

ORDINANCE NUMBER 23-09-1327

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 30, OF THE CITY CODE, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION AND ADDING A TRACT OF 3.075 ACRES OF LAND LOCATED WEST OF MCCREARY ROAD AND SOUTH OF FM 544 FROM SINGLE FAMILY-20 (SF-20) TO PLANNED DEVELOPMENT (PD) DISTRICT NUMBER 15-06-993; AMENDING THE DEVELOPMENT CONDITIONS AND STANDARDS AND ADOPTING A NEW CONCEPT PLAN FOR APPROXIMATELY 18.6612 ACRES OF LAND LOCATED IN PLANNED DEVELOPMENT DISTRICT NUMBER 15-06-993, LOCATED NEAR THE SOUTHWEST CORNER OF FM 544 AND MCCREARY ROAD, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS; PROVIDING REZONING, AMENDMENTS, DEVELOPMENT CONDITIONS AND STANDARDS AND A CONCEPT PLAN; PROVIDING FOR ZONING ORDINANCE AND MAP AMENDMENT; PROVIDING A CUMULATIVE/REPEALER CLAUSE, 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, Planned Development District Number 15-06-993 (“PD”) contains approximately 1.657 acres of developed land (“Tract I”) and the remainder is undeveloped;

WHEREAS, the owner of this undeveloped land has requested to amend the Comprehensive Zoning Ordinance and Map, Chapter 30 of the City of Murphy Code of Ordinances by adding 3.075 acres to the south end of the PD, which property is currently zoned Single Family -20 (SF-20), to create a Tract II of the PD of approximately 18.6612 acres of land located near the southwest corner of FM 544 and McCreary Road, in the City of Murphy, Collin County, Texas with separate Development Conditions and Standards and a new Concept Plan for Tract II with no changes for Tract I; and

WHEREAS, the Planning and Zoning Commission (the “Commission”), in compliance with the laws of the State of Texas, gave 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, having reviewed the request to change the zoning classification on an approximately 3.075 acre tract from SF-20 to PD and amend the Development Conditions and Standards with a new Concept Plan on an approximate 18.6612-acre tract of land located on the west side of McCreary Road, south of FM 544, Murphy, Texas (the “Property”), the Commission determined that the change in zoning was compatible with surrounding uses and these requested changes in the PD were compatible with surrounding uses and the City’s Comprehensive Plan and recommended approval of the requested amendments to the City Council;

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 change in zoning on this property is appropriate and is compatible with surrounding uses and the Comprehensive Plan and amendments to adopt the Concept Plan and the Development Conditions and Standards for Tract II are appropriate and are compatible with surrounding uses and the Comprehensive Plan of the City; and

WHEREAS, the governing body in exercise of its 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. Amendments. That the Zoning Ordinance and Zoning Map of the City of Murphy, Texas, are hereby amended to change the zoning (designation) on an approximately 3.075 acre tract from Single Family 20 (SF-20) to Planned Development (PD) District overlay of Retail, to amend Planned Development (PD) No. 15-06-993 to include this 3.075 acre tract, and to establish new Development Conditions and Standards and adopt a new Concept Plan for the 18.6612 acres of property, which shall be known as “Tract II” of this PD, located near the southwest corner of FM 544 and McCreary Road, in the City of Murphy, Collin County, Texas, and more particularly described in **Exhibit A (Legal Description)**, attached hereto and incorporated herein (the “Property”).

Section 3. Development Conditions and Standards. That the Development Conditions and Standards for Tract II of Planned Development District No. 15-06-993 are attached hereto as **Exhibit B** and incorporated herein, and the same are hereby approved by the City Council for Tract II as required by the City of Murphy, Texas, Code of Ordinances. This amendment of the PD shall not affect the Development Conditions and Standards of PD No. 15-06-993 which shall remain in full force and effect for Tract I.

Section 4. Concept Plan. That the concept plan in Ordinance 15-06-993 shall remain in effect for Tract I; that the concept plan for Tract II is adopted as attached hereto as **Exhibit C (the “Concept Plan-Tract II”)** and incorporated herein and sets forth the Planned Development Conditions and Standards for the Property in accordance with the City of Murphy, Texas, Code of Ordinances.

Section 5. Enforcement. 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 6. 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 7. 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 8. 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 9. 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 5th day of September 2023.





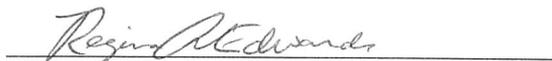
Scott Bradley, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary

APPROVED AS TO FORM:



for Wm. Andrew Messer, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

DESCRIPTION, of a 15.7031 acre tract of land situated in the Henry Maxwell Survey, Abstract No. 579, Collin County, Texas; said tract being all of Lots 2 and 3, Block 1, McCreary Marketplace, Lots 1, 2 & 3, Block 1, an addition to the City of Murphy, Texas according to the plat recorded in Volume 2013, Page 240 of the Plat Records of Collin County, Texas, all of Lot 1 and part of Lot 2, Ferren Creek Estates, an addition to the City of Murphy, Texas according to the plat recorded in Cabinet B, Page 282 of the said Plat Records and all of that certain tract of land described in General Warranty Deed With Vendor's Lien to Saritha Yeddula recorded in Volume 5370, Page 5966 of the Deed Records of Collin County, Texas; said 15.7031 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with "W.A.I." cap found for corner in the south right-of-way line of F.M. 544 (Kirby Street, a variable width right-of-way, 120-feet at this point); said point being the northwest corner of said Lot 2, Block 1 and in the east line of said Lot 2, Ferren Creek Estates;

THENCE, South 89 degrees, 28 minutes, 10 seconds East, along the said south line of F.M. 544 and the north line of said Lot 2, Block 1, a distance of 184.90 feet to a point for corner from which a "+" cut in concrete found bears South 57 degrees, 35 minutes East, a distance of 0.3 feet; said point also being the northeast corner of said Lot 2, Block 1 and the northwest corner of Lot 1, Block 1 of said McCreary Marketplace addition;

THENCE, South 00 degrees, 31 minutes, 50 seconds West, departing the said south line of F.M. 544 and said north line of Lot 2, Block 1 and along the common line between said Lot 2, Block 1 and said Lot 1, Block 1, a distance of 227.34 feet to a point for corner in the north line of said Lot 3, Block 1, from which a "+" cut in concrete found bears South 42 degrees, 10 minutes East, a distance of 0.3 feet; said point also being the southeast corner of said Lot 2, Block 1 and the most westerly southwest corner of said Lot 1, Block 1;

THENCE, departing the said common line between Lot 2, Block 1 and Lot 1, Block 1 and along the common line between said Lot 1, Block 1 and said Lot 3, Block 1, the following three (3) calls:

South 89 degrees, 28 minutes, 10 seconds East, a distance of 220.73 feet to a point for corner from which a "+" cut in concrete found bears South 57 degrees, 32 minutes East, a distance of 0.2 feet; said point also being the most northerly northeast corner of said Lot 3, Block 1 and an ell corner of said Lot 1, Block 1;

