

**ORDINANCE NO. 1211**

**AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, SO AS TO GRANT A PLANNED COMMERCIAL DISTRICT FOR GENERAL RETAIL USES FOR THE PROPERTY DESCRIBED AS A .200 ACRE TRACT OF LAND, MORE OR LESS, BEING A PART OF LOT 3, BLOCK "L", OF THE W.J. GARRETT SUBDIVISION IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, WHICH IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND KNOWN AS NEXXUS BUILDING PLANNED COMMERCIAL DISTRICT; APPROVING PLANNED COMMERCIAL DISTRICT DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "B"; APPROVING A CONCEPT PLAN ATTACHED HERETO AS EXHIBIT "C"; 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 and Map of the City of Forney, Texas, be, and the same are hereby, amended so as to grant a Planned Commercial District for General Retail Uses for the property described as a .200 acre tract of land, being a part of Lot 3, Block "L" of the W.J. Garrett Subdivision in the City of Forney, Kaufman County, Texas, to be known as Nexxus Building Commercial Planned Development, which property is more particularly described in Exhibit "A" that is attached hereto and made part hereof for all

said Commercial Planned District as required by Section 35, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

**SECTION 3.** That the concept plan for this Planned Development District is attached hereto as Exhibit "C", and the same is hereby approved for said Commercial Planned District as required by Section 35 of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

**SECTION 4.** All ordinances of the City of Forney in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 5.** 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 hereof, other than the part so declared to be invalid, illegal or unconstitutional, and such declaration shall not affect the validity of the Comprehensive Zoning Ordinance and Map as a whole.

**SECTION 6.** 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 7.** 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 20<sup>th</sup> day of March,  
2007

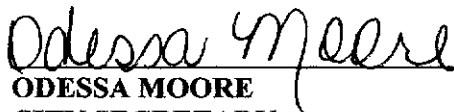


CITY OF FORNEY, TEXAS

  
\_\_\_\_\_  
DARRELL GROOMS  
MAYOR

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ODESSA MOORE  
CITY SECRETARY

\_\_\_\_\_  
CITY ATTORNEY

***NEXXUS BUILDING***

**EXHIBIT "A"  
LEGAL DESCRIPTION**

STATE OF TEXAS  
COUNTY OF KAUFMAN

BEING a part of Lot 3, Block "L", of the W.J. Garrett Sub-Division to the City of Forney, as recorded in Volume 305, Page 228, of the Deed Records of Kaufman County, Texas, and being all that tract as conveyed from A.P. Allen Custom Homes, Inc., to the Gilani Family Partnership, Ltd., as recorded in Volume 2681, Page 75 of the Deed Records of Kaufman County, Texas, and being more particularly described as follows;

BEGINNING at a ½" iron rod set for corner at the west corner of said Lot 3, said point being in the southeast R.O.W. of Pinson Road (also known as F.M. 740);

THENCE N 44° 22' 42"E, along the southeast R.O.W. of Pinson Road, a distance of 90.01 feet to a ½" iron rod set for corner;

THENCE S 45° 00' 00"E, along the northeast line of said Lot 3, a distance of 97.37 feet to a ½" iron rod set for corner;

THENCE S 45° 00' 00"W, a distance of 90.00 feet to a ½" iron rod set for corner;

THENCE N 45° 00' 00"W, along the southwest line of said Lot 3, a distance of 96.39 feet to the POINT OF BEGINNING and containing 0.200 acres of land.

***NEXXUS BUILDING***  
***Forney, Texas***

Planned Commercial District ("PCD")

January 31, 2007

Owner:

Gilani Family Partnership, Ltd.  
c/o Glen Gilani  
112 W Broad  
P O Box 2633  
Forney, Tx. 75126  
972-564-9454  
972-564-1140 fax

Prepared By:

Eric L. Davis Engineering, Inc.  
425 Pinson Rd.  
Suite G  
Forney, Texas 75126  
972-564-0592  
972-564-6523 fax

## EXHIBIT "B"

### PROJECT TEXT FOR NEXXUS BUILDING PLANNED COMMERCIAL DISTRICT

#### 1. General Description

The site is located on the south side of Pinson Rd. between Aimee St. and Buffalo St. The current zoning is General Retail (GR). The site is limited in size and is an interior lot. This creates a design challenge for the building and the associated parking. Pinson Rd. is and always will be a major artery for Forney. The current (GR) zoning requirements do not allow for a site that was a residential lot to be utilized as a General Retail / Office facility. The intent for the creation of this Planned Commercial District (PCD) is to maintain the spirit of the existing zoning requirement and to allow greater flexibility in improving this limited piece of property. A variety of enhancements to the building and to the site as prescribed by the PCD guidelines will ensure a quality development that is compatible with the desires of the City of Forney for this highly visible location.

#### 2. Applicable Regulations

Except as stated herein and as stated in Section 35 of the City of Forney Zoning Ordinance, this tract may be developed under the regulations of the General Retail (GR) District as outlined in the City of Forney Zoning Ordinance #1085, as amended.

