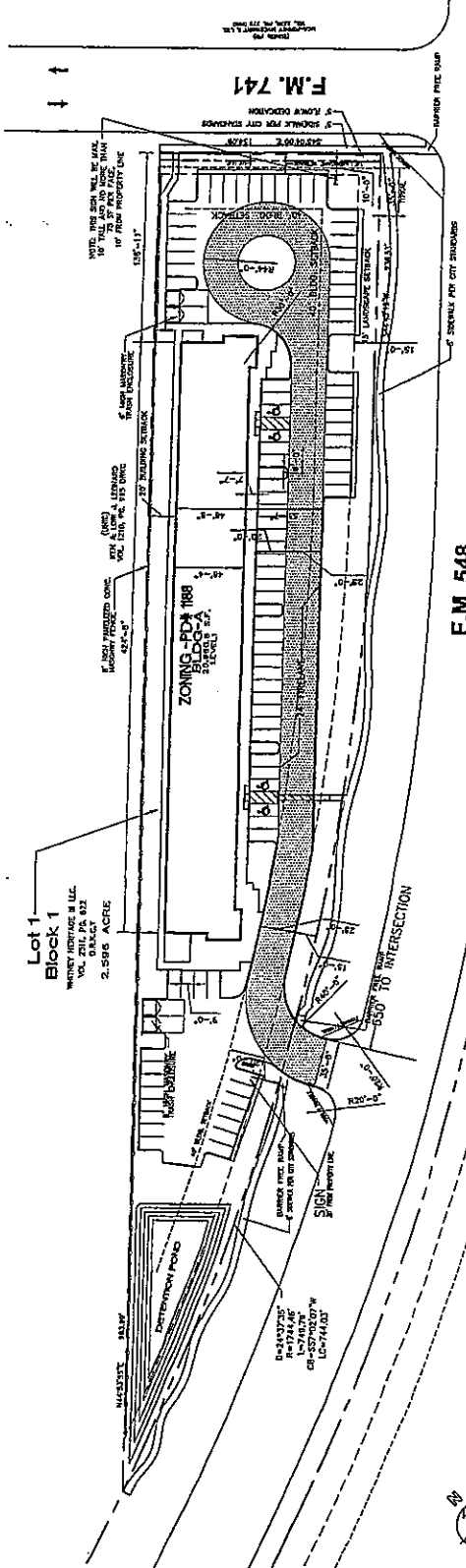
F.M. 741 ELEVATION
SCALE : 1/16" = 1'-0"



LOCATION MAP
NOT TO SCALE

PRIMA ARCHITECTS INTERNATIONAL, INC. P.C.
ARCHITECTS REGISTERED PROFESSIONALS
500 BRENDA DRIVE, SUITE 100
FORT WORTH, TEXAS 76102
(817) 741-1100, FAX (817) 741-1100

EXHIBIT C



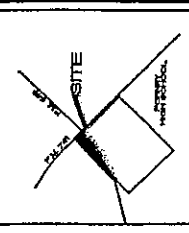
P&Z SITE PLAN
SCALE : 1" = 40'-0"

PARKING:
REQUIRED - 1 PER 250 SF = 84 PARKING SPACES
PROVIDED - 83 + 1 I.C. = 87 PARKING SPACES

KICKAPOO TRACE CENTER
F.M. 741 & F.M. 648
FORNEY, TEXAS
KAUFMAN COUNTY
ZONING: FD-1188
FLOOR PLANS

PROJECT NUMBER:	0021087
ISSUED:	07/09/2007
DRAWN BY:	RF
CHECKED BY:	RF
FILENAME:	0103

PZ-1.0



LOCATION MAP
NOT TO SCALE

PRIMA PERPECTIVES INTERNATIONAL, INC.
ARCHITECT, INTERIOR DESIGNER, LANDSCAPE ARCHITECT
10000 W. HIGHTWAY 291, SUITE 100
HOUSTON, TEXAS 77036
(713) 241-5554 FAX (713) 241-3440

KICKAPOO TRACE CENTER
F.M. 741 & F.M. 648
FORNEY, TEXAS
KAUFMAN COUNTY
ZONING: PD-1188
FLOOR PLANS

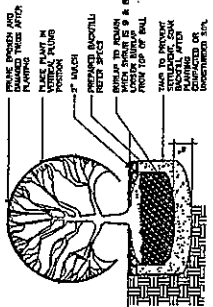
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ISSUED: 10/05/2007
DRAWN BY: FF
CHECKED BY: RB
FILE NAME: JUVIS

