

ORDINANCE NO. 1158

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 3.00 ACRE TRACT OF LAND AND A 6.184 TRACT OF LAND, MORE OR LESS, IN THE JOHN GREGG SURVEY, ABSTRACT NUMBER 171, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO, AND KNOWN AS FORNEY CENTER PLANNED DEVELOPMENT; APPROVING PLANNED DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "C"; APPROVING A CONCEPT PLAN ATTACHED HERETO AS EXHIBIT "D"; APPROVING A CONCEPTUAL DESIGN FOR A FREESTANDING SIGN 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 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 3 acre tract of land and a 6.184 acre tract of land, more or less, in the John Gregg Survey, Abstract No. 171, in the City of Forney, Kaufman County, Texas, to be known as Forney Center Planned Development, and more particularly described in Exhibit "A" and Exhibit "B" attached hereto and made part hereof for all purposes.

**SECTION 2.** That the development standards for this Planned Development District, are attached hereto as Exhibit "C", 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 plan 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 4.** That the conceptual design for a permitted freestanding sign for this Planned Development District is attached hereto as Exhibit "E".

**SECTION 5.** All ordinances of the City of Forney in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 6.** 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 15 day of November 2005.



**CITY OF FORNEY, TEXAS**

Donald Groves  
**MAYOR**

Odessa Moore  
**CITY SECRETARY**

**APPROVED AS TO FORM:**

Robert L. Dilbert  
**CITY ATTORNEY**  
(RLD; 11-02-05; 79197)

**EXHIBIT A**Property Description

Situated in the State of Texas, the County of Kaufman and the City of Forney, being part of the John Gregg Survey, Abstract No. 171, and being part of a 6.994 acre tract of land conveyed to FYN Corporation by deed recorded in Volume 2008, Page 275 of the Deed Records of Kaufman County, Texas and part of a 2.192 acre tract of land conveyed to FYN Corporation by deed recorded in Volume 2200, Page 556 of the Deed Records of Kaufman County, Texas and these premises being more particularly described as follows:

Beginning at a 1/2 inch iron rod set in the northeast right-of-way line of U.S. Highway No. 80, marking the south corner of McDonald's Addition, an addition to the city of Forney according to the plat thereof recorded in Cabinet 1, Envelope 785 of the Plat Records of Kaufman County, Texas and the west corner of said premises;

Thence with the southeast line of said McDonald's Addition, the southeast line of a tract of land conveyed to 80 East Partners, LTD by deed recorded in Volume 2191, Page 212 of the Deed Records of Kaufman County, Texas and the northwest line of said premises, North 46°36'35" East, 723.78 feet to a 1/2 inch iron rod set in the southwest line of a tract of land conveyed to Sarah Pinson Harp by deed recorded in Volume 2080, Page 291 of the Deed Records of Kaufman County, Texas, marking the east corner of said 80 East Partners, LTD, tract and the north corner of said premises;

Thence with the southwest line of said Harp tract and the northeast line of said premises, South 43°24'00" East, 184.23 feet to a 1/2 inch iron rod set marking the east corner of said premises;

Thence with the southeast line of said premises, South 46°36'35" West, 695.87 feet to a 1/2 inch iron rod set in the northeast line of said right-of-way, marking the south corner of said premises and the beginning of a curve to the left;

Thence with said northeast right-of-way line, the southwest line of said premises and said curve to the left having a central angle of 01°48'58", a radius of 5879.31 feet, an arc distance of 186.34 feet and a chord bearing and distance of North 52°00'50" West, 186.34 feet to the Point of Beginning and containing 3.00 acres of land.

**EXHIBIT**

tabbles

A

EXHIBIT B

FROM :

All that certain lot, tract or parcel of land situated within the corporate limits of the City of Forsyth, Kaufman County, Texas, part of the John Gregg Survey, Abstract No. 171, part of that certain called 2.192 acre tract conveyed to FYN Corporation by Ben-Mar Trust on May 12, 2003, recorded in Vol. 2200 page 556 of the Deed Records of Kaufman County, Texas and part of that certain called 6.994 acre tract conveyed to FYN Corporation by Bingo Management, Inc. on December 1, 1995, recorded in Vol. 2008 page 275 of the Deed Records of Kaufman County, Texas, being more completely described as follows, to-wit:

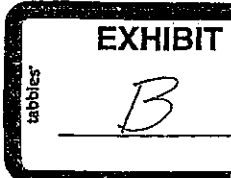
BEGINNING at a 3/8" Iron rod found at the South corner of the above mentioned 6.994 acre tract, at the West corner of the DFW Distributor Petroleum, Inc. 2.877 acre tract, recorded in Vol. 2318 page 534 of the Deed Records of Kaufman County, Texas, in the Northeast Right of Way line of U. S. Highway No. 80 and being in a curve to the left, the radius point of which bears S 43 deg. 26 min. 23 sec. W-5879.31 ft.

