



MURPHY PLANNING AND ZONING COMMISSION AGENDA  
REGULAR PLANNING AND ZONING COMMISSION MEETING  
JUNE 22, 2015 AT 6:00 PM, CITY HALL, COUNCIL CHAMBERS  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094

NOTICE is hereby given of a meeting of the Planning and Zoning Commission of the City of Murphy, Collin County, State of Texas, to be held on June 22, 2015 at Murphy City Hall for the purpose of considering the following items. The Planning and Zoning Commission of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**CALL TO ORDER**

Jon King  
Chair

**ROLL CALL & CERTIFICATION OF A QUORUM**

Steve Levy  
Vice Chair

**SEAT ALTERNATES AS NEEDED**

Camille Hooper  
Secretary

**PUBLIC COMMENTS**

John Johnson  
Commissioner

**INDIVIDUAL CONSIDERATION**

Lloyd Jones  
Commissioner

Greg Mersch  
Commissioner

Don Reilly  
Commissioner

Gary Maxon  
Alternate

Mahendra Parikh  
Alternate

**EXECUTIVE SESSSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will now recess into Executive Session (closed meeting) to discuss the following:

- A. §551.071: Consultation with City's Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding zoning, land use, and open space/parks.

Kristen Roberts  
Director of Community  
Development

**RECONVENE INTO REGULAR SESSSION**

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. §551.071: Consultation with City's Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of

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Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding zoning, land use, and open space/parks.

B. Take Action on any Executive Session items.

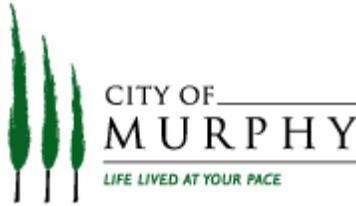
ADJOURNMENT

I certify that this is a true and correct copy of the Murphy Planning and Zoning Commission Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted June 19, 2015 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Kristen Roberts  
Director of Community Development

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at (972) 468-4011 or [squinn@murphytx.org](mailto:squinn@murphytx.org).



Murphy Planning and Zoning Commission Regular Meeting Minutes  
206 North Murphy Road  
Murphy, Texas 75094  
April 27, 2015

**CALL TO ORDER**

Chairman King called the meeting to order at 6:00 p.m.

**ROLL CALL & CERTIFICATION OF A QUORUM**

Commissioners Present: Jon King, Camille Hooper, John Johnson, Lloyd Jones, Mahendra Parikh, Don Reilly

Commissioners Absent: Steve Levy, Greg Mersch, Gary Maxon

City Staff Present: Kristen Roberts, Director of Community Development  
Tina Stelnicki, Community Development Coordinator  
Kim McCranie, Executive Administrative Assistant

Kim McCranie certified a quorum. Camille Hooper arrived at 6:17 p.m.

**SEAT ALTERNATES AS NEEDED**

Alternate Mahendra Parikh was seated.

**PUBLIC COMMENTS**

There were no public comments received.

**INDIVIDUAL CONSIDERATION**

1. Consider and/or act on the minutes from the regular March 23, 2015 Planning & Zoning Commission meetings.

Commission Action

Commissioner Reilly moved to approve the March 23, 2015 Planning and Zoning Commission meeting minutes. Commissioner Jones seconded the motion. Motion passed 5-0.

2. Consider and/or act on the application of property owner McBirney 544 Joint Venture and applicant Honey Goel requesting approval of a site plan, landscape plan, building elevations and construction plat for Murphy Office Condos on property zoned PD 09-12-823 at the southeast corner of FM544 and Brand Road.

Staff Discussion

Kristen Roberts stated the applicant had submitted a site plan that would allow for two buildings at 4,000 sq. ft. each and two are proposed for medical and two are proposed for professional purposes. Both are allowed uses per the Planned Development District 09-12-823. Staff is recommending a variance to allow the building setback distance from Village Drive and recommending approval of the 15' building setbacks which is in line with the existing Orchard Park development to the east. Sidewalks along both Brand Road and Village Drive are to be 6 ft. Building elevations, landscape plan and construction plat all meet the requirements of the PD.

*Commissioner Hooper arrived at 6:17 p.m.*

Commission Action

Commissioner Jones made a motion to approve the application of McBirney 544 Joint Venture and applicant Honey Goel requesting approval of a site plan, landscape plan, building elevations and construction plat for Murphy Office Condos on property zoned PD 09-12-823 with the stipulation that the dumpster location be outside of the 50 ft. setback and the sidewalks between the two buildings are reflective of the two doors. Commissioner Reilly seconded the motion. Motion passes 6-0.

3. Consider and/or act on the application of property owner Deborah R. Tafelski and applicant Ricky Jenkins requesting approval of a site plan, landscape plan and building elevations for a Jenkins Self Storage at 305 W. FM 544.

Staff Discussion

Kristen Roberts stated that the applicant had submitted a site plan, building elevations and a landscape plan that would allow for the development of Jenkins Self Storage. This site was formerly Classic Gardens. Ms. Roberts stated that the property is zoned Light Commercial and is a permitted use by right. Ms. Roberts stated that the applicant had been in talks with the Fire Chief over the two points of access that is required for public safety. The site already had an existing driveway in place; it was the second point of access that was discussed. Ms. Roberts stated that a second point of access utilizing the cross access of the property to the east was preferred but not available. Ms. Roberts stated that a second point of access is being allowed utilizing Grasspave2. She stated that this is not a public access but rather for emergency access only. The building elevations as presented shows a maximum height of 27'4" and is within the allowed height requirements. Ms. Roberts stated that the heavy landscaping along FM 544 was originally submitted however staff had requested that no deep rooted landscaping be installed given the water line that runs along that portion of the site.

The proposed site has been reviewed and approved by staff.

Maxwell Fisher, Representative for Jenkins Self Storage

Mr. Fisher did a power point presentation for the Commission regarding Jenkins Corporation. He stated that the facilities were not like the typical storage warehouses facing outward with no landscaping or aesthetic look to them. Mr. Fisher believes they've provide a nice storage

neighborhood facility that has a retail look to it in the front. They will be using brick and stone materials.

**COMMISSION ACTION**

Commissioner Reilly made a motion to approve the application requesting approval of a site plan, landscape plan and building elevations for a Jenkins Self Storage at 305 W. FM 544 as requested by property owner Deborah R. Tafelski and applicant Ricky Jenkins. Secretary Hooper seconded the motion. Motion passed 6-0.

**STAFF UPDATES**

1. Next P&Z meeting is May 18, 2015
2. Please review the next agenda packet closely. It will be available sooner than most packets.
3. RFP for Comprehensive Plan update coming this week.

**ADJOURNMENT**

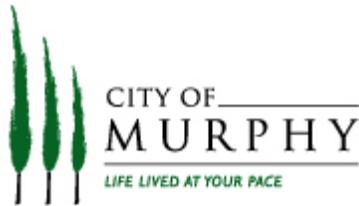
With no other business before the Commission, Chairman King adjourned the meeting at 6:49 p.m.

**APPROVED:**

\_\_\_\_\_  
Jon King, Chairman

Attest:

\_\_\_\_\_  
Secretary



Murphy Planning and Zoning Commission Regular Meeting Minutes  
206 North Murphy Road  
Murphy, Texas 75094  
May 18, 2015

**CALL TO ORDER**

Chairman King called the meeting to order at 6:00 p.m.

**ROLL CALL & CERTIFICATION OF A QUORUM**

Commissioners Present: Jon King, Steve Levy, Camille Hooper, Lloyd Jones, Don Reilly, Gary Maxon

Commissioners Absent: Greg Mersch, John Johnson

City Staff Present: Kristen Roberts, Director of Community Development  
Lori C Knight, Administrative Assistant  
Mack Reinwand, City Attorney

Lori C Knight certified a quorum. Camille Hooper arrived at 6:06 p.m.

**SEAT ALTERNATES AS NEEDED**

Alternate Gary Maxon was seated.

**PUBLIC COMMENTS**

There were no public comments received.

**INDIVIDUAL CONSIDERATION**

1. Consider and/or act on the application of property owner Deborah R. Tafelski and applicant Ricky Jenkins requesting approval of a construction plat for a Jenkins Self Storage at 305 W. FM 544.

Staff Discussion

Kristen Roberts stated that the applicant had submitted a construction plat for approval that would allow for the development of a Jenkins Self Storage. She stated that staff recommended approval of the plat.

**COMMISSION ACTION**

Vice Chair Levy made a motion to approve the construction plat for a Jenkins Self Storage. Commissioner Jones seconded the motion. Motion passed 5-0.

2. Hold a public hearing and consider and/or act upon approval of recommendations regarding amendments to Chapter 28 – Development Standards, Chapter 70 – Subdivisions and Chapter 86 – Zoning.

Staff Discussion

Kristen Roberts stated that in early 2014, the City began the project of re-codifying the City of Murphy Code of Ordinances. This included incorporating all previously approved supplements throughout the past years and evaluating all sections of the Code for consistency with City Charter and state law. The factor for this consideration is to resolve conflicts and clarifying inconsistencies within the various chapters identified. The whole recodification item will be going before City Council in July. However, tonight's items deal specifically with Planning and Zoning Ordinances.

*Camille Hooper arrived at 6:06 p.m.*

Mack Reinwand, Assistant City Attorney

Mack Reinwand stated that this section was just a small piece of the recodification of the City of Ordinances. Mr. Reinwand stated that the City decided to use a consultant who would remove or clean up the conflicting provisions and use the most recent adopted standard.

Mr. Reinwand went through the list and gave some examples of the minor changes and language cleanup in each of the ordinances that were affected such as accessory structure height, requirements for assisted living facilities, definitions for retirement homes, the prohibiting of recycling kiosks, parking ratios, multi-family uses,

**PUBLIC HEARING OPENED UP AT 6:21 P.M.**

Cindy Boggs, 612 Maize, Murphy

*Cindy Boggs stated that she is with the Heritage House, they are licensing for an assisted living home there. She stated that they will have 6 residents by right however their intention is to have 8-9. They will be asking for a SUP.*

**PUBLIC HEARING CLOSED AT 6:23 P.M.**

**COMMISSION ACTION**

Vice Chair Levy made a motion to approve all the recommendations regarding amendments to Chapter 28 – Development Standards, Chapter 70-Subdivisions and Chapter 86- Zoning as presented. Secretary Hooper seconded the motion. Motion passed 6-0.

