

**ORDINANCE NO. 1171**

**AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, SO AS TO GRANT A PLANNED DEVELOPMENT DISTRICT FOR GENERAL RETAIL USES FOR THE PROPERTY DESCRIBED AS A 11.27 ACRE TRACT OF LAND, MORE OR LESS, IN THE A. HYER SURVEY, ABSTRACT NO. 203, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, WHICH IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND KNOWN AS CITY PLAZA PLANNED DEVELOPMENT; APPROVING PLANNED 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 regarding the granting and changing of zoning classifications, gave the requisite notices by publication and otherwise, and held all appropriate 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 the Zoning Application should be granted and the Comprehensive Zoning Ordinance and Map should be amended as requested in the Zoning Application.

**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 Development District for General Retail Uses for the property described as a 11.27 acre tract of land, more or less, in the A. Hyer Survey, Abstract No. 203, in the City of Forney, Kaufman County, Texas, to be known as City Plaza Planned Development, which property is more particularly described in Exhibit "A" that is attached hereto and made part hereof for all purposes.

**SECTION 2.** That the development standards and permitted uses for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned

**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 Planned Development District as required by Section 34a.4 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 21 day of March



CITY OF FORNEY, TEXAS

*Darrell Grooms*

DARRELL GROOMS  
MAYOR

ATTEST:

APPROVED AS TO FORM:

*Odessa Moore*

ODESSA MOORE  
CITY SECRETARY

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CITY ATTORNEY

EXHIBIT "A"

PROPERTY DESCRIPTION

Whereas City Bank and SKW Holdings, Ltd. are acting as the owners of a tract of land situated in the A. Hyer Survey, Abstract No. 203, City of Forney, Kaufman County, Texas and being part of that certain tract of land conveyed to City Bank as recorded in Volume 2359, Page 304 Deed Records Kaufman County Texas (D.R.K.C T) and being part of a tract of land conveyed to SKW Holdings, Ltd. as recorded in Volume 2236, Page 495 D R.K.C T and being more particular described by Metes and Bounds as follows;

BEGINNING at a 5/8" iron rod with yellow cap stamped "DCA" found for corner said corner being at the southwest corner of SKW Holdings tract, said corner being at the intersection of the north line of F.M. 688 (Old Highway 80) ( a 80 foot right-of-way) and at the southeast line of Old Colquitt Road ( a 80' foot right-of-way);

THENCE N 43°58'35" E along the southeast line of said Old Colquitt Road, a distance of 924.01 feet to a concrete right-of-way monument with brass cap found for corner;

THENCE N 84°15'54" E a distance of 73.42 feet to a concrete right-of-way monument with brass cap found for corner said corner being on the southeasterly right-of-way line of U S Highway 80 (a variable width right-of-way), said corner also being the beginning of a non-tangent curve to the left having a central angle of 00°08'49" a radius of 5,879.58 feet a chord bearing of S 55°17'54" E a chord distance of 15.09 feet;

THENCE continuing along said right-of-way line of U.S. Highway 80 and along said non-tangent curve to the left an arc length of 15.09 feet to a concrete right-of-way monument with brass cap found at the end of said curve,

THENCE S 51°28'29" E continuing along said right-of-way line of U.S. Highway 80 a distance of 413.81 feet to a concrete monument with brass cap found for corner said corner being the beginning of a non-tangent curve to the left having a central angle of 1°08'51" a radius of 5919.58 feet a chord bearing of S 59°39'34" E a chord distance of 118.55 feet;

THENCE continuing along said right-of-way line of U.S. Highway 80 along the said non-tangent curve to the left an arc length of 118.55 feet to a 1/2" iron rod with cap stamped Data Land Services set for corner;

THENCE across and through of said City Bank tract the following 3 calls;

- 1 S 25°50'22" W a distance of 334 11 feet to a 1/2" iron rod with cap stamped Data Land Services set for corner;
2. S 64°09'38" E a distance of 62.37 feet to a 1/2" iron rod with cap stamped Data land Services set for corner;
3. S 03°36'19" W a distance of 85 02 feet to a 5/8" iron rod with yellow cap stamped "DCA" found for corner said corner being in the north right-of-way line of said F.M. 688;

THENCE N 86°23'41" W continuing along said north right-of-way line of F.M. 688 a distance of 1060.37 feet to the POINT OF BEGINNING containing 490,726 square feet or 11.266 acres of land.

