

ORDINANCE NO. 1238

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 (PCD) FOR A MEDICAL FACILITY FOR THE PROPERTY DESCRIBED AS BEING A 13.0 ACRE TRACT OF LAND, MORE OR LESS, SITUATED IN THE ABSALOM HYER SURVEY, ABSTRACT NO. 203, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND KNOWN AS FORNEY REGIONAL MEDICAL CENTER PLANNED COMMERCIAL DISTRICT (PCD); APPROVING PLANNED DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "B"; APPROVING A PRELIMINARY DEVELOPMENT PLAN (AND PRELIMINARY PLAT) ATTACHED HERETO AS EXHIBIT "C AND D"; 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 Commercial District (PCD) for a Medical Facility for the property described as a 13.0 acre tract of land, more or less, in the Absalom Hyer Survey, Abstract No. 203, in the City of Forney, Kaufman County, Texas, to be known as Forney Regional Medical Center Planned Commercial District (PCD),

and the property described in Exhibit "A" attached hereto and made part hereof for all

SECTION 2. That the development standards for this Planned Commercial District, are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Commercial District as required by Section 35, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

SECTION 3. That the preliminary development plan (and preliminary plat) for this Planned Commercial District are attached hereto as Exhibit "C and D", and the same is hereby approved for said Planned Commercial District as required by Section 35, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

SECTION 4. That all ordinances of the City of Forney in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

SECTION 5. 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 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 16th day of October, 2007.



CITY OF FORNEY, TEXAS

Wanda J. Moore

MAYOR

ATTEST:

Debra Moore

CITY SECRETARY

**Forney Regional Medical Center
Forney, TX**

**Planned Commercial District ("PCD")
September 26, 2007**

Owner:

Heatley Capital
Attn: Brian Crow
9901 E. Valley Ranch Pkwy, Ste. 2020
Irving, TX 75063
Ph-972-888-9948
Fax-972-888-9942

Architect:

Corgan Associates, Inc.
Attn: Tina Larsen, A.I.A.
401 N. Houston Street
Dallas, TX 75202
Ph-214-748-2000
Fax-214-997-3329

Developer:

The Cirrus Group
Attn: Allison Teague
9301 N. Central Expwy
Dallas, TX 75231
Ph-214-953-1722
Fax-214-953-0276

Site Engineer:

Adams Engineering
Attn: Jack Garner, P.E.
500 Nolen Drive, Ste. 550
Southlake, TX 76092
Ph-817-329-6990
Fax-817-329-7671

Surveyor:

Tri-Tech Surveying
Attn. Allen Brewster, R.P.L.S.
2825 Exchange Blvd., Suite 104
Southlake, TX 76092
Ph-817-442-5511
Fax-817-416-9198

Forney Regional Medical Center

Exhibit "A"

PROPERTY DESCRIPTION 13.000 ACRES/566,280 SQUARE FEET

BEING a 13.000 acre (566,280 square foot) tract of land situated in the Absalom Hyer Survey, Abstract No. 203, Kaufman County, Texas, and being part of a called 45.460 Acre Tract of land described in deed to Forney Fox Hollow II, LP recorded in Volume 2903, Page 109 of the Deed Records of Kaufman County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod found for the east corner of a called 8.237 Acre Tract of land described in deed to the City of Forney, Texas recorded in Volume 2453, Page 92 of said Deed Records, being in the northwest right-of-way line of FM Road 548 (a 120' right-of-way as recorded in Volume 1691, Page 229 of said Deed Records), and being in a curve to the right having a radius of 8142.08 feet, a delta angle of 03°39'33", and a long chord bearing and distance of South 39°52' 14" West, 519.91,

THENCE, along said curve to the right, the common southeast boundary line of said City of Forney Tract and the northwest right-of-way line of said FM Road 548, at an arc-distance of 448.82 feet passed a half inch iron rod found for the common south corner of said City of Forney Tract and the east corner of the aforesaid Forney Fox Hollow II Tract, continuing along the common southeast boundary line of said Forney Fox Hollow II Tract and the northwest right-of-way line of said FM Road 548, in all an arc-distance of 520.00 feet to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING" (hereinafter called 5/8 inch iron rod set) for the POINT OF BEGINNING and continuing along said curve to the right having a radius of 8142.08 feet, a delta angle of 2°20'05", and a long chord bearing and distance of South 42°52'04" West, 331.76 feet;

