

CITY OF FORNEY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING FROM AGRICULTURAL DISTRICT (AG) TO PLANNED DEVELOPMENT DISTRICT (PD) WITH A BASE ZONING DESIGNATED AS LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 11.281 ACRES OF LAND IN THE S. SMITH SURVEY, ABSTRACT NO. 450, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, the City of Forney, Texas ("City") is a home-rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the Home Rule Charter for the City of Forney, Texas; and

WHEREAS, the City Council of the City of Forney ("City Council"), pursuant to Chapter 211 of the Texas Local Government Code, as amended, possesses the power to regulate zoning and development in the City; and

WHEREAS, a public hearing was held before the Planning & Zoning Commission and a public hearing was held before the City Council, after due notice thereof was had in accordance with the Comprehensive Zoning Ordinance of the City of Forney, Texas ("Zoning Ordinance") regarding the rezoning sought hereby; and

WHEREAS, at such public hearings all persons having any interest in doing so were afforded an opportunity to be heard concerning the proposed zoning change; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council; and

WHEREAS, the City Council further finds and determines that the proposed amendment to the Zoning Ordinance is in the best interest of the health, safety, morals, and general welfare of the City of Forney, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, THAT:

Section 1. FINDINGS INCORPORATED

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

Section 2. ZONING AMENDED

From and after the effective date of this Ordinance, the property described herein shall be rezoned as set forth in this section, and the official zoning map of the City of Forney, Texas, is hereby amended and changed in the following particulars to reflect the action taken herein, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of said Zoning Ordinance are not amended, but shall remain intact and are hereby ratified, verified, and affirmed to create a change in the zoning classification of the property described herein, as follows:

That certain tract of land in the City of Forney, Kaufman County, Texas, and being approximately 11.281 acres of land in the S. Smith Survey, Abstract No. 450, and more fully described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes ("Property"), presently zoned for Agricultural District (AG) uses, is hereby rezoned to Planned Development District (PD) with Light Industrial (LI) District uses, in accordance with development regulations, attached hereto as Exhibit "B", specific requirements in the City's Comprehensive Plan, the Comprehensive Zoning Ordinance of Forney, Texas, and the Concept Plan or Site Plan, prepared in accordance with Section 12 of the Zoning Ordinance, attached hereto as Exhibit "C" and incorporated herein by reference for all purposes allowed by law.

Section 3. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 4. SAVINGS CLAUSE

The Comprehensive Zoning Ordinance of the City of Forney, Texas, Ordinance No. 1085, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5. REPEALER CLAUSE

Any previously approved Conditional Use Permit for this property and any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. PENALTY CLAUSE

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 7. EFFECTIVE DATE

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.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Forney, Texas, this ____ day of _____, 2021.

Amanda Lewis, Mayor

ATTEST:

Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM:

Jon Thatcher, City Attorney

Being all that certain 11.281 acre tract of land situated in the Sam Smith Survey, Abstract No. 450, City of Forney, Kaufman County, Texas, and being a portion of that certain tract of land conveyed to South Forney, LLC, by deed recorded in Volume 3930, Page 140 (aka Instrument No. 2011-0005652), Official Public Records, Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with yellow "BGE" cap found for the northeast corner of the herein described tract, same being in the north line of said South Forney tract, same being the northwest corner of Lot 1, Block 1, Goodyear Addition, an addition to the City of Forney, Kaufman County, Texas, according to the plat thereof recorded in Instrument Number 2020-12696, said Official Public Records, and being in the southerly right-of-way line of Union Pacific Railroad (100 foot right-of-way);

THENCE South 00 deg. 44 min. 53 sec. West, through the interior of said South Forney tract and along the west line of said Lot 1, passing a 5/8 inch iron rod with yellow "BGE" cap found for the southwest corner of said Lot 1, same being the north corner of a right-of-way dedication for County Road 212 (a variable width right-of-way at this point), and continuing through the interior of said South Forney tract and said County Road 212, a total distance of 971.43 feet to a point for the south corner of the herein described tract, same being the southwest corner of said right-of-way dedication, same being in the southwesterly line of said County Road 212 (a prescriptive right-of-way at this point);

THENCE North 46 deg. 04 min. 47 sec. West, along the southwesterly line of said South Forney tract, same being the southwesterly line of said County Road 212, a distance of 1295.57 feet to a 1/2 inch iron rod found for the most westerly corner of the herein described tract;

