

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S ZONING ORDINANCE NO. 11-04-09; GRANTING A SPECIFIC USE PERMIT FOR AN ASSISTED LIVING FACILITY ON A 4.4± ACRE TRACT OF LAND, SITUATED IN THE NORRIS AUSTIN SURVEY, ABSTRACT NUMBER 5, IN THE CITY OF FRISCO, COLLIN COUNTY, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND ZONING ORDINANCE NO. 11-04-09; PROVIDING REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that the City of Frisco, Texas' ("Frisco") Zoning Ordinance No. 11-04-09, as amended ("Zoning Ordinance"), should be amended; and

WHEREAS, pursuant to a notice being duly posted according to law, the City Council conducted a public hearing wherein a request was made by Feizy Properties, Ltd. ("Applicant"), to grant a Specific Use Permit for an assisted living facility on approximately 4.4± acres of land, situated in the Norris Austin Survey, Abstract No. 5, City of Frisco, Collin County, Texas ("Property"). The Property, as a whole and the boundaries thereof, is more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes, and depicted in Exhibit "A-1" and Exhibit "A-2", both of which are attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council finds that Applicant has agreed to comply with all provisions of the ordinances of Frisco, as they exist, may be amended or in the future arising, including but not limited to, this Ordinance and the Zoning Ordinance (collectively "Ordinances"); and

WHEREAS, the City Council further finds that Applicant has also agreed to comply with the additional restrictions and conditions set forth herein; in the site plan, which is attached hereto as Exhibit "B" and incorporated herein for all purposes; and in the architectural standards depicted in Exhibit "C", attached hereto and incorporated herein for all purposes (collectively, "Additional Conditions"); and

WHEREAS, the City Council has investigated and determined that the facts contained in Applicant's request are true and correct; and

WHEREAS, all legal notices required for the ordinance amendment have been given in the manner and form set forth by law, and public hearings have been held on the ordinance amendment and all other requirements of notice and completion of such amendment procedures have been fulfilled; and

WHEREAS, the City Council has investigated and determined that it will be advantageous and beneficial to Frisco and its inhabitants to grant the Specific Use Permit; that such grant will not be detrimental to the public welfare, safety or health; and that the Specific

Use Permit should be granted.

**NOW, THEREFORE, BE IT ORDAINED BY THE FRISCO CITY COUNCIL:**

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Specific Use Permit Granted. Applicant is granted a Specific Use Permit to allow an assisted living facility on the Property, which is zoned Commercial-1.

The Property, as a whole and the boundaries thereof, is more particularly described in Exhibit "A". The general location of the Property is depicted in Exhibit "A-1", and the current condition of the Property is depicted in Exhibit "A-2". Except when otherwise permitted by Section 2.05.02 of Frisco's Zoning Ordinance, the Property shall be developed in compliance with Exhibit "B", Exhibit "C" and the other Additional Conditions expressly stated herein. Additional Conditions for granting the Specific Use Permit described in this Ordinance include, but are not limited to, the following:

1. Compliance with the architectural renderings of the facility as depicted in Exhibit "C".

SECTION 3: Failure to Comply; Assignment and Transfer. Except as otherwise stated above, all terms of the Specific Use Permit shall be complied with at all times and as a condition of Frisco's issuance of a Certificate of Occupancy, if applicable. Failure to comply with any term or condition of the Ordinances will result in the Specific Use Permit being declared null and void and of no force and effect. The Specific Use Permit is issued to the entity named above and is assignable and transferable.

SECTION 4: Specific Use Permit Regulations. Upon holding a properly noticed public hearing, the City Council may amend, change or rescind the Specific Use Permit if:

1. A violation of any of the provisions of the Ordinances occurs on the Property and there is a conviction thereof;
2. The building(s), premise or land uses under the Specific Use Permit are enlarged, modified, structurally altered or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration or change;
3. Violation of any provision of the terms or conditions of Specific Use Permit;
4. Ad valorem taxes on the Property are delinquent by more than six (6) months;
5. The Specific Use Permit was obtained by fraud or deception; or
6. As otherwise permitted by law and/or the Zoning Ordinance.

SECTION 5: Specific Use Permit Effective Date. The Specific Use Permit shall be effective from and after the effective date of this Ordinance. Upon termination of the Specific Use Permit, the Property shall cease to be used as provided herein unless another Specific Use

Permit or appropriate zoning has been obtained.

**SECTION 6: Unlawful Use of Property.** It shall be unlawful for any person, firm, entity or corporation to make use of the Property in some manner other than as authorized by the Ordinances.

**SECTION 7: Penalty.** Any person, firm, entity or corporation who violates any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding TWO THOUSAND AND 00/100 DOLLARS (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 8: Repealing/Savings.** The Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 9: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses and/or phrases may be declared unconstitutional and/or invalid.

