

ORDINANCE NO. 12-06-914

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86, OF THE CITY OF MURPHY CODE OF ORDINANCES, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 11 ACRES OF LAND SITUATED IN THE HENRY MAXWELL SURVEY, ABSTRACT NO. 579, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, FROM ITS PRESENT CLASSIFICATION BEING SINGLE FAMILY RESIDENTIAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES; APPROVING PLANNED DEVELOPMENT CONDITIONS AND STANDARDS ATTACHED HERETO AS EXHIBIT "B", APPROVING A CONCEPT PLAN ATTACHED HERETO AS EXHIBIT "C", APPROVING A LANDSCAPE PLAN ATTACHED HERETO AS EXHIBIT "D", APPROVING AN EXTERIOR ELEVATION PLAN ATTACHED HERETO AS EXHIBIT "E", AND APPROVING A SIGNAGE PLAN ATTACHED HERETO AS EXHIBIT "F"; PROVIDING A CUMULATIVE/ REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of approximately 11 acres of land situated in the Henry Maxwell Survey, Abstract No. 579, located in the City of Murphy, Collin County, Texas, have requested a change in the zoning for the property described in this ordinance from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses with the intent to provide high quality retail development consistent with the Comprehensive Plan and for the purpose of developing the property for retail uses as outlined in the Development Conditions and Standards for this planned development district; 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 Planning and Zoning Commission and the City Council of the City of Murphy, in considering the application for a change in zoning of the property to a planned development district, have determined that the proposed use and development is consistent and compatible with the goals and objectives of the City of Murphy and is in the best interest of the health, safety, morals and general welfare of the City of Murphy, and, accordingly, the City Council of the City of Murphy is of the opinion and finds that said zoning change is in the public interest and should be granted and that the Comprehensive Zoning Ordinance should be amended accordingly as set forth herein.

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

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

Section 2. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby amended so as to change the zoning (designation) from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses for the property, being an approximately 11 acre tract of land situated in the Henry Maxwell Survey, Abstract No. 579, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A", attached hereto and incorporated herein by reference.

Section 3. That the Development Conditions and Standards for this planned development district are attached hereto as Exhibit "B" and incorporated herein by reference, and the same are hereby approved by the City Council for said planned development district as required by Section 86-603, of the City of Murphy, Texas, Code of Ordinances.

Section 4. That the Concept Plan, Landscape Plan, Exterior Elevation Plan, and Signage Plan for this planned development district are attached hereto as Exhibits "C", "D", "E", and "F"

respectively, and the same are hereby incorporated herein by reference and approved for said planned development district as required by Section 86-604, of the City of Murphy, Texas, Code of Ordinances.

Section 5. 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, 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 other 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 86 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. Savings Clause. That an offence committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offence was committed and the former law is continued in effect for this purpose.

Section 10. 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 June, 2012.



Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy



APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City of Murphy

Exhibit A
Legal Description

OWNERS CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, We, CVS Pharmacy, Inc. and Hellen R. Pickard, are the sole owners of a tract of land situated in the HENRY MAXWELL SURVEY, ABSTRACT No. 579, City of Murphy, Collin County, Texas, and being a portion of the tract of land described in deed to Hellen Pickard as recorded in County Clerk's file No. 96-0043722, Land Records, Collin County, Texas, and also being all of a tract of land described in deed to CVS Pharmacy, Inc. as recorded in County Clerk's Instrument No. 20111227001390000, Real Property Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner, at the intersection of the south line of a right-of-way dedication, as described under Cause No. 001-1218-99, styled Collin County VS. Helen Pickard, Ricky L. Pickard and Great Western Mortgage Corporation and the west line of a right-of-way dedication as described in Document No. 20080801000933770, Real Property Records, Collin County, Texas, said 1/2 inch iron rod also being the intersection of the south right-of-way line of F.M. 544 (Kirby Street, 120' right-of-way at this point) and the west right-of-way line of McCreary Road (100' right-of-way);

THENCE South 00 deg 38 min 00 sec West, departing the south right-of-way line of said F.M. 544 and along the west right-of-way line of McCreary Road (as described in Document No. 20080801000933770), a distance of 19.97 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner and the beginning of a curve to the left having a radius of 878.00 feet, a central angle of 10 deg 21 min 08 sec and a chord bearing and distance of South 04 deg 34 min 47 sec East, 158.42 feet;