**EXHIBIT "B"**

**CITY PLAZA PLANNED DEVELOPMENT DISTRICT**  
**FORNEY, TEXAS**

**I. Applicability**

- a. The planned development district created herein shall apply to and govern the development of the tracts of land described in Exhibit "A" attached heretofore.
- 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 with said Ordinance, then the regulations of this Planned Development District shall control.

**II. Required Submittals**

- 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 amended from time to time, subject to review and approval by the City. In addition, the number, location and configuration of the lots on the concept plan may be adjusted on the preliminary plat provided that such adjustments comply with the standards of this Planned Development District and other applicable ordinances.
- b. **Phasing Plan**—a preliminary plat must be submitted for the entire 11.27 acres. Final plats may be submitted for each lot that is approved on the preliminary plats and may be approved and recorded in phases. As each phase develops, the required access must be provided for emergency vehicles at the approval of the Fire Chief.
- 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 this 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, trust indentures, or deed restrictions must be submitted with the first preliminary plat for approval by the Planning and Zoning Commission and the City Council. Copies of the recorded documents shall be submitted to the Planning Department for inclusion into the file.

### III. Uses

a. Permitted Uses—The permitted uses for this Planned Development District are 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 are permitted uses in the City Plaza Planned Development District, except for the following uses, which are not permitted uses in the City Plaza Planned Development District:

- Funeral Home and Gravestone/Tombstone Sales
- Cemetery or mausoleum
- Kiosk
- Auto Dealer-New or Used Auto Sales
- Lawnmower Sales and Repair
- Motorcycle Dealer New/Repair
- Personal Watercraft Sales New/Repair
- Recycling Kiosk
- 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
- Outdoor storage/display/sales
- Convenience Store
- Contractor's Office with Outside Storage which includes Vehicles

b. In addition to the uses listed in subsection "a" above, the following are also uses permitted by right in this Planned Development district:

- Personal and Business Service Uses—community meeting room that is a room within a structure and that is used in association with another permitted use by right in the General Retail (GR) district as established by the City of Forney Use Regulations (i.e. a conference room or area in a bank or other business that may be used by the community as a meeting place as allowed by the business)
- Retail Uses—auto supply store for new & rebuilt parts (no outside storage)
- Institutional /Government Uses—philanthropic organization

### IV. Development Standards

a. Height, Area and Yard Regulations

i. **Maximum height**— Maximum height shall not exceed 45 feet. Special architectural features may be approved with site plans and may not exceed sixty (60) feet in height.

- ii. **Size of Yards**—Section 29 4(B) of the City of Forney Zoning Ordinance governs the (1) minimum front yard; (2) minimum side and rear yard; (3) interior side yards; and (4) minimum side or rear yard adjacent to a residential district.
  - iii. **Lot coverage**—lot coverage by buildings shall not exceed 60%.
  - iv. **Maximum lot coverage**—maximum lot coverage by impervious surfaces is 80%.
  - v. **Maximum building size**—there is no maximum building size as long as fire standards and other site requirements, such as parking and landscaping, are met.
  - vi. **Size of Lot**—Section 29 4(A) of the City of Forney Zoning Ordinance governs (1) minimum lot area; (2) minimum lot width; (3) minimum lot depth; and (4) maximum lot depth.
- b. **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 entire planned development area using the parking ratio of 1 parking space per 250 sq. ft. of building, inclusive of retail, restaurant, medical, office and any other permitted or conditionally permitted use.
  - iii. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.
  - iv. Fire Lane on Pad 2 A cannot be a dead end and must be extended at the approval of the Fire Chief. Also, all parking requirements other than parking ratio i.e. stacking spaces for drive through etc. must be adhered to.
  - v. 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.
- c. **Minimum Exterior Construction Standards**—the objective of building materials, exterior surfaces and design standards set forth below is to accomplish compatible quality in architectural design to protect and enhance the value of the development and each building site. Section 42 of the City of Forney Comprehensive Zoning Ordinance regarding Exterior Construction and Design Standards will apply to this Planned Development unless otherwise regulated by this document.