THENCE, along said tangent curve to the right and continuing along said common line, an arc-distance of 331 79 feet to a TxDOT right-of-way monument found;

THENCE, South 44°03'20" West, continuing along said common line, a distance of 159.83 feet to a 5/8 inch iron rod set, from which a 1/2 inch iron rod found for the westernmost south corner of said Forney Fox Hollow Tract bears South 44°03'20" West, a distance of 1017.53 feet and North 46°40'43" West, a distance of 16.40 feet;

THENCE, North 45°56'40" West, over and across said Forney Fox Hollow Tract, a distance of 1060.27 feet to a 5/8 inch iron rod set in the northwest boundary line of said Forney Fox Hollow Tract;

THENCE, North 85°18'09" East, along the northwest boundary line of said Forney Fox Hollow Tract, a distance of 100.24 feet to a point for corner, from which a 1/2 inch iron rod found with cap stamped "JBI 5630" bears North 39°56'16" West, a distance of 0.54 feet;

THENCE, North 44°41'00" East, continuing along said northwest boundary line, a distance of 632.86 feet to a 5/8 inch iron rod set from which a 1/2 inch iron rod found for the west corner of said City of Forney Tract bears North 44°41'00" East, a distance of 12.06 feet, said point being the beginning of a non-tangent curve to the right having a radius of 658.00 feet, a delta angle of 33°01'12" and a long chord bearing and distance of South 29°30'15" East, 373.99 feet;

THENCE, along said non-tangent curve to the right, over and across said Forney Fox Hollow Tract, an arc-distance 379.21 feet to a 5/8 inch iron rod set for the beginning of a reverse curve to the left having a radius of 742.00 feet, a delta angle of 35°21'57" and a long chord bearing and distance of South 30°40'38" East, 450.76 feet;

THENCE, along said reverse curve to the left, continuing over and across said Forney Fox Hollow Tract, an arc-distance of 458.00 feet to a 5/8 inch iron rod set;

THENCE, South 48°21'36" East, continuing over and across said Forney Fox Hollow Tract, a distance of 186.99 feet to the **POINT OF BEGINNING** and containing a calculated area of 13 000 acres or 566,280 square feet of land.

Exhibit "B"

PROJECT TEXT FOR FORNEY REGIONAL MEDICAL CENTER PLANNED COMMERCIAL DISTRICT FORNEY, TX

General Description:

The Forney Hospital and Medical Center is intended to accommodate community healthcare needs. The requested change is from zoning for GR (General Retail) specified in a PD (Planned Development) to Planned Commercial District for a Medical Center Facility. Development standards for the aforementioned uses are outlined within this text and the development of the site will conform to the Design Standards of the Planned Commercial District. For the purpose of this discussion, F.M. 548 is along the southeast property line and the future Forney Justice Center will be developed northeast of the property across future Rogers Parkway.

I. Applicability:

The planned commercial district created herein shall apply to and govern the development of the tract of land described in Exhibit "A"

Except as stated herein and as stated within the City of Forney Zoning Ordinance (Section 35-as amended), the regulations of this planned commercial district shall consider the GR (General Retail) district as the base zoning for the Forney Regional Medical Center District in effect as of the date of the adoption of this Planned Commercial District as outlined in the City of Forney Zoning Ordinance Number 1085 adopted on August 19, 2003 (as amended). If there is a conflict then the regulations of this district shall apply.

II. Submittals Required

The submittals required to complete this PCD shall be as required in Ordinance Number 1197, Section 35 of the City of Forney Zoning Comprehensive Ordinance. The attached Preliminary Development Plan, Exhibit "C", will also serve as the Preliminary Plat for the site.

III. Development Name

The proposed name of this PCD is Forney Regional Medical Center.

IV. Ownership

The 13.000 acre tract is currently owned by Heatley Capital addressed at 9901 E. Valley Ranch Pkwy., Ste. 2020, Irving, TX 75063 whose phone number is 972-888-9948. The agent for the owner is Mr Brian Crow. A copy of the property legal description is included as Exhibit "A", performed by a certified professional registered land surveyor for the State of Texas.