THENCE continuing along said right-of-way line and said curve to the left, an arc distance of 158.64 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner and the beginning of a curve to the right, having a radius of 790.00 feet, a central angle of 10 deg 22 min 13 sec and a chord bearing and distance of South 04 deg 34 min 14 sec East, 142.79 feet;

THENCE continuing along said right-of-way line and said curve to the right, an arc distance of 142.99 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner at the end of the aforementioned right-of-way dedication;

THENCE South 00 deg 36 min 53 sec West, along the west right-of-way line of said McCreary Road, a distance of 659.28 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner;

THENCE North 89 deg 08 min 21 sec West, departing the west right-of-way line of said McCreary Road, a distance of 490.01 feet to a 3/8 inch iron rod found for corner, and being the southwest corner of said Hellen Pickard tract;

THENCE North 01 deg 12 min 36 sec East, a distance of 342.63 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner;

THENCE North 00 deg 23 min 41 sec East, a distance of 633.85 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner in the south right-of-way line of FM Highway 544 (120' right-of-way at this point);

THENCE South 89 deg 28 min 10 sec East, along the south right-of-way line of said FM Highway 544, a distance of 461.64 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 472,365 square feet or 10.844 acres of land, more or less. Bearings contained herein are based upon an on the ground survey performed in the field on the 5th day of July, 2011 utilizing a GPS (WGS 84) bearing of North 89 deg 08 min 21 sec West (Deed South 89 deg 45 min 14 sec East) along the south line of a tract of land described in deed to Hellen Pickard recorded in Document No. 96-0043722, Real Property Records, Collin County, Texas.

Exhibit B

Development Conditions and Standards

EXHIBIT B

ZONING FILE NO. 2012-01

McCreary Marketplace
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 encourage the following uses.
 - Larger anchor uses
 - Grocery Store
 - Family, sit-down restaurants
 - Upscale retail shops
 - Individual pad site uses
 - 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. 04-05-610, as amended, except as specifically provided herein.
- IV. **General Regulations:** All regulations of the R (Retail) District set forth in Section 29 of the Comprehensive Zoning Ordinance are included by reference and shall apply except as otherwise specified by this ordinance.
- V. **Development Plans:**
 - A. **Concept Plan:** Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
 - B. **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.
 - 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 one year from the date of City Council action on the plan. If within that one-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. Site plans shall be valid for a period of one year from the date of City Council action on the plan.

- F. Site Plan: A Site Plan shall be submitted in accordance with the Requirements set forth in Chapter 86, Article II, and 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.

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. Computer Sales
9. Confectionery Store (Retail)
10. Department Store
11. Dinner Theatre (SUP Only)
12. Electronics (Retail)
13. Florist
14. Food or Grocery Store (SUP)
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. Photocopying /Duplicating
23. Restaurant
24. Retail Store
25. Tailor Shop
26. Theatre (Live Drama) (SUP)
27. Sporting Goods
28. Clothing / Home Goods

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 100'.
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).

C. Parking, Driveways and Sidewalks:

1. Parking areas shall not be permitted within any landscape buffer strip.
2. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
3. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Comprehensive Zoning Ordinance.
4. No required parking space may be occupied by signs, merchandise, or display items at any time except by specific 30 day permit.
5. A special "signature" paving treatment shall be established as shown on the approved concept plan (Exhibit C). Appropriate locations for the special paving treatment shall include street intersections, pedestrian crosswalks and driveway openings.
6. Sidewalks along FM 544 and McCreary Road shall be 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, including the loading dock shown on Phase One development facing FM544.

E. Building Height

1. All structures shall have a maximum building height of thirty-five (35) 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 Chapter 28, Code of Ordinances, except as provided below.

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1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with the approved Exterior Elevation Plan (Exhibit E).
2. All exterior elevations shall utilize a unified design as shown on the approved Exterior Elevation Plan (Exhibit E). At least two masonry materials shall be used in addition to glass on any single building. The following masonry materials shall be allowed:
 - a. Brick
 - b. Cast Stone
 - c. Scored & Textured concrete tilt wall
 - d. EIFS and Stucco (limited to no more than 12% total)
 - e. Stone/simulated stone – per elevation
3. The use of primary or garish colors shall not be predominately used on the exterior façade of any structure. Corporate identities shall be allowed with owner review and approval.
4. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any immediately adjacent public dedicated street by an architecturally sound method.
5. 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.
6. In all cases, mechanical equipment on roofs and outcroppings shall be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.

