

**ORDINANCE NO. 09-12-824**

**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 APPROVING A SPECIFIC USE PERMIT FOR AN ASSISTED LIVING FACILITY ON PROPERTY ZONED PLANNED DEVELOPMENT DISTRICT FOR RETAIL AND OFFICE USES ON APPROXIMATELY 4.00 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, APPROVING SPECIFIC USE PERMIT STANDARDS HERETO 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 approve a Specific Use Permit for an assisted living facility on property zoned PD (Planned Development) District for Retail and Office Uses for the property described as 4.00 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 Specific Use Permit are attached hereto as Exhibit "B", and the same are hereby approved for said Specific Use Permit as required by Section 86-635(b), of the City of Murphy, Texas Code of Ordinances.

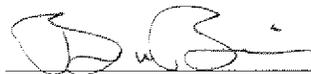
**Section 3.** That Chapter 86 of the City of Murphy Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

**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.

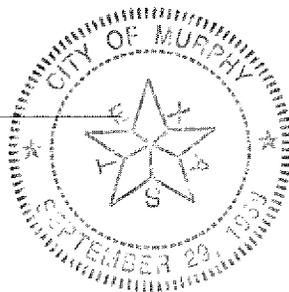


\_\_\_\_\_  
Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:



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



## LEGAL DESCRIPTION

GF Number: FT2NP-97009000449

Commitment Number: 97009000449

Legal description of the land:

Tract I:

WHEREAS, McBirney-544 Joint Venture is the owner of a tract of land situated in the James W. Maxwell Survey, Abstract No. 580, Collin County, Texas, and more particularly described as follows;

BEGINNING at the 1/2 inch iron found at the corner of the Southeast corner of this tract, and also being northeast of a Fairfield of Plano, and also Southwest corner of Walmart Stores East, Inc., recorded in Volume 4456, Page 1766, Deed Recorded of Collin County, Texas

THENCE N 89°10'40" W, a distance 460.60 feet to a 1/2 inch iron set for corner;

THENCE N 00°49'20" E, a distance 378.71 feet to a 1/2 inch iron set for corner;

THENCE S 89°04'12" E, a distance 460.60 feet to a 1/2 inch iron set for corner;

THENCE S 00°49'20" W, a distance 377.85 feet to the Point of Beginning and containing 174,235 s.f. or 4.000 acres of land, more or less.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

Tract II: (EASEMENT)

Being a non-exclusive access easement 24 feet wide extending from the east line of Brand Street to the west line of subject property. (TO BE CREATED AT CLOSING)

EXHIBIT B

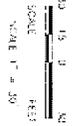
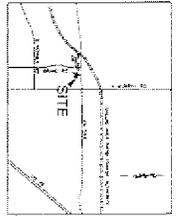
ZONING FILE NO. 2009-11

West FM 544, east of Brand Road

SPECIFIC USE PERMIT FOR AN ASSISTED LIVING FACILITY

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow an Assisted Living Facility compatible with the surrounding area.
- II. **Statement of Effect:** This Specific Use Permit 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.
- III. **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.
- IV. **Development Plans:**
  - A. Site Plan: Development shall be in general conformance with the approved site plan set forth in Exhibit C; however, in the event of conflict between the site 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 exterior elevations as set forth in Exhibit E; however, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.
- V. **Specific Regulations:**
  - A. Density: The maximum density shall be twenty (20) units per acre.
  - B. Height Regulations: The maximum height shall be one story or twenty-four (24) feet. The maximum height for the office area shall be thirty-eight (38) feet.
  - C. Common Storage Area: A common storage area shall not be required.
  - D. Covered Parking: Covered parking shall not be required.





**SITE SUMMARY**

**ZONING**  
 RESIDENTIAL SINGLE-FAMILY  
 SINGLE-FAMILY DETACHED  
 MIN. LOT AREA: 5,000 SQ. FT.  
 MIN. LOT WIDTH: 30 FT.  
 MIN. FRONT YARD SETBACK: 10 FT.  
 MIN. SIDE YARD SETBACK: 5 FT.  
 MIN. REAR YARD SETBACK: 10 FT.