PZ-2.0

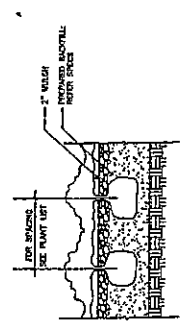
QTY	BOTANICAL NAME	COMMON NAME	SPACING	REMARKS
5	LIVE OAK		3" MIN. CAL.	
0	QUERCUS VIRGINIANA			
5	SHADLOW RED OAK		35" O.C.	
30	QUERCUS SPINOSA		35" O.C.	
2	YACONDIUM DISTICHUM	BALD CYPRESS	3" MIN. CAL.	
14	PRINUS THUNBERGII	JAPANESE BLACK PINE	2.5" MIN. CAL.	
14	KOHLERUTERA PANICULATA	GOLDENRAIN TREE	2.5" MIN. CAL.	
20	NYRICA CERIFERA	WAX MYRTLE	2.5" MIN. CAL.	
4	LAGERSTROEMIA INDICA 'DALLAS RED'	TALL CREPE MYRTLE	2.5" MIN. CAL.	
13	PRUNUS MEXICANA	MEXICAN PLUM	2.5" MIN. CAL.	
8	CRUICUS DAWSONENSIS	RED BUD	18" O.C.	2.5" MIN. CAL.
16	LAGERSTROEMIA INDICA 'MANDI'	DWARF CREPE MYRTLE	36" O.C.	5 GAL.
8	LEUCOPHYLLUM FRUTESCENS	TEXAS SAGE	36" O.C.	5 GAL.
12	HANDONIA DOMESTICA 'GULFSTREAM'	NANDINA	36" O.C.	5 GAL.
111	ILEX VOMITORIA 'MANN'	DWF. YAUPOH HOLLY	36" O.C.	5 GAL.
200	TRACHELOSPERMUM ASINICUM	ASIAN JASMINE	12" O.C.	1 GAL.
200	LIORODENDRON SPICATA	CREeping LIQURF	12" O.C.	6" P.
200	PAVANESE - MIXED COLORS	SEASONAL COLOR	12" O.C.	6" P.
200	TBD	REGIONAL SCO - BERNUIDA		

NOTES:
1. ALL PLANTS SHALL BE SUPPLIED BY THE LANDSCAPE ARCHITECT'S LISTED SUPPLIERS.
2. ALL PLANTS SHALL BE SUPPLIED IN 100% CONTAINER GROWN.
3. ALL PLANTS SHALL BE SUPPLIED WITH PROPER LABELING.
4. ALL PLANTS SHALL BE SUPPLIED WITH PROPER TAGGING.
5. ALL PLANTS SHALL BE SUPPLIED WITH PROPER WATERING.
6. ALL PLANTS SHALL BE SUPPLIED WITH PROPER MULCHING.
7. ALL PLANTS SHALL BE SUPPLIED WITH PROPER STAKING.
8. ALL PLANTS SHALL BE SUPPLIED WITH PROPER SUPPORT.
9. ALL PLANTS SHALL BE SUPPLIED WITH PROPER TIEING.
10. ALL PLANTS SHALL BE SUPPLIED WITH PROPER BRACING.
11. ALL PLANTS SHALL BE SUPPLIED WITH PROPER WOUND HEALING.
12. ALL PLANTS SHALL BE SUPPLIED WITH PROPER PRUNING.
13. ALL PLANTS SHALL BE SUPPLIED WITH PROPER TRAINING.
14. ALL PLANTS SHALL BE SUPPLIED WITH PROPER SHAPING.
15. ALL PLANTS SHALL BE SUPPLIED WITH PROPER MAINTENANCE.
16. ALL PLANTS SHALL BE SUPPLIED WITH PROPER REPLACEMENT.
17. ALL PLANTS SHALL BE SUPPLIED WITH PROPER REMOVAL.
18. ALL PLANTS SHALL BE SUPPLIED WITH PROPER DISPOSAL.
19. ALL PLANTS SHALL BE SUPPLIED WITH PROPER RECORDING.
20. ALL PLANTS SHALL BE SUPPLIED WITH PROPER REPORTING.