THENCE South 89 deg. 10 min. 56 sec. East, along a northerly line of said South Forney tract and through the interior of said County Road 212, a distance of 89.90 feet to a 5/8 inch iron rod with yellow "RPLS 4207" cap found for an interior corner of said South Forney tract, same being in the easterly line of said County Road 212;

THENCE North 05 deg. 47 min. 59 sec. East, along the westerly line of said South Forney tract and the easterly line of said County Road 212, a distance of 86.08 feet to a 5/8 inch iron rod with yellow "RPLS 4207" cap found for the most northerly northwest corner of said South Forney tract, same being in the southerly line of aforesaid Union Pacific Railroad;

THENCE South 89 deg. 12 min. 33 sec. East, along the common line of said South Forney tract and said Union Pacific Railroad tract, a distance of 847.38 feet to the POINT OF BEGINNING and containing 491,393 square feet or 11.281 acres of computed land, more or less.

Exhibit "B"

DEVELOPMENT REGULATIONS

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of a service center with a base zoning of Light Industrial (LI) District in accordance with these Planned Development Conditions, the Concept Plan attached as Exhibit C, and the Comprehensive Zoning Ordinance, Ordinance No. 1085, as amended through the date of the adoption of this Ordinance.

- II. **Statement of Effect:** This Planned Development shall not affect any regulations found in the Comprehensive Zoning Ordinance, Ordinance No. 1085, as amended prior to adoption of this ordinance, except as specifically provided herein.

- III. **General Regulations:** All regulations of the Light Industrial (LI) District set forth in Section 33 of the Comprehensive Zoning Ordinance, as amended prior to adoption of this Ordinance, are included by reference and shall apply, except as otherwise specified by this Ordinance. No overlay zoning district shall apply to this planned development overlay district.

- IV. **Service Center Definition:** The term service center, as used in this Ordinance, is defined as a building or facility used for the storage and distribution of items/products, which may include (a) receiving, storing, assembling, shipping, distributing, preparing, and selling items/products and serving as a pick-up/drop-off location for items/products; (b) the parking, storage, incidental maintenance, fueling and use (including driving into and through the building for loading and unloading and parking inside the building) of automobiles, trucks, machinery and trailers, including outdoor loading and unloading; (c) printing; (d) making products on demand as an accessory to the primary use; (e) warehouse and office use; (f) using, handling or storing materials in the ordinary course of business, including any packaged merchandise to be sold, handled, and/or held for shipment to customers, maintenance of trucks and machinery, and fuel (including compressed natural gas, liquefied hydrogen or other alternative fuels) or batteries for any trucks, generators or other machinery or the equipment described in this definition; (g) installing and operating ground mounted or rooftop equipment such as satellite dishes, cellular or other communications antennae, and renewable energy systems, including solar energy systems and hydrogen fuel cell tanks and related equipment; (h) installing and operating battery storage systems, electrical generators, natural gas generators, and fuel tanks; (i) franchised public utility; and (j) ancillary and related uses for any of the foregoing, all on a twenty-four-hour, seven-days-per-week, fifty-two-weeks-per-year basis. A service center may receive sortable and non-sortable product from vendors and others. Products may be stored, inside or outside, in different storage types (such as racks, shelves, pallets, material storage bins, etc.), providing the capability to fulfill customer orders and sort them downstream transportation connections and execute normal operations of a franchised public utility. Products coming from inbound operations may be sent towards drop zones with Powered Industrial Trucks (PIT) to perform the stowing process onto the storage system.

V. **Concept Plan:** Development shall be in general conformance with the Concept Plan attached hereto as Exhibit “C”; however, in the event of conflict between the Concept Plan and the written conditions of this Ordinance, the written conditions shall apply.

VI. **Specific Regulations:**

A. **Permitted Uses:** Except as provided herein, no uses shall be permitted except for the uses listed under the Light Industrial (LI) District in Section 37 of the Comprehensive Zoning Ordinance. The following additional uses are also permitted by right:

- a. Service Center (as defined herein)
- b. Intentionally deleted;
- c. Outside Storage, Including Truck and Tractor Trailer and Equipment Storage;
- d. Accessory use; and
- e. Wholesale Distribution Center

Any manufacturing or storage of hazardous materials as defined by the International Fire Code and International Building Code will require a Conditional Use Permit to be an allowable use.

B. **Height Regulations:** For purposes of this District, a Conditional Use Permit (CUP) will only be required for a structure above sixty-five feet (65’) in height.