Easements

The 13 acres is affected by two easements as shown on the attached Preliminary Development Plan, Exhibit "C". Easements are listed below:

1. 20' utility easement granted by MCA-Forney Investments II, Ltd. to City of Forney, dated November 9, 2005, filed for record on November 14, 2005 and recorded in Volume 2766, Page 101, Real Property Records, Kaufman County, Texas.
2. 40' water easement granted by Forney Fox Hollow II, L.L.P to North Texas Municipal Water District, dated January 2, 2007, recorded in Volume 3067, Page 458, Real Property Records, Kaufman County, Texas.

Covenants

There are no known deed restrictions or covenants for the property. However, the City of Forney's requirements will be followed in the building set back and building material requirements for construction.

Current Zoning

The current zoning for the parcel is GR (General Retail) as defined in City of Forney Ordinance No. 1114 (Fox Hollow South).

Design Professionals

Ownership is using Corgan Associates to provide architectural services for the development. The key contact is Tina Larsen whose address is 401 N. Houston Street, Dallas, TX 75202 and whose phone number is 214-757-1629 and fax number is 214-997-3329.

The site civil engineer for the property is: Adams Engineering, 500 Nolen Drive, Suite 550, Southlake, TX 76092 whose phone number is 817-329-6990 and fax number is 817-329-7671.

The surveyor for the property is: Tri-Tech Surveying, 2825 Exchange Blvd., Suite 104, Southlake, TX 76092 whose phone number is 817-442-5511 and fax number is 817-416-9198.

V. Legal Description

The legal description for the 13.000 acre tract is attached as Exhibit "A"

VI. Project Data

- a. Surrounding Developments: The southeast side of the tract is bound by the 120' right-of-way of F.M. 548. The southwest property line is adjacent to undeveloped land owned by Forney Fox Hollow II, L.P and zoned as GR (General Retail) as defined in City of Forney Ordinance No. 1114 (Fox Hollow South). The northwest property line is adjacent to undeveloped land owned by MCA-Forney Investments II, Ltd. and zoned as GR (General Retail) as defined in City of Forney Ordinance No. 1114 (Fox Hollow South). The northeast side of the property is bound by the future Rogers Parkway. The future Forney Justice Center is on the opposite side of Rogers Parkway.

- b. Development Approach: The development will use a large portion of the site for a licensed acute care hospital as well as medical office building. This development is targeted to provide 40 patient beds in Phase 1 with a future 50 additional beds in Phase 2 possible for a total of 90 beds. There will be two buildings that have two levels each. The first level of the hospital includes a drop off canopy and main lobby with an admissions area, waiting area and adjacent administration staff offices. From the lobby visitors can access the lab, pharmacy, surgery pre op as well as visitor dining. The dining is supported by a full service commercial kitchen. Also located on the first level will be the emergency department that has two separate means of entry for both ambulance and walk in visitors. The women's services department will provide 6 LDRP rooms with nursery and a 4 OR surgery department with cath lab and 2 special procedure rooms will also support the hospital. Both inpatient and outpatient imaging will be included on the first level. The second floor of the hospital is a 30 bed intensive care unit (6 rooms) and Med/Surg patient unit (28 rooms). The general architectural style will be tilt wall construction with brick veneer, curtain wall in portions as well as punched windows on both the MOB and second level patient rooms. Roofs will be flat to provide patient views and roof top equipment strategically located to limit views.

c. Allocation of Site Area.

The allocation of the site is anticipated to be approximately as followed:

Phase 1 Building Area (Phase 1 Footprint - Main Bldg., MOB)	100,000 sf	2.3 Acres = 18 %
Main Building Levels 1 and 2	Proposed 100,000 sf	
MOB Levels 1 and 2	Proposed 40,000 sf	
Future Phase 2 Expansion	45,000 sf	1.0 Acres = 8 %
Main Bldg Expansion	Future 25,000 sf	
Nursing Unit Levels 1 & 2	Future 40,000 sf	
Parking/Fire Lanes/ Driveway/Sidewalks	225,260 sf	5.2 Acres = 39 %
Landscape/Open space	196,020 sf	4.5 Acres = 35 %
<hr/>		
Total Site Area	566,280 sf	13 Acres = 100%