South 00 degrees, 31 minutes, 50 seconds West, a distance of 94.14 feet to a point for corner from which a "+" cut in concrete found bears South 40 degrees, 03 minutes East, a distance of 0.3 feet; said point also being an ell corner of said Lot 3, Block 1 and the most easterly southwest corner of said Lot 1, Block 1;

South 89 degrees, 28 minutes, 10 seconds East, a distance of 82.78 feet to a point for corner in the west right-of-way line of McCreary Road (a 100-foot wide right-of-way), from which a "+" cut in concrete found bears South 35 degrees, 13 minutes East, a distance of 0.2 feet; said point also being the southeast corner of said Lot 1, Block 1 and the most southerly northeast corner of said Lot 3, Block 1;

THENCE, South 00 degrees, 36 minutes, 53 seconds West, departing the said common line between Lot 1, Block 1 and Lot 3, Block 1 and along the said west line of McCreary Road and an east line of said Lot 3, Block 1, a distance of 657.80 feet to a 1/2-inch iron rod found for corner; said point also being the

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southeast corner of said Lot 3, Block 1 and the northeast corner of that certain tract of land described in Warranty Deed to Harry M. Breen recorded in Volume 1692, Page 804 of the Deed Records of Collin County, Texas;

THENCE, North 89 degrees, 08 minutes, 21 seconds West, departing the said west line of McCreary Road and said east line of Lot 3, Block 1 and along the south line of said Lot 3, Block 1 and the north line of said Breen tract, a distance of 490.01 feet to a 1/2-inch iron rod with "Pogue Eng & Dev" cap set at an angle point; said point also being the southwest corner of said Lot 3, Block 1 and the southeast corner of said Lot 1, Ferren Creek Estates;

THENCE, North 89 degrees, 02 minutes, 41 seconds West, continuing along the said north line of Breen tract and along the south line of said Lot 1, Ferren Creek Estates, a distance of 447.08 feet to a 1/2-inch iron rod with "Pogue Eng & Dev" cap set for corner in the northeast right-of-way line of Maxwell Creek Road; said point also being the southwest corner of said Lot 1, Ferren Creek Estates;

THENCE, North 32 degrees, 51 minutes, 00 seconds West, departing the said south line of Lot 1, Ferren Creek Estates and said north line of Breen tract and along the said northeast line of Maxwell Creek Road, a distance of 46.86 feet to a 1/2-inch iron rod found for corner in the south line of that certain tract of land described in warranty Deed With Vendor's Lien to Bonita Menard recorded in Volume 5263, Page 3521 of the said Deed Records; said point also being the most southerly northwest corner of said Lot 1, Ferren Creek Estates;

THENCE, departing the said northeast line of Maxwell Creek Road and along the common line between said Lot 1, Ferren Creek Estates and said Menard tract, the following four (4) calls:

South 88 degrees, 39 minutes, 01 seconds East, at a distance of 123.62 feet passing a 1/2-inch iron rod found, continuing in all a total distance of 155.12 feet to a point for corner in the center of Maxwell Creek;

North 29 degrees, 08 minutes, 28 seconds East, along the center of Maxwell Creek, a distance of 19.05 feet to an angle point;

North 22 degrees, 52 minutes, 28 seconds East, continuing along the center of Maxwell Creek, a distance of 145.44 feet to an angle point;

North 14 degrees, 51 minutes, 12 seconds East, continuing along the center of Maxwell Creek, a distance of 161.58 feet to a point for corner; said point also being the most northerly northwest corner of said Lot 1, Ferren Creek Estates and the most southerly southwest corner of said Yeddula tract;

THENCE, continuing along the center of Maxwell Creek and along the common line between said Menard tract and said Yeddula tract, the following two (2) calls:

North 43 degrees, 50 minutes, 51 seconds West, a distance of 98.30 feet to an angle point;

North 72 degrees, 38 minutes, 07 seconds West, a distance of 17.80 feet to a point for corner; said point also being the most northerly southwest corner of said Yeddula tract and the southeast corner of that certain tract of land described in Warranty Deed to Don Loftice and Peggy J. Loftice recorded in County Clerk's File No. 20130212000195930 of the said Deed Records;

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THENCE, North 00 degrees, 45 minutes, 26 seconds East, departing the center of Maxwell Creek and said common line between Menard tract and Yeddula tract and along the common line between said Loftice tract and said Yeddula tract, a distance of 549.96 feet to a 1/2-inch iron rod with "ROOME" cap found for corner in the said south line of F.M. 544; said point also being the northwest corner of said Yeddula tract and the northeast corner of said Loftice tract;

THENCE, departing the said common line between Loftice tract and Yeddula tract and along the said south line of F.M. 544, the following three (3) calls:

North 88 degrees, 46 minutes, 43 seconds East, a distance of 98.66 feet to a 3-inch brass disk found at an angle point;

South 89 degrees, 40 minutes, 30 seconds East, a distance of 50.90 feet to a 3-inch aluminum disk found at an angle point; said point also being the northeast corner of said Yeddula tract and being in the west line of said Lot 2, Ferren Creek Estates;

South 89 degrees, 24 minutes, 52 seconds East, a distance of 150.03 feet to the POINT OF BEGINNING;

CONTAINING, 684,024 square feet or 15.7031 acres of land, more or less.

AND

Being a 76,743 square foot (1.762 acres) tract of land situated in the Henry Maxwell Survey, Abstract No. 579, in the City of Murphy, Collin County, Texas, being a portion of a called 3.247 acre tract of land described in a deed to Madewell Holdings, LLC, as recorded in Instrument No. 2022000076865, in the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found in the south line of Ferren Creek Estates, an addition to the City of Murphy, recorded in Cabinet B, Page 282, M.R.C.C.T., also being in the east line of Maxwell Creek Road (variable width right-of-way);

THENCE North 89 degrees 48 minutes 20 seconds East, departing the east line of said Maxwell Creek Road and with the north line of said 3.247 acre tract and the south line of said Ferren Creek Estates, passing at a distance of 487.28 feet, the southeast corner of said Ferren Creek Estates and the southeast corner of Lot 3, Block 1, McCreary Marketplace, an addition to the City of Murphy, recorded in Volume 2013, Page 240, Official Public Records, Collin County, Texas (O.P.R.C.C.T.) and continuing for a total distance of 553.73 feet to a 1/2-inch iron rod with red plastic cap stamped "PJB SURVEYING" (hereinafter referred to as "with cap") found at the northwest corner of a called 2.709 acre tract of land described in a deed to PCMC Ventures I, LLC, as recorded in Instrument No. 2022000077796, O.P.R.C.C.T. and the northeast corner of the herein described tract, from which a 1/2-inch iron rod (controlling monument) found at the northeast corner of said PCMC Ventures I, LLC tract bears North 89 degrees 48 minutes 20 seconds East, a distance of 410.00 feet, said 5/8-inch iron rod also being in the west line of McCreary Rd. (a 100-foot right-of-way by plat recorded in Volume 2008, Page 490, O.P.R.C.C.T.);

THENCE along the easterly line of said Madewell Holdings, LLC tract and the westerly line of said PCMC Ventures I, LLC, the following courses and distances;