C. **Area Regulations:**

1. Section 33.4.A.4 regarding maximum lot depth does not apply. Maximum lot depth may be as shown on the Concept Plan.

2. Size of Yards:

- a. Minimum front yard building setback: 50 Feet
- b. Minimum side and rear yard building setback: 25 feet

3. Maximum lot coverage: 60% for buildings and 90% total impervious

4. **Parking Requirements:**

- a. For wholesale distribution, warehouse, and distribution center uses one (1) space is required for each two (2) employees on duty at peak shifts or one (1) space for each four thousand (4,000) square feet of total floor area, whichever is greater.

- b. For office use, three (3) spaces for each one thousand (1,000) square feet of total floor area.
- c. Each standard surface parking space shall be the following minimum size: nine feet (9') by eighteen feet (18')
- d. Trucks shall not be allowed to park or cause "stacking" to occur on a public roadway, including CR 212

5. Minimum Exterior Construction Standards:

- a. 33.4 (F) and 42.2(C) of the Comprehensive Zoning Ordinance do not apply in this District.
- b. All structures shall consist of non-combustible materials as required by applicable codes.
- c. Cementitious fiber board siding shall qualify as masonry construction. Building design and materials shall generally conform to the building elevations included in the Concept Plan attached as Exhibit C, provided that the materials shown on the building elevations attached as part of Exhibit C may vary a maximum of five percent (5%).
- d. The elevations attached as Exhibit C shall satisfy the requirement for building façade plans (elevations) in Section 33.5(f) of the Comprehensive Zoning ordinance.

D. Special Requirements:

- 1. Driveway Spacing/Width: Section 33.5 of the Comprehensive Zoning Ordinance does not apply. Driveway spacing shall be as generally shown on the Concept Plan. Maximum driveway width is 100 feet per driveway.
- 2. Open Storage:
 - a. Except as provided herein. Section 33.5(E) of the Comprehensive Zoning Ordinance does not apply in this District.
 - b. Open storage is limited to a maximum of forty percent (40%) of the total lot area.

3. Screening:

- a. A precast concrete screen wall with a brick pattern along the CR 212 frontage. Additionally, a chain link fence with approved landscaping is permitted to be used as a screening fence along the railroad right-of-way at the north property boundary and along the east property boundary adjacent to the Goodyear facility chain link fence. Barbed wire, razor wire, and other secure fencing may be used in conjunction with a chain link fence.
- b. An opaque screen wall or fence is an acceptable alternative to Section 3.a. above.

4. Bicycle Parking: Bicycle parking shall not be required to be provided on the Property.

5. Landscaping:

- a. For purposes of this District, “permanent landscaping” shall include earth, grass, ground cover, shrubs and trees.
- b. A minimum of fifty percent (50%) of the total trees required for the property shall be large shade trees.
- c. Landscape Areas Within Parking Lots:
 - i. In addition to the other requirements listed herein, surface parking lots shall contain the following:

<u>Parking Spaces</u>	<u>Trees</u>	<u>Location</u>
< 11 spaces	1 Tree	Interior Parkway
11-100 spaces	1 Tree/ 10spaces	Within and/or around the perimeter of the parking lot; at least 25% within the interior of the parking lot
>100	1 Tree/15 spaces	Within and/or around the perimeter of the parking lot; at least 25% within the interior of the parking lot

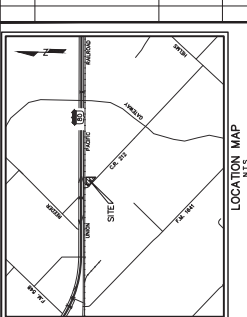
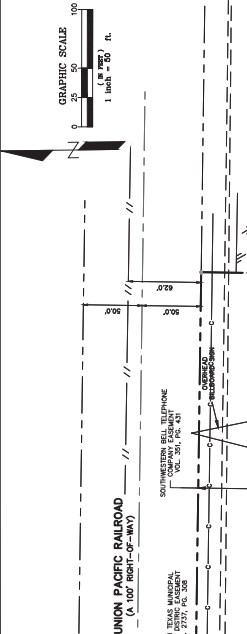
- d. Trees may be of any type in the Tree List Trees; however, all trees must be a minimum of four (4) inch caliper at time of planting.