THENCE, in a Northwesterly direction with said Right of Way line and with said curve to the left, the angle of which is 3 deg. 55 min. 12 sec., the radius is 5879.31 ft. and the tangent is 201.20 ft., a distance of 402.24 ft. to a 1/4" Iron rod found at the South corner of the Pierre Harding and Jung Harding 3.00 acre tract, recorded in Vol. 2501 page 146 of the Deed Records of Kaufman County, Texas.

THENCE N 47 deg. 15 min. 10 sec. E, with the Southeast line of said 3.00 acre tract, a distance of 695.94 ft. to a 1/4" Iron rod found at the East corner of same and being in the Northeast line of the above mentioned 2.192 acre tract.

THENCE S 42 deg. 44 min. 02 sec. E, with the Northeast line of said 2.192 acre tract, a distance of 399.99 ft. to a 1/2" Iron rod found at the East corner of same and being at the North corner of the above mentioned 2.877 acre tract.

THENCE S 47 deg. 14 min. 27 sec. W, with the Southeast line of said 2.192 acre tract, passing the South corner of same, continuing with the Southeast line of the above mentioned 6.994 acre tract, a total distance of 655.39 ft. to the point of beginning, containing 6.184 acres of land.



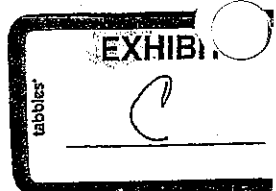
**FORNEY CENTER  
PLANNED DEVELOPMENT DISTRICT  
FORNEY, TEXAS**

**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.
- 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. In addition, the number, location, and configuration of the lots on the concept plan may be adjusted with the preliminary plat as long as the standards of the PD and other ordinances as applicable are adhered to.
- b. Phasing Plan-A preliminary plat may be submitted separately for Phase 1 (3.00 acres) and Phase 2 (6.184 acres) or a preliminary plat may be submitted for the entire 9.184 acres. 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. Articles addressing the incorporation of the Maintenance Agreement for any proposed flag lots to be submitted to the Planning Commission for approval with the submission of the preliminary plat. Any proposed covenants, 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 Center 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
- Convenience Store
- 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

- b. The Entertainment Overlay District (500 feet from U.S. 80 right-of-way) will apply per the ordinance.

### IV. Development Standards

- a. Height, Area and Yard Regulations

- i. Maximum building height shall not exceed 60 feet. Special architectural features may exceed 60 feet, if approved by site plan. Maximum number of stories is four.
  - ii. Minimum lot area shall not be less than 5000 square feet except for approved kiosks and ATM buildings.
  - iii. Minimum lot width shall be 50 feet. Maintenance agreements will be executed between lot owners when flag lots are involved.
  - iv. Minimum lot depth shall be 100 feet. There shall be no maximum lot depth.
  - v. Minimum front setback shall be 25 feet from street right-of-way line. Where property has frontage on more than one street, one street frontage may be treated as a side boundary.
  - vi. Minimum side setbacks shall be 15 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. Maximum lot coverage by impervious surfaces is 90%
  - 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 value of the development and each building site. Attention should be given to the compatible treatment of all exterior surfaces.
- i. For multi-tenant retail buildings, architectural pavers such as: Stamped concrete, stained concrete, paverstone, tile, slate or other like materials, shall be extended at the columns across the side walks in the front of such buildings.
  - ii. There shall be a compatible architectural framework in which individual tenant character may be expressed. All building including parking structures shall be finished on all sides in a compatible architectural concept and shall not detract from adjacent property.



- iii. Ancillary support structures are to be of similar style, design, color, and material as that used for principal structures, e.g. dumpster enclosure.
- iv. Building materials shall be of permanent, lasting quality such as masonry, stone, E.I.F.S., pre-cast concrete (tilt wall panels and/or Hardie board), cast stone, tile, stucco, cast iron, and glass. Decorative features may incorporate the use of brick, stucco, E.I.F.S. and stone in areas such as walls, columns, roof lines, crown molding, windows and doors.
- v. The E.I.F.S. is limited to a maximum of twenty-five (25%) percent of the exterior material of the retail/office buildings (including windows and doors) and also limited to those areas of the building not accessible to either pedestrian or vehicular traffic.
- vi. Vertical columns along the horizontal facade will serve as an architectural feature on all retail and office structures to offset the facade that serve as the principal entrance to the building and any facade that faces a public street.
- vii. Every retail and office structure to have a varied, non-flat roofline along all facades that serve as the principal entrance to the building and any facade that faces a public street.
- viii. Awnings of uniform style and color must be placed over all the private entrances that exist on all sides of the retail and office structures. This will be indicated on every elevation as applicable.
- ix. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details.
- x. Stand fans, skylights, cooling towers, communication towers, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from **any public view** by an architecturally sound method, (such as architecturally compatible screening wall) or hidden by parapets.
- xi. Each commercial building, complex of building, 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.