**LANDSCAPE REQUIREMENTS**  
 1. LANDSCAPE PLAN SHALL BE SUBMITTED WITH THE PERMITS APPLICATION.  
 2. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL PLANTS TO BE PLANTED.  
 3. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL TREES TO BE PLANTED.  
 4. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL SHRUBS TO BE PLANTED.  
 5. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL GRASSES TO BE PLANTED.  
 6. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL MULCH TO BE PLANTED.  
 7. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL FERTILIZER TO BE PLANTED.  
 8. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL IRRIGATION TO BE PLANTED.  
 9. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL LIGHTING TO BE PLANTED.  
 10. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL FENCES TO BE PLANTED.  
 11. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL SIGNAGE TO BE PLANTED.  
 12. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL OTHER PLANTS TO BE PLANTED.

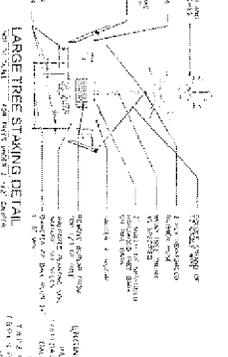
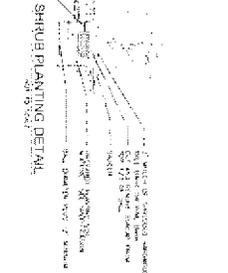
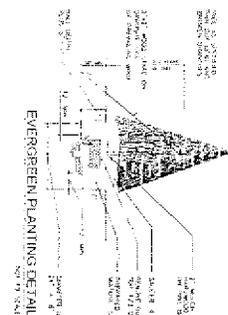
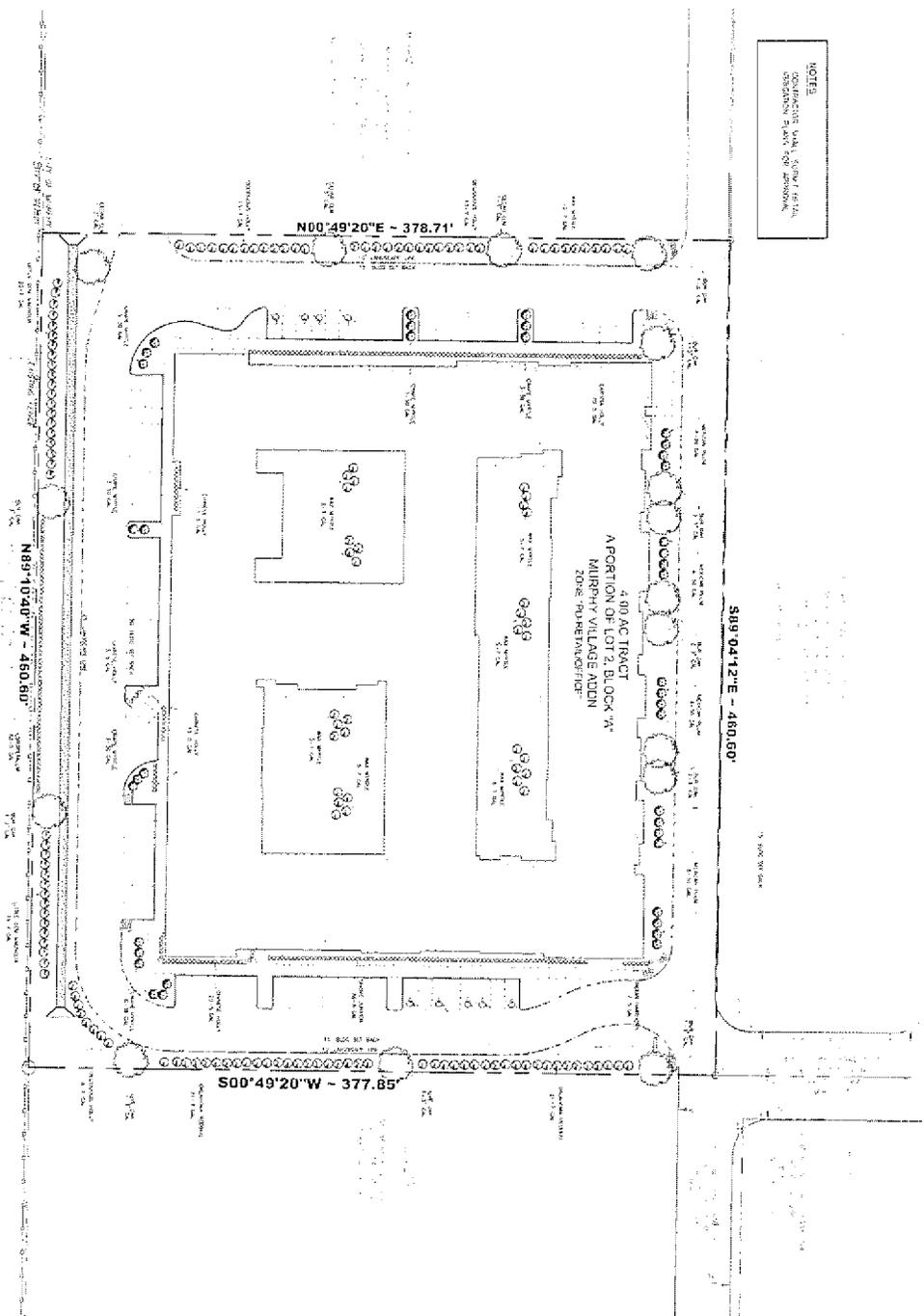
**LANDSCAPE NOTES**

