

ORDINANCE NUMBER 19-03-1118

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP, CHAPTER 30, OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 2.95 ACRES, BEING TRACT 82, ABSTRACT 0579 IN THE HENRY MAXWELL SURVEY, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, FROM SINGLE-FAMILY RESIDENTIAL-20 (SF-20) TO PLANNED DEVELOPMENT (PD) DISTRICT OVERLAY OF RETAIL; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS TO THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY; PROVIDING A CUMULATIVE/ REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE ESTABLISHING A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR A VIOLATION OF THE ORDINANCE FOR EACH DAY A VIOLATION EXISTS OR CONTINUES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of approximately 2.95 acres of land located at the 600 block of E. FM 544, having the legal description of Tract 82, Abstract 0579, Henry Maxwell Survey, in the City of Murphy, Collin County, Texas, have requested a change in the zoning for an approximate 2.95 acre tract of land located on the south side of FM544, in the City of Murphy, Collin County, Texas, such property more specifically described in **Exhibit A (Legal Description for the Property)** to this Ordinance (hereinafter also referred to as the “Property”) from Single-Family Residential – 20 (SF-20) to Planned Development District (PD) overlay of Retail with additional development standards consistent with the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Murphy (the “Commission”), in compliance with the laws of the State of Texas, gave the requisite notices by publication and otherwise, and held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard; and

WHEREAS, having reviewed the request for rezoning the Property from Single-Family Residential-20 (SF-20) to PD Planned Development (PD) District Overlay of Retail, the Commission determined that the requested change in zoning designation for the Property was compatible with surrounding uses and consistent with the City’s Comprehensive Plan and Future Land Use map designation for “high density retail”, and has recommended approval of this Ordinance to the City Council to rezone the Property to Planned Development (PD) District Overlay of Retail; and

WHEREAS, the City Council of the City of Murphy, in compliance with the laws of the State of Texas, having given the requisite notices by publication and otherwise, having held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard, and having considered the recommendation of the Planning and Zoning Commission, has determined that the proposed rezoning of the Property from its current designation of Single-Family Residential-20 (SF-20) to PD Planned Development (PD) District Overlay of

Retail is consistent with the City's Comprehensive Plan and Future Land Use map designation for "high density retail", and that the requested rezoning is appropriate and compatible with surrounding uses;

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

Section 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Amendments.

2.01. Zoning Ordinance and Zoning Map. That the Zoning Ordinance and Zoning Map of the City of Murphy, Texas, (Chapter 30 of the City of Murphy Code of Ordinances) be, and the same are hereby amended so as to change the zoning (designation) from Single Family Residential – 20 (SF-20) to Planned Development (PD) District Overlay of Retail with additional development standards for the Property, such Property being an approximate 2.95 acre tract of land located on the south side of FM544, in the City of Murphy, Collin County, Texas, and more particularly described in **Exhibit A (Legal Description for the Property)**, attached hereto and incorporated herein by reference.

2.02. Development Conditions. That the Development Conditions and Standards for the Property as set forth in **Exhibit B (Planned Development Conditions)** attached hereto and incorporated herein by reference, are hereby approved by the City Council for the Property, shall regulate development upon the Property, and the Property shall be zoned as Planned Development (PD) District Overlay of Retail in accordance with the City of Murphy, Texas, Code of Ordinances as amended by this Ordinance.

2.03. Property Subject to Chapter 30. That Chapter 30 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, and that said property shall in all other respects be subject to all applicable regulations of the City of Murphy.

Section 3. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of state or federal law and all ordinances of the City of Murphy, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

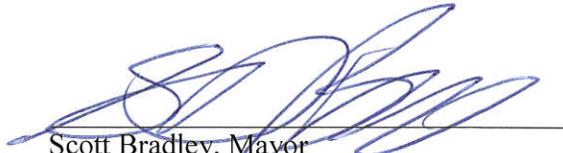
Section 4. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining portions of

this Ordinance, or the Comprehensive Zoning Ordinance, Chapter 30 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 5. Penalty Clause. 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. Effective Date. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 19th day of March, 2019.