The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from public view.

xii. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Build-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance. Minimum roof pitch shall be at least  $\frac{1}{2}$ "12", and will be architecturally compatible with parapet or screening wall if needed.

xiii. The 6 – 8 foot screening masonry wall along the north PD boundary will be constructed per the City of Forney regulations.

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. Site lighting

i. Lighting should be provided for vehicular, pedestrian, signage, architectural and site features.

ii. 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 60 ft. high.

iii. All site lighting (other than building lighting) to be decorative or ornamental in style in all parking areas/rows immediately adjacent to any structure.

iv. On front of buildings, standard wall packs will not be allowed. Architectural light fixtures such as up/down lighting, sconces, goose neck, or similar decorative architectural lighting fixtures will be used.

v. 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.

- vi. 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.
- vii. 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 and when poor weather conditions warrant.
- viii. Photometric lighting plans to 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.

e. Signage and Graphics

i. General

1. Freestanding sign locations shall be approved as shown on the concept plan or site plan.
2. All free-standing signage must have a five (5') foot landscape bed established the entire radius around the sign to be planted with low ornamental bushes and seasonal color.
3. The number of freestanding signs allowed within the development shall be as follows:
4. 1 freestanding sign shall be allowed for each platted lot.
5. All free-standing signs shall be spaced at a minimum of one hundred (100') lineal feet apart.

6. Freestanding monument-style signs –

Signs no taller than six (6') feet in height may be located one (1) foot behind street right-of-way or property line. Signs six feet (6') to ten (10') feet in height shall be located no closer than ten (10) feet to the street right-of-way or property line. Signs eleven (11) to sixteen (16) feet in height shall be located no closer than fifteen (15) feet to the street right-of-way or property line. Sixteen (16) feet to thirty-five (35) feet in height shall be located no closer than twenty (20) feet to the street right-of-way or property line.

ii. Existing Bingo Sign

1. The existing 'Bingo' sign will be reconditioned per Exhibit E (Sign Rendering). Such reconditioned 'Bingo' sign shall contain tenants for Lot 1 and Lot 2 or tenants from any other lot.

2. Four Freestanding signs (including the reconditioned 'Bingo' sign) will be allowed along the frontage. The total allowable area of a free-standing monument sign and/or directory sign (not including the reconditioned Bingo sign) shall not exceed two (2) square feet per foot of lineal frontage not to exceed one hundred and fifty (150) square feet per face; the frontage being determined by the principal entrance to the premises and on only one side of the lot. Double faced signs shall not be counted twice. All other existing signs and poles shall be removed.

3. Freestanding signs shall be illuminated by means of internal illuminated sign cabinets or back lit channel letters. Letter sizes and logo shall not exceed the bounds of the sign faces as limited above.

iii. Tenant Exterior Signage

1. Each tenant shall be allowed primary identification signs on the exterior of the premises as follows, (unless front of building does not face street. In such cases where the front of the building does not face the street, two signs – one front and one back – may be utilized for inline tenants.)

- a. Inline tenant – one (1) sign
  - b. Endcap tenant – two (2) signs
  - c. Freestanding tenant – three (3) signs
2. Secondary message signs (reader boards) shall be allowed with food service uses.
  3. Rotating box, can (individual lighted channel letters are permissible), flashing noise making, odor producing, or backlit canopy signs shall not be permitted.
  4. 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.
  5. National and Regional retailers shall not be prohibited from using their prototype design, colors and logos.
  6. Signs of individual tenants with rentable space equal to or in excess of 15,000 sq. ft. shall have a maximum height of letters of 8 feet.
  7. 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 height of letters of 60 inches.
  8. Signs for tenants of less than 5,000 sq. ft. shall have a maximum height of letters of 42 inches.
  9. 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.
  10. 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 shall be placed by any tenant on the exterior of the premises.
  11. 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. Such suite numbers shall begin with 100 and continue in sequential order as the spaces are occupied.