- e. Trees may be evenly spaced throughout the parking lot, or clustered in landscaped island areas, along major drives and fire lanes, or other wise distributed within the parking area.
 - f. Landscaping for the parking areas dedicated for trucks may be relocated to other area of the property.
6. Signage: For purposes of this District, the following signage regulations apply:
- a. Except as otherwise permitted, the maximum sign area of a monument sign or freestanding monument sign may not exceed two hundred (200) square feet. There is no percentage limitation on the text area of a monument sign devoted to identifying the name of a tenant or building.
 - b. The maximum height of a monument sign may not exceed ten (10) feet.
 - c. The maximum wall coverage for a wall sign placed on a rear or side façade is two hundred and twenty-five (225) square feet for each sign.
 - d. The maximum wall coverage for a wall sign placed on the front façade of a building is two hundred and twenty (220) square feet for each sign.
 - e. Signage shall be permitted in accordance with the Concept Plan attached Exhibit C.
 - f. Wall Signs may project up to 18 inches from the surface of a wall.
 - g. Wall signs are limited to two signs on the front façade of the building, with one additional sign on each side façade of the building.
 - h. A maximum of two monument signs may be located within this planned development overlay district.
 - i. All other signage shall be in accordance with the City's general sign ordinance.
 - j. Flag pole height shall be limited to 50' in height.
7. Exterior Light Poles: Exterior light poles may be a maximum of 40 feet in height.
8. Minor Modification Procedure:
- a. The City Manager, or his/her designee, may approve minor modifications to the Concept Plan and to the Site Plan.

- b. A minor modification to a plan does not decrease setbacks shown on the plan, does not decrease parking, and does not permit a use that would not otherwise be permitted under the current zoning.
- c. The decision of the City Manager, or his/her designee, may be appealed to the Planning and Zoning Commission.

U.S. HIGHWAY 80

(A VARIABLE RIGHT-OF-WAY)

