

**ORDINANCE NO. 1233**

**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 SENIOR (FIFTY AND OVER) HIGH DENSITY LIVING FACILITY FOR THE PROPERTY DESCRIBED AS BEING A 9.324 ACRE TRACT OF LAND, MORE OR LESS, SITUATED IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND KNOWN AS FORNEY SENIOR LIVING CENTER PLANNED COMMERCIAL DISTRICT (PCD); APPROVING PLANNED DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "B"; APPROVING A CONCEPT PLAN ATTACHED HERETO AS EXHIBIT "C"; 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 Senior (Fifty and Over) High Density Living Facility for the property described as a 9.324 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 Senior Living Center

**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 concept plan for this Planned Commercial District is attached hereto as Exhibit "C", 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.

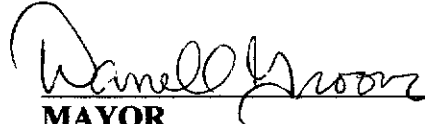
**SECTION 5.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared 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 18<sup>th</sup> day of September, 2007.

**CITY OF FORNEY, TEXAS**

  
\_\_\_\_\_  
**MAYOR**



  
\_\_\_\_\_  
**CITY SECRETARY**

# Forney Senior Living Center

## Exhibit "A"

State of Texas  
County of Kaufman

Being a tract of land situated in the John Gregg Abstract No. 171, and being all of a tract of land conveyed to Saragusa Family Trust as recorded in Volume 1266, Page 947, Deed Records, Kaufman County, TX, and being all of a tract of land conveyed to Philip Saragusa as recorded in Volume 1244, Page 427, Deed Records, Kaufman County, Texas and being all of a tract of land conveyed to Walter Riter as recorded in Volume 1369, Page 423, Deed Records, Kaufman County, Texas, and being all of a tract and being all of a tract of land conveyed to Christ Giles as recorded in Volume 1294, Page 119 and Volume 1266, Page 947, Deed Records, Kaufman County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a Fence Post found for corner at the West corner of said Riter tract (955/283) at the intersection of the South right of way line of Elm Street at the Northeast right of way line of Buffalo Street:

THENCE North 50 degrees 37 minutes 48 seconds East, a distance of 125.05 feet to a Fence Post found for corner;

THENCE North 41 degrees 56 minutes 35 seconds East, a distance of 438.08 feet to a 1/2" yellow capped iron rod set for corner;

THENCE 42 degrees 59 minutes 14 seconds East, a distance of 145.00 feet to a 1/2 " yellow capped iron rod set for corner;

THENCE 48 DEGREES 47 MINUTES 03 SECONDS East, a distance of 74.45 feet to a 1/2 " yellow capped iron rod set for corner;

THENCE 43 degrees 15 minutes 15 seconds East, a distance of 148.53 feet to a 1/2 " yellow capped iron rod set for corner;

THENCE North 45 degrees 18 minutes 46 seconds West, along the Southwest line of said Giles tract, a distance of 140.00 feet to a 1/2" capped iron rod set for corner;

THENCE North 46 degrees 18 minutes 10 seconds East, a distance of 200.00 feet to a 1/2 yellow capped iron rod set for corner;

THENCE South 45 degrees 18 minutes 46 seconds East along the Southwest line of a tract of land conveyed to the JSJ CO. as recorded in Volume 735, Page 258, Deed Records, Kaufman County, Texas a distance of 141.36 feet to a 1/2" yellow capped iron rod set for corner;

THENCE South 46 degree 41 minutes 29 seconds West, a distance of 17.25 feet to a 1/2" yellow capped iron rod set for corner;

THENCE South 46 degrees 15 minutes 19 seconds East, along the Southwest line of a tract of land conveyed to Dal Bac MFG Co. as recorded in Volume 917, Page 888, Deed Records, Kaufman County, Texas a distance of 328.12 feet to a 1/2 " yellow capped iron rod set for corner;

THENCE South 46 degrees 11 minutes 11 seconds West passing a 1/2" iron rod found at a distance of 262.65 feet and continuing a total distance of 483.00 feet to a 1/2 " yellow capped iron rod set for corner;