1. LANDSCAPE PLAN SHALL BE SUBMITTED WITH THE PERMITS APPLICATION.
2. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL PLANTS TO BE PLANTED.
3. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL TREES TO BE PLANTED.
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12. LANDSCAPE PLAN SHALL SHOW THE LOCATION AND SPECIES OF ALL OTHER PLANTS TO BE PLANTED.

**SELECTED PLANT LIST**

PLANT NAME	QUANTITY	PLANT CODE	PLANT SIZE
AGAVE	10	AGV	12"
AGAVE	10	AGV	18"
AGAVE	10	AGV	24"
AGAVE	10	AGV	30"
AGAVE	10	AGV	36"
AGAVE	10	AGV	42"
AGAVE	10	AGV	48"
AGAVE	10	AGV	54"
AGAVE	10	AGV	60"
AGAVE	10	AGV	66"
AGAVE	10	AGV	72"
AGAVE	10	AGV	78"
AGAVE	10	AGV	84"
AGAVE	10	AGV	90"
AGAVE	10	AGV	96"
AGAVE	10	AGV	102"
AGAVE	10	AGV	108"
AGAVE	10	AGV	114"
AGAVE	10	AGV	120"
AGAVE	10	AGV	126"
AGAVE	10	AGV	132"
AGAVE	10	AGV	138"
AGAVE	10	AGV	144"
AGAVE	10	AGV	150"
AGAVE	10	AGV	156"
AGAVE	10	AGV	162"
AGAVE	10	AGV	168"
AGAVE	10	AGV	174"
AGAVE	10	AGV	180"
AGAVE	10	AGV	186"
AGAVE	10	AGV	192"
AGAVE	10	AGV	198"
AGAVE	10	AGV	204"
AGAVE	10	AGV	210"
AGAVE	10	AGV	216"
AGAVE	10	AGV	222"
AGAVE	10	AGV	228"
AGAVE	10	AGV	234"
AGAVE	10	AGV	240"
AGAVE	10	AGV	246"
AGAVE	10	AGV	252"
AGAVE	10	AGV	258"
AGAVE	10	AGV	264"
AGAVE	10	AGV	270"
AGAVE	10	AGV	276"
AGAVE	10	AGV	282"
AGAVE	10	AGV	288"
AGAVE	10	AGV	294"
AGAVE	10	AGV	300"
AGAVE	10	AGV	306"
AGAVE	10	AGV	312"
AGAVE	10	AGV	318"
AGAVE	10	AGV	324"
AGAVE	10	AGV	330"
AGAVE	10	AGV	336"
AGAVE	10	AGV	342"
AGAVE	10	AGV	348"
AGAVE	10	AGV	354"
AGAVE	10	AGV	360"
AGAVE	10	AGV	366"
AGAVE	10	AGV	372"
AGAVE	10	AGV	378"
AGAVE	10	AGV	384"
AGAVE	10	AGV	390"
AGAVE	10	AGV	396"
AGAVE	10	AGV	402"
AGAVE	10	AGV	408"
AGAVE	10	AGV	414"
AGAVE	10	AGV	420"
AGAVE	10	AGV	426"
AGAVE	10	AGV	432"
AGAVE	10	AGV	438"
AGAVE	10	AGV	444"