1. South 17 degrees 09 minutes 00 seconds East, a distance of 43.00 feet to a point in building (unable to set);

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2. South 09 degrees 56 minutes 00 seconds East, a distance of 52.70 feet to a 1/2-inch iron rod with cap found (set in previous survey dated April 29, 2022);

3. South 01 degrees 31 minutes 00 seconds East, a distance of 51.94 feet to a 1/2-inch iron rod with cap (set in previous survey dated May 23, 2023) found on westerly line of said PCMC Ventures I, LLC tract and the easterly line of said Madewell Holdings, LLC tract and the southeast corner of the herein described tract;

THENCE South 89 degrees 48 minutes 20 seconds West, departing the westerly line of said 2.709 acre tract and the easterly line of said Madewell Holdings, LLC tract, a distance of 502.78 feet a 1/2-inch iron rod with cap set in the westerly line of said 3.247 acre tract and the easterly line of Maxwell Creek Road (variable width right-of-way);

THENCE along the easterly line of said Maxwell Creek Road and the easterly line of said Madewell Holdings, LLC tract the following courses and distances;

1. North 20 degrees 47 minutes 34 seconds West, a distance of 34.29 feet to a found 1/2-inch iron rod with cap (controlling monument);

2. North 27 degrees 10 minutes 34 seconds West, a distance of 105.50 feet to a found 5/8-inch iron rod;

3. North 36 degrees 05 minutes 42 seconds West, a distance of 23.32 feet to the POINT OF BEGINNING and containing 76,743 square foot (1.762 acres) of land.

AND

Being a 57,233 square foot (1.314 acres) tract of land situated in the Henry Maxwell Survey, Abstract No. 579, in the City of Murphy, Collin County, Texas, being a portion of a called 2.709 acre tract of land described in a deed to PCMC Ventures I, LLC, as recorded in Instrument No. 2022000077796, in the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod (controlling monument) found at the northeast corner of said 2.709 acre tract and the southeast corner of McCreary Marketplace, an addition to the City of Murphy, recorded in Volume 2013, Page 240 of the Map Records of Collin County (M.R.C.C.T.), being in the west line of McCreary Road (100 foot width right-of-way);

THENCE South 00 degrees 34 minutes 02 seconds East, with the east line of said 2.709 acre tract and the west line of said McCreary Road, a distance of 145.00 feet (unable to set falls in tree), from which a 1/2-inch iron rod found at the southeast corner of said 2.709 acre tract and the northeast corner of a tract of land described as First Tract in a deed to Madewell Murphy, LLC, recorded in Instrument No 20210528001089070, of the Official Public Records of Collin County, Texas bears South 00 degrees 34 minutes 02 seconds East, a distance of 146.87 feet;

THENCE South 89 degrees 48 minutes 20 seconds West, departing the east line of said 2.709 acre tract and the west line of said McCreary Road, a distance of 388.29 feet a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set in the west line of said 2.709 acre tract and the east line of a called 3.247 acre tract of land described in deed to Madewell Holdings, LLC, as recorded in Instrument No. 2022000076865, O.P.R.C.C.T.;

THENCE North 01 degrees 31 minutes 00 seconds West, with the west line of said 2.709 acre tract and the

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east line of said 3.247 acre tract, a distance of 51.94 feet to a found 1/2-inch iron rod with red cap stamped "PJB SURVEYING";

THENCE North 09 degrees 56 minutes 00 seconds West, continuing with the west line of said 2.709 acre tract and the east line of said 3.247 acre tract, a distance of 52.70 feet (unable to set);

THENCE North 17 degrees 09 minutes 00 seconds West, continuing with the west line of said 2.709 acre tract and the east line of said 3.247 acre tract, a distance of 43.00 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found at the northwest corner of said 2.709 acre tract and the northeast corner of said 3.247 acre tract, being in the south line of McCreary Marketplace;

THENCE North 89 degrees 48 minutes 20 seconds East, with the north line of said 2.709 acre tract and the south line of said McCreary Marketplace, a distance of 410.00 feet to the POINT OF BEGINNING and containing 57,233 square feet or 1.314 acres of land.

**McCreary Marketplace – Phase II
SW Corner of FM 544 and McCreary Road**

PLANNED DEVELOPMENT CONDITIONS

- I. Statement of Intent: The intent of this Planned Development District is to provide high quality retail development that is generally consistent with the Comprehensive Plan.
- 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 encourages the following uses:
 - Larger anchor uses,
 - Grocery Store,
 - Family, sit-down restaurants,
 - Upscale retail shops, and
 - Other retail uses as outlined herein.
- III. Statement of Effect: This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 15-09-002, as amended, except as specifically provided herein.
- IV. General Regulations: All regulations of the R (Retail) District set forth in Article 30.03, Division 14 of the Murphy Code of Ordinances 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. Landscape Plan: Development shall be in general conformance with the approved landscape plan set forth in Exhibit D; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
 - c. Exterior Elevation Plan: Development shall be in general conformance with the approved elevation plan set forth in Exhibit E, however, in the event of conflict between the elevation plan and the condition, the conditions shall prevail.
 - d. Signage Plan: Development shall be in general conformance with the approved signage plan as set forth in Exhibit F; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail.
 - e. Concept Plan, Landscape Plan, Exterior Elevation Plan, and Signage Plan approval shall be for a period of two years from the date of City Council action on the plan. If within that two-year

period a site plan has been submitted and approved for a portion of the development, then the Concept Plan shall be deemed to have no expiration date.

- f. Site Plan: A Site Plan shall be submitted in accordance with the requirements set forth in Article 30.02, Division 7 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. Site plans shall be valid for a period of one year from the date of City Council action on the plan. This period shall be extended for a maximum of two (2) additional one (1) year periods with a request in writing to the City Manager subject to his/her approval.

VI. Specific Regulations:

A. Permitted Uses

- 1. Amusement Services (Indoors) (SUP)
- 2. Antique Shop
- 3. Art Dealer/Gallery
- 4. Artist Studio (SUP)
- 5. Bakery (Retail)
- 6. Book Store
- 7. Cafeteria
- 8. Car Wash as accessory use to Fuel Center
- 9. Confectionery Store (Retail)
- 10. Department Store
- 11. Dinner Theatre (SUP Only)
- 12. Dry Cleaners (SUP)
- 13. Florist
- 14. Food or Grocery Store with Fuel Center as accessory use
- 15. Furniture Sales (Indoor)
- 16. Hardware Store
- 17. Home Improvement Center (SUP)
- 18. Motion Picture Theatre
- 19. Pet Shop/Supplies
- 20. Pharmacy (with Drive-thru)
- 21. Photo Studio
- 22. Restaurant
- 23. Restaurant (with Drive-thru) (SUP)
- 24. Retail Store
- 25. Tailor Shop
- 26. Theatre (Live Drama) (SUP)

B. Area and Yard Regulations

- 1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract area required.

2. Minimum Lot/Tract Width: Minimum frontage requirements for lots adjacent to either FM 544 or McCreary Road shall be ninety (90) feet.
3. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.
4. Pad Sites: The maximum number of pad sites allowed along FM 544 shall be two (2).
5. Front, side and rear building setbacks shall be twenty-five (25) feet.