12. Store logo or name may be used on glass or a graphic band. Such logo or name shall be installed using professional, vinyl graphics.

13. Tenant shall be required to place the suite number of the store on the rear service door in letters which shall be at least 3" high.

14. 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 if required by code.

15. 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.

16. Any sign in violation of the standards may be approved by the City of Forney Board of Adjustment or Sign Board.

f. 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 of adoption of this planned development.

ii. There will be a reciprocal parking agreement throughout the planned development district of 9.184 acres 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 required parking space may be occupied by signs, cart corrals, 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 into/out 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 fifteen (15) foot wide landscaping edge shall be required along all public street frontages.
- ii. Within the landscaped edge, one (1) shade tree (3" caliper minimum) or an approved ornamental tree shall be planted per 350 square feet of landscaped edge. Trees may be planted in groupings to protect sight lines to buildings. The number of required trees shall be calculated solely on the area of the required landscaped edge.

c. Parking Lots

- i. Landscape within parking lots should provide shade, while breaking up large expanses of paving.
- ii. There shall be three (3) square feet of interior landscaping for each parking space. These landscaping areas within the parking lot may be grouped.
- iii. There shall be one (1) shade tree (3" caliper minimum) or an approved ornamental tree for every 25 parking spaces. Trees may

be placed anywhere within the parking lot and may be grouped within the landscape areas.

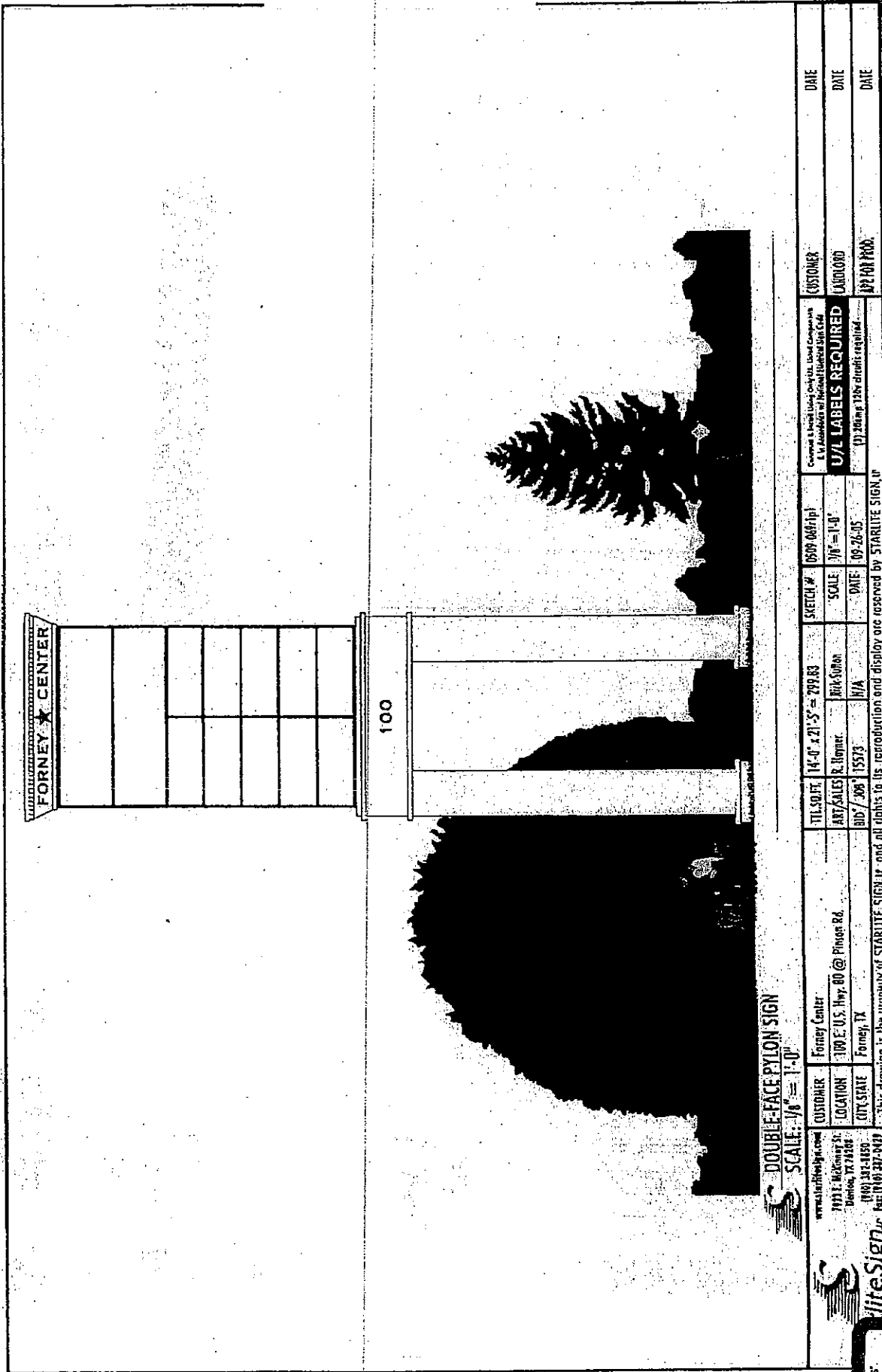
- iv. All landscaped areas shall be protected by a raised six (6) inch concrete curb.
  - v. Surface parking areas must be screened from public streets and adjacent building sites outside of the PD by the use of plantings and/or minimum 3 gallon shrubs, or a combination thereof to minimize views of automobiles below their hood lines.
  - vi. All planting shall be from the City of Forney approved plant list as stipulated in the zoning ordinance.
- d. 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, and other similar features which are not specifically designed for vehicular access or parking. 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 revised 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 the frontage road to the extent the roadway borders 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.