AGAVE	10	AGV	450"
AGAVE	10	AGV	456"
AGAVE	10	AGV	462"
AGAVE	10	AGV	468"
AGAVE	10	AGV	474"
AGAVE	10	AGV	480"
AGAVE	10	AGV	486"
AGAVE	10	AGV	492"
AGAVE	10	AGV	498"
AGAVE	10	AGV	504"
AGAVE	10	AGV	510"
AGAVE	10	AGV	516"
AGAVE	10	AGV	522"
AGAVE	10	AGV	528"
AGAVE	10	AGV	534"
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AGAVE	10	AGV	546"
AGAVE	10	AGV	552"
AGAVE	10	AGV	558"
AGAVE	10	AGV	564"
AGAVE	10	AGV	570"
AGAVE	10	AGV	576"
AGAVE	10	AGV	582"
AGAVE	10	AGV	588"
AGAVE	10	AGV	594"
AGAVE	10	AGV	600"
AGAVE	10	AGV	606"
AGAVE	10	AGV	612"
AGAVE	10	AGV	618"
AGAVE	10	AGV	624"
AGAVE	10	AGV	630"
AGAVE	10	AGV	636"
AGAVE	10	AGV	642"
AGAVE	10	AGV	648"
AGAVE	10	AGV	654"
AGAVE	10	AGV	660"
AGAVE	10	AGV	666"
AGAVE	10	AGV	672"
AGAVE	10	AGV	678"
AGAVE	10	AGV	684"
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AGAVE	10	AGV	696"
AGAVE	10	AGV	702"
AGAVE	10	AGV	708"
AGAVE	10	AGV	714"
AGAVE	10	AGV	720"
AGAVE	10	AGV	726"
AGAVE	10	AGV	732"
AGAVE	10	AGV	738"
AGAVE	10	AGV	744"
AGAVE	10	AGV	750"
AGAVE	10	AGV	756"
AGAVE	10	AGV	762"
AGAVE	10	AGV	768"
AGAVE	10	AGV	774"
AGAVE	10	AGV	780"
AGAVE	10	AGV	786"
AGAVE	10	AGV	792"
AGAVE	10	AGV	798"
AGAVE	10	AGV	804"
AGAVE	10	AGV	810"
AGAVE	10	AGV	816"
AGAVE	10	AGV	822"
AGAVE	10	AGV	828"
AGAVE	10	AGV	834"
AGAVE	10	AGV	840"
AGAVE	10	AGV	846"
AGAVE	10	AGV	852"
AGAVE	10	AGV	858"
AGAVE	10	AGV	864"
AGAVE	10	AGV	870"
AGAVE	10	AGV	876"
AGAVE	10	AGV	882"
AGAVE	10	AGV	888"
AGAVE	10	AGV	894"
AGAVE	10	AGV	900"
AGAVE	10	AGV	906"
AGAVE	10	AGV	912"
AGAVE	10	AGV	918"
AGAVE	10	AGV	924"
AGAVE	10	AGV	930"
AGAVE	10	AGV	936"
AGAVE	10	AGV	942"
AGAVE	10	AGV	948"
AGAVE	10	AGV	954"
AGAVE	10	AGV	960"
AGAVE	10	AGV	966"
AGAVE	10	AGV	972"
AGAVE	10	AGV	978"
AGAVE	10	AGV	984"
AGAVE	10	AGV	990"
AGAVE	10	AGV	996"
AGAVE	10	AGV	1002"