**SECTION 10: Effective Date.** This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

**DULY PASSED AND APPROVED BY THE FRISCO CITY COUNCIL** on this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Maher Maso, Mayor

**ATTESTED TO AND  
CORRECTLY RECORDED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jenny Page, City Secretary

  
\_\_\_\_\_  
Abernathy Roeder Boyd & Joplin P.C.  
Ryan D. Pittman, City Attorneys

*Date(s) of Publication:* \_\_\_\_\_, *Frisco Enterprise*

**EXHIBIT "A"**  
**SUP14-0003**  
**(Legal Description of the Property)**

Being a tract of land situated in the Norris Austin Survey, Abstract No. 5, in the City of Frisco, Collin County, Texas, and being the same tract of land described in deed to Southwestern Bell Telephone Company, recorded in Volume 4809, Page 1595, Deed Records, Collin County, Texas, (DRCCT); and being more particularly described by metes and bounds as follows:

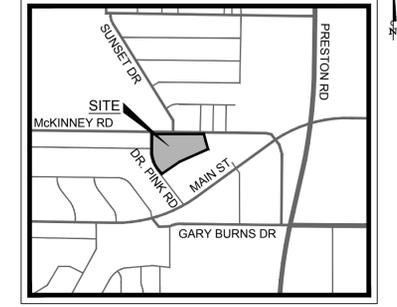
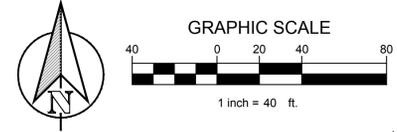
- BEGINNING at a 1/2 inch iron rod found, at the intersection of the South Right-of-Way line of McKinney Road, and the East Right-of-Way line of Dr. Pink Road;
- THENCE South 89 Degrees 57 Minutes 55 Seconds East, along the South line of said McKinney Road, a distance of 618.53 feet to an 'X' in concrete found, said point being the Northwest corner of a tract of land described in a deed to Dr. W. Scott Mayes, recorded in Volume 1868, Page 90, DRCCT;
- THENCE South 17 Degrees 53 Minutes 50 Seconds East, along the Westerly line of said Mayes tract, a distance of 140.45 feet to a point for corner, from said point a 1/2 inch iron rod found bears North 60 Degrees, 02 Minutes, 47 Seconds West, a distance of 0.46 feet, said point also being the Northeast corner of a tract of land described in a deed to Christie Manufacturing Co. Inc., recorded in Volume 3906, Page 255, DRCCT;
- THENCE South 62 Degrees 43 Minutes 59 Seconds West, along the northerly line of said Christie Mfg. tract, a distance of 429.60 feet to a 1/2 inch iron rod found, for corner;
- THENCE South 53 Degrees 30 Minutes 23 Seconds West, a distance of 50.00 feet to a 1/2 inch iron rod found for corner, said point being the Northeasterly corner of a tract of land described in a deed to Erwing G. Pink, recorded in Volume 1998, Page 429, DRCCT;
- THENCE South 53 Degrees 31 Minutes 19 Seconds West, along the Northerly line of said Pink tract, a distance of 149.68 feet to a 1/2 inch rod found for corner, said point being in the easterly line of said Dr. Pink Road;
- THENCE North 38 Degrees 34 Minutes 23 Seconds West, along the easterly line of said Dr. Pink Road, a distance of 83.62 feet to a 1/2 inch iron rod found at the beginning of a curve to the right, said curve having a radius of 307.96 feet;
- THENCE in a northwesterly direction along said curve to the right, and continuing along the easterly line of Dr. Pink road a distance of 207.51 feet to a 1/2 inch iron rod found, at the end of said curve, said curve having a chord bearing North 19 Degrees, 18 Minutes 39 Seconds West, and a chord length of 203.61 feet;
- THENCE North 00 Degrees 03 Minutes 27 Seconds East, continuing along the East line of said Dr. Pink Road, a distance of 192.04 feet to the *Point of Beginning*, and containing 4.405 acres of land.

**EXHIBIT "A-1"**  
**SUP14-0003**  
**(Location of the Property)**

**SUP14-0003**  
**Frisco Memory Care**



No.	DATE	REVISION	BY



SITE DATA TABLE	
SITE ACREAGE	4.405 AC

**METES AND BOUNDS**

BEING a tract of land situated in the Norris Austin Survey, Abstract No. 5, in the City of Frisco, Collin County, Texas, and being the same tract of land described in deed to Southwestern Bell Telephone Company, recorded in Volume 4809, page 1595, Deed Records, Collin County, Texas, (DRCCT), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found, at the intersection of the South right of way line of McKinney Road, and the East right of way line of Dr. Pink Road;