- i. There shall be a compatible architectural framework in which individual tenant character may be expressed. All buildings including parking structures shall be finished on all sides in a compatible architectural concept and shall not detract from adjacent property
- ii. Ancillary support structures are to be of similar style, design, color, and material as that used for principal structures.
- iii. Color schemes shall reflect a quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlighted details. The use of primary or garish colors shall not be predominately used on the exterior façade of any structure.
- iv. Stand fans, cooling towers, communication towers, satellite dishes, vents and any other structures or roof-type equipment, located on the roof shall be effectively shielded from all public view to include public right-of-ways (excluding U.S Highway 80) with a parapet wall. Any and all ground mounted mechanicals or equipment shall be housed or screened from public view
- v. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. Said trash bins shall be housed or screened from public view.
- vi. Building roofs shall be designed and constructed with a slope sufficient to prevent pooling of water and to shed water in a reasonable amount of time. Roofing materials shall be of a generally accepted commercial type and standard. Built-up roofs and roof-top items that include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance.
- vii. 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, screen wall systems, living screens or combinations thereof.

d. Site Lighting

- i. Will adhere to Section 45 Lighting and Glare Standards of the City of Forney Comprehensive Zoning Ordinance except as otherwise indicated.
- ii. Lighting shall be provided for vehicular, pedestrian, signage, architectural and site features.



- iii. Site lighting fixtures used along entrance driveways and parking areas shall be uniform and a consistent design within the development. Lighting standards for illuminating these areas shall be no taller than 60ft. high.
- 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 or light intrusion into adjacent property outside of the planned development district.
- v. Pedestrian walkways, courts, gardens and entrance areas shall be illuminated to enhance the pedestrian qualities of the development. Low-level fixtures should complement the architectural design and focus on quality landscape lighting that will enhance the development.
- vi. General illumination shall commence one half hour before sunset and last until the building site is closed for the evening. Parking structures and pedestrian walkways shall be illuminated during all hours of darkness, as well as 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 should 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.