**NOTE**  
 CONSULTOR SHALL VERIFY ALL DIMENSIONS SHOWN FOR ACCURACY.

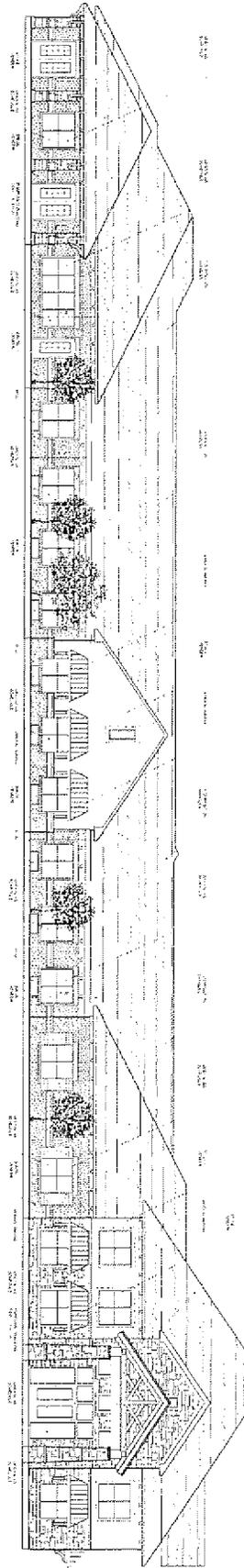


**AS A ENGINEERING**  
 11000 W. HILLWAY, SUITE 100  
 DALLAS, TEXAS 75244  
 TEL: 972.444.4444  
 FAX: 972.444.4444  
 WWW.ASAENGINEERING.COM

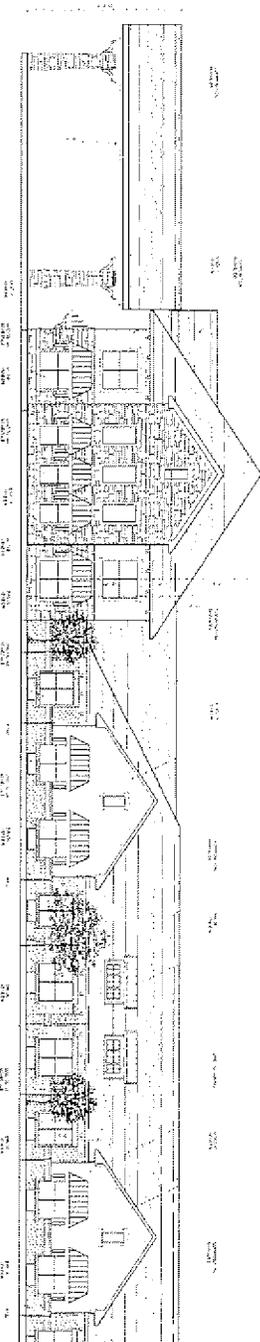
**ORCHARD PARK**

**LANDSCAPE PLAN**  
 FOR  
 MURPHY VILLAGE ADDITION  
 A PORTION OF LOT 2, BLOCK "A"  
 JAMES W. MAXWELL SURVEY, ABSTRACT NO. 560  
 CITY OF MURPHY, COLLIN COUNTY, TEXAS

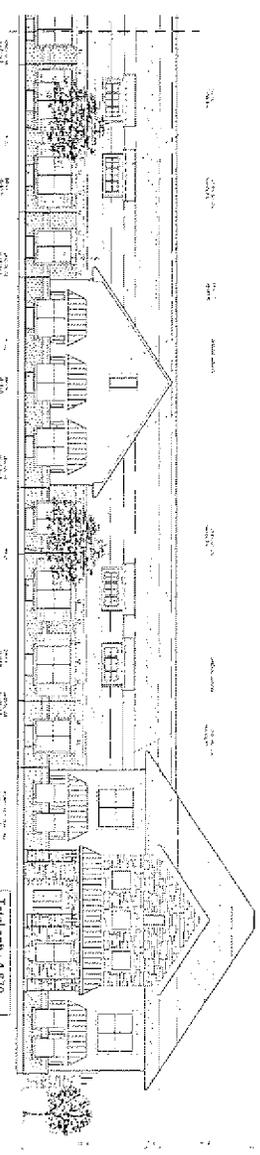
**SHEET**  
 L-1



Total sqft: 5,137  
 Stone Veneer 20%  
 Brick Veneer 60%  
 Stucco 20%



Total sqft: 4,870  
 Stone Veneer 15%  
 Brick Veneer 60%  
 Stucco 25%



Total sqft: 4,670  
 Stone Veneer 15%  
 Brick Veneer 60%  
 Stucco 25%

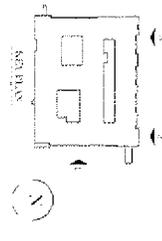
**Note**  
 This Facade Plan is for conceptual purposes only. All building plans require review and approval of the Building Inspection Department.  
 All mechanical units shall be screened from public view. When permitted, exposed utility boxes and conduits shall be painted to match the building.  
 All signage areas and locations are subject to approval by the Building Inspection Department.  
 Rear access shall be provided internally, unless otherwise permitted by the Building Official.