# EXHIBIT E

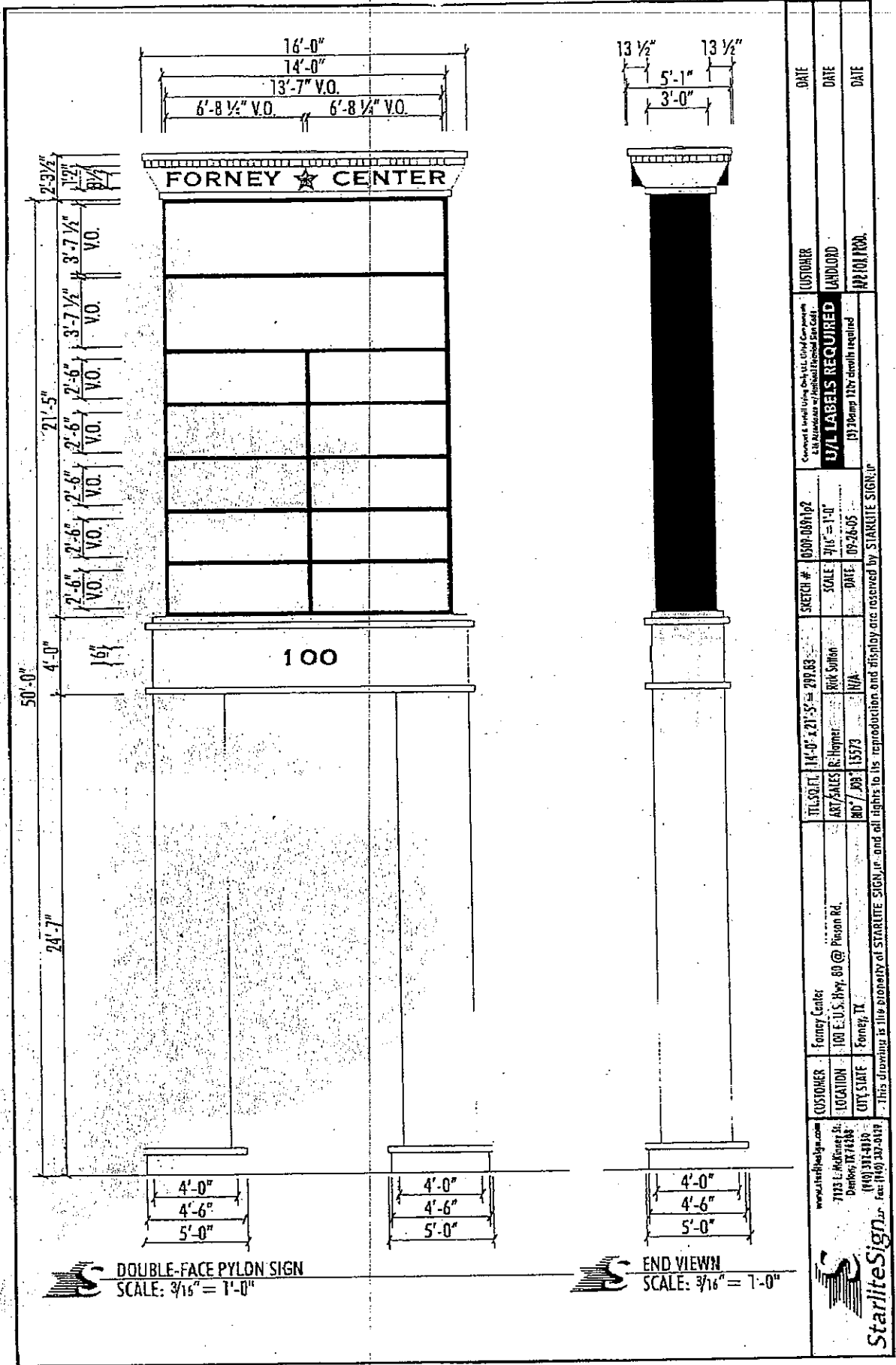


**DOUBLE-FACE PYLON SIGN**  
SCALE: 1/8" = 1'-0"

www.starlite.com	CUSTOMER	Forney Center	TTL. SQ. FT.	14'-0" x 21'-5" = 299.83	SKETCH #	0509-049-1p1	CUSTOMER	DATE
1911 E. McCombs St. Denton, TX 76208 (800) 347-4350 Fax: (817) 317-3471	LOCATION	100 E. U.S. Hwy. 80 @ Phogor Rd. Forney, TX	ART/SALES R. Repmer	2/14/08	SCALE	3/8" = 1'-0"	LAND/OVD	DATE