THENCE North 43 degrees 09 minutes 06 seconds West, a distance of 78.28 feet to a 1/2" yellow capped iron rod set for corner;

THENCE South 45 degrees 09 minutes 06 seconds West, a distance of 100.37 feet to a 3/8" iron rod found for corner;

THENCE South 45 degrees 56 minutes 22 seconds West, a distance of 372.91 feet to a 1/2" yellow capped iron rod set for corner;

THENCE North 39 degrees 31 minutes 04 seconds West, a distance of 19.83 feet to a 1/2" red capped iron rod found for corner;

THENCE South 50 degrees 39 minutes 15 seconds West, along the Southwest line of Center Street (Proposed Abandonment), a distance of 124.99 feet to a 1/2" iron rod found for corner;

THENCE North 39 degrees 24 minutes 16 seconds West along the Northeast right of way line of said Buffalo Street, a distance of 338.68 feet to the PLACE OF BEGINNING and containing 9.324 acres of land.

Forney Senior Living Center  
Forney, TX

Planned Commercial District ("PCD")  
August 1, 2007

Owner:

Saragusa Family Trust  
P.O. Box 36  
Forney, TX 75126  
214 697-7053 Phone  
971 552-1695 Fax

Developer:

Cox Development  
1648 S. Meadows  
Granbury, TX 76048  
817 573-6300  
817 573-6344 Fax  
[tcox@cox-development.com](mailto:tcox@cox-development.com)

Prepared by:

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# Forney Senior Living Center

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Exhibit "B"

PROJECT TEXT  
FOR  
FORNEY SENIOR LIVING CENTER  
PLANNED COMMERCIAL DISTRICT  
FORNEY, TX

General Description:

The Forney Senior Living Center is intended to accommodate high density housing for Age 50 or over senior living and accessory uses for Senior Living Services by changing the zoning from SF6 to Planned Commercial District for Senior High Density Single Family Living Facility District. 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, Buffalo Street is on the southwest property line and Elm Street is on the northwest property line of the project.

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 SF-6 district as the base zoning for the Senior High Density Single Family Living Facility 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.

III. Development Name

The proposed name of this PCD is Forney Senior Living Center.

#### **IV. Ownership**

The 9.324 acre tract is currently owned by the Saragusa Family Trust, whose address is P.O. Box 36, Forney, TX 75126.

The agent for the owner is Mark Kersey whose address is C/O Philip Saragusa, P.O. Box 36, Forney, TX 75126. Mark Kersey's phone number is 903.738.6152 and Philip Saragusa's phone number is 214.697.7053 and their mutual fax number is 972.552.1095. A copy of the survey is attached with the legal description included, with a certified professional registered land surveyor for the State of Texas.

#### **Easements**

There are no known encroachments, conflicts, protrusions except as shown on the certified survey attached as provided by Barry Rhodes, a registered professional land surveyor.

Utilities are shown as identified on the attached site investigation utility exhibit for the proposed Forney Senior Living Center, Forney, TX. These utilities include on Buffalo Street an 8" sewer line, an 8" water line on Elm Street and on Buffalo Street a 4" low pressure gas line, a O/H electric line and an O/H phone line.

#### **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 SF6.

#### **Design Professional**

Ownership is using 5Gstudio to provide architectural services for the development. The key contact is Laural Stone whose address is 311 N. Market Street, Ste. 230, Dallas, TX and whose phone number is 214.670.0050 and fax number is 214.670.0052.

The surveyor for the property is: Barry Rhodes, P.O. 2327, Rowlett, TX 70030 whose phone number is 972.475.8940 and fax number is 972.475.9036. The plat has a surveyor's certified legal description professional stamp and has been provided to the Director of Planning for the City of Forney.



The developer is: Terry Cox of Cox Development, 1648 South Meadows, Grandbury, TX 76048 whose phone number is 817.573.6300 and fax number is 817.573.6344.

The builder for the site is Mr. David Hurst, Integrated Builders Incorporated located at 1202 Dragon Street, Dallas, TX 75207 whose phone number is 214.559.0157 and whose fax number is 214.559.0125. Their web site is <http://www.integrated-builders.com/projects/residential.html>.

