

ORDINANCE NUMBER 17-05-1039

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, APPROVING A SPECIFIC USE PERMIT FOR A RESTAURANT (DRIVE-THROUGH) ON APPROXIMATELY 4.696 ACRES OF PROPERTY ZONED PD (PLANNED DEVELOPMENT) DISTRICT NUMBER 16-09-1021, LOCATED ON SOUTHWEST CORNER OF FM544 AND TIMBER RIDGE DRIVE, HAVING THE LEGAL DESCRIPTION OF ABSTRACT A0579 HENRY MAXWELL SURVEY, TRACT 75, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, PROVIDING A CUMULATIVE/ REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of approximately 4.696 acres of land located on the southwest corner of FM 544 and Timber Ridge Drive, having the legal description of Abstract A0579 Henry Maxwell Survey, Tract 75, in the City of Murphy, Collin County, Texas, request to amend the comprehensive zoning ordinance and map, Chapter 30 of the City of Murphy Code of Ordinances by approval of a Specific Use Permit for Restaurant (with drive-through) within Planned Development (PD) district ordinance number 16-09-1021; 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

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

Section 1. 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. That the Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby amended so as to approve a Specific Use Permit for a Restaurant with a drive-thru facility applicable only to that 4.696 acres portion of Planned Development (PD) district ordinance number 16-09-1021 in the City of Murphy, Collin County, Texas, more particularly described in **Exhibit A (Concept Plan)**, attached hereto and incorporated herein by reference, as Lot 1.

Section 3. Development and use of the property shall be in compliance with the City Code of Ordinances, this ordinance, the conditions stated in the Development Conditions and Standards for Planned Development (PD) district ordinance number 16-09-1021, and the Concept Plan attached as **Exhibit A**.

Section 4. That Chapter 30 of the City of Murphy Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this ordinance, and that said property shall in all other respects be subject to all applicable regulations of the City of Murphy.

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

Section 6. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining portions of this ordinance or the Comprehensive Zoning Ordinance, Chapter 30 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 7. Penalty Clause. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Murphy, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 8. Effective Date. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 16th day of May 2017.



Eric Barna, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary

APPROVED AS TO FORM:

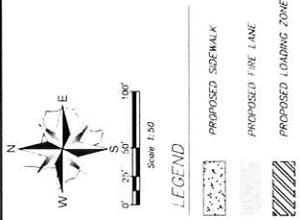



for Wm. Andrew Messer, City Attorney

EXHIBIT A

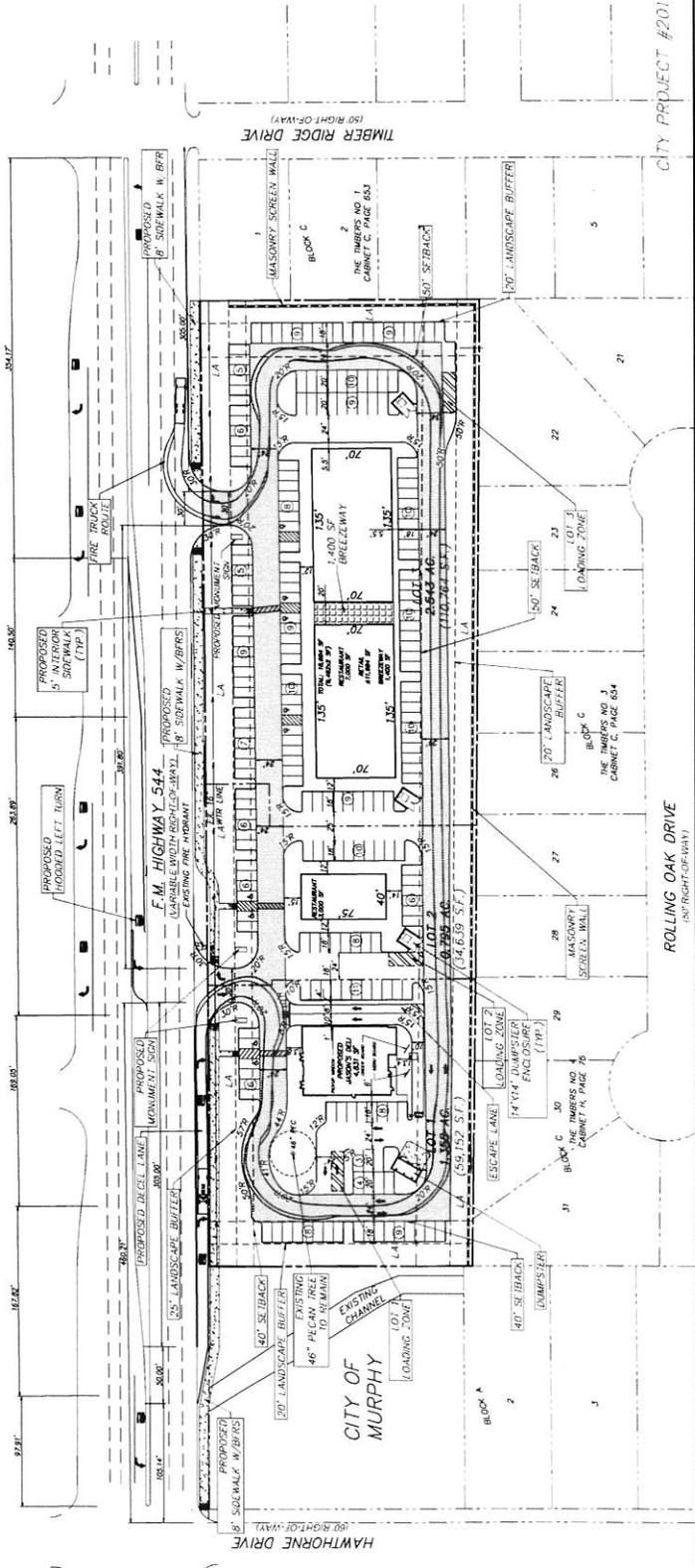
EXHIBIT A

BUILDING TYPE	SITE DATA TABLE		
	LOT 1	LOT 2	LOT 3
RESTAURANT	1,358	0,755	2,543
RESTAURANT / RETAIL COMBINED	4,831	3,000	18,984
LOT SIZE (ACRES)	1.358	0.755	2.543
BUILDING SIZE (SQ. FT.) - INCLUDES OUTDOOR SEATING	4,831	3,000	18,984
BUILDING SIZE (SQ. FT.) - INCLUDES BREEZEWAY	100	100	100
REQUIRED PARKING RATIO (1 SPACE PER X SQ. FT.)	49	30	130
REQUIRED PARKING	49	30	130
PROVIDED PARKING	2	2	2
HANDICAPPED REQUIRED	2	2	2
HANDICAPPED PROVIDED	2	2	2



NO.	DATE	DESCRIPTION
14	04-12-2017	CONCEPT PLAN
13	02-17-2017	SITE PLAN - DUMPSTERS MOVED
12	02-28-2017	SITE PLAN - DUMPSTERS MOVED
11	01-30-2017	SITE PLAN - P
10	10-30-2017	SITE PLAN - O
9	01-09-2017	SITE PLAN - N
8	12-05-2016	SITE PLAN - M
7	11-29-2016	SITE PLAN - Z
6	11-28-2016	SITE PLAN - Z
5	11-23-2016	SITE PLAN - J
4	11-15-2016	SITE PLAN - H
3	11-11-2016	SITE PLAN - H
2	10-03-2016	SITE PLAN - O
1	10-25-2016	SITE PLAN - F

Winkelmann
 CONSULTING ENGINEERS & ARCHITECTS
 10000 W. 10th Street, Suite 100
 Fort Worth, Texas 76132
 (817) 336-1111
 www.winkelmann.com



CONCEPT PLAN 0
 THE VILLAGE AT TIMBERS
 THE MURPHY, TEXAS
 04-12-2017

CITY PROJECT #2016-010