THENCE South 89 degrees 57 minutes 55 seconds East, along the South line of said McKinney Road, a distance of 618.53 feet to an "X" in concrete found, said point being the Northwest corner of a tract of land described in a deed to Dr. W. Scott Mayes, recorded in Volume 1868, Page 90, DRCCT;

THENCE South 17 degrees 53 minutes 50 seconds East, along the westerly line of said Mayes tract, a distance of 140.45 feet to a point for corner, from said point a 1/2 inch iron rod found bears North 60 degrees 02 minutes 47 seconds West, a distance of 0.46 feet, said point also being the Northeast corner of a tract of land described in a deed to Christie Manufacturing Co Inc., recorded in Volume 3906, Page 255, DRCCT;

THENCE South 62 degrees 43 minutes 59 seconds West, along the northerly line of said Christie Mfg. tract, a distance of 429.60 feet to a 1/2 inch iron rod found, for corner;

THENCE South 53 degrees 30 minutes 23 seconds West, a distance of 50.00 feet to a 1/2 inch iron rod found for corner, said point being the northeasterly corner of a tract of land described in a deed to Erwing G Pink, Recorded in Volume 1998, Page 429, DRCCT;

THENCE South 53 degrees 31 minutes 19 seconds West, along the northerly line of said Pink tract, a distance of 149.68 feet to a 1/2 inch iron rod found for corner, said point being in the easterly line of said Dr. Pink Road;

THENCE North 38 degrees 34 minutes 23 seconds West, along the easterly line of said Dr. Pink Road, a distance of 83.62 feet to a 1/2 inch iron rod found at the beginning of a curve to the right, said curve having a radius of 307.96 feet;

THENCE in a northwesterly direction along said curve to the right, and continuing along the easterly line of said Dr. Pink Road, a distance of 207.51 feet to a 1/2 inch iron rod found, at the end of said curve, said curve having a chord bearing of North 19 degrees 18 minutes 39 seconds West, and a chord length of 203.61 feet;

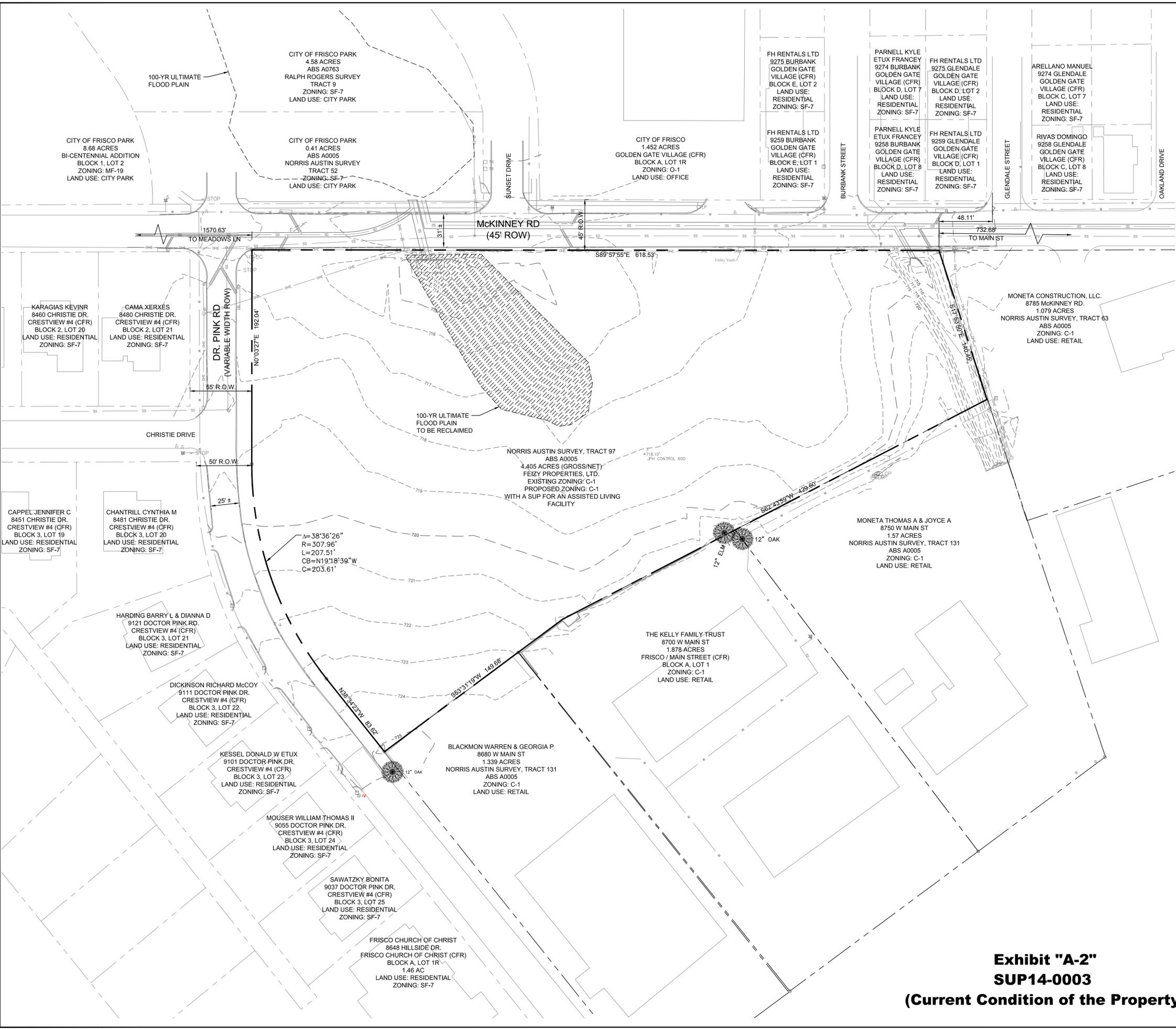
THENCE North 00 degrees 03 minutes 27 seconds East, continuing along the East line of said Dr. Pink Road, a distance of 192.04 feet to the Point of Beginning, and containing 4.405 acres of land.