The civil engineer we will be using Grantham and Associates, Inc. Bruce Grantham 1919 S. Shiloh Rd. Suite 310, LB8 Garland, TX 75042 972-864-2333 Ext. 105 Fax 972-864-2334.

#### V. Legal Description

The legal description for the 9.324 acre tract is attached as Exhibit A. The site has been platted and is attached.

#### VI. Project Data

a. Surrounding Developments: The 9.324 acre site is located on the southeast side of Elm Street and the northeast side of Buffalo Street. The properties abutting the property on the northwest side of Elm Street are single family properties. There are two properties on the southeast side that will remain and are both single family dwellings. There is a commercial manufacturing company on the northeast side of the property who manufactures headliners for General Motors. The property abutting the most southerly portion of the southeast side of the site is a multi-family apartment complex consisting of an estimated 200 units. The northern portion of the southeast abutting the site is a residential development. Finally, the property abutting Buffalo Street on the southwest side is the School Administration building that was built in 2006.

b. Development Approach: The development will use the entire tract of land for a Senior High Density Single Family Living Facility. This development is targeted for single living for tenants fifty (50) years and older. It is not a medical assisted facility for seniors. There will be two buildings that have four levels with a "L" shape. The residence entrances will be by interior hallways with elevators servicing all floors in addition to the stairwells. The doorways will all facilitate senior living access on entries, bedrooms and bathrooms though out the complex. There will be a visitors parking area on the northwest side of the property fronting Elm Street with access to the visitors center. Accessory shops for the tenants only would be a beauty/barber shop, a coffee shop, or some similar accessory for the senior tenants. The accessory uses will be for the residents only and will not be open to the public at large. There is a multi-use facility and a pool for low impact exercise for seniors. The units may be both sold and/or leased as required by the financing package obtained by the owners. The long term strategy is to sell all the units in the facility. There will be green areas for the development within the development for the tenant's private use as identified in the plat as well as the property bordering Buffalo Street. The architectural style will be brick and stucco with gabled roofs.

c. Allocation of Site Area:

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

Total Area	406,153.44 sq. ft.	9.324 Acres
Building Area	127,224 sq. ft. 101401+2400	2.92 Acres
Parking/Fire Lanes/Driveway	115,638 sq. ft.	2.65 Acres
Landscape Areas		
Landscaping	147,673sq. ft.	3.39 Acres =36%
Walkways	16,320 sq. ft.	0.37 Acres

Park Land Dedication-Fees in lieu of will be paid at the time of recording the plat.

**VII. Uses**

- a. Uses will be established as follows:  
The following uses will be permitted by right:

1) Primary use will be a 50 and Over High Density Senior Living Facility with covenants to ensure the community is dedicated to Senior Living exclusively. There are no known legal issues impacting this dedication as this purpose is allowed without considered discrimination against other groups.

Accessory uses will include:

- 1) Resident Beauty Shop
- 2) Resident Barber Shop
- 3) Resident Coffee Shop
- 4) Resident Fitness Center
- 5) Multi-Purpose Room
- 6) Similar Use Shops for Seniors
- 7) Park, Pool, Outside Recreation

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 125 feet. Maximum number of stories is five stories although Forney Senior Living Center is anticipated to be 4 stories and below 80 feet.

- ii. There are no plans to subdivide the 9.324 acre tract.
- iii. Minimum setbacks shall be 25 feet from street right-of-way line, 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 and Storage

There will be a reciprocal parking agreement along with designated garage for individual parking throughout the PCD, using the parking ration of .9 spaces per units built for the PCD. There will be one hundred forty-two (142) enclosed spaces on the east and south portion of the site whose uses will be for assigned parking with additional enclosed storage units for the tenants. There are eighty-eight (88) uncovered parking spaces throughout the remainder of the facility. There are two hundred and five (205) private storage spaces throughout the property for personal locked storage.

c. Maintenance

The grounds, and the green area outside the fence, will be maintained in good order by the Community's association to ensure the grounds are professionally manicured and maintained. There will be seasonal floral color in the flowerbeds.