d. Signage and Graphics

i. General

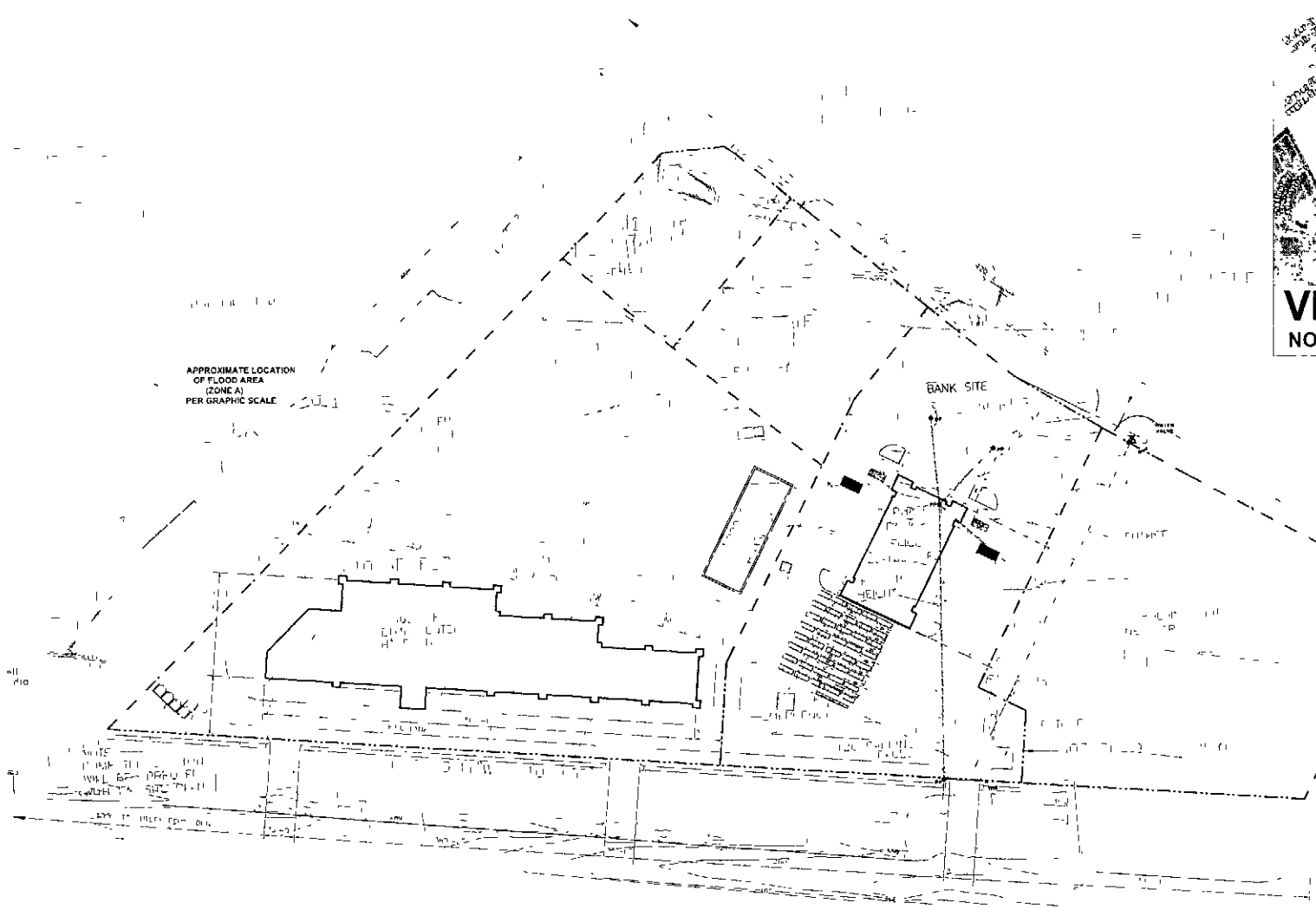
- 1. Signage and graphics shall comply with the regulations set forth in Section 48 of the City of Forney Comprehensive Zoning Ordinances, except that:
  - A. Wall-mounted signs shall not be mounted to exceed a maximum height on the building of forty-five feet (45') above grade.
  - B. Each landlord or tenant 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. Landlord or tenant 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. Such suite numbers shall begin with 100 and continue in sequential order. Tenant shall be required to place the suite number of the store on the rear service door in letters that shall be at least 3" high.

V. Landscape Standards

- a. General – Landscaping will be per Section 39 of the City of Forney Comprehensive Zoning Ordinance unless otherwise regulated by this document. The overall objective of the landscape standards is to:
  - i. Enhance the overall development site.
  - ii. Create a visual impression of unity along the perimeter of the development and along roadways.
  - iii. Identify and define site entrances and on-site traffic circulation aisles.
  - iv. Soften views to parking, service and loading areas.
- b. All planting shall be from the City of Forney approved plant list as stipulated in the zoning ordinance.
- c. Not less than 7% 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, landscape areas and other similar features which are not specifically designed for vehicular access or parking. The open space may be aggregated on lots or parcels anywhere within the overall development.
- d. Adequate watering of plants in landscaped areas shall be ensured by use of a conventional automatic or manual underground irrigation system with freeze and moisture sensors. No irrigation shall be required for undisturbed natural areas or undisturbed future development areas.

## **VI. Other Standards**

- a. The City Engineer must approve all grading, drainage, utility, and subdivision improvement construction plans for each phase. This includes areas set aside for detention. Concept Plans should consider the underlying engineering issues. If the layout does not accommodate engineering needs, then the plan may need to be amended. The Fire Chief must also approve the fire lane access on each site plan to ensure sufficient emergency routes exist within the development.
- b. Sidewalks shall be constructed per the City of Forney regulations along the frontage road to the extent the roadway borders the development.
- c. As in all cases, those requirements not specifically addressed with the PD text and Concept Plan will comply with the Comprehensive Zoning Ordinance, Subdivision Regulations, and Engineering Design Standards of the City of Forney



APPROXIMATE LOCATION  
OF FLOOD AREA  
(ZONE A)  
PER GRAPHIC SCALE

BANK SITE

**CONCEPT PLAN**  
SCALE. 1"=60'-0"



**CITY PLAZA, FORNEY, TEXAS**

VI  
NO