C. Parking, Driveways and Sidewalks

1. Parking areas shall not be permitted within any landscape buffer strip.
2. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Comprehensive Zoning Ordinance.
3. No required parking space may be occupied by signs, merchandise, or display items at any time except by specific 30-day permit.
4. EV charging stations may be allowed.
5. Sidewalks along FM 544 and McCreary Road shall be a minimum of eight (8) feet in width.

D. Loading and Unloading

1. Truck loading berths and apron space shall only be required for space that totals 30,000 square feet or more and shall not be located on the street side of any building or facing another building without adequate screening.
2. Truck loading berths shall not be located within any required setback or landscape buffer strip.
3. Landscaping is required in front of any loading dock facing public right of way.

E. Building Height

All structures shall have a maximum building height of forty (40) feet except that the maximum height may be increased to forty-five (45) feet to allow for architectural elements.

F. Minimum Exterior Construction Standards, Building Materials and Design

Exterior Construction and Design Requirements shall comply with the standards set forth in Article 26.06, Murphy Code of Ordinances, except as provided below.

1. All structures, including all building elevations, shall be constructed utilizing a design that is consistent with City code and Planned Development District requirements noted herein.

2. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure. Corporate identities shall be allowed with City review and approval.
 3. 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 immediately adjacent public dedicated street by an architecturally sound method.
 4. Each commercial building, complex of buildings or separate commercial business enterprise shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired there on by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
 5. 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.
 6. All buildings are to be eighty percent (80%) masonry with a minimum of fifteen percent (15%) accent materials used on three sides of buildings. Accent materials may include stucco, fiber cement (i.e., NICHHA), or metal panels.
 7. Any Fuel Center and/or Car Wash shall be masonry clad to match the proposed anchor building, including all columns on the Fuel Center canopy.
- G. Landscape Standards
Landscaping shall comply with the standards set forth in Article 26.07, Murphy Code of Ordinances, except as provided below.
1. Landscaping shall generally be as shown on the approved Landscape Plan (Exhibit D). 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 for the specific development. An automatic underground irrigation system including freeze and rainwater sensor 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 twenty-five (25) feet in depth adjacent to the right-of-way of FM 544, twenty-five (25) feet in depth adjacent to McCreary Road. No parking may be placed within any landscape buffer. Pedestrian easements and sidewalks may be located within a landscape buffer.
 3. Parking Lots – 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 six (6) feet by six (6) feet shall be provided surrounding each tree located in a surface parking area. Landscape islands within the parking lot shall be a minimum of 64 square feet.

- a. A total of seven (7) 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 seven (7) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed twenty (20) spaces in length.
- b. No trees are required in the landscape islands within 200 feet of the front doors of the anchor store as shown on the Landscape Concept Plan.

H. Screening

Screening shall comply with the standards set forth in Article 26.03, Murphy Code of Ordinances, except as provided below.

1. All screening at the rear (South) of the property will be a live screen where required.
2. All truck docks/loading areas for anchor stores with a footprint greater than 30,000 square feet shall be screened from view through the use of 12-foot all masonry walls which are the same colors as main building). There should be a 12-foot masonry screening wall along the southern boundary to the floodplain with a 10-foot living screen landscape buffer. Notwithstanding the above no fences shall be required in the flood way or flood plain.

I. Site Lighting

Lighting shall comply with the standards set forth in Article 26.04, Murphy Code of Ordinances, except as provided below.

1. 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 down lit LED lights and no taller than 30 feet high. However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review. A photometric study is also required.

J. Signage

Signage will comply with the standards set forth in Article 26.02, Murphy Code of Ordinances, except as provided below.

1. All signage for the Planned Development District shall be allowed as shown on the approved Signage Plan (Exhibit F), including electronic signs showing fuel pricing.

2. Monument Signs

- a. Two (2) monument signs shall be allowed and limited to a maximum sign area of 120 square feet per sign with a maximum height of twelve (12) feet.
- b. All monument signs shall be double-sided, internally illuminated sign panels within a masonry structure. Shared tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
- c. Monument signs shall be located at a setback distance of not less than five (5) feet from the right-of-way line of any adjacent street and maybe incorporated within the landscaping area or buffer.
- d. Construction of monument signs shall include a base material similar to the material used for buildings.
- e. All signs must be surrounded by landscaping.

K. Open Space

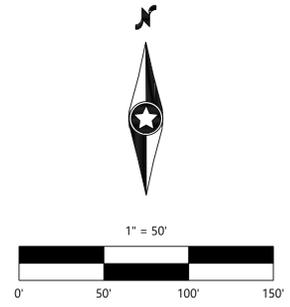
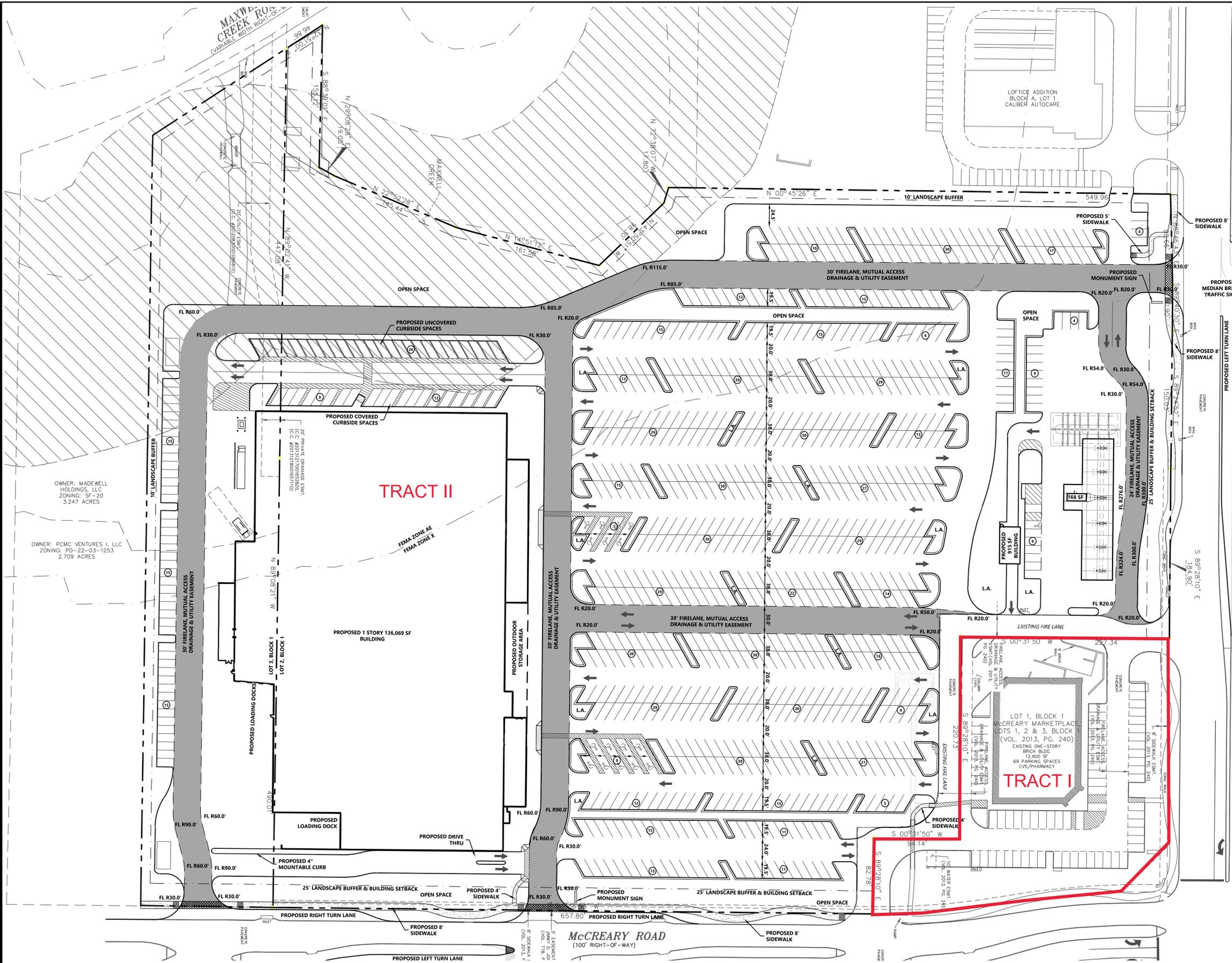
1. Development with the Planned Development District should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Tract at the pedestrian level. All pedestrian areas and open space must be located away from vehicular traffic areas as reflected on the concept plan attached.
 - a. 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.
 - b. 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.
 1. Water feature, such as a fountain or detention pond with constant water level.
 2. Plaza or courtyard with art sculpture piece.
 3. Outdoor patio or gazebo with seating area.