Scott Bradley, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary

APPROVED AS TO FORM:

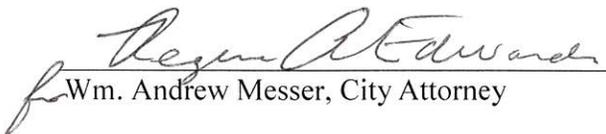

for Wm. Andrew Messer, City Attorney



EXHIBIT A
LEGAL DESCRIPTION
FOR THE PROPERTY

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, **DON LOFTICE** and **PEGGY J. LOFTICE**, are the owners of a 2.95 acre tract of land situated in the HENRY MAXWELL SURVEY, ABSTRACT NUMBER 579, City of Murphy, Collin County, Texas, being all of that certain tract of land conveyed to Don Loftice and Peggy J. Loftice by deed of record in Instrument Number 20130212000195930, Official Public Records, Collin County, Texas (O.P.R.C.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 3-inch Aluminum Disk stamped "TXDOT" found in the South right-of-way line of Farm to Market Road 544 (a variable width right-of-way), being the Northeast corner of a called 3.98 acre tract of land conveyed to Dennis F. Collins or Kimberly A. Collins, Trustee, by deed of record in Instrument Number 2015010200001200, O.P.R.C.C.T., also being the Northwest corner of said Loftice tract and hereof;

THENCE North 85°13'56" East, along the South right-of-way line of Farm to Market Road 544, being the North line of said Loftice tract, a distance of 252.61 feet to a 5/8-inch Iron rod found in the West line of a called 2.0732 acre tract of land conveyed to HEB Grocery Company by deed of record in Instrument Number 20150122000074370, O.P.R.C.C.T., being the Northeast corner of said Loftice tract and hereof from which, a 1/2-inch Iron rod with yellow plastic cap stamped "ROOME" found for the Northwest corner of said 2.0732 acre tract bears North 06°05'25" East, a distance of 4.48 feet;

THENCE South 00°20'52" East, along the common line of said Loftice tract and said 2.0732 acre tract, passing at a distance of 517.51 feet, a 1/2-inch iron rod found and continuing a total distance of 551.26 feet to a point at or near the center of Maxwell Creek, being in the North line of a called 3.0576 acre tract of land conveyed to Bonita Menard by deed of record in Instrument Number 2002-0139097, O.P.R.C.C.T., also being the Southwest corner of said 2.0732 acre tract, also being the Southeast corner of said Loftice tract and hereof;

THENCE along or near the center of Maxwell Creek, along the common line of said 2.0732 acre tract and said 3.0576 acre tract, the following two courses and distances:

- 1.) North 73°37'24" West, a distance of 89.25 feet to an angle point;
- 2.) South 84°59'36" West, a distance of 152.82 feet to an angle point, being the Southeast corner of said 3.98 acre tract, also being the Southwest corner of said Loftice tract and hereof;

THENCE North 01°54'07" West, leaving the North line of said 3.0576 acre tract, along the common line of said 3.98 acre tract and said Loftice tract, passing at a distance of 36.94 feet, a 3/8-inch iron rod found and continuing a total distance of 518.71 feet to the **POINT OF BEGINNING** and containing an area of 2.95 Acres, or (126,491 Square Feet) of land, more or less,