**FLOODPLAIN NOTE**

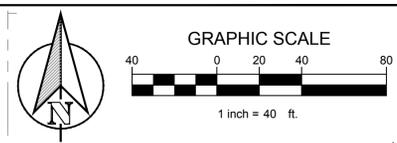
ACCORDING TO MAP NO. 48085C0245J, DATED JUNE 2, 2009 OF THE NATIONAL FLOOD INSURANCE PROGRAM MAP, FLOOD INSURANCE RATE MAP OF COLLIN COUNTY, TEXAS, FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, THIS PROPERTY IS WITHIN ZONE "X" (UNSHADED) AND IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA.

EXHIBIT A-2: SUP14-0003 FRISCO MEMORY CARE	
OWNER: FEIZY PROPERTIES LTD. 1949 STEMMONS FRWY. DALLAS, TX 75207 PH: 214.747.6000	
APPLICANT: CLAYMOORE ENGINEERING, INC. 1105 CHEEK SPARGER RD, SUITE #1 COLLEVILLE, TX 76034 PH: 817.281.0572	
SURVEYOR: JPH LAND SURVEYING, INC. 807 BLUEBONNET DRIVE, SUITE C KELLER, TX 76248 PH: 817.431.4971	
LEGAL DESCRIPTION: 4.405 AC TRACT 97, ABS A0005 NORRIS AUSTIN SURVEY	
CITY: FRISCO	STATE: TEXAS
COUNTY: DENTON	SURVEY: NORRIS AUSTIN SURVEY
ABSTRACT NO. A0005	

