

**ORDINANCE NO. 1172**

**AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO AMEND A CONCEPT PLAN FOR AN EXISTING PLANNED DEVELOPMENT DISTRICT FOR GENERAL RETAIL USES FOR THE PROPERTY DESCRIBED AS 19.75 ACRES OF LAND, MORE OR LESS, IN THE ABSALOM HYER SURVEY, ABSTRACT NUMBER 203, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND KNOWN AS A PART OF MUSTANG CROSSING PLANNED DEVELOPMENT; APPROVING AN AMENDED CONCEPT PLAN ATTACHED HERETO AS EXHIBIT "B"; 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 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 of the City of Forney, Texas, be, and the same are hereby amended, so as to amend a Concept Plan for a portion of an existing Planned Development District for General Retail Uses for the property described as 19.75 acres, more or less, in the Absalom Hyer Survey, Abstract No. 203, in the City of Forney, Kaufman County, Texas, known as a part of Mustang Crossing, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

**SECTION 2.** That the amended concept plan for this Planned Development District is attached hereto as Exhibit "B", and the same is hereby approved for a portion of said Planned

Development District as required by Section 34a.4, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

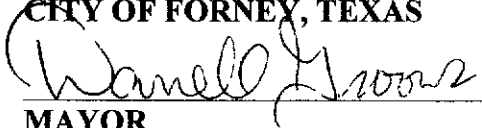
**SECTION 3.** That all ordinances of the City of Forney in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

**SECTION 4.** 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 as a whole.

**SECTION 5.** 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 6.** 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 18<sup>th</sup> day of April 2006.

**CITY OF FORNEY, TEXAS**  
  
**MAYOR**



ATTEST:

*Odessa Moore*  
CITY SECRETARY

## LEGAL DESCRIPTION

BEING all that tract of land in the City of Forney, Kaufman County, Texas, a part of the A. Hyer Survey, Abstract No. 203, and being all of that 19 753 acre tract of land conveyed to 548 Forney, Ltd. as recorded in Volume 2219, Page 581, Volume 2219, Page 593, Volume 2219, Page 605, and in Volume 2219, Page 617, Kaufman County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod found at the southwest corner of said 19 753 acre tract of land, said point being the intersection of the north line of Interstate Highway No. 80 (300 foot wide right-of-way) with the east line of Old Farm-to-Market Highway No. 548 (a 100 foot wide right-of-way);

THENCE North 44 degrees 12 minutes 06 seconds East, 1802.22 feet along the west line of said 19 753 acre tract of land and along the east line of Old Farm-to-Market Highway No. 548 to a one-half inch iron rod set at the northwest corner of a 5 4395 acre tract of land conveyed to the State of Texas as recorded in Volume 1985, Page 162, Kaufman County Deed Records, said point being in the west line of New Farm-to-Market Highway No. 548 (a 120 foot wide right-of-way);

THENCE along the west line of New Farm-to-Market Highway No. 548 as follows:

Southwesterly, 232.65 feet along a curve to the left which has a central angle of 09 degrees 42 minutes 48 seconds, a radius of 1372.33 feet, a tangent of 116.60 feet, and whose chord bears South 15 degrees 46 minutes 28 seconds West, 232.37 feet to a Texas Highway Department monument found for corner;

South 10 degrees 55 minutes 06 seconds West, 875.06 feet to a Texas Highway Department monument found for corner;

Southwesterly, 428.82 feet along a curve to the right which has a central angle of 10 degrees 59 minutes 07 seconds, a radius of 2236.58 feet, a tangent of 215.07 feet, and whose chord bears South 16 degrees 24 minutes 55 seconds West, 428.16 feet to a Texas Highway Department monument found for corner;

South 21 degrees 54 minutes 28 seconds West, 254.46 feet to a one-half inch iron rod set at the southwest corner of said 5.4395 acre tract of land, said point being in the north line of Interstate Highway No. 80;

THENCE along the north line of Interstate Highway No. 80 as follows:

Northwesterly, 466.02 feet along a curve to the right which has a central angle of 04 degrees 49 minutes 12 seconds, a radius of 5539.58 feet, a tangent of 233.15 feet, and whose chord bears North 63 degrees 51 minutes 12 seconds West, 465.89 feet to a one-half inch iron rod found for corner;

North 65 degrees 19 minutes 30 seconds West, 390.11 feet to a Texas Highway Department monument found for corner;

Northwesterly, 35.41 feet along a curve to the right which has a central angle of 00 degrees 21 minutes 49 seconds, a radius of 5579.58 feet, a tangent of 17.70 feet, and whose chord bears North 57 degrees 15 minutes 37 seconds West, 35.41 feet to a one-half inch iron rod found for corner;

North 10 degrees 17 minutes 54 seconds West, 51.15 feet to the POINT OF BEGINNING and containing 860,438 square feet or 19 753 acres of land.

OLD FARM TO MARKET HIGHWAY No 518

7100' N.W. 1/4  
 Asphalt Pavement

**EXHIBIT B**

Drawing: Land Projects 2008 V:\DRG\2008\02\Mustang\SP0002.dwg  
 Plotted By: DRANKIN  
 Date: 2/28/2008 3:33 PM  
 Scale: 1" = 40'

U.S. HIGHWAY NO 80  
 (20' R.O.S.)

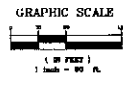
NEW FARM-TO-MARKET  
 HIGHWAY NO 548  
 (20' R.O.S.)

**ADDITIONAL NOTES**  
 100 YEAR FLOOD PLAIN EXISTS ON PROPERTY.  
 MUSTANG CROSSING RAMPED OVER DRAINAGE TRENCH.  
 P.D.W. ACCESS REQUIRES TxDOT APPROVAL.

- ACCESSIBILITY GENERAL NOTES**
- All accessible routes and ramps shall conform to the Texas Accessibility Standards (TAS).
  - Public accessible routes shall not have a running slope greater than 1:10 and cross slope greater than 1:50.
  - Ramps shall not have a running slope greater than 1:12 and a cross slope greater than 1:50.
  - Handrails will be required if ramps are longer than 2' inches with a maximum running slope of 1:12.

R=3339.58  
 L=466.07  
 CB=163742.172  
 CW=465.88  
 Δ=0°49'12"

R=2236.96  
 L=474.81  
 CB=163726.875  
 CW=474.81  
 Δ=17°33'08"



( ) Denotes Plaque Sign Location  
 Note: Plaque sign locations are as shown on this Concept Plan. Locations are approximate and may be adjusted to avoid conflicts with drainage and utilities. Final location of the signs shall be shown on the site plan.

**LEGEND**

- PROPOSED PAVED DRIVE COURSE
- SHARED PAVED DRIVE
- UNNOTES PLACQUE SIGN LOCATIONS

**MUSTANG CROSSING ADDITION - BLOCK B, LOTS 1-12**

LOT	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11	LOT 12
BLK B	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5	BLOCK 6	BLOCK 7	BLOCK 8	BLOCK 9	BLOCK 10	BLOCK 11	BLOCK 12
TOTAL AREA	17,082	71,820	1,827	79,022	38,588	48,018	1,125	3,388	48,789	100,100	36,427	128,302
ADJACENT AREA	6,395	3,743	1,827	1,827	1,827	1,827	1,827	1,827	1,827	1,827	1,827	1,827
PROPOSED USE	RES	RES	RES	RES	RES	RES	RES	RES	RES	RES	RES	RES
BLK B AREA	15,484	15,484	15,484	15,484	15,484	15,484	15,484	15,484	15,484	15,484	15,484	15,484
FLOOR TO AREA RATIO	0.1841	0.1841	0.1841	0.1841	0.1841	0.1841	0.1841	0.1841	0.1841	0.1841	0.1841	0.1841
PARKING REQUIRED	18	106	21	88	35	44	10	30	42	148	52	182
PARKING PROVIDED	21	108	24	90	36	45	12	33	46	152	54	186