**STAFF UPDATES**

- PDQ has removed the tanks from the Shell Station
- Next meeting, June 22, 2015

**ADJOURNMENT**

With no other business before the Commission, Chairman King adjourned the meeting at 6:26 p.m.

**APPROVED:**

\_\_\_\_\_  
Jon King, Chairman

Attest:

\_\_\_\_\_  
Secretary

**Issue**

Consider and/or act on the application of property owner Suzanne Athey requesting approval of a site plan, landscape plan, building elevations and construction plat for an office building located on Lot 4, Block B at the Murphy Village Addition.

**Summary**

The applicant submitted a site plan, building elevation plans, landscape plans and construction plat for approval that would allow for development of an office building known as Village Commons.

- Total square footage of the proposed building is approximately 8,590 square feet for professional office.
- The property is zoned PD 09-12-823.
- The proposed office building is a permitted use as noted in the Planned Development District section VI. Specific Regulations, A. Permitted Uses, 42. Offices (as allowed in Office zoning districts)

**Considerations**

**Site Plan**

The proposed site plan has been reviewed by staff and meets the requirements as set forth by the Planned Development District and the Code of Ordinances.

**Building Elevations**

The proposed building elevation and materials meet requirements as set forth by the Planned Development District. Staff is requesting Planning & Zoning Commission consideration on the roof color as explained below:

- The applicant has shown two colors of proposed roof materials. One color matches the roof of the developed property to the west (red). The other is a more muted color as requested and meets the City's Code.
  - o As noted in the Code, the Commission may consider alternative materials if they are compatible with surrounding developed properties.

**Landscape Plan**

The proposed landscape and materials used have met requirement standards including landscape setbacks as detailed within the Planned Development District.

**Construction Plat**

The construction plat meets requirements pending the completion of comments currently being addressed by the applicant specific to the engineering documents (see notations below).

**Additional Considerations for Notation**

Prior to any signage installation, the sign plans for the building and on the site will be submitted to Customer Service, go through standard staff review to ensure compliance with the Sign Ordinance and will be permitted separately after staff approved.

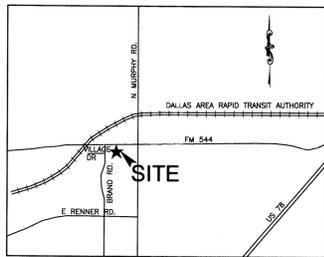
Minor engineering comments are being addressed specific to the Engineering Plans for this development and will be completed prior to construction plans submittal.

**Staff Recommendation**

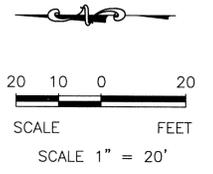
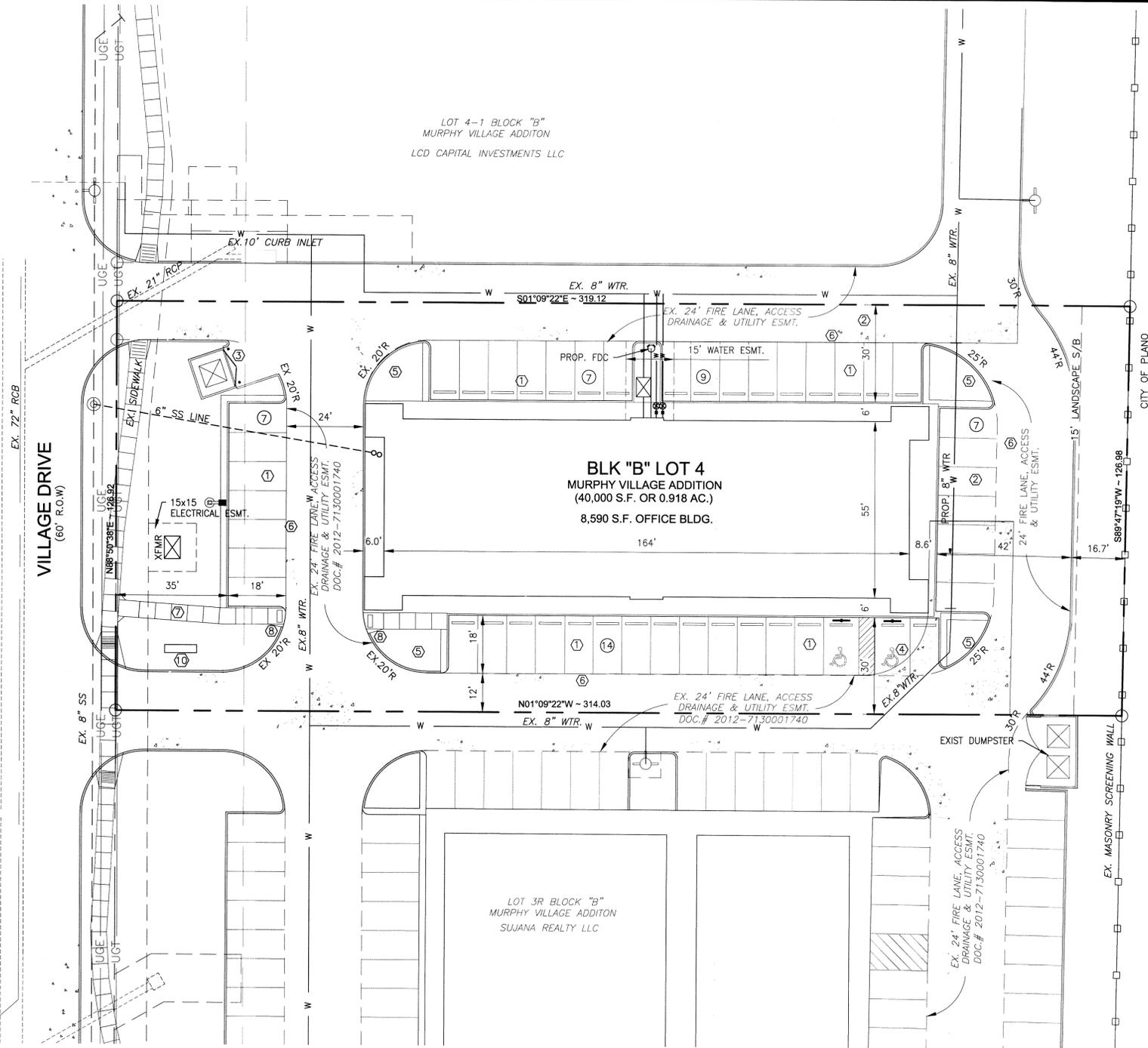
Staff recommends approval of the site plan, landscape plan, building elevations, and construction plat as submitted with the considerations as noted in this agenda item and clarification of roof material color.

**Attachments**

Site Plan  
Building Elevations  
Landscape Plan  
Construction Plat  
PD 09-12-823



LOCATION MAP  
NTS



**SITE SUMMARY**

ZONING	PD R/LC
LAND AREA	40,000 S.F. OR 0.918 AC.
<b>BUILDING INFORMATION</b>	
AREA	8,590 SF.
STORY	1
MAX. HEIGHT	16'-1" FT
IMPERVIOUS AREA	32,218 S.F.
LOT COVERAGE	80.5 %

**PARKING ANALYSIS**

<b>PARKING SPACES REQUIRED</b>	
1 SP PER 200 SF. OF FLOOR AREA	43 SP
<b>PARKING SPACES PROVIDED</b>	
STANDARD PARKING	44 SP
HANDICAPPED PARKING	2 SP
<b>TOTAL PARKING</b>	<b>46 SP</b>

**CONSTRUCTION LEGEND & NOTES**

- ① 6" - 3,600 PSI. REINFORCE CONCRETE PAVEMENT.
- ② 8" - 3,600 PSI. REINFORCE CONCRETE PAVEMENT.
- ③ CONSTRUCT A SINGLE TRASH ENCL. ON 10" P.C.C. PAD WITH BLOCK WALL TO MATCH BUILDING PER CITY STD.
- ④ PAINT HANDICAP SYMBOL-WHITE ON BLUE BACKGROUND.
- ⑤ LANDSCAPE AREA WITH IRRIGATION SYSTEM. (SEE LANDSCAPE PLAN FOR DETAILS)
- ⑥ PAINT 4" WIDE SOLID STRIPE(RED) WITH "NO PARKING FIRE LANE"(WHITE).
- ⑦ CONSTRUCT 5' SIDEWALK PER CITY STD.
- ⑧ CONSTRUCT P.C.C. RAMP - MAX. SLOPE 8.33% (2% CROSSLSLOPE) PER ADA STD. AND TAS STD.
- ⑨ INSTALL FDC PER CITY STANDARD
- ⑩ INSTALL MONUMENT SIGN (BY OTHER, SEPARATE PERMIT)

- NOTES:
- EXISTING TREE ON SITE (SEE LANDSCAPING PLAN)
  - ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48085C0415J DATE JUNE 2, 2009, THIS PROPERTY LIES IN ZONE X. THIS PROPERTY DOES NOT APPEAR TO LIE WITHIN A 100-YEAR FLOOD PLAIN.

**BENCH MARK #1**

PK nail found in concrete pavement about 4 foot south of north median nose of Brand Road at intersection with Village Drive.