#### 3. Ownership

The 8720 sq. ft. site is currently owned by Gilani Family Partnership, Ltd., whose address is 112 W. Broad St., Forney, Texas 75126. Glen Gilani is the manager of the Partnership. His phone number is 972-564-9454 and the fax number is 972-564-1140. The 8720 sq. ft. site, originally a residential lot, is a part of Lot 3, Block L, of the W.J. Garret Subdivision an Addition to the City of Forney. The lot was conveyed to Gilani Family Partnership as recorded in Volume 2681, Page 75, Deed Records, Kaufman County, Texas. The deed was executed on July 8, 2005. The Grantor was A.P. Allen Custom Homes, Inc. A copy of the deed is attached.

There are no known covenants affecting the property. The current zoning is General Retail (GR).

##### a. Easements

The site is subject to the following easements:

10' City of Forney Water Easement, Vol. 2731 Pg. 397 D.R.K.C.T  
City of Forney Sanitary Sewer Easement

#### 4. Design Professionals

Eric L. Davis Engineering, Inc., 425 Pinson Rd. Suite G, Forney, Tx. 75126 972-564-0592, 972-564-6523 fax.

Vannoy Surveyors, 306 Adelaide, Terrell, Tx. 75160 972-563-7101  
Prizm Architects Inc., 1333 Corporate Dr., Suite 103, Irving, Tx. 75038 972-714-0420

### 5. Legal Description

The legal description for the 8720 sq. ft. lot is attached as Exhibit A. The site has not been platted.

### 6. Project Data

a. Surrounding Developments: The 8720 sq. ft. lot fronts on the south side of Pinson Rd. Pinson Rd. is also FM 740, a TXDOT road. The site is between a doctor's office building and an insurance office. It is across Pinson from American National Bank. Metal office/storage buildings and a carwash are located behind the site.

b. Development Approach: It is proposed to develop this site into one office building. The owner would then use this building as the office for his custom home building business. The traditional architectural style will be compatible to that used in recent projects in the area.

c. Allocation of site area:

The allocation of the site is estimated to be as follows:

Total Area	8720 sq. ft.
Building Area	2399 sq. ft.
Paving (parking, drives/walks, etc.)	4250 sq. ft.
Landscape Area	2071 sq. ft.

Total impervious 6649 sq. ft.

Total pervious 2071 sq. ft.

### 7. Uses

All uses permitted by right and with a Conditional Use Permit in the GR district as established by the City of Forney Use Regulations will be considered permitted uses by right (i.e. additional uses) in the Nexus Building PCD 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
- Convenience Store
- Lawnmower Sales and/or Repair
- Motorcycle Dealer Sales/Repair
- Personal Watercraft Sales/Repair
- Auto Leasing and Rental
- Auto Interior Shop/Upholstery
- Auto Muffler Shop

- Woodworking Shop
- Home Improvement Center
- Building Material Sales
- Department Store
- Consignment Shop
- Restaurant (Drive-In)
- Telemarketing
- Check Cashing Service
- Gasoline Sales
- Auto Paint Shop
- Auto Repair Minor/Major
- Amusement Commercial Indoor/Outdoor
- Cemetery or Mausoleum
- Hotel/Motel Nightly or Extended Stay
- Bingo Facility
- Contractor's Office with Outside Storage
- Outside Storage

The Entertainment Overlay District (as amended) will apply per the ordinance.

### **8. Development Standards**

This tract may be developed under the regulations of the General Retail (GR) District as stated in the Comprehensive Zoning Ordinance #1085, as amended, subject to the following exceptions:

a. Setbacks

Front 25'-0"  
 Side 10'-0"  
 Rear 5'-0"

b. Off Street Parking Requirements: one (1) space per 400 sq. ft. of floor area for office use only. All other uses will require adherence to Section 38 OFF-STREET PARKING AND LOADING REQUIREMENTS of the City of Forney Zoning Ordinance as amended.

c. Impervious Area. 85 %

d. Minimum lot depth – 96'-0"

### **9. Proposed Improvements**

a. Access

The Nexxus Building development will be accessed via an existing driveway to Pinson Rd. Pinson Rd. has recently been improved to a 4-lane undivided roadway with 5-foot sidewalks by TXDOT



b. Landscaping

Will meet or exceed the Design Guidelines Appendix A.6 for the PCD ordinance.

c. Utility Improvements

Water

The site is currently being served by a 12" water line which runs along the south side of Pinson Rd. A fire hydrant is located on the site.

Sanitary Sewer

A 6" inch sanitary sewer line is located on the site.

Storm Drainage

The site generally drains from the southwest to northeast. There is an existing drainage flume along the back of the properties that face Pinson Rd. This flume drains directly to Buffalo St. A portion of the site will drain onto the TXDOT right of way.

**10. Anticipated Schedule**

This single lot development would proceed into construction as soon as all necessary approvals have been acquired.