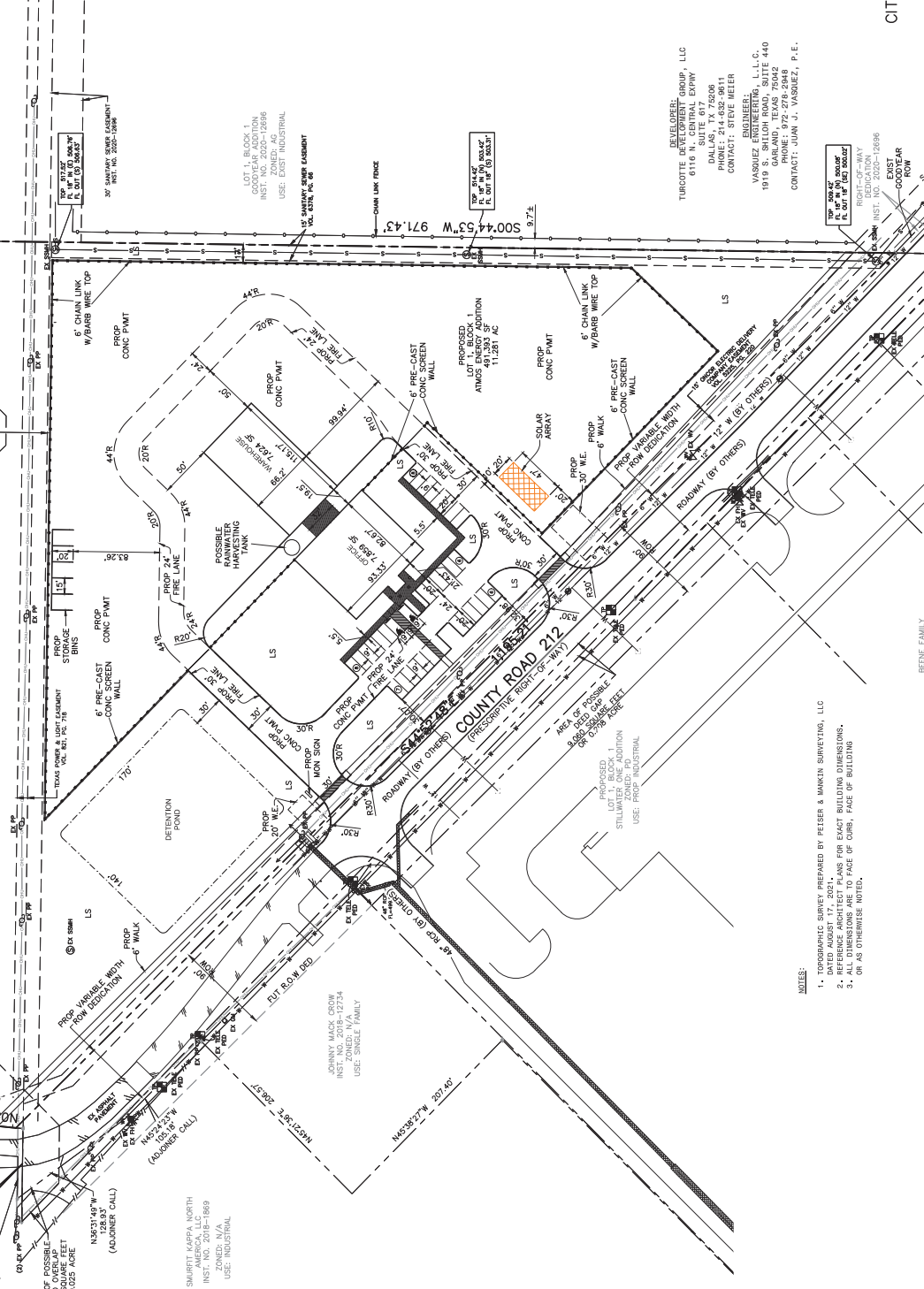


LEGEND

EXISTING	PROPOSED
PROPERTY LINE	PAVEMENT
STORM DRAIN	STORM DRAIN
PARKING COUNT	PARKING COUNT
POWER POLE	POWER POLE
SAN. SER. LINE	WATER LINE
STORM SEWER	OVERHEAD SERVICE LINE
OHU	UNDERGROUND COMMUNICATION
SSMH	SAN. SER. MANHOLE
EX PH	FIRE HYDRANT
EX TELE	WATER VALVE
PEP	TELEPHONE PED
	CHAIN LINK FENCE
	RAILROAD TRACKS
	LANDSCAPE
	LS

SITE SUMMARY TABLE

County	DADE COUNTY, FL
City	MIAMI
Project Name	ATMOS SERVICE CENTER
Zoning District	PD M-15
Proposed Use	OFFICE/WAREHOUSE
Site Area	11.281 Acres, 491,393 S.F.
Building Area	8,231 Acres, 423,912 S.F.
Warehouse Area	OFFICE 7,569 S.F.
Warehouse 1	WAREHOUSE 7,624 S.F.
Warehouse 2	WAREHOUSE 7,624 S.F.
Warehouse 3	WAREHOUSE 7,624 S.F.
Warehouse 4	WAREHOUSE 7,624 S.F.
Warehouse 5	WAREHOUSE 7,624 S.F.
Warehouse 6	WAREHOUSE 7,624 S.F.
Warehouse 7	WAREHOUSE 7,624 S.F.
Warehouse 8	WAREHOUSE 7,624 S.F.
Warehouse 9	WAREHOUSE 7,624 S.F.
Warehouse 10	WAREHOUSE 7,624 S.F.
Warehouse 11	WAREHOUSE 7,624 S.F.
Warehouse 12	WAREHOUSE 7,624 S.F.
Warehouse 13	WAREHOUSE 7,624 S.F.
Warehouse 14	WAREHOUSE 7,624 S.F.
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Warehouse 99	WAREHOUSE 7,624 S.F.
Warehouse 100	WAREHOUSE 7,624 S.F.



DEVELOPER:
TURCOTTE DEVELOPMENT GROUP, LLC
6116 N. CENTRAL EXPY
SUITE 617
DALLAS, TX 75206
PHONE: 214-692-9611
CONTACT: STEVE MEIER

ARCHITECT:
VASQUEZ ENGINEERING, L.L.C.
1919 S. SHILLOW ROAD, SUITE 440
GARLAND, TEXAS 75042
CONTACT: JUAN J. VASQUEZ, P.E.

- NOTES:
1. TOPOGRAPHIC SURVEY PREPARED BY FEISER & WALKER SURVEYING, LLC
 2. REFERENCE ARCHITECT PLANS FOR EXACT BUILDING DIMENSIONS.
 3. ALL DIMENSIONS ARE TO FACE OF CURB, FACE OF BUILDING OR AS OTHERWISE NOTED.

VASQUEZ ENGINEERING, L.L.C.
1919 S. SHILLOW ROAD
SUITE 440, L.S. 44
GARLAND, TX 75042
PH: 972-78-2948
TX REGISTRATION # 12266

CONCEPT PLAN
LOT 1, BLOCK 1
ATMOS SERVICE CENTER
CITY OF FORNEY, TEXAS

SHEET CP1
Scale: 1" = 50'
Date: 09/22/2021
Checked by: JLV
Drawn by: DMS
Designed by: JLV