VII. Uses

Uses will be established as follows:

The following uses will be permitted by right:

Primary use will be an Acute Care Hospital and Medical Office Building. Accessory uses will include the following but may also include any other accessory uses typically associated with a hospital, e.g., gift shop, florist, etc:

Accessory uses will include:

- 1) Physician Suite
- 2) Food Service
- 3) Meeting Space
- 4) Physical Fitness
- 5) Multi-Purpose Room
- 6) Heliport (for air ambulance)
- 7) Park, Pool, Outside Recreation (for patient rehabilitation and therapy)
- 8) Daycare (for employee use)
- 9) Long Term Acute Care Unit
- 10) Rehabilitation Unit
- 11) Psychiatric Care Unit
- 12) Retail (for hospital gift shop)

No other uses either by right or with a Conditional Use Permit will be permitted.

VIII. Development Standards

- a. Height, Area and Yard Regulations
 - i. Maximum building height shall not exceed 67' Feet Maximum number of stories is four stories although Forney Regional Medical Center is anticipated to be 2 stories and below 40'
 - ii. There are no plans to subdivide the 13 acre tract.
 - iii. Minimum setbacks shall be 25 feet from street right-of-way lines; other frontage setbacks shall be treated as a side boundary.
 - iv. Minimum side setbacks shall be 15 feet from the boundary line of the PCD.
 - v. Lot coverage by buildings shall not exceed 60% of the tract.
 - vi. There is no maximum building size as long as fire standards and other site requirements, such as parking, landscaping standards are met.

- b. Parking

There will be a reciprocal parking agreement throughout the 13 acre PCD, using the parking ratio of 1 parking space per 200 sq. ft. for the Medical Office building, with hospital 1 space per 2 pt. treatment areas provided with 1 space for each employee workstation. Parking space size is typical 18' depth by 9' width and 2' of island and/or increased sidewalk width to accommodate vehicle overhang. Parking Phase 1 requires 343 spaces for proposed buildings. Phase 2 expansion parking is estimated to be 65 future spaces.

IX. Proposed Improvements

Access:

The Forney Regional Medical Center will be accessed via three proposed driveways. The first proposed access point will be on the south corner of the property connecting to F.M 548. The two other access points will be along the northeast property line connecting to Rogers Parkway Two additional fire lane

stubs will be incorporated into the site plan along the western property line to allow future fire lane continuation on the adjacent property. All three driveways will be constructed to meet the Forney requirement for fire lanes thereby allowing access to firefighting equipment for the facility. Fire lanes will be throughout the property and firefighting access will be available from all sides of each building as built into the driveway system.

Landscaping/Screening:

All the landscaping improvements will meet or exceed the requirements of Section 35 for the City of Forney. No perimeter screening is necessary on the site based on current adjacent property zoning.

Utility Improvements:

The preliminary engineering plans covering drainage, water and sanitary sewer have been included in the preliminary plat submittal. The below narrative is provided to assist in ensuring the project meets all the guidelines for the City of Forney's engineering requirements.

Water Service:

The proposed improvements include connecting into the existing 12" waterline that runs parallel with F.M. 548 along the southern property line, looping through the site then connecting to a proposed water main along the proposed eastern street (Rogers Pkwy). An 8" water line will loop around both sides of the building and be located within the fire lane. All water improvements will meet the City of Forney engineering guidelines.

Sanitary Sewer Service:

An 8" sanitary sewer line is proposed to connect the site to the existing 21" NTMWD sanitary sewer main that runs along the north side of Mustang Creek. The connection to the offsite SS main will be coordinated with NTMWD and performed to their standards. Sewer services will be provided for the entire lot. All sanitary sewer improvements will be installed to meet the City of Forney sanitary sewer requirements.

Storm Drainage:

The site runoff currently drains northwest to Mustang Creek. The proposed site improvements will maintain the existing runoff direction. If necessary, the site has a designated area to use as detention in the northwest corner near the helipad. During final design a study of the increased runoff to Mustang Creek will determine the extent of detention to ensure there are no adverse downstream affects.