**11. Compatibility**

The traditional architectural style of the Nexus Building is compatible with that used on the American National Bank as well as other buildings in Forney

This site is on the City's Comprehensive Plan as General Retail. The proposed Nexus Building PCD is in compliance with the Comprehensive Plan requirements and it provides the flexibility to provide a modern and attractive use that will give a pleasing appearance to the area.

**12. Other**

All other standards will be based on the Design Guidelines of the PCD ordinance.



FRONT ELEVATION  
SCALE 1/16" = 1'-0"

**BUILDERS** PLAN SERVICE  
PLANO, TEXAS (972) 427-5500

GUTTER AND DOWN SPOUTS NOT SHOWN FOR CLARITY

PINSON ROAD (60')  
(F.M. 740)

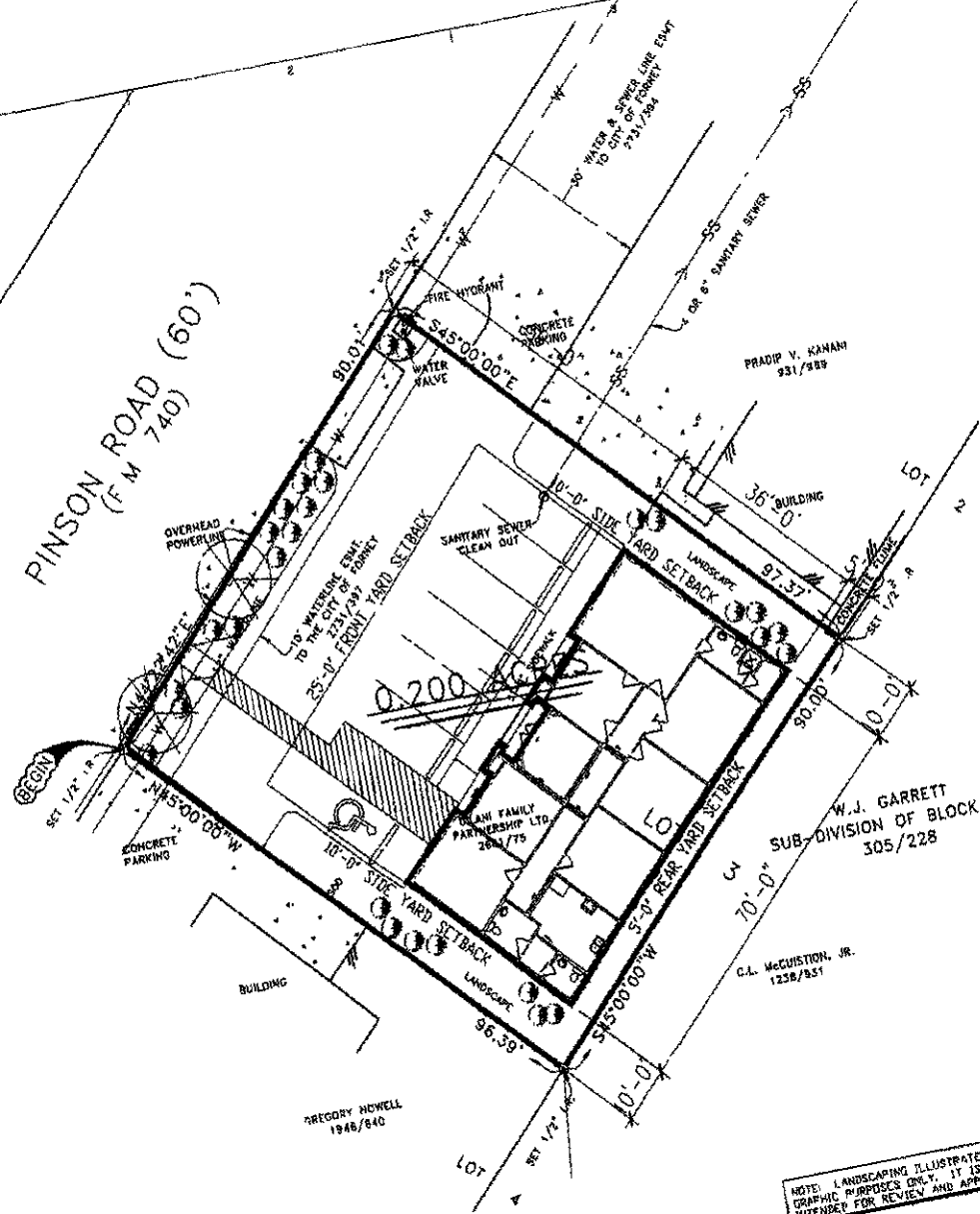


EXHIBIT C

SITE AREA = 0.200 AC  
BLDG. AREA = 2,399  
PARKING REQUIRED:  
TOTAL PARKING PROVIDED:

NOTE: LANDSCAPING ILLUSTRATED IS FOR GRAPHIC PURPOSES ONLY. IT IS NOT INTENDED FOR REVIEW AND APPROVAL

**CONCEPTUAL SITE PLAN**  
SCALE 1" = 10'-0"