**Exhibit "A-2"  
 SUP14-0003  
 (Current Condition of the Property)**



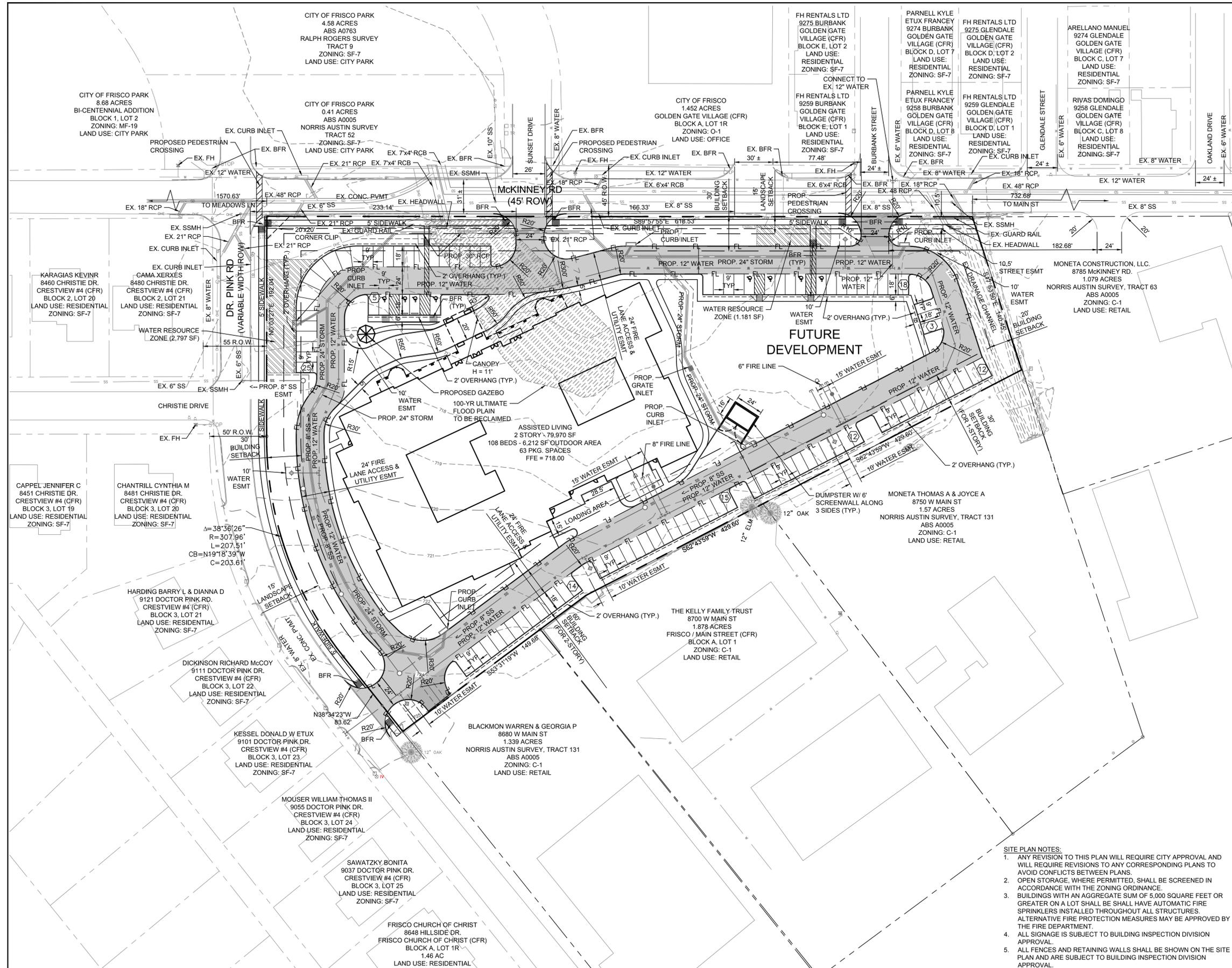
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 LAST SAVED: 6/17/2014 12:13 PM  
 IMAGES: 8 (IMAGES) 177



**LEGEND**

[Symbol]	EX. STORM LINE
[Symbol]	EX. SEWER LINE
[Symbol]	EX. WATER LINE
[Symbol]	EX. FIRE HYDRANT
[Symbol]	PROPOSED FIRE HYDRANT
[Symbol]	PROPOSED SEWER LINE
[Symbol]	PROPOSED WATER LINE
[Symbol]	PROPOSED STORM DRAIN
[Symbol]	PROPOSED FIRE LANE, ACCESS, AND UTILITY EASEMENT
[Symbol]	PROPOSED WATER RESOURCE ZONE

**FLOODPLAIN NOTE**  
 ACCORDING TO MAP NO. 48085C0245J, DATED JUNE 2, 2009 OF THE NATIONAL FLOOD INSURANCE PROGRAM MAP, FLOOD INSURANCE RATE MAP OF COLLIN COUNTY, TEXAS, FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, THIS PROPERTY IS WITHIN ZONE "X" (UNSHADED) AND IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA.



- SITE PLAN NOTES:**
- ANY REVISION TO THIS PLAN WILL REQUIRE CITY APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
  - OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
  - BUILDINGS WITH AN AGGREGATE SUM OF 5,000 SQUARE FEET OR GREATER ON A LOT SHALL BE SHALL HAVE AUTOMATIC FIRE SPRINKLERS INSTALLED THROUGHOUT ALL STRUCTURES. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
  - ALL SIGNAGE IS SUBJECT TO BUILDING INSPECTION DIVISION APPROVAL.
  - ALL FENCES AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO BUILDING INSPECTION DIVISION APPROVAL.
  - NO TREES WILL BE REMOVED FOR THIS ADDITION.

**Exhibit "B"**  
**SUP14-0003**  
**(Site Plan)**

**SITE DATA SUMMARY**

LOT	ZONING	PROPOSED USE	LOT SIZE (ACRES)	LOT SIZE (SQ. FT.)	BLDG. AREA (SQ. FT.)	BLDG HGT. (FT.# ST.)	LOT COVERAGE		FLR AREA RATIO		PARKING		HANDICAP SP. REQ.	TOTAL IMPERVIOUS (SQ. FT.)	USABLE OPEN SPACE		WATER RESOURCE ZONE						
							REQ.	PROV.	REQ.	PROV.	REQ.	PROV.			REQ.	PROV.	REQ.	PROV.					
1	C-1	ASSISTED LIVING FACILITY (108 BEDS)	4.405	191,881	79,970 (FOOT PRINT OF 47,696 SF)	39' - 2 ST. 40' max	50% MAX	25%	0.5:1 MAX	0.42:1	1 SPACE PER 5 BEDS PLUS 1 SPACE PER 1,000 SF OUTDOOR (6,212 SF) USE AREA	28	104	3	8	94,003	67%	7%	9,835	24,400	5%	2,205	2,797