**IX. Proposed Improvements**

Access:

The Forney Senior Living Center will be accessed via four proposed driveways. There will be three driveways along Elm Street along the northwest side of the tract and one driveway on Buffalo Street. Driveways will be constructed to meet the Forney requirement for fire lanes to allow access to firefighting equipment for the complex with approved turning radius' and fire lanes for Forney's firefighting equipment. Fire lanes will be throughout the property and access will be available from all sides of each building as built into the driveway system.

Senior Specialization:

There will be two buildings that have four levels with a "L" shape The entrances will be by interior hallways with elevators servicing all floors in addition to the stairwells. The doorways will all facilitate senior access on entry doors, bedroom

doors and bathroom doors throughout the complex with low rise showers. There will be handrails in showers and hallways, as well as the minimal required number of fully handicapped residences. There will be handicapped parking as required for the Planned Commercial District by code and Federal Guidelines. Twenty five percent of the units will be one bedroom with the remainder being two bedroom units. The price range for comparable rentals are in the \$1,500 to \$2,000 range with units selling for \$140 per foot plus an annual association fee.

Landscaping/Screening:

The proposed layout calls for approximately 64,905 sq. ft. or 20 % of the site to be landscaped areas. Of this, the water detention pond will be included in the landscaping area. The detention pond shall be constructed using a dredged holding pond with gently sloping banks to meet the water flow needs. A low flow flume connects the drainage pipes that come into and exit the detention pond for holding and disbursement of the excess/required water level for the holding pond. All the landscaping improvements will meet or exceed the requirements of Section 35 for the City of Forney.

A six (6) foot screening brick wall will continue along all property lines with the exception of the entry areas.

Utility Improvements:

The conceptual engineering plans covering drainage, water and sanitary sewer have been added to the plat and a narrative will be provided below to assist in ensuring the project meets all the guidelines for the City of Forney's engineering requirements.

Water Lines:

The proposed improvements include connecting or accessing into the existing 8" waterline by stubbing out the line that runs parallel with Elm Street along the northeast property line. The water will be tapped on the line running parallel with Elm Street and will meet the engineering guidelines for the building and the fire control plugs. Further civil engineering will be completed to the City of Forney's standards. Six (6) fireplugs will be installed along the water lines on the property. This will provide an average of 1.5 fireplugs per building, including the clubhouse.

Sanitary Sewer:

An eight (8) inch sanitary sewer line is proposed to connect to the existing sanitary sewer line that runs along the new line on Buffalo Street. The proposed 8 inch line will run northeast to tie into the line in the middle of the site along Buffalo Street. Manholes will be installed to meet the City of Forney sanitary sewer requirements. Sewer services will be provided for the entire lot except the park areas, if required. This proposed line is included on the site plan with all construction meeting the City of Forney's engineering guidelines.

Storm Drainage:

The site's runoff currently drains to the existing ditches along both Buffalo Street and Elm Street. A holding pond for storm sewer water control will be provided to ensure the water flow is equal to or less than the original water flow for the property as to not have an impact on the other residential and commercial properties in the area. The site is governed by Ordinance 1062, allowing the site to detain at the same or below pre-development flow conditions. The civil engineering firm will develop the criteria for the holding ponds to meet the flow requirement of this ordinance. Without the benefit of actually engineering the site, it appears that minimal site work will be required to meet the requirements for the drainage of the site. FEMA's new construction guidelines for rebuilding at the higher elevations, meant to protect against water and wind damage will be complied with by the developers.