	CITY/STATE	Forney, TX	BID/DOB	15573	DATE	09-26-05	BY FOR PROO.	DATE
<p><b>Starlite Sign</b> This drawing is the property of STARLITE SIGN, INC. and all rights to its reproduction and display are reserved by STARLITE SIGN, INC.</p>								

Copyright & Invention Reserved. All Rights Reserved.  
U/L LABELS REQUIRED  
(1) Minimum 12hr. curing required.

EXHIBIT  
**E**



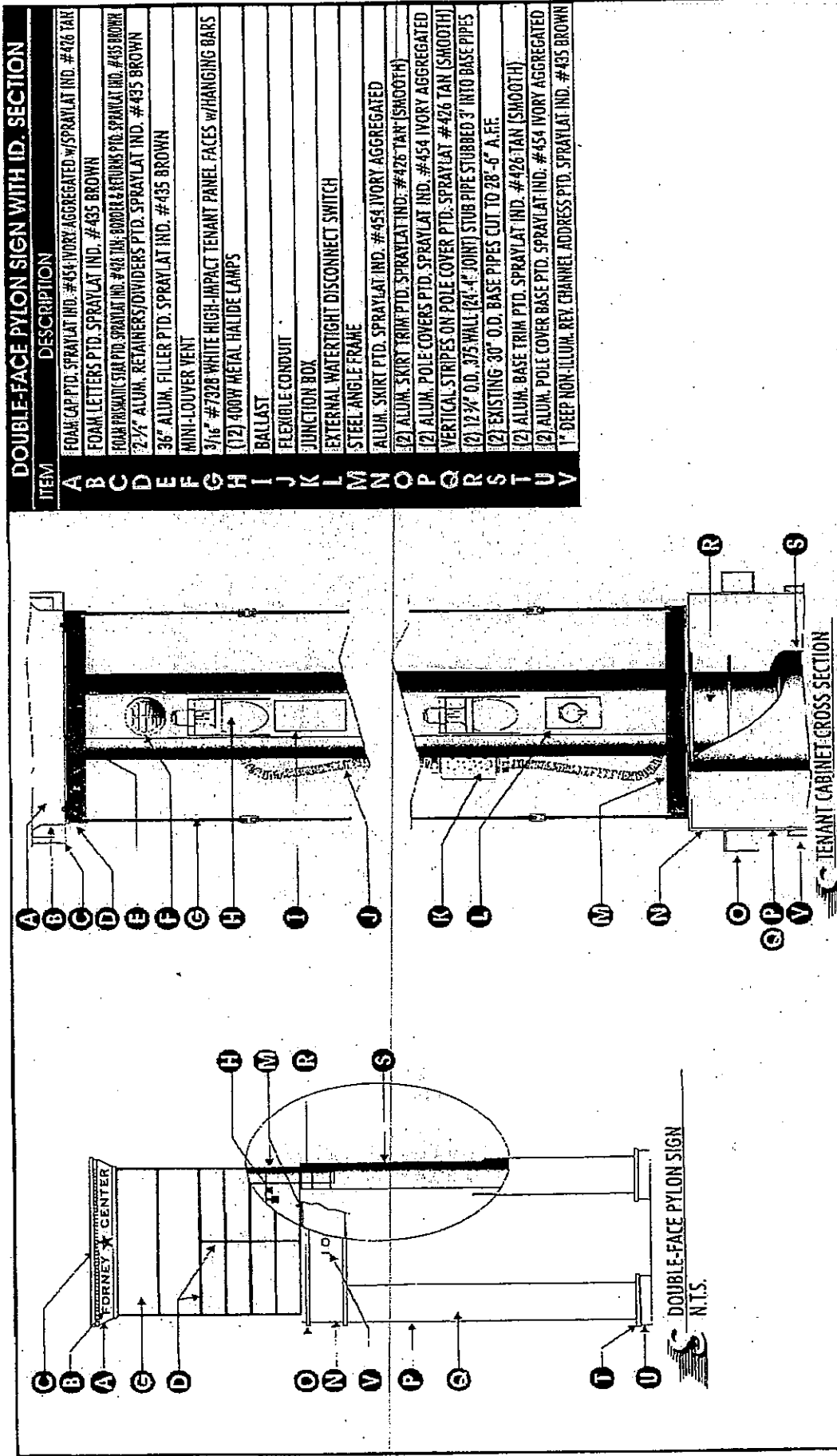
**DOUBLE-FACE PYLON SIGN**  
SCALE: 3/16" = 1'-0"

