

ORDINANCE NUMBER 19-06-1129

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING CHAPTER 30, ZONING OF THE CODE OF ORDINANCES OF THE CITY AND THE CITY'S ZONING MAP TO GRANT A SPECIFIC USE PERMIT FOR A HEALTH CLUB (PHYSICAL FITNESS; INDOORS ONLY) ON AN APPROXIMATE 3.413 ACRES OF PROPERTY ZONED PD (PLANNED DEVELOPMENT) DISTRICT NUMBER 12-06-916, LOCATED ON THE NORTH SIDE OF THE 600 BLOCK OF E. FM 544, HAVING THE LEGAL DESCRIPTION OF TRACT 579, ABSTRACT 0582, JAMES W. MAXWELL SURVEY, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS; PROVIDING A CUMULATIVE/ REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2000.00) DOLLARS FOR EACH VIOLATION AND THAT A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY OF VIOLATION; PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Planned Development District Number 12-06-916 (also "PD 12-06-916") has listed as an authorized use a Health Club (Physical Fitness; Indoors Only); however, PD 12-06-916 requires a Specific Use Permit for a Health Club facility that is larger than ten thousand (10,000) square feet; and

WHEREAS, the landowners of an approximate 3.413 acre tract of land located on the north side of East FM 544, having the legal description of Tract 579, Abstract 0582, James W. Maxwell Survey in the City of Murphy, Collin County, Texas as more specifically described in **Exhibit "A"** hereto, (the "Parcel"), such Parcel being located within the boundaries and zoned as a part of PD 12-06-916, have requested a Specific Use Permit to allow a Health Club (Physical Fitness; Indoors Only) for an approximate 16,200 square foot structure on the Parcel in order to operate an instructional gymnastics and training facility (the "SUP – Health Club (Physical Fitness; Indoors Only)"); and

WHEREAS, the approval of the requested SUP – Health Club (Physical Fitness; Indoors Only) for the Parcel to allow an approximate 16,200 square foot structure for use as a Gymnastics facility within Planned Development (PD) district ordinance number 12-06-916 would amend the Comprehensive Zoning Ordinance and Map, Chapter 30 of the City of Murphy Code of Ordinances; and

WHEREAS, the Planning and Zoning Commission 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 full and fair hearings to all property owners generally and to all persons interested in this regard; and

WHEREAS, the City Council having considered the recommendation of the Planning and Zoning Commission for approval of the requested SUP for Health Club (Physical Fitness; Indoors Only) and having considered public input, has determined that the approval of the SUP

for the Parcel to allow an approximate 16,200 square foot structure for use as a Gymnastics facility is compatible with the approved uses within the PD and with surrounding the property, and the governing body in the exercise of its legislative discretion has concluded that Chapter 30 Zoning of the City of Murphy Code of Ordinances and the Zoning Map of the City be amended as follows:

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. Specific Use Permit. That the Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby amended so as to approve a Specific Use Permit for Health Club (Physical Fitness; Indoors Only), as defined in the City's Zoning Ordinance, to allow for an approximate 16,200 square foot structure to be used as a gymnastics facility and located only on that 3.413 acre portion of Planned Development (PD) district ordinance number 12-06-916 in the City of Murphy, Collin County, Texas, more particularly described in **Exhibit A (Legal Description)**, attached hereto and incorporated herein by reference.

Section 3. Applicable Regulations. Development and use of the Parcel shall be in compliance with the City of Murphy Code of Ordinances, this ordinance, the conditions stated in the Development Conditions and Standards for Planned Development (PD) district ordinance number 12-06-916, incorporated herein by reference, and the Concept Plan attached hereto and incorporated herein as **Exhibit B**.

Section 4. Zoning Ordinance and Map Amended. 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 Parcel shall in all other respects be subject to all applicable regulations of the City of Murphy.

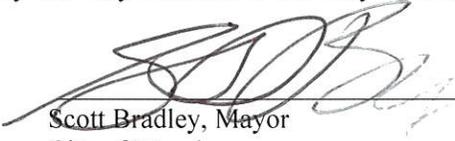
Section 5. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of state or federal law and all ordinances of the City of Murphy, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 6. 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 7. 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 8. 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 6th day of June 2019.

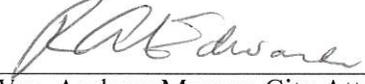


Scott Bradley, Mayor
City of Murphy

ATTEST:


Susie Quinn, City Secretary

APPROVED AS TO FORM:



Wm. Andrew Messer, City Attorney



**EXHIBIT A
LEGAL DESCRIPTION**

Being a tract of land out of the James Maxwell Survey, Abstract No. 582, and being part of a tract of land conveyed to Murphy Equity Management, Ltd., a Texas limited partnership, by Warranty Deed recorded in Instrument No. 20080826001032940, Official Public Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod found for corner at the Southwest corner of said Murphy Equity Management, Ltd. tract and the common Northwest corner of a tract of land conveyed to the State of Texas, by Deed recorded in Volume 4365, Page 1963, Deed Records, Collin County, Texas, said corner also lying in the East line of a tract of land conveyed to Murphy Four Venture, LP., a Texas limited partnership, by deed recorded in Instrument No. 20080815000996690, Official Public Records, Collin County, Texas;

THENCE North 00 degrees 05 minutes 41 seconds East, along said East line of Murphy Four Venture, LP. tract, a distance of 210.78 feet to a 1/2 inch iron rod set with yellow cap stamped (CBG SURVEYING), and being the Point of Beginning;

THENCE North 00 degrees 05 minutes 41 seconds East, continuing along said East line of Murphy Four Venture, LP. tract, a distance of 404.39 feet to a 5/8 inch iron rod found for corner, said corner being the Northeast corner of said Murphy Four Venture, LP. tract and lying in the South right-of-way line of Dallas Area Rapid Transit (DART)(100 foot right-of-way);

THENCE South 83 degrees 57 minutes 48 seconds East, along said South right-of-way line of DART, passing at a distance of 266.63 feet a 5/8 inch iron rod found for witness, and continuing a total distance of 398.55 feet to a 1/2 inch iron rod set with yellow cap stamped (CBG SURVEYING), at the Northwest corner of part of said Murphy Equity Management, Ltd. tract;

THENCE South 01 degree 45 minutes 26 seconds West, departing said South right-of-way line of DART, a distance of 325.34 feet to an X set for corner, said corner being the North line of Lot 1, Block A of America's Country Store Addition, an Addition to the City of Murphy, Collin County, Texas, according to the map thereof recorded in Volume P, Page 114, Map Records, Collin County, Texas;

THENCE South 89 degrees 57 minutes 18 seconds West, a distance of 36.34 feet to an "X" found for corner, said corner being the Northwest corner of said Lot 1;

THENCE South 01 degree 45 minutes 26 seconds West, a distance of 37.00 feet to an "X" found for corner, and being the Northeast corner of a tract of land conveyed to O'Reilly Automotive Stores, Inc., a Missouri corporation, by deed recorded in Instrument No. 20110506000470170, Official Public Records, Dallas County, Texas;

Thence South 89 degrees 57 minutes 18 seconds West, leaving the West line of said Lot 1, along the North line of said O'Reilly Automotive Stores, Inc. tract, and along the North line of a part of Murphy Equity Management, Ltd. tract, a distance of 349.56 feet to the POINT OF BEGINNING and containing 148,686 square feet or 3.413 acres of land.

Exhibit B - Concept Plan