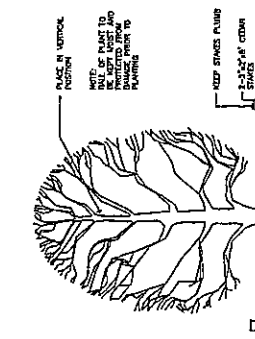
PLANT LIST
1. ALL PLANTS SHALL BE SUPPLIED BY THE LANDSCAPE ARCHITECT'S LISTED SUPPLIERS.
2. ALL PLANTS SHALL BE SUPPLIED IN 100% CONTAINER GROWN.
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20. ALL PLANTS SHALL BE SUPPLIED WITH PROPER REPORTING.



SHRUB PLANTING DETAIL



GROUND COVER PLANTING DETAIL

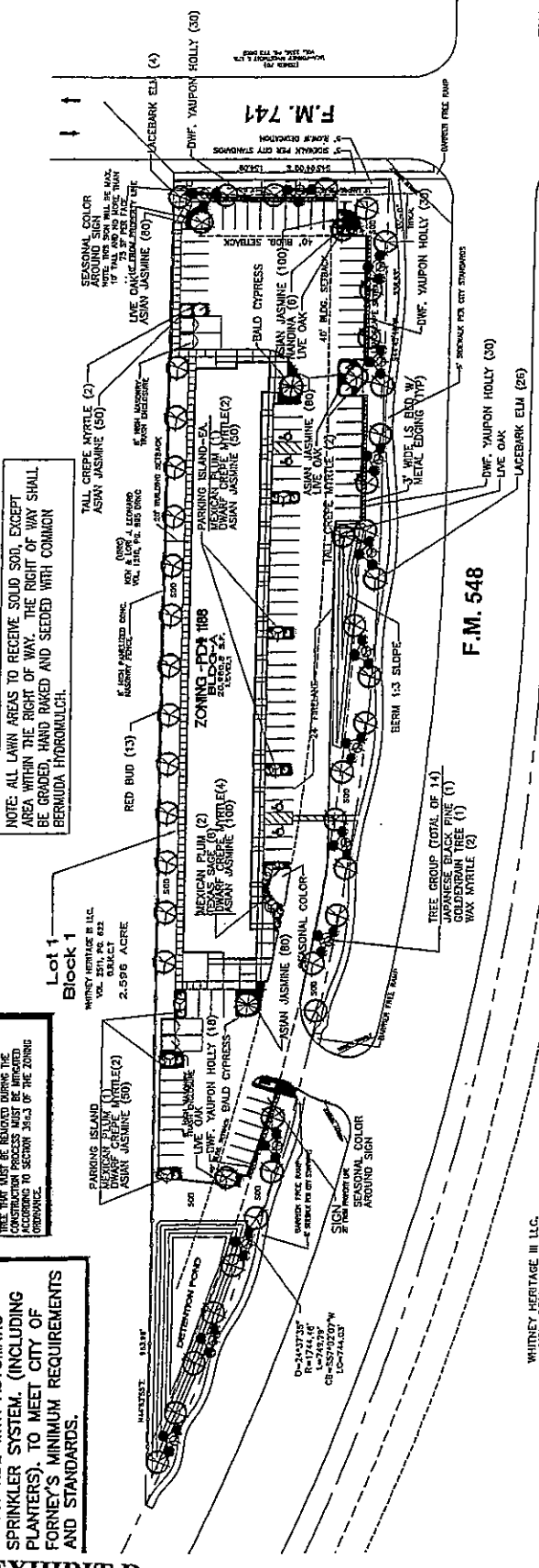


TREE PLANTING DETAIL

NOTE: ALL LANDSCAPE AREAS TO BE PROVIDED WITH AUTOMATIC SPRINKLER SYSTEM. (INCLUDING PLANTERS), TO MEET CITY OF FORNEY'S MINIMUM REQUIREMENTS AND STANDARDS.

NOTE: PROJECT ALL EXISTING TREES ALONG THE CITY OF FORNEY ZONING ORDINANCE. ANY TREE THAT MUST BE REMOVED DURING THE CONSTRUCTION PROCESS MUST BE IMPROVED TO MEET CITY OF FORNEY'S MINIMUM REQUIREMENTS AND STANDARDS.

EXHIBIT D



P&Z LANDSCAPE PLAN

SCALE: 1" = 40'-0"

WHITNEY HERITAGE III LLC
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DR.K.C.T