4. Other areas for pedestrian congregation with seating and pedestrian lighting.

VII. Special Regulations

- a. Right Turn Deceleration Lane: A right turn deceleration lane shall be required for the middle driveway on McCreary Road. This lane shall be subject to City of Wylie design standards.
- b. Traffic Signal: Subject to TxDOT approval a traffic signal and median opening shall be installed at the western most driveway on FM 544. The anchor tenant shall be responsible for construction of said signal and median opening.
- c. Utility Power Lines: Utility distribution and service lines for individual business establishments, buildings, and signs and for any other site development features shall be placed underground.
- d. Cross-Access Requirement: A joint access (i.e.-ingress, egress) easement shall be provided to minimize the number of driveway openings along FM 544 and McCreary Road. 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. Access shall be provided for property to the West of this site for connectivity.
- e. No vehicle access is allowed to South Maxwell Creek Road.
- f. Outside storage shall not be permitted with the Planned Development District. Except for returnable materials with such returnable storage being kept at the rear of the anchor building.
- g. Outside display of merchandise and temporary seasonal items: Outside display of merchandise and temporary seasonal items, such as Christmas trees, pumpkins, etc., shall be limited to the following:
 1. Shall not be placed/located more than 30 feet from the main building.
 2. Shall not occupy any of the parking spaces that are required by this chapter for the primary use of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
 3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on site or off site, in any way.
 4. Shall not extend into public right-of-way or onto adjacent property.
 5. All outside display items shall be removed at the end of business each day, except for large seasonal items such as Christmas trees.

6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
7. Notwithstanding the above, outside displays of merchandise in areas enclosed, covered by a roof, or directly adjacent to said roof area or enclosed shall be allowed.
- h. Maintenance: The developer and/or property owner of any part of the Planned Development District shall maintain the property in terms of quality landscape maintenance, trash removal, interior and exterior sign conditions, trash receptacles and other amenities to ensure a consistent high-quality development.



LEGEND

- R RADIUS
- FC FACE OF CURB
- BFR BARRIER FREE RAMP
- TYP. TYPICAL
- PROPOSED FIRE LANE
- PROPOSED SIDEWALK
- PARKING COUNT

NOTE: ALL DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB UNLESS OTHERWISE NOTED.

SITE DATA SUMMARY TABLE		
ITEM	LOT 2, BLOCK 1	LOT 3, BLOCK 1
GENERAL SITE DATA		
ZONING (FROM ZONING MAP)	PD 15-06-993	PD 22-03-1253/SF-20
PROPOSED LAND USE	SHOPPING CENTER	SHOPPING CENTER
LOT AREA (SQUARE FEET)	684,024	128,857
LOT AREA (ACRES)	15.7030	2.9582
TOTAL BUILDING FOOTPRINT AREA (SF)	137,152	
FLOOR AREA - SHOPPING CENTER	136,069	
FLOOR AREA - CAR WASH	915	
FLOOR AREA - FUEL STATION KIOSK	368	
BUILDING HEIGHT (FT-DIST TO TALLEST ELEMENT)	30	
LOT COVERAGE (%)	16.87%	
FLOOR AREA RATIO (X:Y:1)	0.17	
PARKING TABULATION		
PARKING RATIO (SHOPPING CENTER) (1 SP/200 SF)	681	
PARKING RATIO (CAR WASH) (1 SP + LOADING)	1	
PARKING RATIO (FUEL STATION) (1 SP/200 SF + 2/PUMP UNIT)	13	
PARKING REQUIRED (# OF SPACES)	695	
REQUIRED ACCESSIBLE PARKING	17	
PROPOSED PARKING	835	
REGULAR SPACES	817	
HANDICAPPED SPACES	18	
INTERIOR PARKING LANDSCAPING REQUIRED (5%) (AC)	0.93	
INTERIOR PARKING LANDSCAPING PROVIDED (AC)	0.96	
OPEN SPACE LANDSCAPING REQUIRED (8%) (AC)	1.49	
OPEN SPACE LANDSCAPING PROVIDED (AC)	2.99	

CAUTION !!!
EXISTING UTILITIES

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DESIGNED: HML
CHECKED: HML
DRAWN: CER
HORIZONTAL SCALE: 50'
VERTICAL SCALE:

INITIAL ISSUE: 08/18/2023
REVISIONS:

PREPARED FOR:
CITY OF MURPHY
206 N MURPHY ROAD
MURPHY, TEXAS 75094

PRELIMINARY
FOR INTERIM REVIEW ONLY
NOT TO BE USED FOR:
CONSTRUCTION OR
BIDDING PURPOSES
Engineer: **LEON M. LEAN, P.E.**
P.E. No.: 137310
Date: 08/18/2023
Westwood