Floodplain:

The north property line is adjacent to a tributary stream draining to Mustang Creek. The property is currently shown as Zone X on F.I.R.M. 4804110, Panel 100B & 25B, dated 09-04-1991. A floodplain evaluation will be performed for the adjacent tributary to ensure all necessary improvements are above the 100 year water surface elevations, per the city standards.

Fire Lanes:

All driveways will be constructed to ensure they meet the 100 year storm event as well as the fire lane access for turning radius' and width.

Heliport:

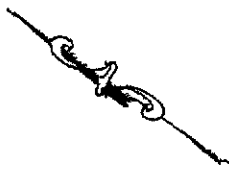
The primary use of this hospital's heliport will be to provide Air Ambulance Services. The frequency of flying patients out is expected to be greater than flying patients to the hospital. Planning for this privately owned heliport will be with the Federal Aviation Administration, Advisory Circular, Dated: September 30, 2004 which outlines the guidelines for all heliport types. Hospital heliports are treated as special cases of general aviation facilities providing a unique public service. They are normally located in close proximity to the Emergency Room and the guidelines are per Chapter 4 of the AC and include minimum size requirements, surface characteristics and Approach/Departure path considerations.

Tree Preservation:

Tree preservation as outlined in section 39 of the overview of general application will be followed in the construction and development of the site.

X. Anticipated Schedule:

The owner would like to submit the final plat and construction documents to the City of Forney for review on the next available submittal date. This would allow construction approvals in the next 60 days. Site construction will began immediately after construction approvals are received.