EXHIBIT B

PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose of this Planned Development District is to provide high quality retail and certain transportation and automotive uses while preserving open spaces with natural and environmental amenities. The intention of this Planned Development is to ensure that any development that occurs within this designated area is consistent with the Comprehensive Plan and is beneficial and complementary to the City of Murphy in terms of visual identity. The Planned Development Conditions set forth herein (hereinafter also referred to as “Conditions”) shall regulate the development of the Property in accordance with the requirements set forth in this **Exhibit B** and all the other regulations set forth in this Ordinance zoning the Property to Planned Development (PD) District Overlay of Retail.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in Chapter 30, “Zoning” of the City of Murphy Code of Ordinances, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Retail (R) District set forth in Chapter 30, Article 30.03, Division 14 of the Murphy Code of Ordinances, as amended, are incorporated herein by reference and shall apply, except as otherwise specified and/or amended by this Ordinance, including without limitation the Conditions set forth herein.
- IV. **Development Plans:**
 - A. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in **Exhibit C**, a copy of which is attached to this Ordinance and incorporated; however, in the event of conflict between the concept plan and these Conditions, these Conditions shall prevail.
 - B. Conceptual Landscape Plan: Development shall be in general conformance with the approved conceptual landscape plan set forth in **Exhibit D**, a copy of which is attached to this Ordinance and incorporated; however, in the event of conflict between the landscape plan and these Conditions, these Conditions shall prevail.
 - C. Conceptual Exterior Elevation Plan: Development shall be in general conformance with the approved conceptual exterior elevations as set forth in Exhibit E, a copy of which is attached to this Ordinance and incorporated; however, in the event of conflict between the exterior elevations and these Conditions, these Conditions shall prevail.
 - D. Concept Plan, Conceptual Landscape Plan and Conceptual Exterior Elevation Plan approval shall each be valid for a period of one (1) year from the date of City Council action on the respective plan. If within that one-year period a site plan has been submitted for a portion of the development, then the Concept Plan shall be deemed to have no expiration date.

EXHIBIT B

- E. Site Plan: Before development of the Property can begin, a site plan shall be submitted in accordance with the requirements set forth in Chapter 30, Article 30.02, Division 7 of the Murphy Code of Ordinances, as amended. The site plan may be for all or any part of the Property located within the Planned Development District. Site plans shall be valid for a period of one (1) year from the date of City Council action on the plan.

V. Specific Regulations:

- A. Permitted Uses. All permitted uses in the Retail “R” District as set forth in Chapter 30 of the Murphy Code of Ordinances, as amended, with the following exception:
 - 1. Automobile repair, minor – allowed without a Specific Use Permit and defined by the Murphy Code of Ordinances as minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under “Automobile repair, major” or any other similar use. Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than 48 hours.
 - 2. Single-Family Residential: The existing single-family residential structure shall remain a part of this development as a legal nonconforming use until such time as the current occupants, Don and Peggy Loftice, no longer reside within the structure. Within ten (10) days of the date that the residential structure is vacated by the current occupant (“Vacancy Date”), the owner of the property shall inform the City in writing of that Vacancy Date, and the owner shall have a maximum of one hundred and twenty (120) days from the Vacancy Date to demolish the primary and accessory structures associated with the residential use in order to re-establish the natural and environmental floodplain. This area will then remain as undeveloped open space.
- B. Area Regulations: All area regulations shall comply with those set forth in Chapter 30 of the Murphy Code of Ordinances, as amended, for the Retail “R” District.
- C. Parking, Driveways & Sidewalks: Sidewalks shall be installed along FM 544 and shall be a minimum of eight (8) feet in width.

EXHIBIT B

- D. Minimum Exterior Construction Standards, Building Materials and Design: Exterior Construction and Design Requirements shall comply with Chapter 26 of the City of Murphy Code of Ordinances, as amended. All structures, including all building elevations, shall be constructed utilizing a unified design that is consistent with the approved Conceptual Exterior Elevation Plan.
- E. Landscape Standards. Landscaping shall comply with Chapter 26 of the City of Murphy Code of Ordinances, as amended.
- F. Screening. Screening shall comply with the standards set forth in Chapter 26 of the City of Murphy Code of Ordinances, as amended, except as provided below:
 - 1. No screening wall shall be required along the western property line. If the developer installs a screening wall at that location, such wall shall match the building in materials and colors, and shall be between a minimum of six (6) and a maximum of eight (8) feet tall.
- G. Site Lighting. Lighting shall comply with the standards set forth in Chapter 26 of the City of Murphy Code of Ordinances, as amended.
- H. Signage and Graphics: Signage shall comply with the standards set forth in Chapter 26 of the City of Murphy Code of Ordinances, as amended.