ELEVATION IN FEET      557.72

- LEGENDS:**
- ⊙ EXISTING MH
  - ⊕ EXISTING FIRE HYDRANT
  - PROP. FIRE HYDRANT
  - ⑤ PARKING COUNT
  - ⊙ PROPOSED LIGHT POLE

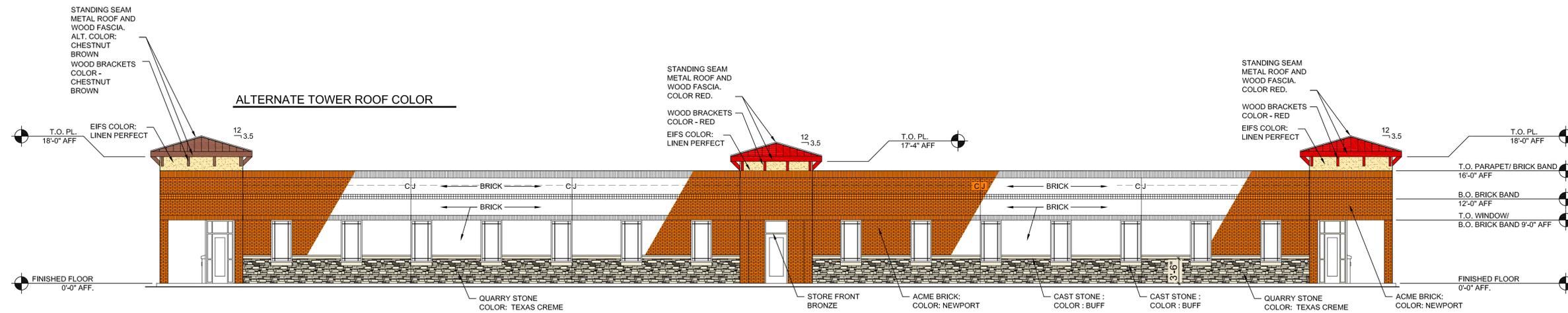


<b>SITE PLAN</b>						
LOT 4, BLOCK B MURPHY VILLAGE ADDITION CITY OF MURPHY, COLLIN COUNTY, TEXAS						
REMAX MURPHY PLAZA MURPHY, TEXAS						
PSA ENGINEERING 17819 DAVENPORT ROAD, SUITE 215 DALLAS, TX 75252 PH (972) 248-9651 FAX (972) 248-9681 T.B.P.E. REGISTRATION # F-6974, T.B.P.L.S. FIRM REGISTRATION # 100433						
DESIGN	DRAWN	DATE	SCALE	CHECK	FILE	NO.
PSA	PSA	06/03/15	AS SHOWN	PSS	21511.SAP	<b>C-1</b>



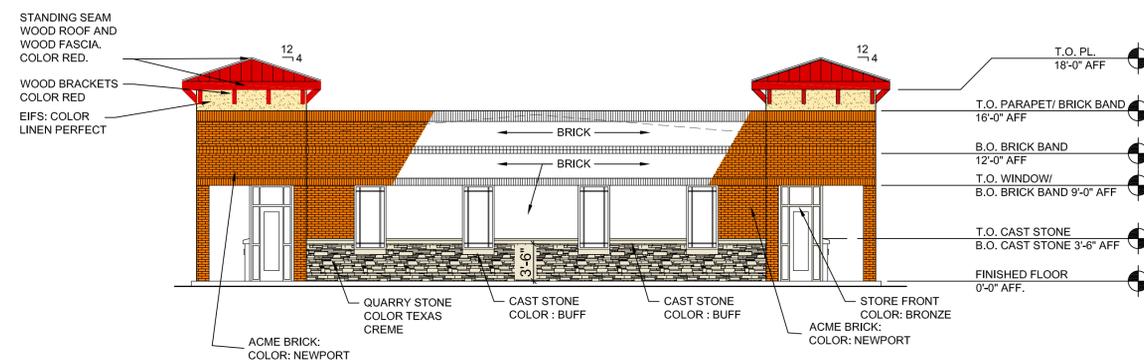
## ADJACENT BUILDING

FACADE WILL BE REQUIRED TO MATCH EXISTING ADJACENT BUILDING



FRONT ELEVATION / BACK SIMILAR

1/8"=1'-0"



RIGHT SIDE ELEVATION / LEFT SIMILAR

1/8"=1'-0"

## FACADE PLAN

SCALE 1/8" = 1'-0"

**CWA**  
ARCHITECTS, LLC  
1004 NORTH GRAVES STREET  
MCKINNEY TEXAS 75069  
CONTACT: GLENN CALVERT  
ph. 214-405-1053

**MCC**  
AND ASSOCIATES, INC.  
GENERAL CONTRACTORS  
2943 Ruger Drive  
Royse City Texas 75189  
office 469-402-0260  
fax 469-721-7181  
Contact: John McAnally  
cell 214-585-8500

Any publication, reproduction, or use of these drawings and specifications is strictly prohibited in whole or part without the express written permission of the Architect. Without waiving any rights and forth herein, if Customer uses said plans without the professional involvement of the architect, Customer agrees to defend and indemnify the Architect from any claim or action arising from such use without the express written permission of the Architect.

We/For Construction Condition - The Architect, Engineer and Contractor is not responsible or liable for any errors, omissions and/or omissions in these drawings and specifications. The Architect and Engineer has not been completed and building department reviews have not been added to these plans and specifications. Architect and Engineer assume no responsibility for construction like items from these plans or the contractor built.

PERMIT SET 5-15-2015  
Revisions

NO.	DATE	DESCRIPTION

**REMAX**  
MURPHY PLAZA  
MURPHY TEXAS



Project Number: 15-012  
Drawn By: gmc  
Checked By: gmc  
Scale: Refer to Sheet

Sheet Title

Sheet Number

Sheet of

PLANT LEGEND SUMMARY			
	SHUMARD RED OAK 5" CAL. AT TIME OF PLANTING QTY: 3		CRAPE MYRTLE 3" CAL. AT TIME OF PLANTING QTY: 4
	LIVE OAK 5" CAL. AT TIME OF PLANTING QTY: 4		TEXAS REDBUD 3" CAL. AT TIME OF PLANTING QTY: 4
	CEDAR ELM 5" CAL. AT TIME OF PLANTING QTY: 2		PAMPAS GRASS 36" HT. AT TIME OF PLANTING QTY: 0
			MISCELLANEOUS SHRUBS AND GRASSES
			MAIDEN GRASS 36" HT. QTY: 0
			DWF. BURFORD HOLLY 36" HT. QTY: 88
			LIRIOPE 4" POTS, 18" O.C. QTY: 0
			PLANTING BED (1,563 SF)
			BERMUDA SOD (5,217 SF)

- ### LANDSCAPE NOTES
- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY ARCHITECT / ENGINEER OF ANY DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
  - CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY ARCHITECT / ENGINEER OF ANY CONFLICTS. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
  - CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.
  - CONTRACTOR TO PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
  - ALL PLANTING BEDS AND LAWN AREAS TO BE SEPARATED BY STEEL EDGING. NO STEEL TO BE INSTALLED ADJACENT TO SIDEWALKS OR CURBS.
  - ALL LANDSCAPE AREAS TO BE 100% IRRIGATED WITH AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM.
  - ALL LAWN AREAS TO BE HYDROMULCH BERMUDA GRASS, UNLESS OTHERWISE NOTED ON DRAWINGS.

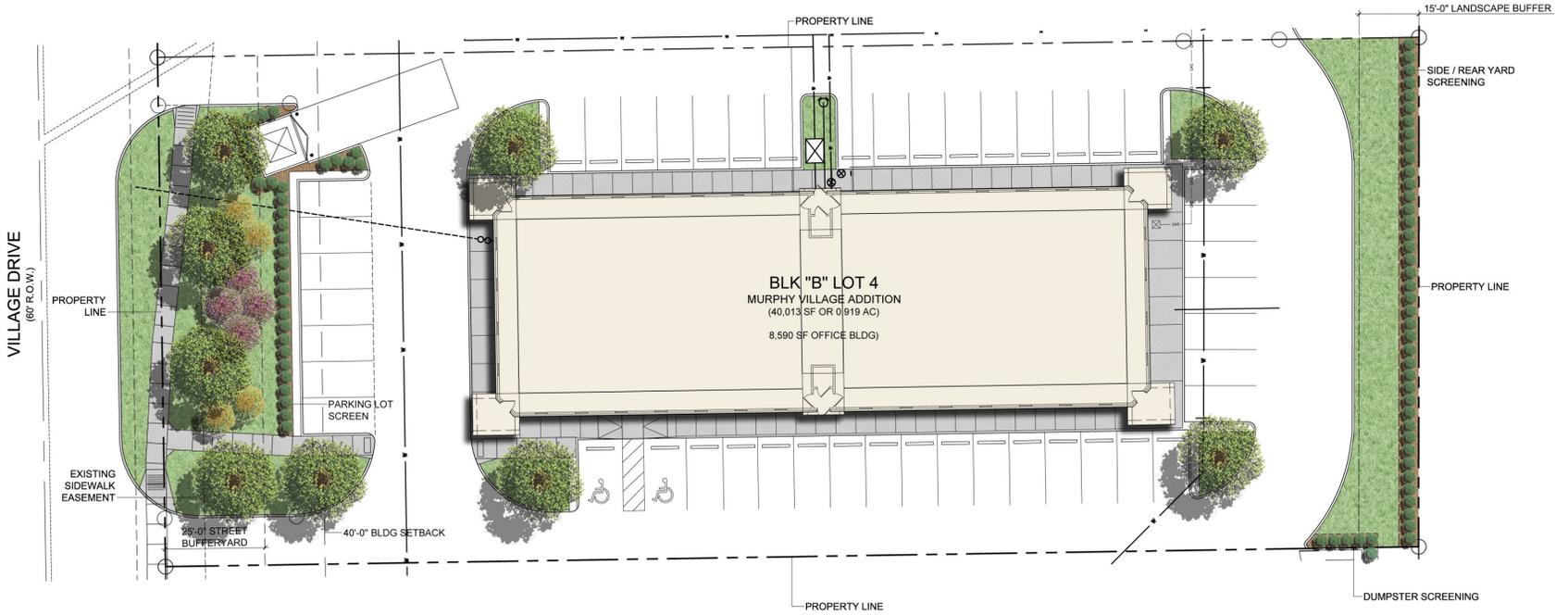
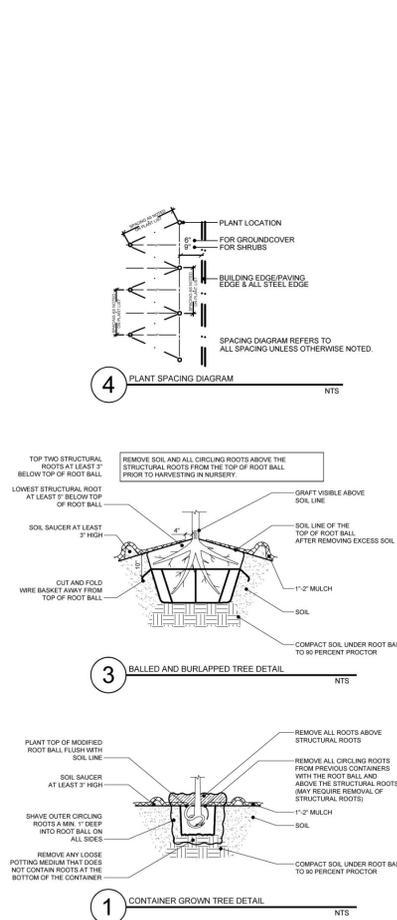
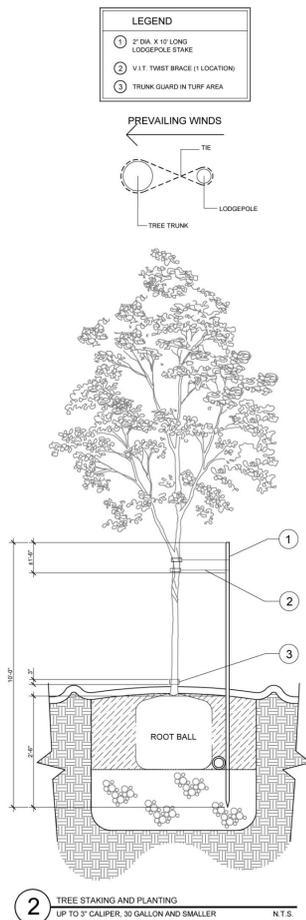
- ### HYDROMULCH NOTES
- ALL LAWN AREAS TO BE HYDROMULCH BERMUDA GRASS, UNLESS OTHERWISE NOTED ON DRAWINGS.
  - CONTRACTOR SHALL SCARIFY, RIP, AND LOOSEN ALL AREAS TO BE HYDROMULCHED TO A MINIMUM DEPTH OF 4" PRIOR TO TOPSOIL AND HYDROMULCH INSTALLATION.
  - BERMUDA GRASS SEED SHALL BE EXTRA HULLED AND TREATED LAWN TYPE AND SHALL BE DELIVERED TO THE SITE IN ITS ORIGINAL UNOPENED CONTAINER, AND SHALL MEET TEXAS STATE LAW REQUIREMENTS.
  - FIBER: SHALL BE ONE HUNDRED (100) PERCENT WOOD CELLULOSE FIBER, DELIVERED TO THE SITE IN ITS ORIGINAL UNOPENED CONTAINER. "CONWEB" OR EQUAL.
  - FIBER TACK: SHALL BE DELIVERED TO THE SITE IN ITS ORIGINAL UNOPENED CONTAINER, AND SHALL BE "TERRO-TACK ONE", AS MANUFACTURED BY GROVERS, INC., OR EQUAL.
  - HYDROMULCH WITH BERMUDA GRASS SEED AT A RATE OF TWO (2) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.
  - USE A 4' X 8' BATTER BOARD AGAINST ALL BED AREAS.
  - IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND APRIL 1, ALL HYDROMULCH AREAS TO BE WINTER RYE GRASS AT A RATE OF FOUR (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET. CONTRACTOR SHALL BE REQUIRED TO RE-HYDROMULCH WITH BERMUDA GRASS THE FOLLOWING GROWING SEASON.
  - ALL LAWN AREAS TO BE HYDROMULCHED, SHALL HAVE ONE HUNDRED (100) PERCENT COVERAGE PRIOR TO FINAL ACCEPTANCE.
  - CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE. THIS SHALL INCLUDE BUT NOT BE LIMITED TO: MOWING, WATERING, WEEDING, CULTIVATING, CLEANING, AND REPLACING DEAD OR BARE AREAS TO KEEP PLANTS IN A VIGOROUS, HEALTHY CONDITION.
  - CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF AN ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY AS NECESSARY.