G. Landscape Standards

Landscaping shall comply with the standards set forth in Chapter 28, 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. 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.
 1. The traffic island shown on Phase One development shall be landscaped.
 2. Phase One construction is to include Open Space as noted in Phase Two.
 3. 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.
 4. An additional 8% open space shall be provided. This 8% will be for the entire development and not necessarily on a lot by lot basis. The 8% area will consist of two or more of the following amenities:
 - a. Pedestrian walkways
 - b. Benches
 - c. Gazebo
 - d. Constant level pool
 - e. Landscape material
 - f. Hardscape
 - g. Pedestrian lighting

H. Screening

Screening shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. All screening at the rear (South & West) of the property will be a live screen where required. Plant materials shall conform to the standards of the approved plant list in Section 50 and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen.
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 and materials as main building). All other screening of the rear of the site shall be living screens (eight foot height and at least 75 percent density within four years of planting unless such areas are screened from public views by a building).

3. Outside seasonal displays shall be permitted within the Planned Development District for no more than 30 days. Outside storage shall not be permitted with the Planned Development District.

I. Site Lighting:

Lighting shall comply with the standards set forth in Chapter 28, 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 no taller than 30 ft. high. However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.

J. Signage and Graphics

Signage will comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below. No electronic signs are allowed in Planned Development District.

Signature Sign: Developer shall construct a signature sign depicting "City of Murphy" at the intersection of McCreary Road and FM 544 immediately adjacent (behind) the 50x50 visibility triangle. The signature entrance/ development sign must be 2 or 3 dimensional and conceptually similar to the signature sign located on the north west corner of FM 544 and North Murphy Road in Murphy. The developer shall submit the signature signage plans to the City for approval prior to construction.

1. General

- a. All signage for the Planned Development District shall be allowed as shown on the approved Signage Plan (Exhibit F).
- b. Shared Tenant Monument Signs-Two (2) monument signs shall be allowed located on Lot 2 and Lot 3 (One per Lot) and shall be limited to a maximum sign area of 40 square feet.
- c. Shopping center signs-One (1) shopping center sign shall be permitted as shown on the approved Signage Plan (Exhibit F). The shopping center sign shall be limited to a maximum sign area of 240 square feet.
- d. All signs must be surrounded by landscaping.
- e. No signs shall be phased.

2. Shared Tenant Monument Signs

- a. Monument signs shall identify individual tenants or uses within the shopping center. Monument signs shall be a maximum of eight (8) feet tall.

- b. All shared tenant 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 of material similar to the material used for buildings.

3. Shopping Center Sign

- a. The shopping center sign shall be constructed at a height not to exceed thirty-five (35) feet upon approval of a building permit of an anchor tenant.
- b. The base of the shopping center sign shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.
- c. The shopping center sign shall be double-sided, internally illuminated sign panels within a masonry structure. Pylon signs may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
- d. Construction of shopping center signs shall include a base of material similar to the material used for buildings.

4. Temporary Marketing Signage

- a. One (1) quality temporary marketing sign shall be permitted on the development on McCreary Road and on FM 544. Temporary signs must be approved by the City Manager or designee and are valid for 180 days.
- b. The maximum signage area will be 64 square feet. The maximum height shall be 8 feet.
- c. All other temporary signage specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.
- d. Temporary signs are not required to be constructed of the material used for buildings.

K. Open Space

- 1. All open space amenities shall use a unified design as shown on the approved Amenities Plan. Development within 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

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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 8% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 8% 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, and may be approved on the site plan.

VII. Special Regulations:

- A. Right Turn Deceleration Lanes: A right turn deceleration lane shall be required for the driveway on FM 544 at the time construction begins on any pad site along FM 544 and paid for by the developer and/or property owner. A right turn deceleration lane shall be required for the middle driveway on McCreary Road at the time construction begins on the anchor tenant.
- B. 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.
- C. 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 future connectivity.
- D. Outside storage shall not be permitted with the Planned Development District.

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- E. 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.
- F. 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.