**END VIEW**  
SCALE: 3/16" = 1'-0"

CUSTOMER: Forney Center LOCATION: 100 E. U.S. Hwy. 80 @ Pison Rd. CITY/STATE: Forney, TX		SKETCH #: 0508-089-1p2 SCALE: 3/16" = 1'-0" DATE: 09-26-05		CUSTOMER: _____ DATE: _____ LANDLORD: _____ DATE: _____ APPLICATOR: _____ DATE: _____	
TITLES/FL: 14'-0" x 21'-5" = 299.83 ART/SALES R: Homer RD / JOB: 15573		U/L LABELS REQUIRED (3) 20amp 12v dimm. required		Comment: Install Using Only U.L. Listed Components & IN ACCORDANCE WITH ALL APPLICABLE CODES	


 www.starlitesign.com  
 7113 E. McInnes St.  
 Dallas, TX 75248  
 (409) 317-4310  
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**DOUBLE-FACE PYLON SIGN WITH ID. SECTION**

ITEM	DESCRIPTION
A	FOAM CAP PTD. SPRAYLAT IND. #435 IVORY AGGREGATED W/SPRAYLAT IND. #426 TAN
B	FOAM LETTERS PTD. SPRAYLAT IND. #435 BROWN
C	FOAM PROTECTIVE STRIP PTD. SPRAYLAT IND. #426 TAN; BONDING & REPAIRS PTD. SPRAYLAT IND. #435 BROWN
D	2 1/2" ALUM. RETAINERS/DIVIDERS PTD. SPRAYLAT IND. #435 BROWN
E	3/8" ALUM. FILLER PTD. SPRAYLAT IND. #435 BROWN
F	MINI-LOUVER VENT
G	3/16" #7328 WHITE HIGH-IMPACT TENANT PANEL FACES W/HANGING BARS
H	(12) 400W METAL HALIDE LAMPS
I	BALLAST
J	FLEXIBLE CONDUIT
K	JUNCTION BOX
L	EXTERNAL WATERTIGHT DISCONNECT SWITCH
M	STEEL ANGLE FRAME
N	ALUM. SKIRT PTD. SPRAYLAT IND. #454 IVORY AGGREGATED
O	(2) ALUM. SKIRT TRIM PTD. SPRAYLAT IND. #426 TAN (SMOOTH)
P	(2) ALUM. POLE COVERS PTD. SPRAYLAT IND. #454 IVORY AGGREGATED
Q	VERTICAL STRIPES ON POLE COVER PTD. SPRAYLAT #426 TAN (SMOOTH)
R	(2) 1 1/2" O.D. 375 WALL (24-4" JOINT) STUB PIPE STUBBED 3" INTO BASE PIPES
S	(2) EXISTING 30" O.D. BASE PIPES CUT TO 28'-6" A.F.F.
T	(2) ALUM. BASE TRIM PTD. SPRAYLAT IND. #426 TAN (SMOOTH)
U	(2) ALUM. POLE COVER BASE PTD. SPRAYLAT IND. #454 IVORY AGGREGATED
V	1" DEEP NON-ILLUM. REV. CHANNEL ADDRESS PTD. SPRAYLAT IND. #435 BROWN