### CITY OF MURPHY - LANDSCAPE REQUIREMENTS

LOT NO.	1
SITE AREA (SF)	40,013
SITE AREA (ACRES)	0.919
MINIMUM LANDSCAPE AREA REQUIRED (20%)	8,002
LANDSCAPE AREA PROVIDED (SF)	8,063 (20%)
LANDSCAPE SETBACKS	
BUFFERYARD ALONG TYPE 'B' ARTERIAL	25 FT
SIDE YARD SETBACK WITH EVERGREEN HEDGE	5 FT
STREET TREE REQUIREMENT (FRONTAGE)	1 TREE / 50 L.F.
STREET FRONTAGE (LF)	100
STREET TREES REQUIRED	4 LARGE / 8 ORN.
STREET TREES PROVIDED	4 LARGE / 8 ORN.
INTERIOR PARKING LANDSCAPE REQUIRED	1 TREE / 10 SPCS.
SPACES PROVIDED	44
INTERIOR PARKING TREES REQUIRED	5
INTERIOR PARKING TREES PROVIDED	5
ADDITIONAL LANDSCAPE REQUIREMENTS MET	LANDSCAPE AREA W/ TREE NOT MORE THAN 80 LF FROM EVERY PARKING SPACE PARKING SPACES SHALL NOT EXCEED 20 SPACES WITHOUT A TREE 5% INTERIOR LANDSCAPING REQUIRED ADDITIONAL 7% OPEN SPACE FOR ENTIRE DEVELOPMENT BAY DOORS MUST BE SCREENED FROM PUBLIC R.O.W.

- ### MAINTENANCE NOTES
- THE OWNER, TENANT AND THEIR AGENT, IF ANY, SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE.
  - ALL LANDSCAPE SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, WATERING, WEEDING AND OTHER SUCH ACTIVITIES COMMON TO LANDSCAPE MAINTENANCE.
  - ALL LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS AND OTHER SUCH MATERIAL OR PLANTS NOT PART OF THIS PLAN.
  - ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF YEAR.
  - ALL PLANT MATERIAL WHICH DIES SHALL BE REPLACED WITH PLANT MATERIAL OF EQUAL OR BETTER VALUE.
  - CONTRACTOR SHALL PROVIDE SEPARATE BID PROPOSALS FOR ONE YEAR'S MAINTENANCE TO BEGIN AFTER FINAL ACCEPTANCE.

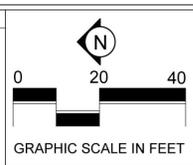
BLK "B" LOT 4-1  
MURPHY VILLAGE ADDITION  
LCD CAPITAL INVESTMENTS LLC



no.	date	revision / description
①	03-10-15	CITY SUBMITTAL
design	drawn by	date
meeks design group, inc.	luis orama	03-10-15

project information

PROPOSED OFFICE BUILDING  
MURPHY VILLAGE ADDITION  
BLOCK B, LOT 4  
CITY OF MURPHY, COLLIN COUNTY, TEXAS  
ZONE: PD #09-12-823

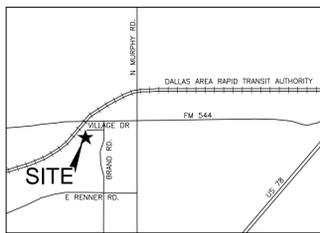


Meeks Design Group, Inc.  
1755 n. collins blvd. #300  
richardson, tx 75080  
p. (972) 690-7474  
c. (214) 354-6934  
hmeeks@mdgland.com

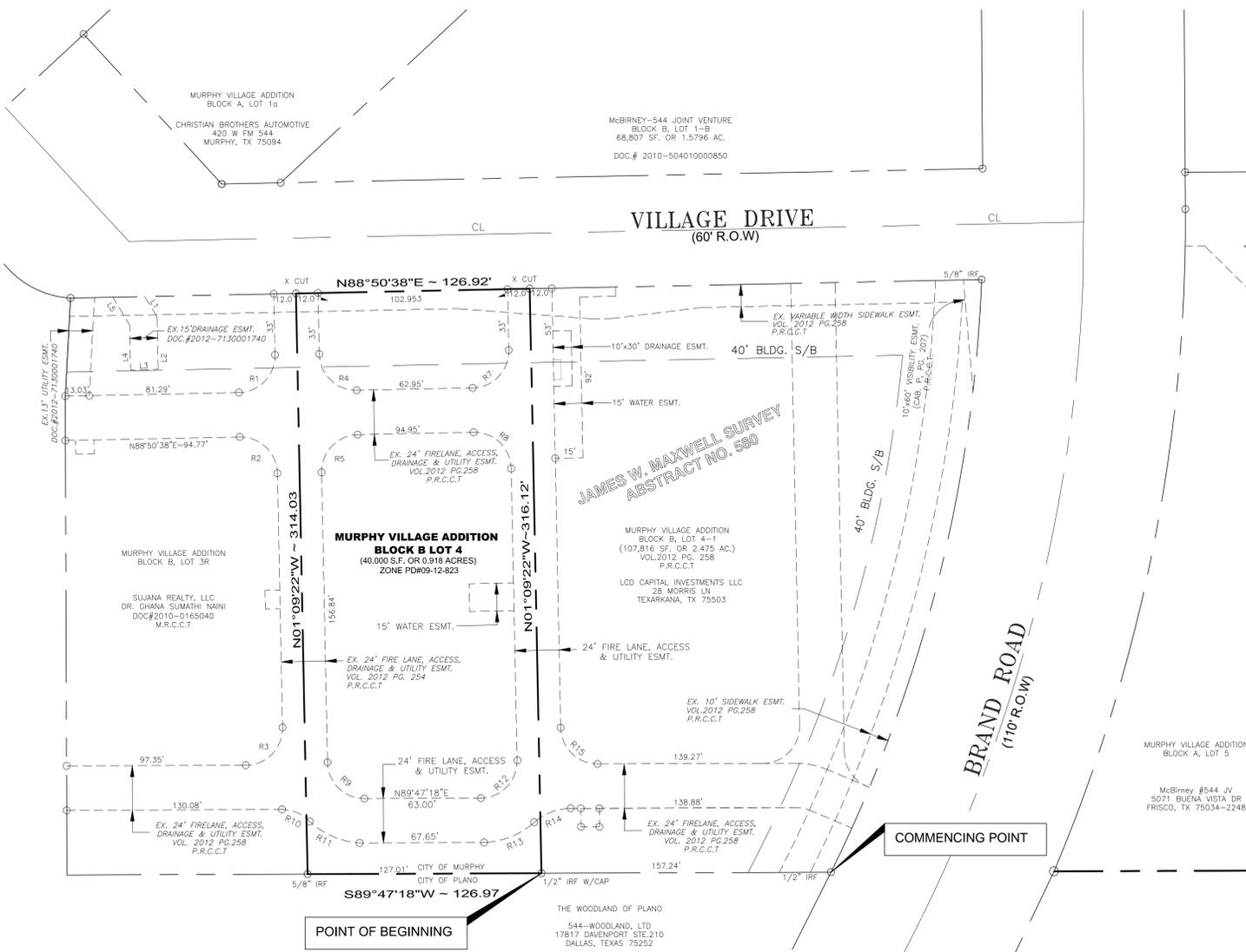
## LANDSCAPE PLAN

PROPOSED OFFICE BUILDING  
MURPHY VILLAGE ADDITION  
BLOCK B, LOT 4  
CITY OF MURPHY, COLLIN COUNTY, TEXAS  
ZONE: PD #09-12-823