EXHIBIT B

THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES



- LEGEND**
- PROPOSED HEAVY DUTY PAVEMENT
 - PROPOSED LIGHT DUTY PAVEMENT
 - PROPOSED FIRE LINE
 - ADA PATH OF TRAVEL
 - PROPOSED CURB & GUTTER
 - EASEMENT LINE
 - PROPERTY LINE
 - SMOULT
 - PROPOSED STORM DRAIN LINE
 - PROPOSED PARKING SPACES
 - PROPOSED WHEEL STOP
 - PROPOSED 2" TYPE 2 CURB INLET
 - PROPOSED CONCRETE HEADWALL
 - PROPOSED REPAIR
 - PROPOSED FIRE HYDRANT
 - PROPOSED FIRE DEPARTMENT CONNECTION
 - PROPOSED WATERLINE

ARCHITECT:
 MCA PARTNERS
 SUITE 610
 7923 WINDMILL DRIVE
 DALLAS, TX 75236
 PHONE: 214.381.9901 (TX) 03
 SHAWN O'NEALE

REPRESENTATIVE:
 MITCHELL PLANNING GROUP, LLC
 7923 WINDMILL DRIVE
 DALLAS, TX 75236
 PHONE: 817-237-4467
 CONTACT: KAREN K. MITCHELL

ENGINEER:
 CIRCLE ENGINEERS, LLC
 SUITE 104
 210 SOUTH ELM STREET
 COFFELL, TX 75904
 FIRM NO. 19-016
 PHONE: 940-222-9009
 TX FIRM #0181477

OWNER:
 DON & PEGGY LOFFICE
 832 F.M. 544
 MURPHY, TX 75906

APPLICANT:
 CROSS DEVELOPMENT
 4375 WOODSTON STREET
 CARROLLTON, TX 75010
 PHONE: 214-983-1274
 FIRM NO. 19-016
 EMAIL: WALTER.CROSS@DEVELOPMENT.NET CONTACT: MARGARET GROSSM

PARKING INFORMATION

STALL DIMENSIONS	RATIO	SPACES	TOTAL
9'x18' - TYPICAL	1/250 S.F.	REGULAR ACCESSIBLE VAN ACCESSIBLE	41
	64/70	REGULAR ACCESSIBLE VAN ACCESSIBLE	45
	1/250 S.F.	REGULAR ACCESSIBLE VAN ACCESSIBLE	47

* THE EXISTING SINGLE FAMILY RESIDENCE WILL REMAIN AS LONG AS THE CURRENT OCCUPANT RESIDES IN THE STRUCTURE AT THE TIME THE RESIDENTS ARE NO LONGER OCCUPYING THE RESIDENCE. THE STRUCTURE WILL NO LONGER BE IN EXISTENCE.