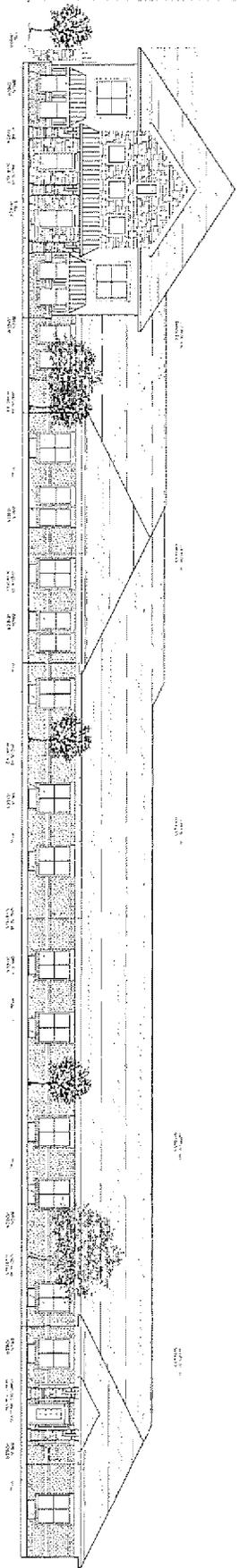
**Designated Colors**  
 Stone Veneer - Farnish Gray/te Brown  
 Brick Veneer - Brown Antique  
 Stucco - Harvest Tan

**Survey & Engineer**  
 PSA Engineering  
 Patti Salzman  
 17819 Davenport Rd, Suite 215  
 Dallas, Texas 75252  
 (872) 248-9851

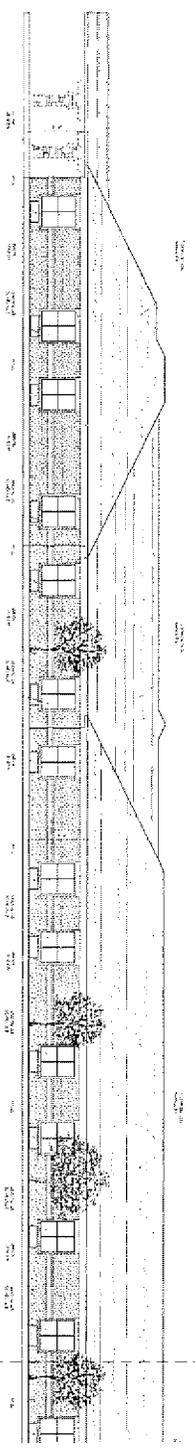
**Land Owner**  
 McBriney #244 Joint Venture  
 5300 Town & Country Blvd  
 Suite 200  
 Ft. Worth, TX 76104  
 (214) 618-9800

**Applicant**  
 Orchard Park Senior Living  
 63601 B1 Freeway, Suite 288  
 Dallas, Texas 75240  
 (214) 618-5385

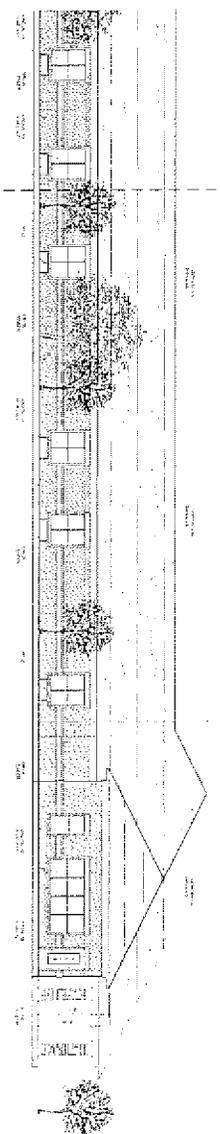




Total sqft 3,005  
 Stone Veneer 15%  
 Brick Veneer 75%  
 Stucco 10%



Total sqft 2,827  
 Stone Veneer 9%  
 Brick Veneer 95%  
 Stucco 0%



Total sqft 2,827  
 Stone Veneer 5%  
 Brick Veneer 95%  
 Stucco 0%

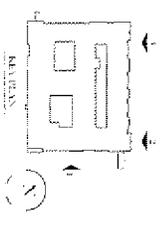
Survey & Engineer  
 PSA Engineering  
 Pam Snoben  
 17319 Davenport Rd, Suite 215  
 Dallas, Texas 75252  
 (972) 248-9051