Exhibit C
Concept Plan

Exhibit D
Landscape Plan

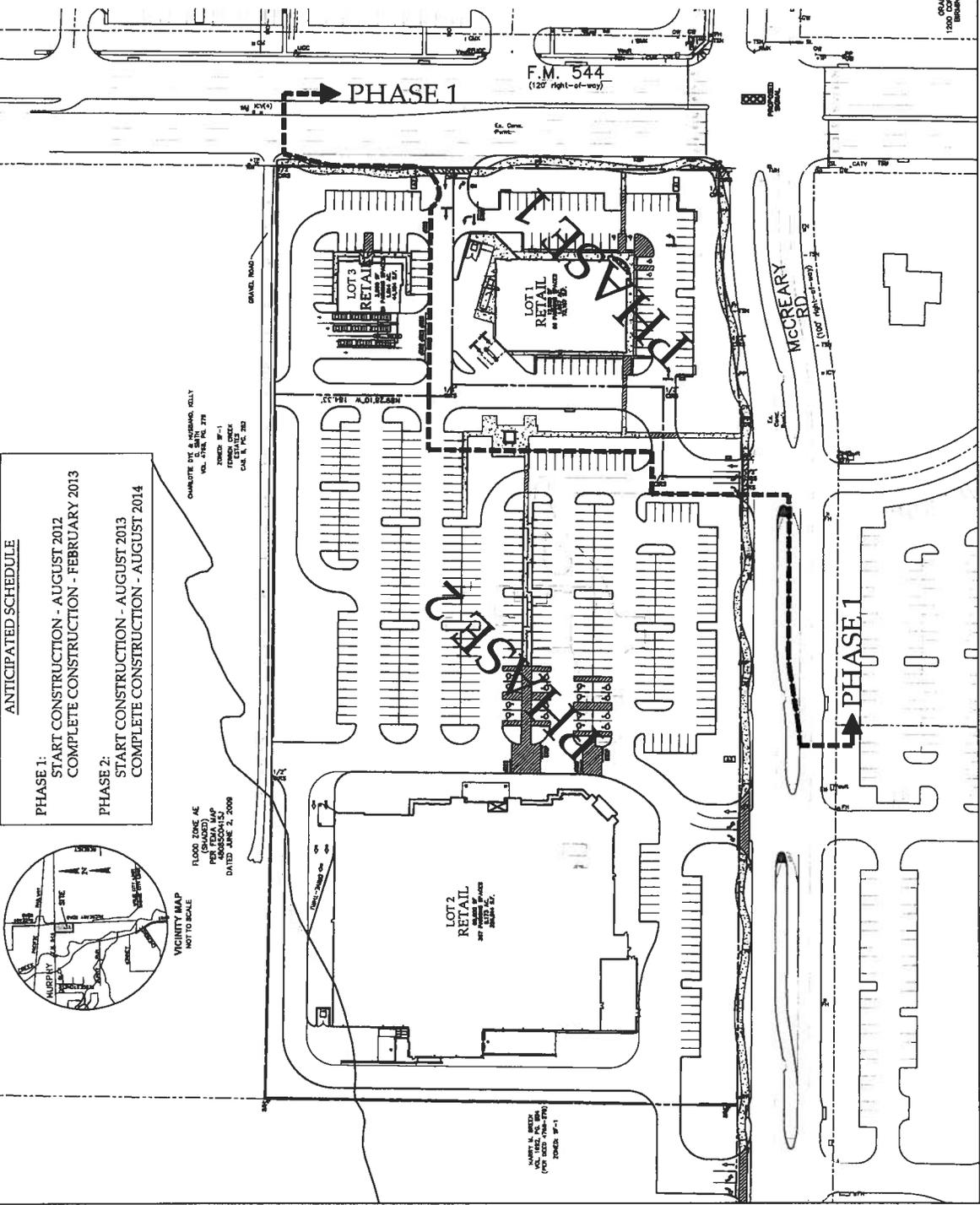
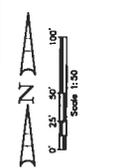
Exhibit E
Exterior Elevation Plan

Winkelmann & Associates, Inc.
 1500 CORPORATE DRIVE, SUITE C-50
 BIRMINGHAM, ALABAMA 35242
 PHONE: (205) 988-1100
 FAX: (205) 988-1101
 WWW: WWW.WINKELMANN-ASSOCIATES.COM

HENRY MAXWELL SURVEY, ABSTRACT NO. 579
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS
 GRACE DEVELOPMENT, INC.
 1200 CORPORATE DRIVE, SUITE C-50
 BIRMINGHAM, ALABAMA 35242

**PHASING PLAN
 MCCREARY MARKETPLACE
 MURPHY, TEXAS**

Project No.: 79102.01(10)
 Title: Phasing Plan
 Date: April 17, 2012
 Sheet: 1 of 50



