

ORDINANCE NO. 09-07-803

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 AMENDING AN EXISTING PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON APPROXIMATELY 1.5 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582, 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 PLANNED DEVELOPMENT STANDARDS HERETO AS EXHIBIT "B"; AND APPROVING A SPECIFIC USE PERMIT HERETO AS EXHIBIT "C"; 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 amend a Planned Development District for Retail Uses for the property described as 1.5 acres, more or less, in the James Maxwell Survey, Abstract No. 582, 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 Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Section 86-603, of the City of Murphy, Texas Code of Ordinances.

Section 3. That the development standards for this Specific Use Permit are attached hereto as Exhibit "C", and the same are hereby approved for said Planned Development District as required by Section 86-635(b), of the City of Murphy, Texas Code of Ordinances.

Section 4. 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 5. 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 6. 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 7. 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 6th day of July 2009.



Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy

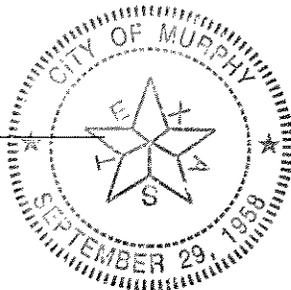


EXHIBIT A

Legal Description

WHEREAS, Clyde P. Hanawalt and Gladys Hanawalt, Trustees, under the Hanawalt Living Trust are the owners of a tract of land situated in the Isaac Herring Survey, Abstract No. 403, in the City of Murphy, Collin County, Texas, being a part of an 8.18 acre tract of land described to them in County Clerk's File No. 20081023001256490, Deed Records, Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a one-half inch iron rod with cap marked "Roome" found for corner, said point being in the Southerly line of Betsy Lane (115' Right-of-way) and from which the intersection of the Southerly line of Betsy Lane and the Westerly line of Murphy Road (FM 2551) bears South 89 degrees, 42 minutes, 29 seconds, East, a distance of 443.27 feet;

THENCE South 00 degrees, 05 minutes, 15 seconds, East, departing the Southerly line of said Betsy Lane, a distance of 195.51 feet to a one-half inch iron rod with cap marked "Roome" found for corner;

THENCE South 89 degrees, 28 minutes, 05 seconds, West, a distance of 330.19 feet to a one-half inch iron rod with marked "Roome" found for corner in the Easterly line of Wellington Lane (50 feet of right-of-way) said point also being in the Easterly line of Stratford Crossing, an addition to the City of Murphy according to the plat thereof recorded in Cabinet L, Slide 201, Map Records, Collin County, Texas;

THENCE North 00 degrees, 05 minutes, 15 seconds, West, following the Easterly line of said Wellington Lane and said Stratford Crossing, a distance of 200.26 feet to a one-half inch iron rod with cap marked "Roome" found for corner in the Southerly line of said Betsy Lane;

THENCE South 89 degrees 42 minutes, 29 seconds, East, departing the Easterly line of said Stratford Crossing following the Southerly line of said Betsy Lane, a distance of 330.19 feet to the POINT OF BEGINNING and containing 1.500 acres of land, more or less.

EXHIBIT B

ZONING FILE NO. 2009-04

West Betsy Lane, west of North Murphy Road

PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose and intent of this Planned Development District is to permit the development of retail uses and to amend certain development conditions.
- II. **Statement of Effect:** This Planned Development 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 City of Murphy Code of Ordinances (Ordinance No. 06-12-708), as amended, are included by reference, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
 - A. Permitted Uses: All uses of the R (Retail) District shall be permitted. In addition, the following uses shall be permitted.
 1. Automotive Gasoline or Motor Fuel Service Station.
 2. Bank
 3. Offices (Health Services)
 4. Offices (Legal Services)
 5. Offices (Professional)
 6. Real Estate Offices
 7. School, K through 12 (Private) (SUP)
 - B. Minimum Exterior Construction Standards, Building Materials and Design
 1. There shall be a compatible architectural framework in which individual building sites and/or tenant character may be expressed. All buildings shall be finished on all sides in a compatible architectural concept and shall not detract from adjacent property.
 2. Building materials shall be of permanent, lasting quality and shall be of masonry construction. Masonry construction shall be construed to mean that form of construction composed of brick or stone (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include the following materials:
 - a. Hard fired brick (kiln fired clay or slate material; severe weather grade; minimum thickness of three inches when applied as a veneer; shall not include unfired or underfired clay, sand or shale brick; may include concrete brick if it conforms to the same ASTM standards, and to the above stated additional standards, as hard fired clay brick).

cut on Murphy Road shall be allowed in addition to the one shown on the "7-11"
site plan.

EXHIBIT C

ZONING FILE NO. 2009-04

West Betsy Lane, west of North Murphy Road

SPECIFIC USE PERMIT FOR A SCHOOL, K THROUGH 12 (PRIVATE)

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a private school 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 PD (Planned Development) District No. 2009-04 the R (Retail) District as set forth in Chapter 86, Article III, Division 14, Ordinance No. 06-12-708 shall apply as amended, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
 - A. **Applicability:** This Specific Use Permit shall only apply to **Fort Montessori School, Inc.**
 - B. **Site Plan:** Development shall be in general conformance with the approved site plan set forth in Exhibit D; however, in the event of conflict between the site plan and the conditions, the conditions shall prevail.
 - C. **Landscape Plan:** Development shall be in general conformance with the approved landscape plan set forth in Exhibit E; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
 - D. **Facade Plan:** Development shall be in general conformance with the approved exterior elevations as set forth in Exhibit F; however, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.
 - E. **Construction/Final Plat:** Development shall be in general conformance with the approved construction/final plat as set forth in Exhibit G; however, in the event of conflict between the construction/final plat and the conditions, the conditions shall prevail.
 - F. **Screening:** Screening of the south property line shall be ornamental iron. Screening of the west property line shall be concrete thin wall.
 - G. **Sidewalks:** Sidewalk shall be constructed adjacent to Betsy Lane at a width of eight (8) feet along the entire length of the subject property.