SHEET NO.  
**LP0.01**



LOCATION MAP  
NTS



**PROPERTY OWNERS CERTIFICATION**

McBirney-544 Joint Venture does own this property as described in Collin County Clerk file number 2003-0207485 except the portion owned by Sujani Realty, LLC, described in Collin County County Clerk number 2010-0165040

**LEGEND**

IRS. = IRON ROD SET  
IRF. = IRON ROD FOUND  
M.R.C.C.T. = MAP RECORD OF COLLIN COUNTY, TEXAS  
P.R.C.C.T. = PLAT RECORD OF COLLIN COUNTY, TEXAS  
ESMT. = EASEMENT

**PREPARED BY:**

**ASA ENGINEERING**  
17819 DAVENPORT ROAD, SUITE 215  
DALLAS, TEXAS 75252  
(972) 248-9651 FAX (972) 248-9681  
TX T.B.P.E. REGISTRATION # F-006974  
T.B.P.L.S. FIRM REGISTRATION # 100433

CURVE	DELTA	RADIUS	T	L	CH	CHD
R1	90°00'00"	20.00	20.00	31.42	N43°50'38"E	28.28
R2	90°00'00"	20.00	20.00	31.42	N46°09'22"W	28.28
R3	90°56'40"	20.00	20.33	31.75	N44°18'58"E	28.52
R4	90°00'00"	20.00	20.00	31.42	S46°09'22"E	28.28
R5	90°00'00"	20.00	20.00	31.42	S43°50'38"W	28.28
R6	89°03'20"	20.00	19.67	31.09	S45°41'02"E	28.05
R7	90°00'02"	20.00	20.00	31.42	N43°50'37"E	28.28
R8	23°06'20"	44.00	8.99	17.74	N78°39'32"W	17.62
R9	89°03'20"	25.00	19.67	31.09	S45°41'02"E	28.05
R10	47°21'29"	16.81	8.92	16.81	N66°20'58"W	16.33
R11	38°29'23"	44.73	15.61	30.05	N66°52'29"W	29.48
R12	90°56'40"	25.00	20.33	31.75	N44°18'58"E	28.52
R13	38°45'25"	44.26	15.57	29.94	S68°03'36"W	29.37
R14	41°09'31"	30.00	11.26	21.55	S69°12'33"W	21.09
R15	89°03'20"	20.00	19.67	31.00	S45°41'02"E	28.05

STATE OF TEXAS,

COUNTY OF COLLIN,

**METES & BOUND DESCRIPTION**

WHEREAS SUZANNE ATHEY is the owner of a 0.918 acres tract of land, being known as lot 4 Block B, located between LOT 3R Block B, on the west side of the subject property, owned by Dr. Ghana Sumathi Naini and LOT 4-1 Block B, on the East side of the subject property, owned by LCD Capital Investments LLC, said the tracts situated in the J. Maxwell Survey, Abstract No. 580, City of Murphy, Collin County, Texas, and being more particularly described by metes and bounds as follows;

COMMENCING at 1/2" Iron rod found at the Southeast corner of McBirney - 544 JV tract and west right of way of Brand, THENCE S89°47'18"W for a distance of 157.24 feet to 1/2" Iron rod Found for POINT OF BEGINNING;

THENCE S89°47'18"W for a distance of 126.97 feet to 5/8" Iron rod found for a corner

THENCE N01°09'22"W along the East property line of LOT 3R Block B, Murphy Village Addition, a map record in Collin County, Texas, for a distance of 314.03 feet to an "X" cut on the existing concrete pavement for a corner;

THENCE N88°50'38"E along the South R.O.W line of Village Drive a (60' R.O.W) for a distance of 126.92 feet to an "X" cut on the existing concrete pavement for a corner;

THENCE S01°09'22"E along the West property line of LOT 4-1, Block B, Murphy Village Addition, for a distance of 316.12 feet to POINT OF BEGINNING and containing 40,000 S.F. or 0.918 Acres tract of land more or less.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

That Suzanne Athey acting herein by and through their duly authorized officers, does hereby adopt this plat designating the herein above described property as Lot 4 Block B of MURPHY VILLAGE Addition, an addition to the City of Murphy, Texas, and does hereby dedicate, in a fee simple, to the public use forever, the streets, rights-of-way and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Murphy. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Murphy, Texas.

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: Suzanne Athey

STATE OF TEXAS,

COUNTY OF COLLIN,

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_ Owner, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given upon my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Notary Public in and for the State of Texas

My Commission Expire on \_\_\_\_\_

STATE OF TEXAS,

COUNTY OF COLLIN,

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_ Owner, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given upon my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Notary Public in and for the State of Texas

My Commission Expire on \_\_\_\_\_

**NOTES:**

1. Basis of Bearings; Bearing are expressed as grid bearing (Texas Coordinate System of 1983, Zone 4202, NAD 83 Datum), as determined by GPS observations, resulting in a bearing of N 88°50'38"E, for the south right of way of Village Drive.

2. According to F.E.M.A flood insurance rate map, community panel no.48085C0415 J dated June 2,2009, this property does not appear to lie within a 100-year flood plain.

**SURVEYOR'S CERTIFICATE**

**KNOW ALL MEN BY THESE PRESENTS:**

That I, Pansak Sribhen, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Murphy.

Pansak Sribhen  
Registered Professional Land Surveyor No. 3576

STATE OF TEXAS

COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Pansak Sribhen, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given upon my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Notary Public in and for the State of Texas

My Commission Expire on \_\_\_\_\_

**Language Note:**

**Fire lanes:**  
That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface in accordance with the City of Murphy's paving standards for fire lanes, and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking or Standing." The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

**Access easements:**  
The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Murphy, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

**PRELIMINARY PLAT**  
Approved by the City of Murphy for a final plat.

**RECOMMENDED BY:** Planning and Zoning Commission  
City of Murphy, Texas

Signature of Chairperson \_\_\_\_\_ Date of recommendation \_\_\_\_\_

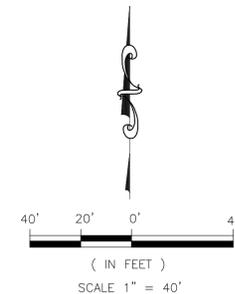
**APPROVED BY:** City Council  
City of Murphy, Texas

Signature of Mayor \_\_\_\_\_ Date of Approval \_\_\_\_\_

**ATTEST:**

City Secretary \_\_\_\_\_ Date \_\_\_\_\_

**CONSTRUCTION PLAT**  
OF  
**LOT 4 BLOCK "B", MURPHY VILLAGE ADDITION**  
A SUBDIVISION OF 0.918 ACRES  
MURPHY VILLAGE ADDITION  
AN ADDITION TO THE CITY OF MURPHY, TEXAS  
AS RECORDED IN VOL. 2012 PAGE 258  
OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS  
SITUATED IN THE  
JAMES MAXWELL SURVEY, ABSTRACT NO. 580  
JUNE 03, 2015



**OWNER:**  
VILLAGE COMMONS OF MURPHY  
418 VILLAGE DRIVE # 200  
MURPHY, TX 75094  
(469) 916-1222

**ORDINANCE NO. 09-12-823**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 25.33 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 580, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, FROM PD (PLANNED DEVELOPMENT) DISTRICT FOR MIXED USE RETAIL, COMMERCIAL, AND OFFICE USES TO PD (PLANNED DEVELOPMENT) DISTRICT FOR RETAIL AND OFFICE USES WITH CONDITIONS HERETO DESCRIBED AS EXHIBIT "B"; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Murphy and the City Council of the City of Murphy, in compliance with the laws of the State of Texas, 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 the City Council of the City of Murphy is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AS FOLLOWS:**

**Section 1.** That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to change the zoning classification from PD (Planned Development) District for Mixed Use Retail, Commercial and Office Uses to PD (Planned Development) District for Retail and Office Uses with conditions for the property described as 25.33 acres, more or less, in the James Maxwell Survey, Abstract No. 580, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

**Section 2.** That the development standards for this Planned Development District are attached hereto as Exhibit “B”, and the same are hereby approved for said Planned Development District as required by Section 86-603, of the City of Murphy, Texas Code of Ordinances.

**Section 3.** That Chapter 86 of the City of Murphy Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

**Section 4.** If any word, section, article, phrase, paragraph, sentence, clause or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of the Comprehensive Zoning Ordinance, Chapter 86 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

**Section 5.** Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Murphy, 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 6.** 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** this the 7th day of December, 2009.

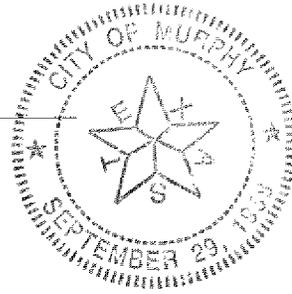


\_\_\_\_\_  
Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:



\_\_\_\_\_  
Aimee Nemer, City Secretary  
City of Murphy



**METES AND BOUNDS DESCRIPTION**  
for  
**LOT 2, BLOCK A**  
A 12.488 Acres Tract of Land  
**MURPHY VILLAGE ADDITION**  
James W. Maxwell Survey, Abstract No. 580  
City of Murphy  
Collin County, Texas

**WHEREAS McBRINEY -544 JOINT VENTURE**, is the owner of a tract situated in the James Maxwell Survey, Abstract No. 580, in the City of Murphy, Collin County, Texas, being Lot 2, Block A of MURPHY VILLAGE ADDITION an addition to the City of Murphy, Collin, County, Texas, according to the deed thereof recorded in volume 2644, page 123 of the Map Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at a ½" iron rod found in the northwesterly corner of Lot 4R, Block D, MURPHY VILLAGE ADDITION an addition to the City of Murphy, Collin, County, Texas, according to the plat thereof recorded in Cabinet B, Slide 442 of the Map Records of Collin County, Texas, same being the northeasterly corner of beforementioned Lot 2, Block A;

THENCE South 00 degree 49 minute 20 second West, a distance of 632.85 feet to a ½ iron rod found for a corner;

THENCE North 89 degree 10 minute 40 second West, a distance of 998.50 feet to a ½ iron rod found for a corner;

THENCE continuing along the centerline of curve to the right having a central angle of 23 degree 16 minute 21 second, a radius of 905.00 feet, and a tangent of 186.37 feet, on a chord bearing and distance of North 12 degree 17 minute 47 second East 365.07 feet, along the East Right-of-way line of Brand Road, a distance of 367.60 feet to a ½" iron rod found for a corner;

THENCE North 00 degree 39 minute 36 second East, along East line of Brand Road, a distance of 20.00 feet to a ½" iron rod found for a corner;

THENCE South 89 degree 20 minute 24 second East, a distance of 200.00 feet to a ½" iron rod found for a corner;

THENCE North 00 degree 39 minute 36 second East, a distance of 255.00 feet to a ½" iron rod found for a corner;

THENCE South 89 degree 20 minute 24 second East, along F.M. Highway 544 Road, a distance of 184.62 feet to a ½" iron rod found for a corner;

THENCE South 89 degree 04 minute 12 second East, along Southerly line of F.M. Highway 544 Road, a distance of 542.04 feet to the **POINT OF BEGINNING** and containing 12.488 acres or 543,959 square feet of land more or less.