<p>www.starkdesign.com 7333 E. Alderbrook St. Orlando, FL 32818 (407) 247-3359 Fax: (407) 247-4419</p>	<p><b>StarK Design</b> INC.</p>	<p>CUSTOMER: Forney Center LOCATION: 100 E. U.S. Hwy. 80 @ Pinson Rd. CITY/STATE: Forney, TX</p>	<p>TITLE SHEET: 14'-0" x 21'-5" = 299.83 DRAWN BY: R. Hooper REV. NO.: 15573</p>	<p>SKETCH # 0009-0891-p3 SCALE: N.T.S. DATE: 09-26-05</p>	<p>CUSTOMER: _____ DATE: _____ LANDLORD: _____ DATE: _____ APP. FOR (NO.): _____ DATE: _____</p>
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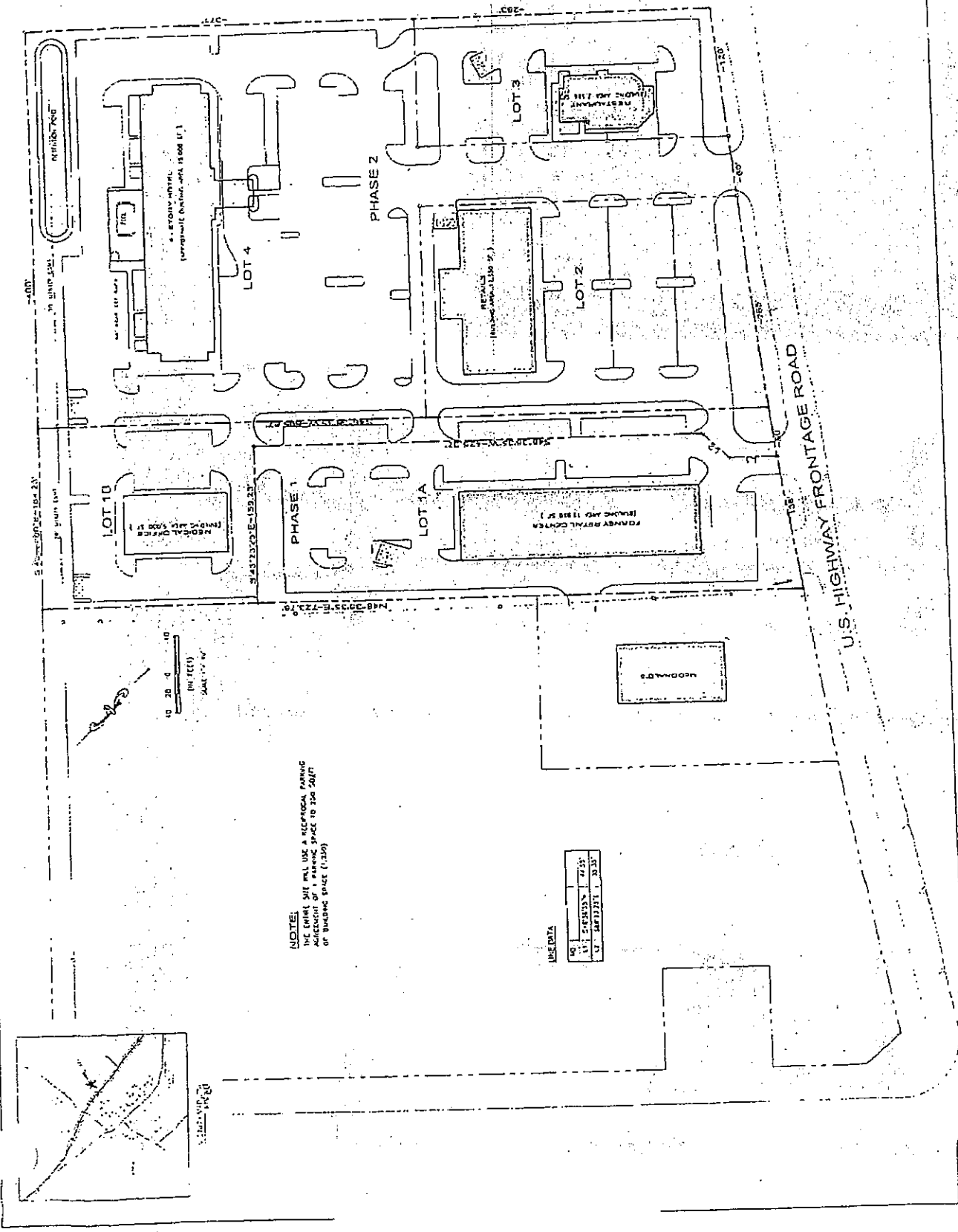
# EXHIBIT D

CONCEPTUAL PLAN FOR FOREY CENTER

HERRITT CAPITAL PARTNERS

P&S ENGINEERING

SHEET C.P. 1



tabbles

EXHI. D