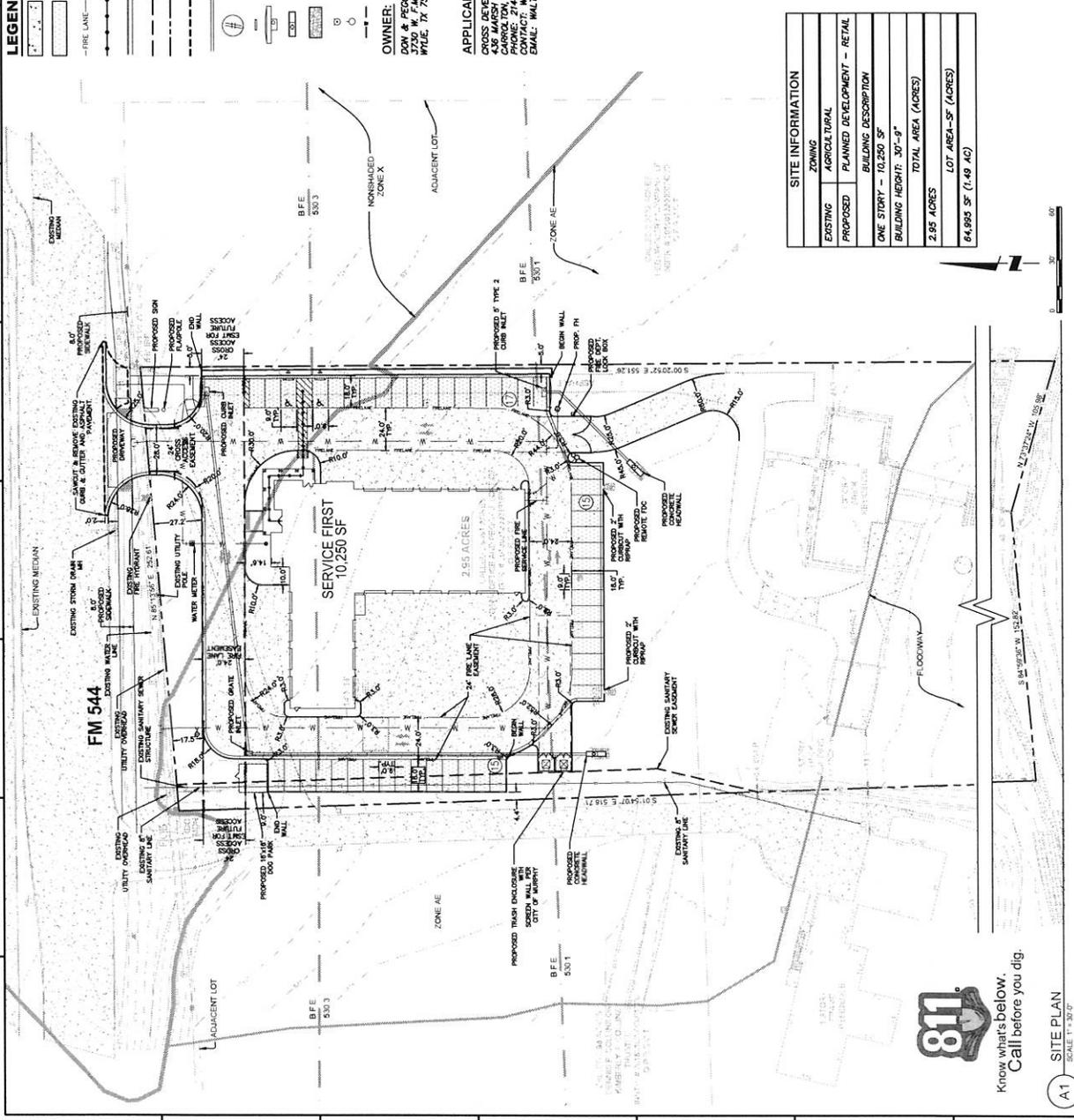
****NOTICE TO CONTRACTORS - UTILITIES****

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR DEPTH OF ANY UTILITIES SHOWN ON THESE PLANS IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE CONTRACTOR'S SURVEY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES.

****NOTICE TO CONTRACTORS - TOPOGRAPHIC SURVEY****

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A TOPOGRAPHIC SURVEY OF THE SITE PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A TOPOGRAPHIC SURVEY OF THE SITE PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A TOPOGRAPHIC SURVEY OF THE SITE PRIOR TO ANY CONSTRUCTION.

THESE PLANS ARE SUBJECT TO REVIEW & APPROVAL BY JURISDICTIONAL ENTITIES.



SITE INFORMATION

EXISTING	PROPOSED
ZONING	PLANNED DEVELOPMENT - RETAIL
AGRICULTURAL	
BUILDING DESCRIPTION	
ONE STORY - 10,250 SF	
BUILDING HEIGHT: 30'-9"	
TOTAL AREA (ACRES)	
2.95 ACRES	
LOT AREA-SF (ACRES)	
64,992 SF (1.49 AC)	

8/19/19.dwg P0666 21-Feb-2019 11:43 STATUS

201901010_C-101_Zoning_Concept

Know what's below. Call before you dig.

811 SITE PLAN SCALE: 1"=30'-0"