GRAPHIC SCALE

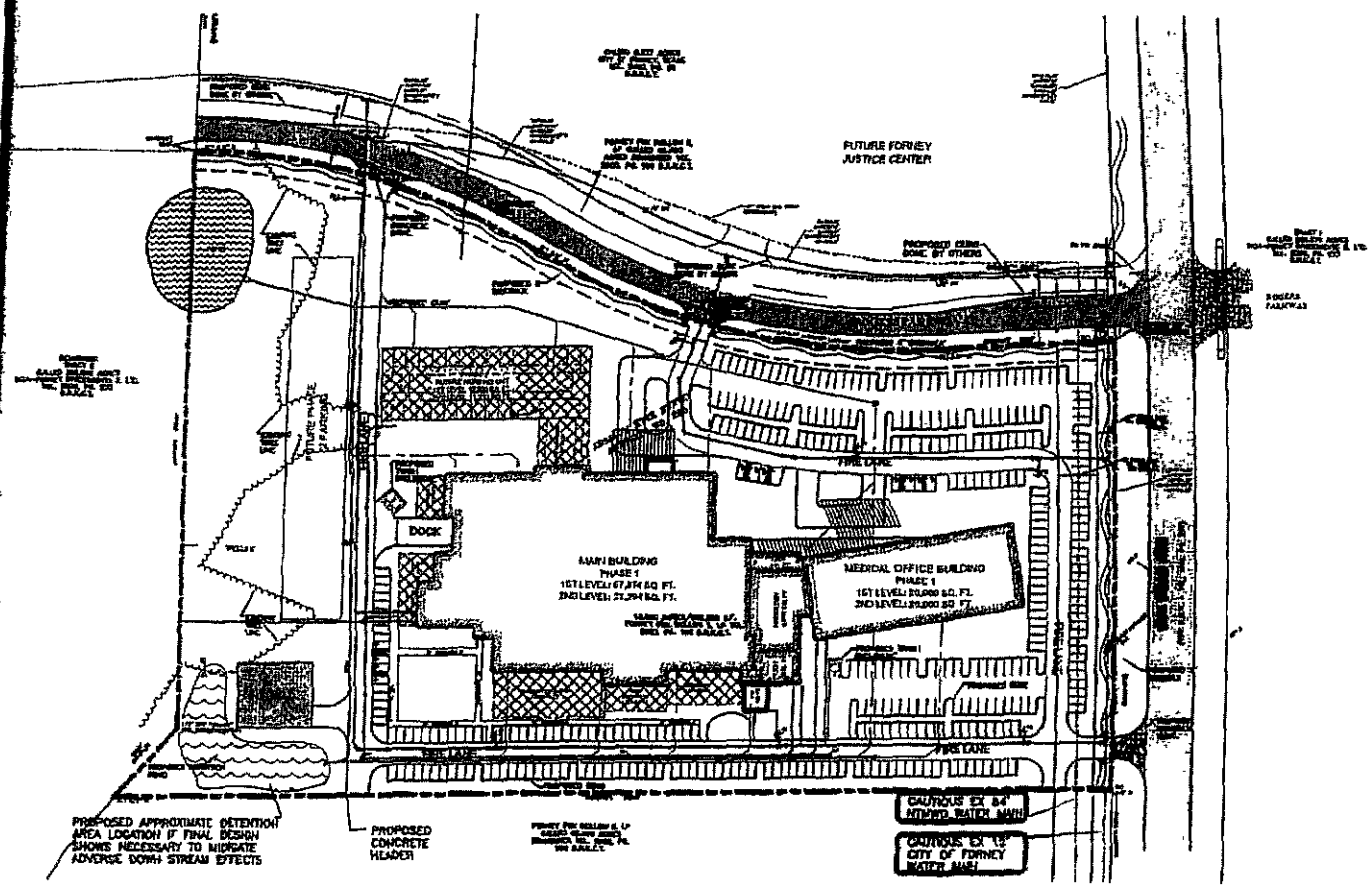
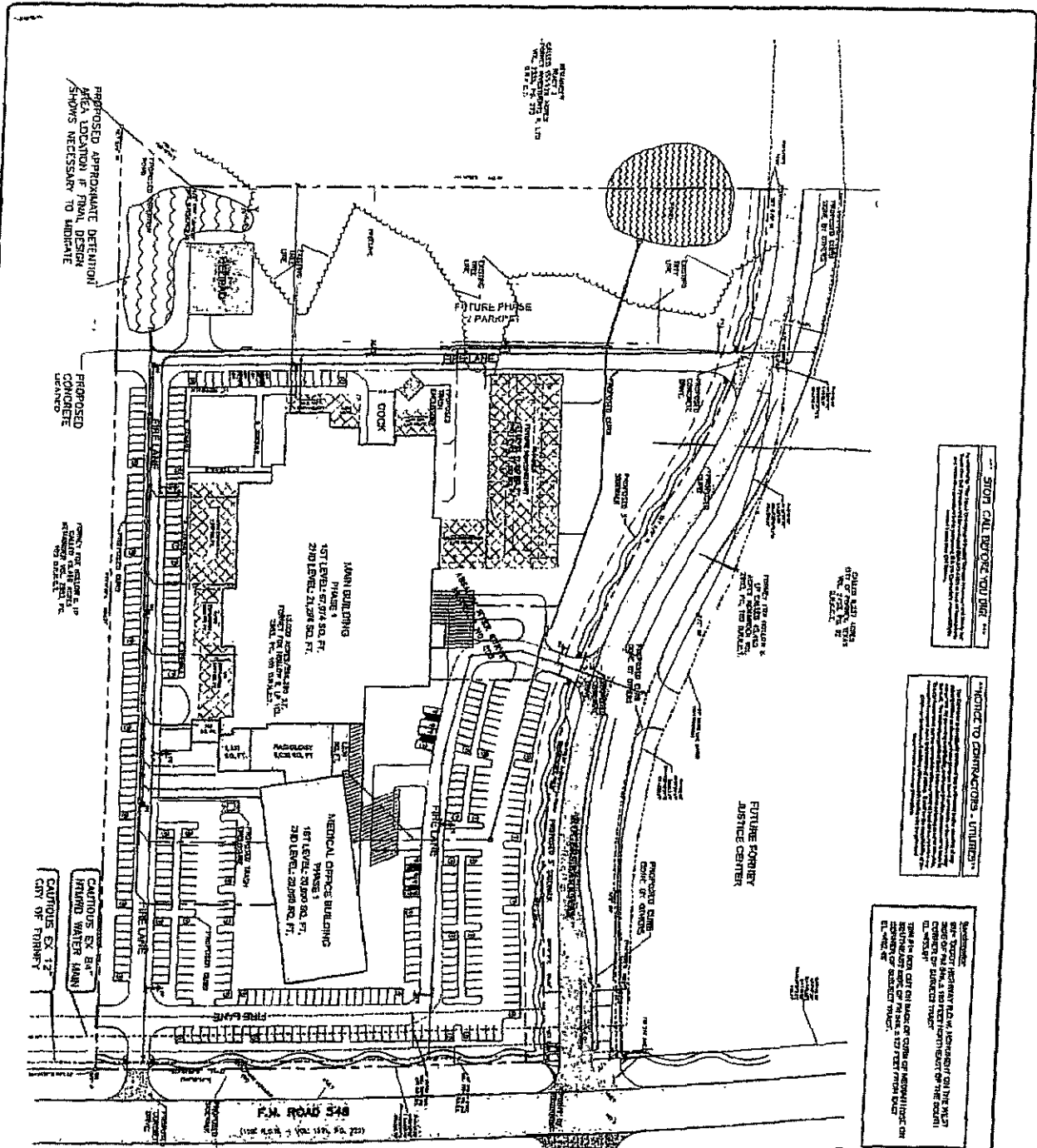