**METES AND BOUNDS DESCRIPTION**  
for  
**Block "B"**  
A 9.046 Acers Tract of Land  
**MURPHY VILLAGE ADDITION**  
James W. Maxwell Survey, Abstract No. 580  
City of Murphy  
Collin County, Texas

**WHEREAS McBRINEY -544 JOINT VENTURE**, is the owner of a tract situated in the James Maxwell Survey, Abstract No. 580, in the City of Murphy, Collin County, Texas, being Lot 1-6, Block B of MURPHY VILLAGE ADDITION an addition to the City of Murphy, Collin County, Texas, according to the deed thereof recorded in volume 2003, page 207 of the Map Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at the ½" iron rod found at the corner of the southeast corner of this tract, and also being northeast of a Woodlands of Plano Tract also being in the south line of Brand Road 110 feet right-of-way (R.O.W);

THENCE North 89 degree 10 minute 40 second West with said city Limit line of Plano and Murphy, Texas as described in City of Plano Ordinance Number 73-4-1, recorded in Volume 861, Page 537, Deed Records of Collin County, Texas, for a distant of 903.88 feet to iron found for a corner;

THENCE along the curve to the left having a central angle of 02 degree 14 minute 28 second, a radius of 5,679.97 feet, and a tangent distant of 99.74 feet, a chord bearing of North 49 degree 14 minute 02 second East and a chord distance of 199.45 feet, for a curve length of 199.46 feet to ½" iron rod found for a corner of the said DART tract;

THENCE North 48 degree 14 minute 43 second East, along the northeast line of said DART tract, for a distant of 747.88 feet to ½" iron rod found for a corner;

THENCE South 89 degree 20 minute 24 second East, along the southeast line of F.M. 544 Road, for a distant of 294.32 feet to ½" iron rod found for a corner of the said Brand Road;

THENCE North 00 degree 39 minute 36 second West, along the southwest line of said Brand Road for a distant of 275.00 feet to ½" iron rod found for a corner;

THENCE along the curve to the right having a central angle of 00 degree 09 minute 53 second, a radius of 795.00 feet, and a tangent distant of 14.90 feet, a chord bearing of South 01 degree 45 minute 02 second W and a chord distance of 30.03 feet, for a curve length of 30.04 feet to ½" iron rod set for a corner;

THENCE along the curve to the right having a central angle of 24 degree 31 minute 46 second, a radius of 795.00 feet, and a tangent distant of 172.84 feet, a chord bearing of South 15 degree 05 minute 52 second West and a chord distance of 337.76 feet, for a curve length of 340.36 feet to the **POINT OF BEGINNING** and containing 394,037 or 9.046 acres;

**METES AND BOUNDS DESCRIPTION**  
for  
Block "C"  
A 3.799 Acres Tract of Land  
**MURPHY VILLAGE ADDITION**  
James W. Maxwell Survey, Abstract No. 580  
City of Murphy  
Collin County, Texas

**WHEREAS McBRINEY -544 JOINT VENTURE**, is the owner of a tract situated in the James Maxwell Survey, Abstract No. 580, in the City of Murphy, Collin County, Texas, being Lot 1, Block C of MURPHY VILLAGE ADDITION an addition to the City of Murphy, Collin, County, Texas, according to the deed thereof recorded in volume 2644, page 123 of the Map Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at a highway monument find for a corner at the intersection of the east line of a 100-foot right-of-way dedicated to Dallas Area Rapid Transit by deed recorded in Volume 3424, Page 126, Deed Records of Collin County, Texas with the south line of F.M. 544 (variable width right-of-way);

THENCE South 48 degree 14 minute 43 second West for a distance of 613.63 feet to a ½" iron found for a corner;

THENCE continuing along the centerline of curve to the right having a central angle of 2 degree 18 minute 41 second, a radius of 5,679.97 feet, and a tangent of 114.58 feet, on a chord bearing and distance of of South 49 degree 24 minute 03 second West 229.11 feet, along the East Right-of-way line of Brand Road, a distance of 229.13 feet to a ½" iron rod found for a corner;

THENCE North 03 degree 04 minute 40 second E for a distance of 545.45 feet to a ½" iron found for a corner;

THENCE North 88 degree 45 minute 22 second East, along Southerly line of F.M. Highway 544 Road, a distance of 602.59 feet to the **POINT OF BEGINNING** and containing 3.799 acres or 165,468 square feet of land more or less.

## EXHIBIT B

ZONING FILE NO. 2009-10

FM 544 and Brand Road

### PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality mixed-use, primarily retail, development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City of Murphy in terms of visual identity.
- II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage a mixed-use application including, but not limited to the following.
  - Restaurants;
  - Upscale retail shops and boutiques;
  - Assisted Living;
  - Medical Facilities;
  - Service Businesses
- III. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- IV. **General Regulations:** All regulations of the R (Retail) District set forth in Article III, Division 14 of the Code of Ordinances are included by reference and shall apply, except as otherwise specified by this ordinance.
- V. **Development Plans:**
  - A. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
  - B. Site Plan: A site plan shall be submitted in accordance with the requirements set forth in Article II, Division 5 of the City of Murphy Code of Ordinances. The site plan may be for all or any part of the land within the Planned Development District.
- VI. **Specific Regulations:**
  - A. Permitted Uses. The following uses shall be permitted.
    1. Amusement Services (Indoor) (SUP)
    2. Antique Shop (household items only)
    3. Art Dealer/Gallery
    4. Artist Studio
    5. Assisted Living
      - a. Senior Living (SUP)
      - b. Assisted Living (SUP)
      - c. Nursing Convalescent Home (SUP)
    6. Automobile Driving School (SUP)

7. Automotive Repair (Major) (SUP)
8. Automotive Repair (Minor)
9. Bakery (Retail)
10. Bank/Credit Union (SUP) (allowed by right at the SE corner of FM 544 and Brand Road)
11. Barber/Beauty Shop
12. Barber/Beauty Shop College (SUP)
13. Bed and Breakfast Inn (SUP)
14. Book Store
15. Cafeteria
16. Car Wash (Full Service)
17. Child Care Center, Kindergarten or Pre-School
18. Church/Place of Worship
19. Clinic (Medical)
20. Computer Sales
21. Confectionary Store (Retail)
22. Convenience Store with Gasoline (SUP)
23. Department Store
24. Dinner Theater
25. Electronics - Retail
26. Financial Services (Advice/Invest)
27. Florist
28. Furniture Sales (Indoor)
29. Governmental Building (Municipal, State or Federal)
30. Grocery Store (SUP)
31. Hardware Store
32. Health Club (SUP)
33. Hospital (Acute Care)
34. Hospital (Chronic Care)
35. Full Service Hotel/Motel (SUP)
36. Limited Service Hotel/Motel (SUP)
37. Insurance Agency Offices
38. Landscape Nursery
39. Laundry/Dry Cleaning (Drop Off/Pickup Only)
40. Motion Picture Theater
41. Needlework Shop
42. Offices (as allowed in Office zoning districts)
43. Park and/or Playground (Public)
44. Pet Shop/Supplies
45. Pharmacy (SUP) (allowed by right at the SE corner of FM 544 and Brand Road)
46. Photo Studio
47. Photocopying/Duplicating
48. Real Estate Offices
49. Restaurant
50. Restaurant (Drive-In) (SUP)
51. Retail Store
52. Retail Store (Drive-In) (SUP)
53. School, K through 12 (Public)

**EXHIBIT B**

- 54. Shoe Repair
- 55. Skating Rink (Ice) (SUP)
- 56. Tailor Shop
- 57. Theater (Live Drama)
- 58. Theater (Movie)
- 59. Tire Dealership
- 60. Travel Agency
- 61. Veterinarian Hospital

B. Area and Yard Regulations:

- 1. Setbacks From Property Lines Adjacent To Streets:
  - a. Building Setbacks - No building of any kind and no part thereof shall be placed within the following setback lines:
    - i. Minimum 40 feet from FM 544, Brand Road and Village Drive.
    - ii. Minimum 15 feet from all other roadways/access roads.
  - b. Landscape Setbacks
    - i. Minimum 25 feet from FM 544 and Brand Road.
    - ii. Minimum 10 feet from all other roadways/access roads.
- 2. Setbacks From Property Lines Not Adjacent To Streets:
  - a. Building Setbacks – No building of any kind and no part thereof shall be placed within the following setback lines:
    - i. Minimum 10 feet from rear and side lines except where buildings on adjacent lots abut each other. In the case of abutting buildings, the building setback shall be 0 feet.
    - ii. Minimum 50 feet abutting residential districts for single story buildings not exceeding 45 feet in height. All pad sites along FM 544 shall have a maximum average height of 30 feet.
    - iii. Maximum 50 feet along the KCS/DART right-of-way along the west property line.
- 3. There is no maximum building size as long as fire standards and other site requirements, such as parking and landscaping, etc. are met.

C. Parking, Driveways & Sidewalks:

- 1. Parking areas shall not be permitted within any landscape buffer strip.
- 2. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
- 3. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Code of

Ordinances. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.

4. Sidewalks along FM 544 shall be a minimum of 8 feet in width. Sidewalks along Brand Road and Village Drive shall be 6 feet in width.

D. Loading and Unloading

1. Truck loading berths and apron space shall not be located on the street side of any building, however, and exceptions can be addressed during site plan approval. In those instances where 3 or more sides of the building face dedicated streets, the loading berth shall be screened from view.
2. Truck loading berths and apron space shall not be located within any required setback or landscape buffer strip.