ANTICIPATED SCHEDULE

PHASE 1:
 START CONSTRUCTION - AUGUST 2012
 COMPLETE CONSTRUCTION - FEBRUARY 2013

PHASE 2:
 START CONSTRUCTION - AUGUST 2013
 COMPLETE CONSTRUCTION - AUGUST 2014



VICINITY MAP
 NOT TO SCALE

FLOOD ZONE AE
 PER FEMA MAP
 DATED JANUARY 2, 2008

CONCRETE BYE & RETURN, KELLY
 NO. 2, SUITE 274
 10000 W. STATE ST.
 FORT WORTH, TX 76133
 CALL: 817.752.1100

**PHASING PLAN
 MCCREARY MARKETPLACE
 LOTS 1, 2 & 3, BLOCK A
 10,884 ACRES OUT OF THE
 HENRY MAXWELL SURVEY,
 ABSTRACT NO. 579
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS**

WINKELMANN & ASSOCIATES, INC.
 1500 CORPORATE DRIVE, SUITE C-50
 BIRMINGHAM, ALABAMA 35242
 (205) 988-1100

GRACE DEVELOPMENT, INC.
 1200 CORPORATE DRIVE, SUITE C-50
 BIRMINGHAM, ALABAMA 35242
 (205) 988-1100

LOT 1 RETAIL
 10,884 SQ. FT.
 100' x 100'

LOT 2 RETAIL
 200,000 SQ. FT.
 100' x 100'

LOT 3 RETAIL
 100,000 SQ. FT.
 100' x 100'

STREET

PHASE 1

MC CREARY RD

F.M. 544
 (120' Right-of-Way)

GRAVEL ROAD

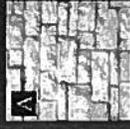
McCreary Marketplace



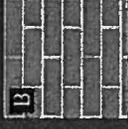
Orange Development Inc.
1208 Generale Drive
Suite G-50
BIRMINGHAM, AL 35242
TEL: (205) 808-3443
FAX: (205) 945-1850



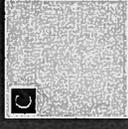
JACOBS
777 Main St.
Fort Worth, TX 76102



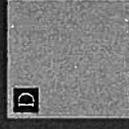
A
LIEDERS
LIMESTONE



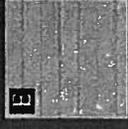
B
ACME BRICK
"GRIMSON"