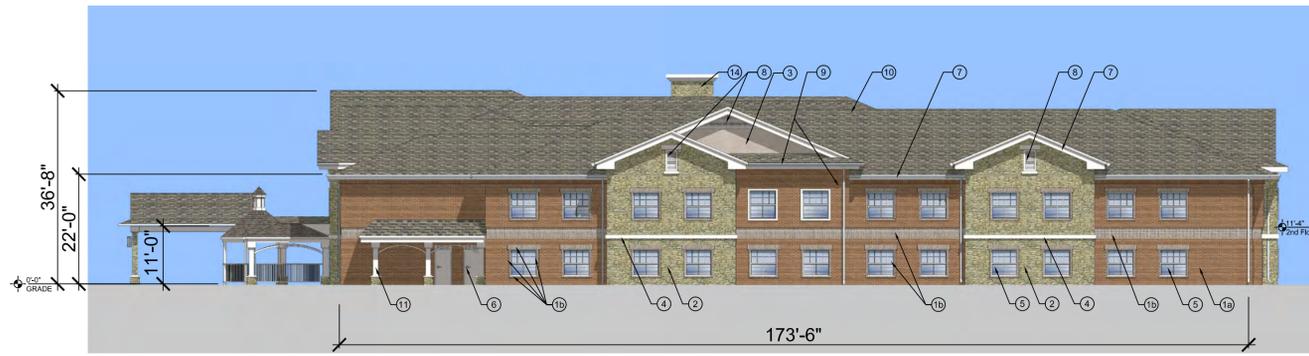
**OPEN SPACE SUMMARY**

PARKING		HANDICAP SP. REQ.	TOTAL IMPERVIOUS (SQ. FT.)	USABLE OPEN SPACE		WATER RESOURCE ZONE					
REQ.	PROV.			REQ.	PROV.	REQ.	PROV.				
28	104	3	8	94,003	67%	7%	9,835	24,400	5%	2,205	2,797

\*HANDICAP PARKING IS PROVIDED IN ACCORDANCE WITH ADA STANDARDS.

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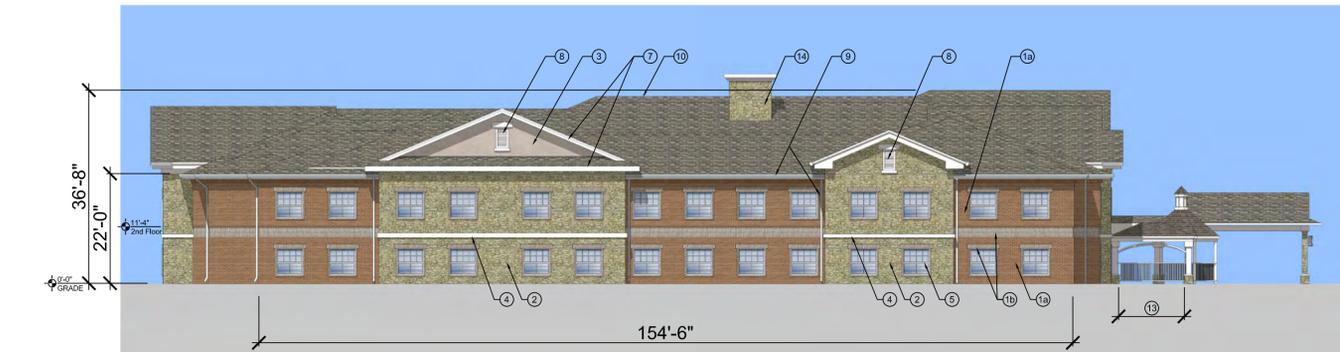
**Exhibit "D"**  
**SUP14-0003**  
**(Architectural Standards)**