MCCREARY MARKETPLACE
LOTS 2 & 3
MURPHY, TEXAS

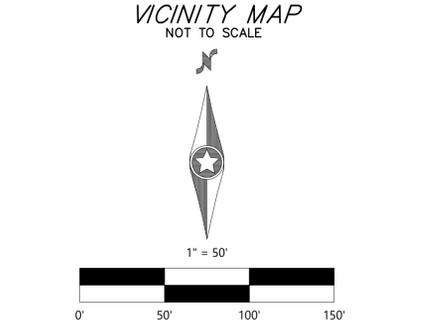
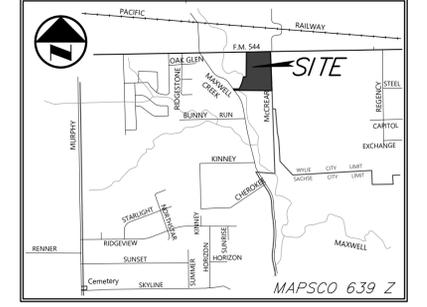
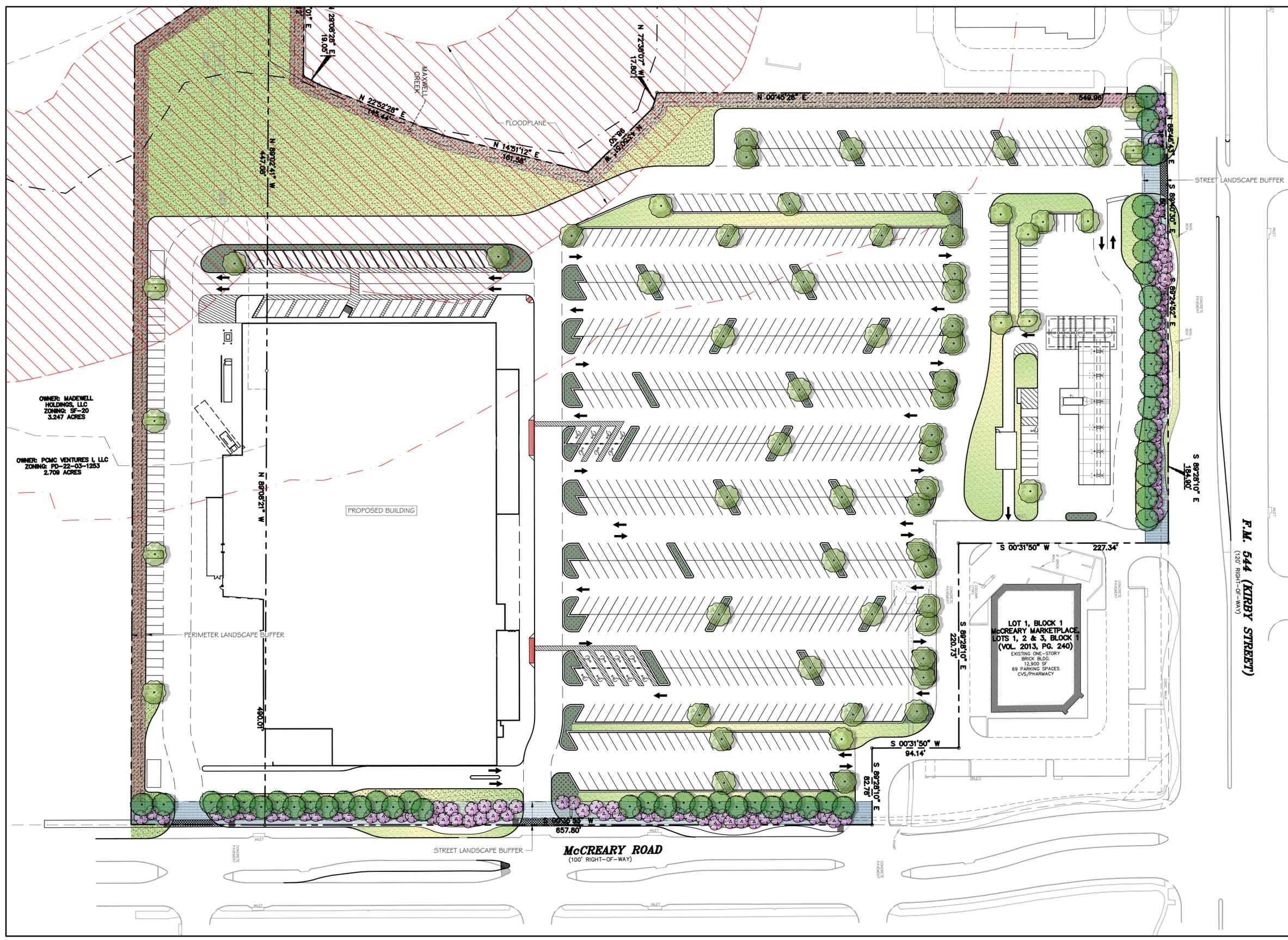
Westwood
Phone (214) 473-4640 2901 Dallas Parkway, Suite 400
Toll Free (888) 937-5150 Plano, TX 75093
westwoodps.com

Westwood Professional Services, Inc.
TYPE FIRM REGISTRATION NO. F-11756
TSPS FIRM REGISTRATION NO. 10074301

EXHIBIT C
CONCEPT PLAN

SHEET NUMBER:
SP
DATE: 08/18/2023

PROJECT NUMBER: 0007938.00



LANDSCAPE REQUIREMENTS - CITY OF MURPHY
 ZONING : PLANNED DEVELOPMENT/LIGHT COMMERCIAL : PD 15-06-993
 TOTAL LOT AREA: 812,881 SF OR 18.6 ACRES

STREET BUFFER	REQUIRED	COMMENTS
MIN. 25' LANDSCAPE BUFFER ADJACENT TO ARTERIAL STREETS.	485 LF FM 544 800 LF MCCREARY	
2 CANOPY TREES PER 50 LF OF BUFFER.	20 TREES FM 544 32 TREES MCCREARY	
4 ORNAMENTAL TREES PER 50 LF OF BUFFER.	40 TREES FM 544 64 TREES MCCREARY	

PARKING LOT INTERIOR	REQUIRED	COMMENTS
1 PARKING ISLAND (MIN. 50 SF) PER EVERY 10 PARKING SPOTS.	YES	
1 CANOPY TREE (5' CAL. MIN.) PER PARKING ISLAND. EACH TREE MUST BE WITHIN 60' OF EVERY PARKING SPOT.	YES	EXCLUSION BEING 110' CANOPY TREES WITH 200' RADIUS OF MAIL BUILDING ENTRIES

PERIMETER BUFFER	REQUIRED	COMMENTS
MIN. 15' LANDSCAPE BUFFER AROUND PERIMETER.	2835 LF	
CONTINUOUS 4' MIN. HT. EVERGREEN SHRUB SCREEN	YES	

CONCEPT PLANT SCHEDULE

	CANOPY TREE - STREET BUFFER	47
	CANOPY TREE - PARKING LOT	63
	ORNAMENTAL TREE	94
	LANDSCAPE BUFFER - PERIMETER	32,816 SF
	LANDSCAPE BUFFER - STREET	32,232 SF
	SOD AREA	158,469 SF
	LANDSCAPED AREA	20,306 SF

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DESIGNED: HML
 CHECKED: HML
 DRAWN: CER
 HORIZONTAL SCALE: ##
 VERTICAL SCALE: ##

INITIAL ISSUE: 08/01/2023
 REVISIONS:

PREPARED FOR:
CITY OF MURPHY
 206 N MURPHY ROAD
 MURPHY, TEXAS 75094

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 NOT TO BE USED FOR:
 CONSTRUCTION OR
 BIDDING PURPOSES.
 Engineer: LEON M. LEON, P.E.
 P.E. No.: 137510
 Date: 08/01/2023