EXHIBIT "C"

PRELIMINARY DEVELOPMENT PLAN
PRELIMINARY PLAT, FORNEY MEDICAL CENTER
FORNEY, TX



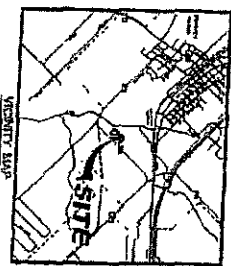
EXHIBIT C



STUDY SHALL BE DONE BY THE
 ARCHITECTURE AND ENGINEERING FIRM
 OF RECORD FOR THE PROJECT.
 THE ARCHITECTURE AND ENGINEERING FIRM
 OF RECORD SHALL BE RESPONSIBLE FOR
 THE ACCURACY OF THE INFORMATION
 PRESENTED HEREON.

NOTICE TO CONTRACTORS - UTILITIES
 THE UTILITIES SHOWN ON THIS PLAN
 ARE BASED ON THE RECORD DRAWINGS
 OF THE UTILITY COMPANIES.
 CONTRACTORS SHALL VERIFY THE
 LOCATION AND DEPTH OF ALL UTILITIES
 PRIOR TO CONSTRUCTION.
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NO. OF SHEETS	1
SHEET NO.	1
DATE	10/10/2011
DRAWN BY	J.M.
CHECKED BY	J.M.
APPROVED BY	J.M.
PROJECT NO.	11-0001
PROJECT NAME	FORNEY MEDICAL CENTER
PROJECT ADDRESS	F.M. ROAD 548, FORNEY, TEXAS
CLIENT	CITY OF FORNEY
ARCHITECT	ADAMS ENGINEERING
ENGINEER	ADAMS ENGINEERING
DATE OF PREPARATION	10/10/2011
DATE OF REVISION	
REVISION NO.	
REVISION DESCRIPTION	

- CHANGES BY ARCHITECT
- CHANGES BY ENGINEER
- CHANGES BY CONTRACTOR
- CHANGES BY OTHER
- CHANGES BY CITY
- CHANGES BY STATE
- CHANGES BY FEDERAL
- CHANGES BY OTHER AGENCY
- CHANGES BY OTHER ENTITY

SCALE	AS SHOWN
DATE	10/10/2011
DRAWN BY	J.M.
CHECKED BY	J.M.
APPROVED BY	J.M.
PROJECT NO.	11-0001
PROJECT NAME	FORNEY MEDICAL CENTER
PROJECT ADDRESS	F.M. ROAD 548, FORNEY, TEXAS
CLIENT	CITY OF FORNEY
ARCHITECT	ADAMS ENGINEERING
ENGINEER	ADAMS ENGINEERING
DATE OF PREPARATION	10/10/2011
DATE OF REVISION	
REVISION NO.	
REVISION DESCRIPTION	

**FORNEY MEDICAL CENTER
 FORNEY, TEXAS**

**PRELIMINARY DEVELOPMENT PLAN/
 PRELIMINARY PLAN**



NO. OF SHEETS	1
SHEET NO.	1
DATE	10/10/2011
DRAWN BY	J.M.
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