**WEST EXTERIOR ELEVATION**

**4**

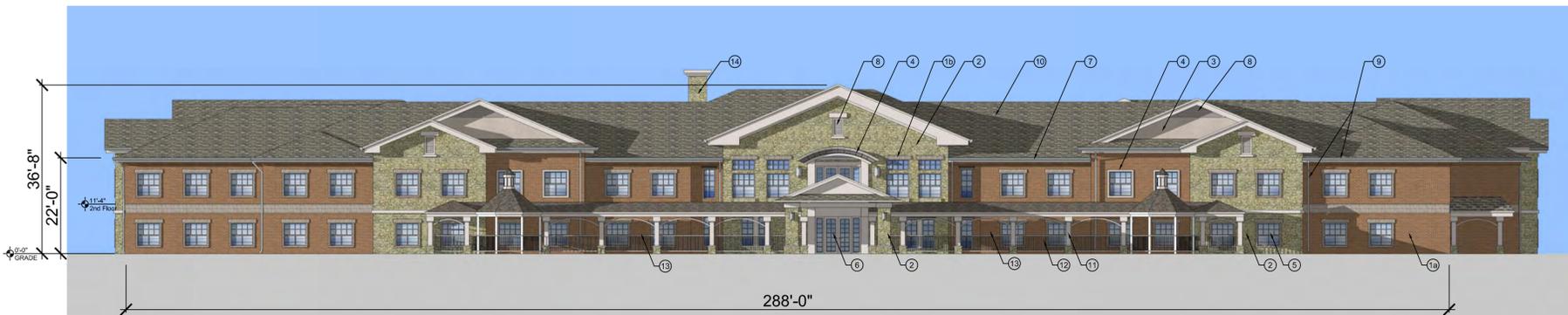
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**EAST EXTERIOR ELEVATION**

**3**

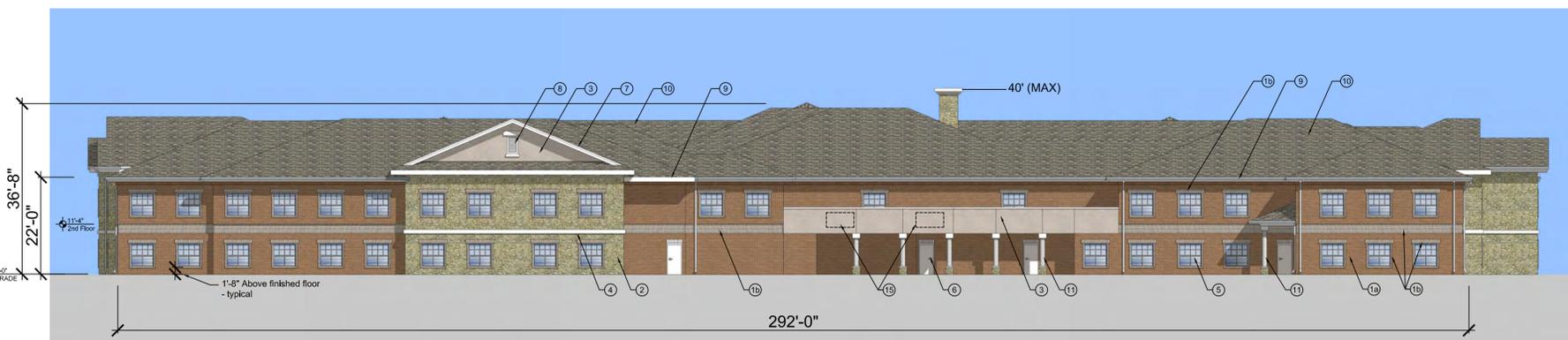
SCALE: 1/16" = 1'-0"



**NORTH EXTERIOR ELEVATION (FRONT)**

**2**

SCALE: 1/16" = 1'-0"



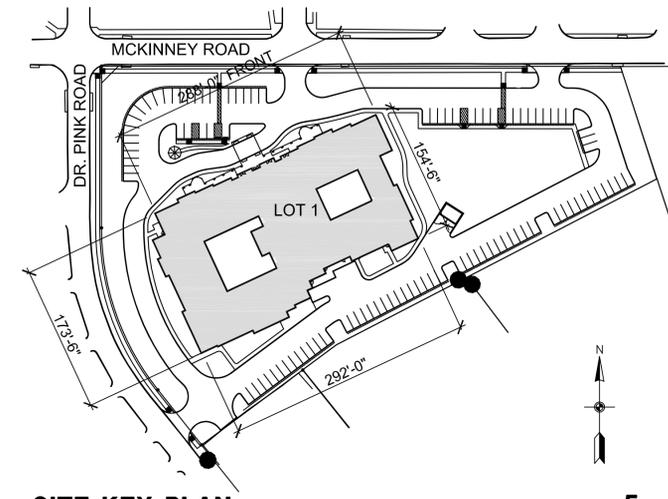
**SOUTH EXTERIOR ELEVATION**

**1**

SCALE: 1/16" = 1'-0"

