

ORDINANCE NO. 1175

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO ADD PRIVATE RECREATIONAL CENTER AS A PERMITTED USE FOR THE PROPERTY DESCRIBED AS 4.318 ACRES OF LAND, MORE OR LESS, IN THE JUAN LOPEZ SURVEY, ABSTRACT NUMBER 286, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, BEING A PART OF PARK TRAILS PLANNED DEVELOPMENT DISTRICT; APPROVING PLANNED DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "B"; APPROVING A CONCEPT PLAN ATTACHED HERETO AS EXHIBIT "C"; APPROVING A LANDSCAPE PLAN ATTACHED HERETO AS EXHIBIT "D"; APPROVING BUILDING ELEVATIONS ATTACHED HERETO AS EXHIBIT "E"; 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 of the City of Forney, Texas, be, and the same is hereby, amended so as to add Private Recreational Center as a permitted use for the property described as 4.318 acres, more or less, in the Juan Lopez Survey, Abstract No. 286, in the City of Forney, Kaufman County, Texas, being a part of Park Trails Planned Development, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

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

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

SECTION 4. That the landscape plan for this portion of the Planned Development District is attached hereto as Exhibit "D" and is hereby approved in all respects.

SECTION 5. That the building elevations for this portion of the Planned Development District are attached hereto as Exhibit "E" and approved in all respects.

SECTION 6. That all ordinances of the City of Forney in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

SECTION 7. 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 8. 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 9. 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 16th day of May 2006.



CITY OF FORNEY, TEXAS

Daniel Groom

MAYOR

ATTEST:

Odesa Moore
CITY SECRETARY

Park Trails Amenity Center
LEGAL DESCRIPTION
(4.318 ACRES)

BEING a 4.318 acre tract of land situated in the Juan Lopez Survey, Abstract No. 286, Kaufman County, Texas, and being a portion of that certain tract of land as conveyed to J.C. Owens as recorded in Volume 562, Page 625, and Volume 605, Page 178 and Volume 665, Page 179 and Probate Cause No. 71-3192-CP, Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a T-Post found, being the most Southerly South corner of Rolling Acres Addition, an addition to the County of Kaufman, as recorded in Cabinet 1, Page 375, Map Records, Kaufman County, Texas. Also being the most Western Northwest corner of that certain tract of land as conveyed to Harlan Properties, Inc., as recorded in Volume 1942, Page 350, said Deed Records;

THENCE South 46 degrees 00 minutes 45 seconds East, generally along a barbed wire fence, a distance of 1301.79 feet to a 1/2 inch iron rod set, from which a 1/2 inch iron pipe found bears South 44 degrees 18 minutes 20 seconds West, 2.4 feet, said point also being the most Northerly corner of that certain tract of land as conveyed to M & M Joint Venture, as recorded in Volume 1925, Page 07, said Deed Records;

THENCE South 44 degrees 18 minutes 20 seconds West, generally along a barbed wire fence and along the Southerly Northwest line of the said M & M tract, a distance of 963.90 feet to the POINT OF BEGINNING of the tract hereon described;

THENCE South 44 degrees 18 minutes 20 seconds West, generally along a barbed wire fence and along the Northerly Northwest line of the said M & M tract, a distance of 727.81 to a 3/4 inch iron pipe found, being the most Easterly corner of that certain tract of land as conveyed to KB Forney Partners, LTD., as recorded in Volume 02064, Page 00555, said Deed Records;

THENCE North 46 degrees 09 minutes 24 seconds West, along the common line of the tract hereon described with the common line of said KB Forney Partners tract, a distance of 398.14 feet to a point for corner;

THENCE North 43 degrees 00 minutes 38 seconds East, leaving the said common line, a distance of 252.42 feet to a point for corner, being the beginning of a curve to the left whose radius 570.00 feet and whose longchord bears North 38 degrees 16 minutes 52 seconds East, a distance of 94.00 feet;

THENCE along said curve to the left through a central angle of 09 degrees 27 minutes 33 seconds, an arc length of 94.10 feet, being the end of said curve;

THENCE South 56 degrees 26 minutes 55 seconds East, a distance of 60.00 feet to a point for corner, being the beginning of a curve to the left whose radius is 575.00 feet and whose longchord bears North 87 degrees 47 minutes 38 seconds East, a distance of 515.48 feet;

THENCE along said curve to the left through a central angle of 53 degrees 15 minutes 43 seconds, an arc length of 534.52 feet to the POINT OF BEGINNING and containing 4.318 acres of land, more or less.

Planned Development Standards

1. Signage will adhere to current Sign Ordinance for the City of Forney.
2. All playgrounds and playground equipment must adhere to the safety standards per NPSI and ASTM.
3. Final plat must be approved prior to onset of construction. With the submittal of the final plat for the Amenity Center the private covenants pertaining to the Amenity Center must be submitted for review.
4. Any and all conditions of prior approvals concerning this project must be adhered to.
5. Park Trails
Amenity Center (Private Recreation Center)
Program Description
Cooper Design Works

Cabana Building:

The cabana building serves as a restroom for Amenity Center users. Also included is a breezeway, which controls access to the pool area by way of a self-closing gate. The locking device shall be a heavy-duty push-button combination lock that can be programmed by the HOA. Attached to the cabana is an outdoor shower with hot water and a drinking fountain. Per TDH code, a dedicated 911 phone shall be posted immediately outside of the pool entry.

Main Pool:

The main pool shall have a maximum depth in the center of 4 ½ feet. It is generally rectangular in shape for either laps or open play. There is a shallow tanning ledge with a water depth of six inches, and a set of broad steps into the pool from the shade arbor and splash pad.

Splash Pad:

The splash pad consists of upright brightly colored features that spray water. There is zero water depth. The spray features are activated by a motion sensor bollard, which cycles the spray from one feature to the next and then turns off. The splash pad uses potable water.

Playground:

The playground is to be selected. It will serve five to twelve year old children. It will be a commercial play apparatus that shall meet all governing codes and standards. It will likely include a swing set.

Picnic Pavilion:

The picnic area shall include a shade arbor or canopy, and an event-sized charcoal grill.

Play Mound:

The play mound is an optional feature depending on dirt fill that will be available on site. It is simply a large mound covered with turf grass that kids can play on or use as a sled hill during our rare winter storms.

Trail:

A concrete trail will be provided to allow connections to proposed trails throughout the development.

Bike Rack:

A bicycle rack will be provided for bicycle parking.

Open Play Area:

An open play area will be provided for casual open play of any kind.

End of Program Description