E. Minimum Exterior Construction Standards, Building Materials and Design – Exterior Construction and Design Requirements shall be architecturally compatible and comply with the following.

1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with or contains architectural design elements including but not limited to the following.
  - a. Canopies and awnings.
  - b. Outdoor patios.
  - c. Display windows/decorative windows.
  - d. Architectural details (such as decorative tile or brick work) integrated into the building façade.
  - e. Integrated planters or wing walls that incorporate landscape and/or sitting areas
  - f. Articulated cornice line.
  - g. Peaked roof form.
  - h. Accent materials (minimum 15% of exterior facade)
  - i. Other architectural features as approved with the site plan.
2. At least two masonry materials shall be used in addition to glass on any single building. The following masonry materials shall be allowed.
  - a. Brick
  - b. Cast Stone
  - c. Decorative concrete tilt wall
  - d. EIFS and Stucco (limited to no more than 12% total)
  - e. Stone
  - f. Wrought Iron (for decorative overhangs)

3. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure.
  4. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method.
  5. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
  6. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Built-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance.
  7. Roof top equipment, piping, flashing, and other items on the roof shall be screened by a perimeter parapet wall so as not to be visible from roadways.
  8. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.
- F. Landscape Standards. Landscaping shall be compatible and comply with the standards set forth in the Code of Ordinances, except as provided below.
1. All landscaping shall use a unified design for the entire Tract. Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy or final building inspection for the development. An automatic underground irrigation system shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
  2. A landscape buffer shall be provided 25 feet in depth adjacent to the right-of-way of FM 544, 25 in depth adjacent to Brand Road and ten (10) feet in depth adjacent to all other roads (includes public streets and private access drives) as measured from the back of curb of the public or private street to the back of curb of any site paving. No parking may be placed within any landscape buffer. Pedestrian easements may be located within a landscape buffer. The width of the sidewalk may be included in the calculation of the buffer depth for 25 foot buffers, but may not be included in the calculation of the buffer depth for ten (10) foot buffers.

## EXHIBIT B

3. A landscape buffer shall be provided for an average of 15 25 feet in depth adjacent to the KCS/DART Railroad right-of-way.
  4. Parking Lots:
    - a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than four (4) feet by four (4) feet shall be provided surrounding each tree located in a surface parking area.
      1. A total of five (5) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the five (5) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed eighteen (18) spaces in length.
- G. Screening. Screening shall comply with the standards set forth in the Code of Ordinances, except as provided below.
1. All screening at the rear of the property will be a live screen where required. Plant materials shall conform to the standards of the approved plant list in Section 50 and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Bald Cyprus trees are excluded from the approved list. The existing railroad berm will also serve as a natural screen between the nonresidential and residential districts.
  2. All truck docks/loading areas for anchor stores with a footprint greater than 100,000 square feet shall be screened from view through the use of 12-foot all masonry walls (which are the same colors and materials as main building). All other screening of the rear of the site shall be living screens (eight foot height and at least 75 percent capacity within four years of planting unless such areas are screened from public views by a building).
  3. Outside seasonal displays shall be permitted with the Planned Development District.
- H. Site Lighting. Lighting shall comply with the standards set forth in the Code of Ordinances, except as provided below.
1. Lighting should be provided for vehicular, pedestrian, signage, architectural and site features.
  2. Site lighting fixtures used along entrance driveways and parking areas shall be uniform and a consistent design within the development. Lighting standards for illuminating these areas shall be no taller than 40 feet high.

However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.

3. The pattern of light pooling from each fixture shall be carefully considered to provide smooth, even lighting of driveways and parking, while eliminating light intrusion into adjacent property outside of the planned development district. Parking areas shall have a minimum of 3-foot candles initial and a minimum average of 2-foot candle on a maintained basis. Light sources shall be metal halide, mercury vapor or of similar color. Yellow/orange source lights are prohibited from use. Incandescent source lighting should be considered for pedestrian areas and near buildings.
  4. Pedestrian walkways, courts, gardens and entrance areas shall be illuminated to enhance the pedestrian qualities of the development. Low level fixtures should complement the architectural design and focus on quality landscape lighting that will enhance the development.
  5. General illumination shall commence one half hour before sunset and last until the Building Site is closed for the evening. Parking structures and pedestrian walkways shall be illuminated during all hours of darkness and when poor weather conditions warrant.
- I. Signage and Graphics: Signage shall comply with the standards set forth in the Code of Ordinances, except as provided below.
1. General
    - a. Single Tenant Monument signs - One (1) monument sign shall be allowed on each pad site and shall be limited to a maximum sign area of 50 square feet and a maximum structure area of 80 square feet.
    - b. Multi Tenant Monument signs - One (1) multi tenant monument sign shall be allowed in Block C as shown on the concept plan and shall be limited to a maximum sign area of 100 square feet and a maximum structure area of 200 square feet.
    - c. Pylon signs – Two (2) pylon signs shall be permitted in Block A and one (1) pylon sign shall be permitted in Block B. Each pylon sign shall be limited to a maximum sign area of 350 square feet and a maximum structure area of 600 square feet.
  2. Single Tenant Monument Signs
    - a. Monument signs shall identify individual tenants or uses within a pad site. Monument signs shall be a maximum of seven (7) feet tall.
    - b. All single tenant monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Single tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.

- c. Monument signs shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
    - d. Construction of monument signs shall include a base of material compatible with the material used for buildings.
- 3. Multi Tenant Monument Sign
  - a. The multi tenant monument sign shall identify individual tenants or uses within the Planned Development District. The multi tenant monument sign shall be a maximum of ten (10) feet tall.
  - b. All multi tenant monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Multi tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
  - c. Monument signs shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
  - d. Construction of monument signs shall include a base of material compatible with the material used for buildings.
- 4. Pylon Signs
  - a. Pylon signs shall be constructed at a height not to exceed twenty-five (35) feet.
  - b. The base of a pylon sign shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.
  - c. All pylon signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Pylon signs may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
  - d. Construction of pylon signs shall include a base of material compatible with the material used for buildings.
- 5. Temporary Marketing Signage
  - a. Four (4) quality temporary marketing signs shall be permitted for the proposed development. These signs shall for a term of twelve (12) months from the date of installation.
  - b. The maximum signage area will be 96 square feet. The maximum height shall be 10 8 feet.

- c. All other temporary signage not specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.
- d. Temporary signs are not required to be constructed of the material used for buildings.

J. Open Space

- 1. The proposed development should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Tract at the pedestrian level.
- 2. Outdoor Seating. Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and shall be approved with the site plan. The outdoor seating area may be included as a portion of the 5% open space requirement as stated in (b.) below.
- 3. An additional 5% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 5% may be located adjacent to the required setbacks or landscaping at the ROW and property lines or in front or in some cases to the side of the structure. The additional open space percentage may not include the building footprint or vehicular parking lot. This area and associated amenities shall be approved on the site plan. At least one of the following amenities shall be located within the additional 5% open space area and count towards the required percentage.
  - a. Water feature, such as a fountain or detention pond with constant water level.
  - b. Plaza or courtyard with art sculpture piece.
  - c. Outdoor patio or gazebo with seating area.
  - d. Other areas for pedestrian congregation, as may be approved on the site plan.
- 4. Outside seasonal displays shall be permitted with the Planned Development District.

VII. **Special Regulations:**

- 1. Traffic Impact Analysis: A Traffic Impact Analysis (TIA) shall be performed prior to site plan approval for any portion of the subject property.
- 2. Utility/Power Lines: New utility distribution and service lines for individual business establishments, buildings, signs and for any other site development features shall be placed underground.
- 3. Pedestrian Streetscape: Pedestrian spaces throughout the Planned Development District shall be treated with amenities that are selected based upon their ability to unify the streetscape and shall be established on the overall

concept plan for each Tract. These features shall include, but are not limited to, benches, trash receptacles, bicycle racks, lighting poles, etc.

4. Cross-Access Requirement: A joint access (i.e. – ingress, egress) easement shall be required to minimize the number of driveway openings along FM 544. The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards.
5. Building Placement/Orientation: Buildings shall be placed in a manner that is conducive to a pedestrian-oriented atmosphere, wherever possible. Any building within 200 feet of FM 544 shall either face such right-of-way or shall have a façade facing such right-of-way that is in keeping with the character of the building's main façade.



**Issue**

Hold a public hearing and consider and/or act on the adoption of a temporary moratorium on property development within a defined geographic boundary in the southeastern portion of the City.

**Summary**

The City is beginning the process of revising the Comprehensive Plan and studying the land uses, public facilities, flooding, connectivity, and development of the area near south Maxwell Creek. The area is zoned SF-20 with the exception of several tracts southwest of FM 544 and McCreary Road which were recently rezoned to PD-R. Maxwell Creek and its floodplain is the prevailing natural feature in this area and impacts existing and future development in the area. Existing development in the area is low-density residential and includes the Timbers Nature Reserve and Park, but recent development in Wylie and Sachse has created increased interest in development of property fronting on McCreary Road and FM 544.

The Comprehensive Plan recommends a future land use plan that balances residential and nonresidential land uses by encouraging the design of non-residential developments to integrate rather than be isolated from surrounding properties while minimizing the impact of such development on residential properties.

The City is in the process of revising its Comprehensive Plan and intends to study existing and future development conditions and land uses in and near the south Maxwell Creek area. Significant development in and around south Maxwell Creek requires the City to determine the best method to protect the area and strengthen the connection between the City's ordinances and the goals and needs of the citizens. The existing regulations are inadequate to prevent new development from being detrimental to the health, safety, and welfare of the City's residents. A temporary moratorium allows the City to address compelling land use and environmental compatibility concerns associated with development activities occurring in and around the south Maxwell Creek area, while reviewing and adopting ordinances to provide for compatible development in order to protect the character of existing residential property while providing for potential development of property along FM 544 and McCreary Road.

**Considerations**

It is recommended that the Planning and Zoning Commission recommend approval of the temporary moratorium to City Council in order to suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, or construction on real property in the area near the South Maxwell Creek area, as depicted in the attachment to this summary brief.

The area in which the temporary moratorium will be enacted is bounded on the north by FM 544, on the east by McCreary Road, on the south by the City boundary east of Travis Farm Park and the Southern boundary of Travis Farm Park, and on the west by eastern boundary of Travis Estates, then the northern boundary of Travis Estates to the eastern boundary of 639 Kinney Drive, then the eastern boundary of 639 Kinney Drive, then the southern boundary of 605 Kinney Drive, then the eastern boundary of Skyline Acres #4, then the eastern boundary of Timbers #6-2, then directly north across Oncor property to the eastern boundary of Timbers #104, then the eastern boundary of Timbers #104, then the southern boundary of Timbers #2, then the eastern boundary of Timbers #2.