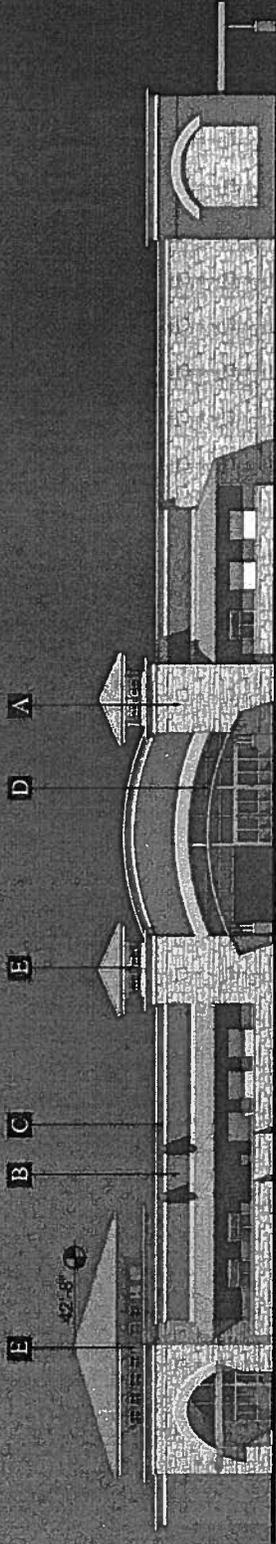
C
CLASSIC
CAST STONE



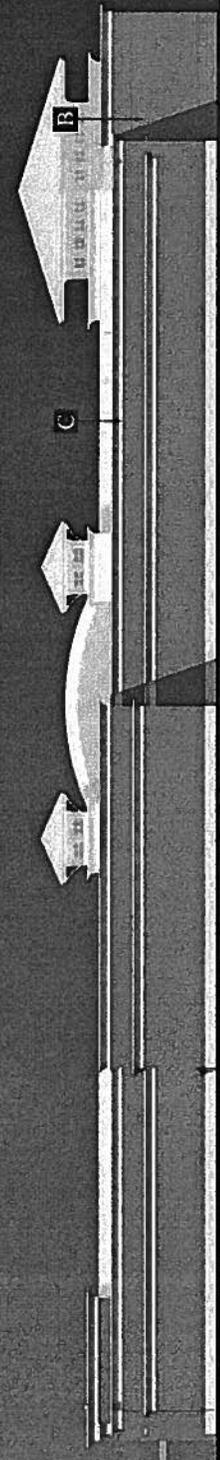
D
ANODIZED
ALUMINUM



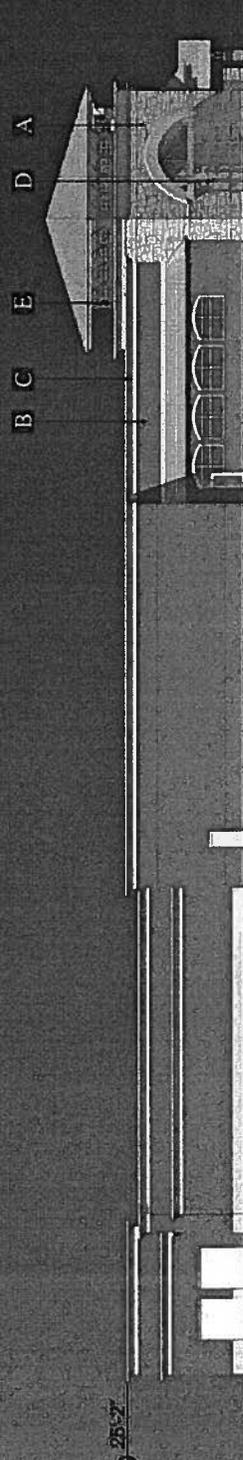
E
ACME BRICK
"Rockefeller Plaza"



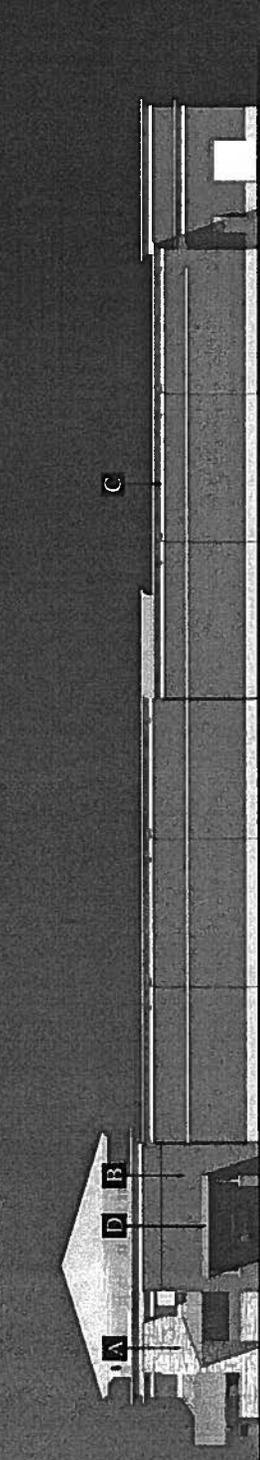
North (front) Elevation



South Elevation



East Elevation

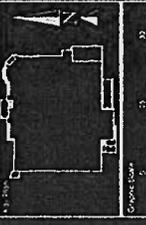


West Elevation

Proposed Conceptual Retail 2

North Elevation				East Elevation			
Material	Area	%	Material	Area	%	Material	Area
Stone	1,100	35%	Stone	1,100	35%	Stone	1,100
Cast Stone	1,100	35%	Cast Stone	1,100	35%	Cast Stone	1,100
Brick	1,100	35%	Brick	1,100	35%	Brick	1,100
Aluminum	1,100	35%	Aluminum	1,100	35%	Aluminum	1,100
Other	1,100	35%	Other	1,100	35%	Other	1,100
Total	3,100	100%	Total	3,100	100%	Total	3,100

This is a conceptual rendering of the proposed retail building. It is not intended to be a final design. The actual design will be determined by the architect and the client. The rendering is for informational purposes only.



Scale: 1" = 20'

McCreary Marketplace

Sheet 3 of 3

Jan. 25, 2012

*Signage to be provided separately by sign vendor.

Exhibit F
Signage Plan