Fire Lanes:

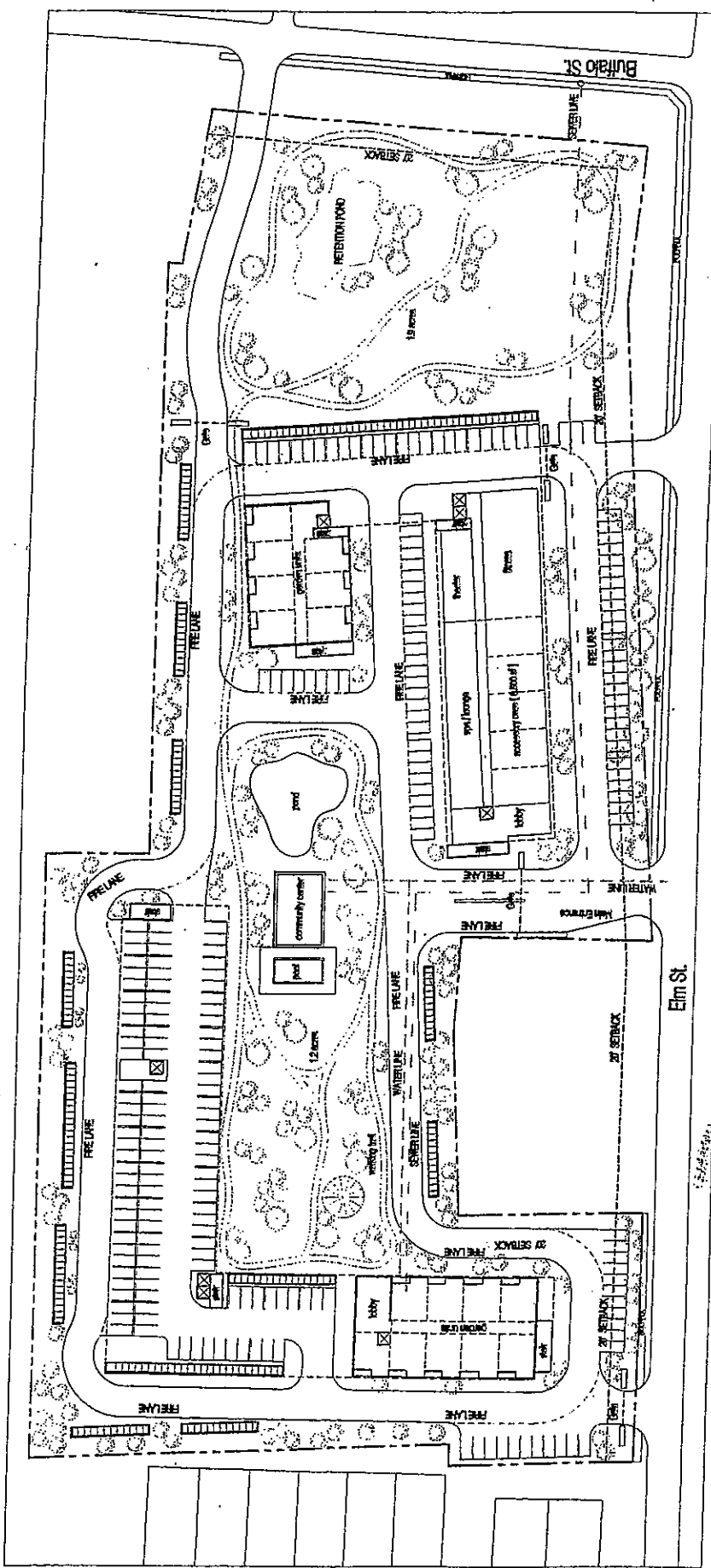
All driveways will be constructed to ensure the meet the 100 year storm event as well as the fire lane access for turning radius' and width.

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. The trees outlined in section 50 for trees and shrubs will be followed to ensure we meet all the Tree Conservation requirements for the City of Forney.

**X. Anticipated Schedule:**

As previously mentioned, the proposed development will be in one (1) lot as indicated in the concept plan that is attached to this document. There will be four access areas to the site along Buffalo and Elm Streets for Forney Senior Living Center. The site would require installation of an 8" water line to the buildings, an 8" sanitary sewer line to the buildings, a gas tie in from the 4" line along the Elm Street, and bring the electrical and phone lines from overhead to underground on the site. It is anticipated that construction would begin within the two months of the approval of the zoning changes and project approvals.



**Fomey Senior Living Center** | Cox Development and Integrated Builders | Fomey, TX

4 level - 256 units @ 925 sf ea. = 236,800 sf total  
 6,500 sf accessory uses

80ft ✓

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