**Attachments**

Moratorium Ordinance

Map of defined geographic boundaries of South Maxwell Creek Corridor temporary moratorium area.

**AN ORDINANCE ADOPTING AND ENACTING A MORATORIUM ON ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION ON PROPERTY WITHIN A DEFINED GEOGRAPHIC BOUNDARY; PROVIDING FINDINGS OF FACT; PROVIDING EXEMPTIONS; PROVIDING A WAIVER PROCEDURE; PROVIDING FOR A TERMINATION DATE; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Murphy, Texas, finds that it is in the best interest of the City of Murphy (“City”) and its citizens to adopt and enact a moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, or construction on real property in the area near the South Maxwell Creek Corridor, bounded on the north by FM 544, on the east by McCreary Road, on the south by the City boundary east of Travis Farm Park and the Southern boundary of Travis Farm Park, and on the west by eastern boundary of Travis Estates, then the northern boundary of Travis Estates to the eastern boundary of 639 Kinney Drive, then the eastern boundary of 639 Kinney Drive, then the southern boundary of 605 Kinney Drive, then the eastern boundary of Skyline Acres #4, then the eastern boundary of Timbers #6-2, then directly north across Oncor property to the eastern boundary of Timbers #104, then the eastern boundary of Timbers #104, then the southern boundary of Timbers #2, then the eastern boundary of Timbers #2, as further depicted in Exhibit “A” attached hereto and incorporated herein for all purposes (the “South Maxwell Creek Zone”); and

**WHEREAS**, the City has developed a Comprehensive Plan for development within the City and desires to protect its ability to regulate development within its jurisdiction; and

**WHEREAS**, the City has started the process of revising the Comprehensive Plan and studying the land use and development in and around the South Maxwell Creek Zone; and

**WHEREAS**, the City started the process of developing and adopting ordinances that will implement the objectives of the Comprehensive Plan; and

**WHEREAS**, Maxwell Creek is a major drainage feature of the City and the only creek within the City; and

**WHEREAS**, the Comprehensive Plan recommends a future land use plan that balances residential and nonresidential land uses; and

**WHEREAS**, the Comprehensive Plan recommends integrating non-residential developments and neighborhoods by requiring connections into adjacent areas and encouraging the design of non-residential developments to integrate rather than be isolated from surrounding properties while minimizing the impact of such development on residential development; and

**WHEREAS**, significant growth in and around the South Maxwell Creek Zone requires a determination of the best method to protect the property in and around the South Maxwell Creek Zone; and

**WHEREAS**, the study and update of City’s development ordinances and procedures is needed in order to clarify and improve planning policies, strengthen the connection between the City’s ordinances and the goals and needs of the citizens, and to protect the health, safety, environment, quality of life, and general welfare; and

**WHEREAS**, a temporary moratorium is needed to address significant and compelling land use and environmental compatibility concerns associated with development activities occurring in and around the South Maxwell Creek Zone, including residences, retail, commercial, recreational, and other uses; and

**WHEREAS**, the City is reviewing its municipal ordinances and regulations to provide for an equitable system of regulations relating to development in the South Maxwell Creek Zone in order to protect the interests of existing residential property while providing for opportunities for development of property along significant corridors; and

**WHEREAS**, the City wants to ensure that that development in the South Maxwell Creek Zone has an acceptable impact on the distinctive character of the community, which is different from that of adjoining areas and municipalities; and

**WHEREAS**, the application of the City's existing ordinances and regulations is inadequate to prevent new development from being detrimental to the public health, safety, or welfare of the residents of the South Maxwell Creek Zone; and

**WHEREAS**, the City Council seeks a better understanding of the effects of development within the South Maxwell Creek Zone and needs a reasonable amount of time to study land use management, water management, and planning methods for the purpose of devising a responsible land use plan for the South Maxwell Creek Zone; and

**WHEREAS**, the City Council seeks public input and professional assistance in order to preserve the community lifestyle in the South Maxwell Creek Zone while also allowing for compatible land uses, enabling free enterprise, and protecting private property rights; and

**WHEREAS**, in order for the City to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances pertinent to the South Maxwell Creek Zone, and to consider the impact of the ordinances upon future growth, public health and safety, development, and natural environment, the City wishes to implement a moratorium period of 90 days, during which no application for subdivision plats, zoning changes, site planning, development or construction on real property in the South Maxwell Creek Zone will be accepted; and

**WHEREAS**, the purposes of the temporary moratorium include preserving the *status quo* during the planning process, eliminating incentives for inadequate applications, facilitating consistent planning, avoiding exploitation of any delays inherent in the legislative process, and preventing applications from undermining the effectiveness of the revised ordinances by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development ordinances; and

**WHEREAS**, the City desires to implement this temporary moratorium for a stated and fixed time period, and to include a waiver provision; and

**WHEREAS**, the City Council plans to gather and disseminate to the public vital information relating to land use and development in the South Maxwell Creek Zone; and

**WHEREAS**, the City Council seeks to promote a positive image of the City reflecting order, harmony, and compatible land uses, thereby strengthening the City's commercial, cultural, historical, residential, recreational, and scenic areas; and

**WHEREAS**, a comprehensive strategy to future development of the South Maxwell Creek Zone will preserve the health, safety and general welfare of the City by providing for orderly growth and coordinated development; and

**WHEREAS**, all notices and hearings, including a hearing by the Planning and Zoning Commission, have been published and held in accordance with applicable statutes, laws, and regulations; and

**WHEREAS**, the City Council finds that a moratorium is necessary and prudent in order to protect the status quo in the South Maxwell Creek Zone so that the City Council may adopt the appropriate administrative and regulatory rules and procedures to regulate development in the South Maxwell Creek Zone;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AS FOLLOWS:**

**Section 1.** The recitations contained in the preamble to this ordinance are found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.** The City hereby approves and enacts this ordinance in order to implement a temporary moratorium on the submission and acceptance of applications for subdivision plats, site development plans, zoning amendments, and development and construction permits for properties within the South Maxwell Creek Zone, an area designated on the map attached as Exhibit "A", which is included in this ordinance for all purposes, until (a) 90 days after enactment of this ordinance, or (b) termination of this ordinance by the City, whichever is sooner. This temporary moratorium is enacted to preserve the *status quo* and (1) assess the existing and future land use for the South Maxwell Creek Zone; (2) evaluate and study methods to allow development while maintaining the character of the South Maxwell Creek Zone; (3) consider the impact of development on surrounding properties in the South Maxwell Creek Zone; (4) adopt ordinances and regulations that allow for compatible development within the South Maxwell Creek Zone. Except as otherwise provided herein, and extending for the duration of this ordinance, no city employee, officer, agent, department, board, or commission of the City shall accept for filing any applications for subdivision plats, site development plans, zoning amendments, development and construction permits for any property located in the South Maxwell Creek Zone. Applications, together with any documents or fees accompanying the applications, which are submitted during the duration of this temporary moratorium, shall be returned to the applicant as unfiled.

**Section 3.** If the City determines that this 90-day period is insufficient for the City to fully complete the process of developing and adopting ordinances to implement its purposes within the the South Maxwell Creek Zone, this ordinance may be renewed for an additional period of time, not to exceed 90 days, upon a majority vote of the City Council.

**Section 4.** This ordinance shall not apply to completed applications that were lawfully submitted prior to June 23, 2015. An owner of property within the South Maxwell Creek Zone may request a waiver of the application of this temporary moratorium to a particular project by submitting a written application to the City with the reasons for the waiver request along with supporting documentation. The waiver request must be submitted at least five business days before, but not more than ten days before, a regularly scheduled City Council meeting. The City Council may approve a waiver application, in which case the applicant may submit an application for processing, if one or more of the following conditions are satisfied:

1. **Undue Hardship.** The applicant shall suffer undue hardship if the moratorium is not waived, that being something beyond or in addition to financial hardship; current regulations are adequate to address the proposed type of development and construction; it is in the public interest to allow a limited exception to the moratorium; and authorizing the waiver will not adversely impact the development and character of the South Maxwell Creek Zone.
2. **Development Agreement.** The tract is subject to a valid, written development agreement between the property owner and the City pursuant to which all land use and development

matters are addressed in a manner that protects the character and development of the South Maxwell Creek Zone.

3. Planned Development District. The tract is zoned as a Planned Development District in which all land use and development matters are addressed in a manner that protects the character and development of the South Maxwell Creek Zone.
4. Pending Projects. Complete applications for one or more building permits for the proposed project were on file with the City on or before the temporary moratorium became effective.

**Section 5.** In the case of any conflict between the other provisions of this ordinance and any existing ordinance of the City, the provisions of this ordinance control and all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict.

**Section 6.** This ordinance and every provision thereof shall be considered severable, and the invalidity of any section, clause, or provision or part or portion of any section, clause or provision shall not affect the validity of any other portion of this ordinance.

**Section 7.** This ordinance shall take effect immediately from and after its adoption, as the law and Charter in such cases provide, except that beginning on the fifth business day after the date of notice is published in conformity with Texas Local Government Code §212.134(b), a temporary moratorium took effect on June 23, 2015, during which time the City was authorized to shall stop accepting permits, authorizations and approvals necessary for the construction, reconstruction, or other alteration or improvement of property located within the South Maxwell Creek Zone.

**PASSED, APPROVED AND ADOPTED** this the \_\_\_\_\_ day of July 2015.

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Eric Barna, Mayor

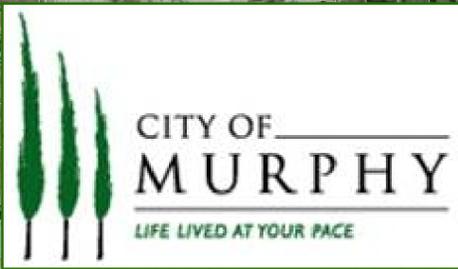
ATTEST:

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Susie Quinn, City Secretary

# **EXHIBIT A**

Map depicting area of South Maxwell Creek Zone



KCS RR

FM 544

Murphy Rd

McCreary Rd

S Maxwell Creek Rd

Kinney Dr

Hawthorne

Ridgeview Dr

Skyline Dr