- 13 FACE BRICK - ACME - RED SUNSET
- 14 FACE BRICK - ACCENT COLOR ACME-MARK IV
- 2 STONE - AUSTIN CHALK
- 3 3 COAT STUCCO - CREAM COLOR
- 4 CAST STONE - CREAM COLOR
- 5 INSULATED RESIDENTIAL STYLE WINDOWS - IVORY (recess 4" min. from face)
- 6 DOORS
- 7 CEMENT FIBER FACIA AND SOFFIT - CREAM
- 8 METAL LOUVER - LIGHT BRONZE
- 9 PREFINISHED METAL GUTTER AND DOWNSPOUTS - TYPICAL - LIGHT BRONZE
- 10 ARCHITECTURAL ASPHALT SHINGLE WEATHERED WOOD
- 11 3 COAT STUCCO WRAPPED COLUMNS - CREAM COLOR OVER STONE BASE
- 12 METAL RAIL - PAINTED - LIGHT BRONZE
- 13 10' DEEP PORCH
- 14 MANUFACTURED STONE - AUSTIN CHALK
- 15 ROOFTOP EQUIPMENT BEHIND PARAPET - TYPICAL

**KEY NOTES**



**SITE KEY PLAN**

**5**

SCALE: 1" = 100'-0"

MARK	DESCRIPTION	NORTH	SOUTH	EAST	WEST
1, 2	Primary Exterior Material Masonry Veneer (Natural Stone and Brick)	5,454 S.F. 78 %	5,257 S.F. 81.3 %	2,751.5 S.F. 75.0 %	3,209.5 S.F. 79.8 %
3, 4	Secondary Exterior Material 3 Coat Stucco	256 S.F. 3.7 %	197 S.F. 3.0 %	200 S.F. 5.5 %	140 S.F. 3.5 %
5, 6	Doors and Windows	1,220 S.F. 17.5 %	1009 S.F. 15.6 %	700 S.F. 19.0 %	642 S.F. 15.9 %
8	Metal louvers	56 S.F. 0.8 %	8 S.F. 0.1 %	18.5 S.F. 0.5 %	32.5 S.F. 0.8 %
	Total Facade S.F.	6,986 S.F.	6,471 S.F.	3,680 S.F.	4,024 S.F.

**MATERIAL CALCULATIONS**

**FACADE NOTES:**

- This Facade Plan is for conceptual purposes only. All building plans require review and approval by Development Services
- All mechanical units shall be screened from public view as required by the Zoning Ordinance
- When permitted, exposed utility boxes and conduits shall be painted to match the building
- All signage areas and locations are subject to approval by Development Services
- Roof access shall be provided internally, unless otherwise permitted by the Chief Building Official
- All windows will be recessed 4" minimum from the exterior wall to create a reveal.

**OWNER**

Feizy Properties, Ltd.  
Contact - John Feizy  
aveader@feizy.com  
1949 N. Stemmons Freeway  
Dallas, TX 75207  
214.747.6000 ext. 239

**APPLICANT**

ClayMoore Engineering, Inc.  
Contact - Matt Moore  
matt@claymooreeng.com  
1105 Cheek Sparger Rd.  
Ste. #1  
Colleyville, TX 76034  
817.281.0572

**ARCHITECT**

QUORUM ARCHITECTS  
Doug Moon, AIA  
707 W. Vickory Blvd  
Ft. Worth, Texas 76104  
817-738-8095  
dougmoon@qarch.com

EXHIBIT C - SUP14-0003  
ARCHITECTURAL ELEVATIONS  
ASSISTED LIVING FACILITY

Prepared on JUNE 13th, 2014

**quorum**  
Design. Spaces. People  
707 W. Vickory Blvd. #101  
Fort Worth, Texas 76104  
ph. (817) 738-8095  
fx. (817) 738-9524  
www.qarch.com

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06-13-2014  
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REGULATORY APPROVAL,  
PERMITTING, OR  
CONSTRUCTION.

ALL DESIGNS, PLANS, SPECIFICATIONS  
AND OTHER CONTRACT DOCUMENTS  
(INCLUDING ALL ELECTRONIC FILES)  
PREPARED BY QUORUM ARCHITECTS,  
INC. SHALL REMAIN THE PROPERTY OF  
QUORUM ARCHITECTS, INC. AND  
QUORUM ARCHITECTS, INC. RETAINS  
ALL RIGHTS THERETO, INCLUDING BUT  
NOT LIMITED TO COPYRIGHT,  
STATUTORY AND COMMON-LAW RIGHTS  
THERETO UNLESS OTHERWISE  
SPECIFIED BY CONTRACT.

**ASSISTED LIVING FACILITY**

**SEC of McKinney Rd. & Dr. Pink  
FRISCO, TEXAS 75033**

**ISSUE:**

0 - FACADE PLAN	01-24-14
1 - REVISED	03-14-14
2 - REVISED	06-13-14

<b>PROJECT NO.</b>	13098
<b>DATE:</b>	06.13.2014
<b>DRAWN BY:</b>	GR/MV
<b>CHECKED BY:</b>	DM
<b>SCALE:</b>	AS NOTED

**SHEET TITLE:**  
**ARCHITECTURAL  
ELEVATIONS**

**A-1**