MCCREARY MARKETPLACE
 LOTS 2 & 3
 MURPHY, TEXAS

Westwood
 Phone (214) 473-4640 2901 Dallas Parkway, Suite 400
 Toll Free (888) 937-5150 Plano, TX 75093
 westwoodps.com
 Westwood Professional Services, Inc.
 TBP FIRM REGISTRATION NO. F-11758
 TBP FIRM REGISTRATION NO. 10074301

EXHIBIT D
LANDSCAPE CONCEPT PLAN

SHEET NUMBER:
L1.00
 DATE: 08/01/2023

PROJECT NUMBER: 0007938.00



Front Elevation



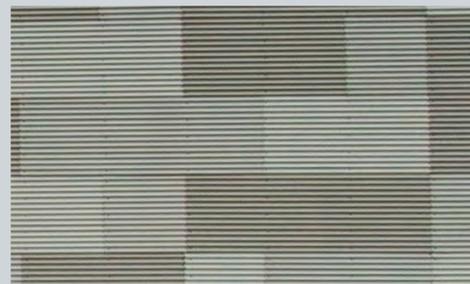
Left Elevation



Right Elevation



MT-1
Pac-Clad
Metal Soffit Panel
"Sierra Tan"



MT-3
Corrugated Metal "S"
Panels - Painted
PT-6, PT-7, PT-8
(Panels at TTBBQ)



MT-2
Medium Oak Metal
Panel



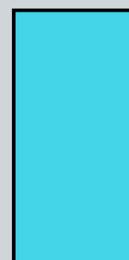
MT-4
Angled Red Metal Panel

Exterior Storefront
Dark Bronze Aluminum Storefront

Paint



PT-1
PPG 1001-7
Black Magic
(Exposed Steel &
Metal Trim)



PT-2
Custom by Behr
Formula:
DL - 1 OZ. 336
EL - 1 OZ. 336
KXL - 6 OZ. 0



PT-3
PPG 1009-2
Tornado



PT-4
PPG 1009-3
Solitary State



PT-5
PPG 1009-4
Grey Stone



BK-1
Dark Grey Brick



CMU-1
Ground Face Integral
Color Concrete Block



BK-2 (main BBQ Brick)
Fall Creek
Modular Size - Running Bond
Acme Brick



BK-3 (BBQ Brick Wainscot)
Old World
Modular Size - Running Bond
Acme Brick

*All exposed exterior steel - paint PT-1



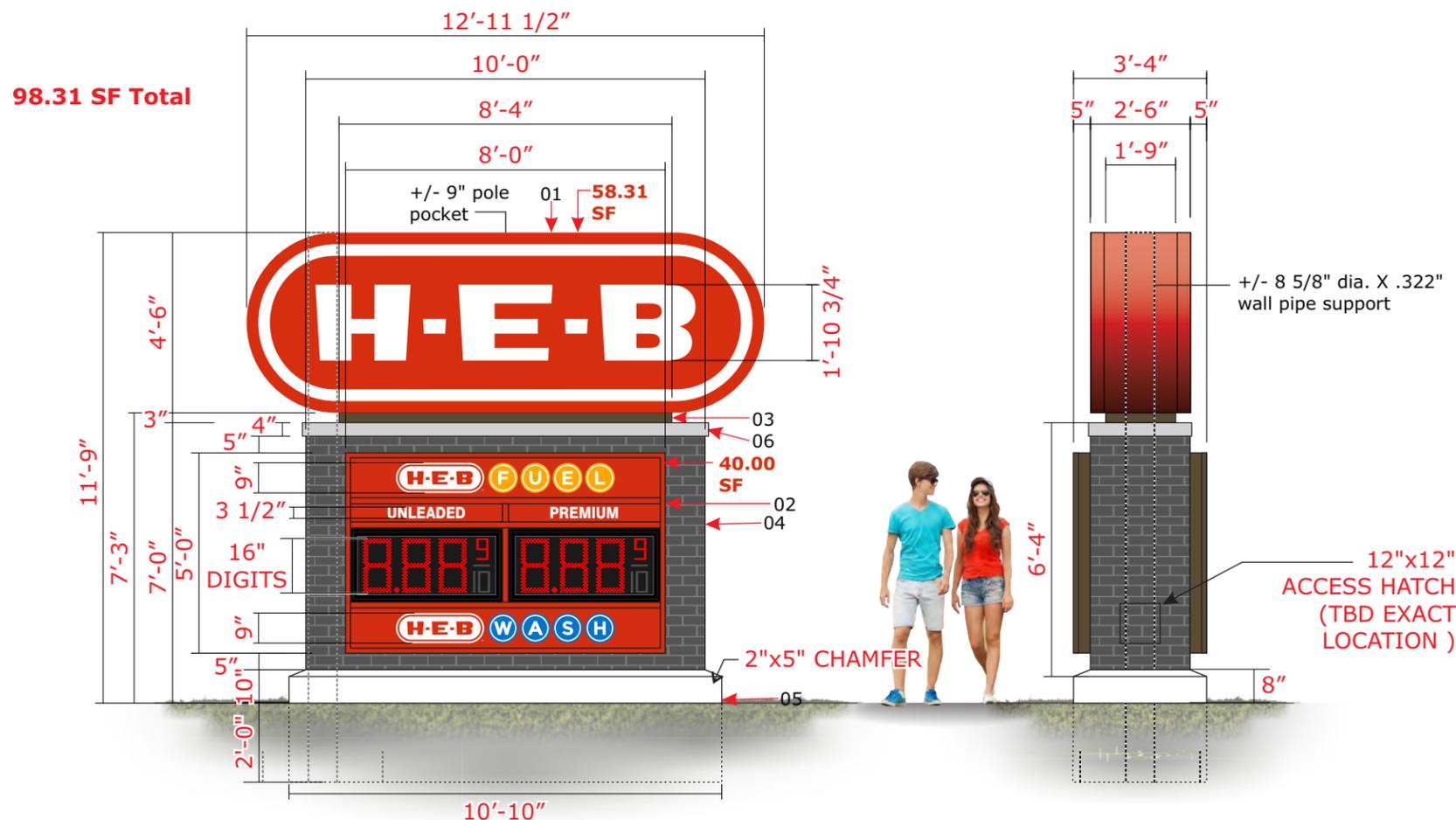
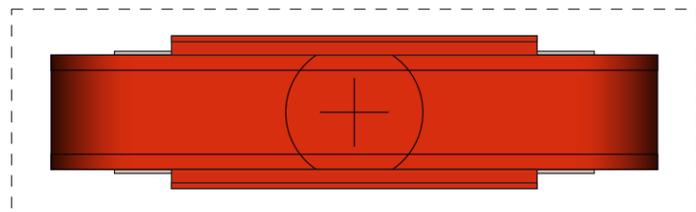
Job Name:



Proposal Drawing
 Final Drawing

Client: H-E-B
 Location: Murphy, Texas
 Salesperson: Pete Sitterle
 Prj. Mngr.: Tammy Colson
 Date: 8.1.2023
 Designer: g. Hufford
 File: 75986 HEB MURPHY, TX - NEW SITE.cdr
 Proposal #: 75986
 Job #: n/a

- 01 HEB cabinet. See section for details. By Comet.
- 02 Fuel/Wash w/ 16" LED Daktronics gas price digits. See section for details. By Comet. Acrylic faces w/ graphics first surface
- 03 3" Tall Reveal: aluminum, By Comet.
- 04 Base: Dark grey brick - color code to be determined. **BY OTHERS.**
- 05 Concrete base. **BY OTHERS.**
- 06 Cast stone cap. **BY OTHERS.**



- Pms 485c.
- White.
- Pms 1805c.
- Pms 1815c.
- Pms 159c.
- Pms 7409c.
- Pms 3125c.