Land Owner  
 McBriney #544 Joint Venture  
 5300 Town & Country Blvd.  
 Suite 200  
 Frisco, TX 75034  
 (214) 618-5900

Applicant  
 Orchard Park Senior Living  
 8350 LBJ Freeway, Suite 203  
 Dallas, Texas 75240  
 (214) 618-5385

Designated Colors  
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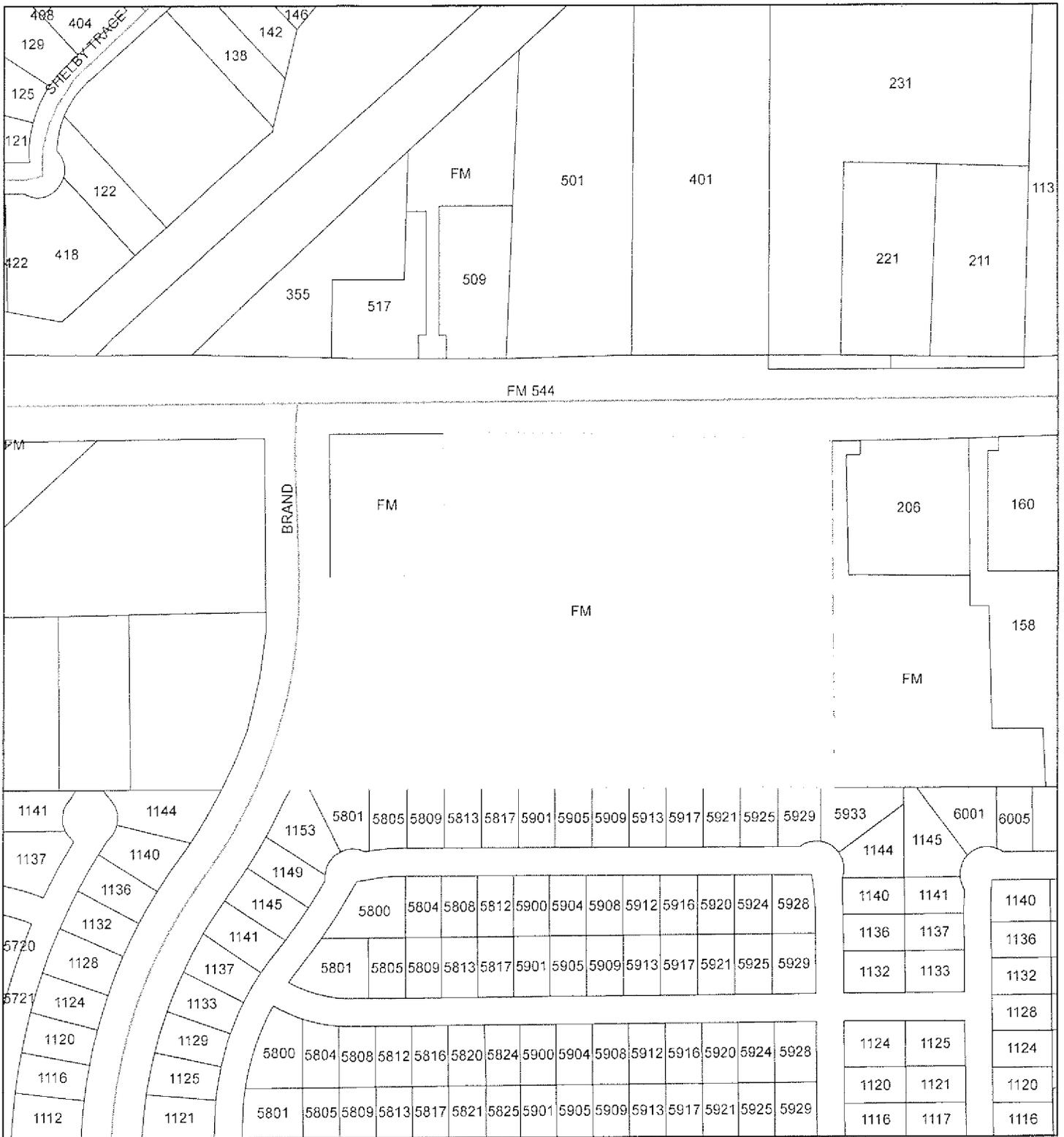
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**Orchard Park**  
 Senior Living LLC  
 MURPHY, TEXAS

**GTF Design**  
 2544 State Highway 121, Suite 100 - Mustang, Texas 75602

DATE: 11/15/2016  
 TIME: 10:00 AM  
 DRAWING NO: A6 02

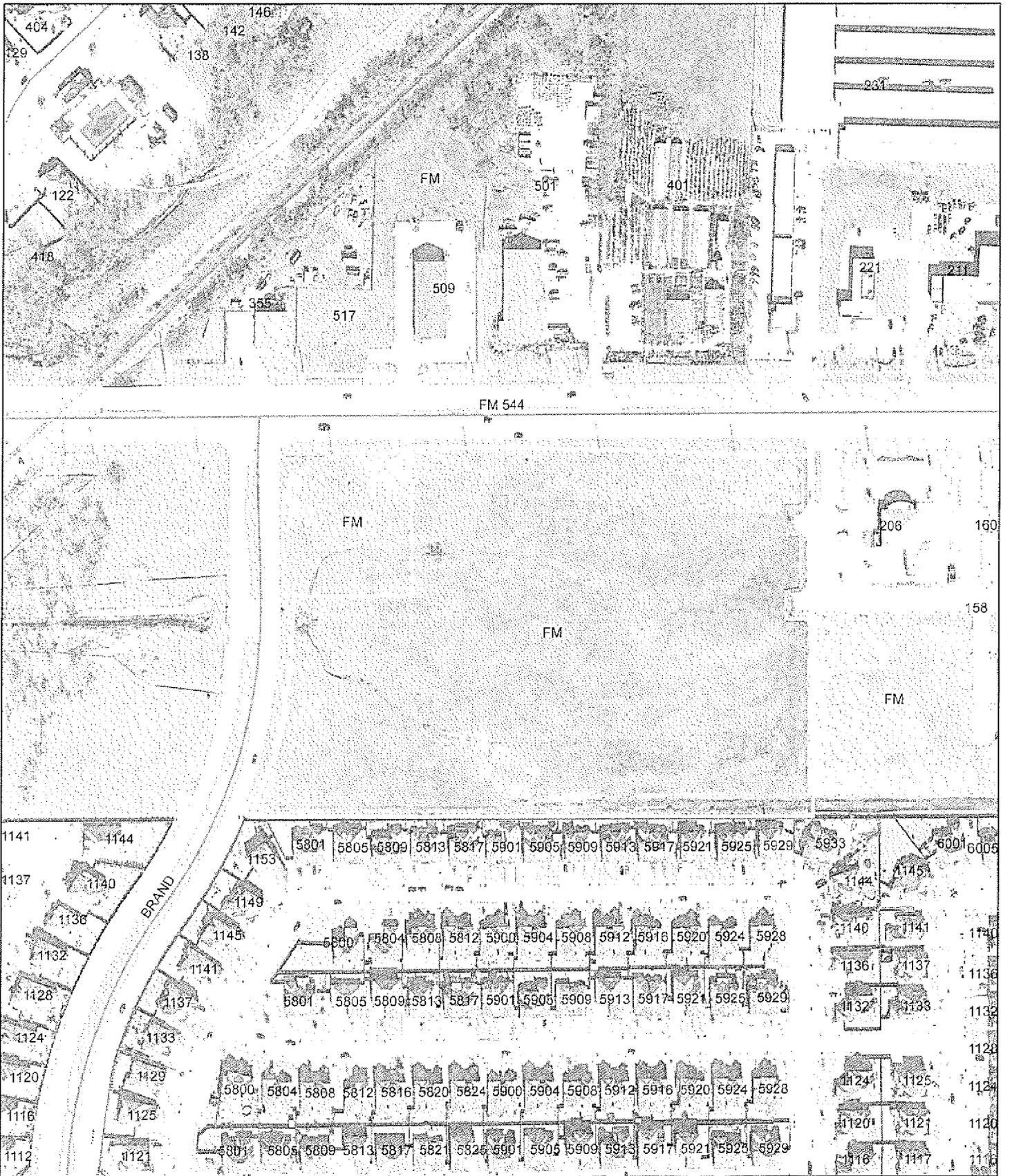


**Legend**

Subject Property

**Location Map - Zoning File 2009-11**





# Location Map - Zoning File 2009-11