Important disclaimer: site signage specification and sign positioning is based on information/data provided by the customer at time of drawing request. Any freestanding sign, to include signs defined as pylons, multi-tenant pylons, and monument signs may be subject to review as required by the city, county or governing body in which said property is positioned. Freestanding signs positioned in proximity to urban corridors, utility easements, overhead power lines, row transmission lines, state department of transportation row and underground pipelines/fiber optic lines may also be subject to review in regards to setbacks or encroachment requirements by those specific entities. Footing(s): Diameter and depth may be adjusted according to auger availability and soil condition.

Revisions (M/D/Y)-(initials): desc.



TDLR: 18010 • MET: E113766

Corporate Office
 5003 Stout Drive
 San Antonio, TX 78219
 (210) 341-7244

Dallas
 2703 Mockingbird Lane
 Dallas, TX 75235
 (972) 870-1594

Houston (State Sign)
 7630 Hansen Road
 Houston, TX 77061
 (713) 943-1831

Austin (Custom Sign Creations)
 1130 Rutherford, Suite 180
 Austin, TX 78753
 (512) 374-9300

Tyler (Design Center Signs)
 2971 Elkton Trail
 Tyler, TX 75703
 (903) 561-4995



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A **B** **D/F MONUMENT**
 QTY: TWO (2) D/F MONUMENT DISPLAY **Scale: 1/4"=1'-0"**

Color description is for reference only. Samples provided upon request after order placement.

CUSTOMER APPROVAL

APPROVED BY: _____ DATE: ____ / ____ / ____
 Ordinance Number 23-09-1327 - Page 21 of 22

EXHIBIT F

PRIMARY POWER RESPONSIBLITY TBD

120V Primary electrical service by others

Job Name:



■ Proposal Drawing
□ Final Drawing

Client: H-E-B
Location: Murphy, Texas
Salesperson: Pete Sitterle
Prj. Mngr.: Tammy Colson
Date: 8.1.2023
Designer: g. Hufford
File: 75986 HEB MURPHY, TX - NEW SITE.cdr
Proposal #: **75986**
Job #: n/a

Revisions (M/D/Y)-(initials): desc.

TDLR: 18010 • MET: E113766

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(210) 341-7244

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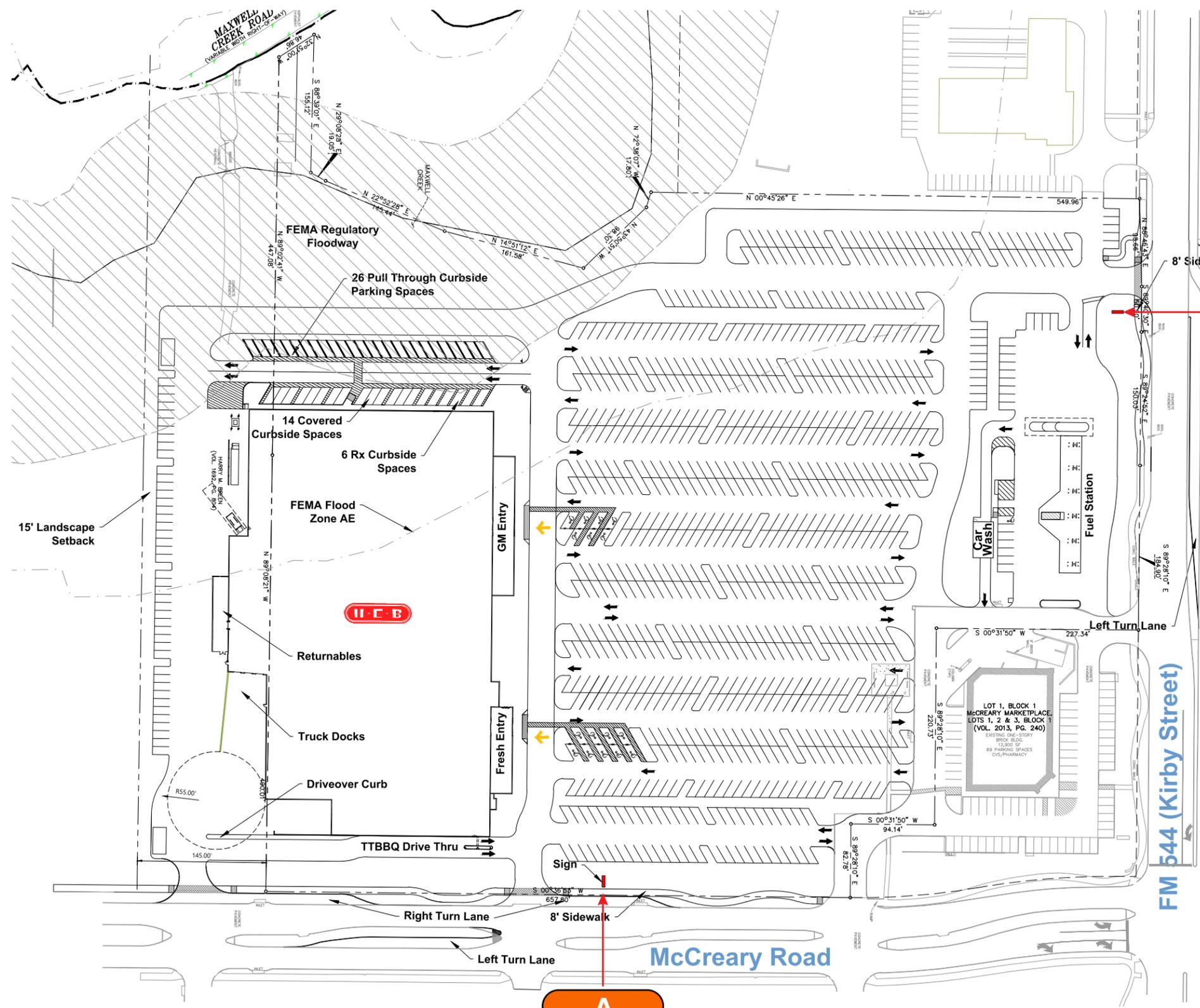
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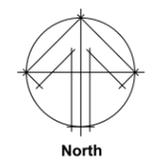
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3 of 3



B

A



A

B

D/F MONUMENT

QTY: ONE (1) D/F MONUMENT DISPLAY

Scale: 1/128" = 1'-0"

CUSTOMER APPROVAL

APPROVED BY: _____ Ordinance Number 23-09-1327 - Page 22 of 22 DATE: ____ / ____ / ____

EXHIBIT F

120V Primary electrical service by others