

**ORDINANCE NUMBER 17-12-1072**

**AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING CHAPTER 30, ZONING OF THE CODE OF ORDINANCES OF THE CITY AND THE CITY'S ZONING MAP TO GRANT A SPECIFIC USE PERMIT FOR A KENNEL FACILITY (INDOOR PENS WITH OUTDOOR PLAY AREAS) ON AN APPROXIMATE 1.858 ACRES OF PROPERTY ZONED PD (PLANNED DEVELOPMENT) DISTRICT NUMBER 17-10-1064, LOCATED ON THE EAST SIDE OF NORTH MAXWELL CREEK ROAD, NORTH OF FM544, HAVING THE LEGAL DESCRIPTION OF ABSTRACT 582, JAMES W. MAXWELL SURVEY, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, MORE COMMONLY KNOWN AS 415 EAST FM 544; PROVIDING A CUMULATIVE/ REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2000.00) DOLLARS FOR EACH VIOLATION AND THAT A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY OF VIOLATION; PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the landowners of an approximate 1.858 acre tract of land located on the east side of North Maxwell Creek Road, north of FM 544, having the legal description of Abstract 582, James W. Maxwell Survey in the City of Murphy, Collin County, Texas, more commonly known as 415 East FM 544, 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 authorizing a Kennel facility (indoor pens with outdoor play areas) within Planned Development (PD) district ordinance number 12-10-923 as amended by Ordinance No.17-10-1064; 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 City Council having considered the recommendation of the Planning and Zoning Commission for approval of the requested SUP for Kennels and having considered public input, has determined that the approval of the SUP for the Property is compatible with the approved uses within the PD and with surrounding the Property, and the governing body in the exercise of its legislative 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. Specific Use Permit.** 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 Kennels (indoor pens with outdoor play areas) facility, as defined in the City's Zoning Ordinance, applicable only to that 1.858 acre portion of Planned Development (PD) district ordinance number 12-10-923 as amended by Ordinance No. 17-10-1064 in the City of Murphy, Collin County, Texas, more particularly described in **Exhibit A (Legal Description)**, attached hereto and incorporated herein by reference.

**Section 3. Applicable Regulations.** Development and use of the property shall be in compliance with the City of Murphy Code of Ordinances, this ordinance, the conditions stated in the Development Conditions and Standards for Planned Development (PD) district ordinance number 12-10-923 as amended by Ordinance No. 17-10-1064, incorporated herein by reference, and the Construction Plat attached hereto and incorporated herein as **Exhibit B.**

**Section 4. Zoning Ordinance and Map Amended.** 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 5<sup>th</sup> day of December 2017.



  
\_\_\_\_\_  
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

FIELD NOTES to that certain tract situated in the James W. Maxwell Survey, Abstract Number 582, City of Murphy, Collin County, Texas, said tract being a portion of the tract described in the deed to Murphy Four Venture, LP, a Texas limited partnership recorded under Instrument Number 20080815000996690 of the Official Public Records of Collin County, Texas; the subject tract being more particularly described as follows:

**Beginning** at a 1/2 inch capped rebar stamped "JPH Land Surveying" set at the northwest corner of Lot 1, Block A of RaceTrac Addition recorded under Instrument Number 20090821010002150 of the Official Public Records of Collin County, Texas;

THENCE North 02 degrees 16 minutes 07 seconds West, with the east line of the tract described in the deed to City of Murphy recorded under Instrument Number 20080811000974800 of the Official Public Records of Collin County, Texas (east line of North Maxwell Creek Road – shown to be a 60-foot right of way on the said RaceTrac Addition plat), a distance of 404.34 feet to a set 1/2 inch capped rebar stamped "JPH Land Surveying", from which a 5/8 inch capped rebar with an illegible cap found at the northeast corner of the said City of Murphy tract bears NORTH 02 degrees 16 minutes 07 seconds WEST a distance of 42.97 feet;

THENCE through the interior of the tract described in the deed to Murphy Four Venture, LP, a Texas limited partnership recorded under Instrument Number 20080815000996690 of the Official Public Records of Collin County, Texas, the following calls:

1. NORTH 89 degrees 18 minutes 14 seconds EAST, a distance of 129.66 feet to a set 1/2 inch capped rebar stamped "JPH LAND SURVEYING";
2. SOUTH 21 degrees 56 minutes 42 seconds EAST, a distance of 89.71 feet to a 1/2 inch capped rebar stamped "JPH LAND SURVEYING" set at the beginning of a tangent curve concave to the northeast (curve to the left), having a radius of 160.00 feet;
3. in a southeasterly direction, along the arc of the said curve, an arc length of 111.09 feet (a chord bearing of SOUTH 41 degrees 50 minutes 05 seconds EAST, a chord distance of 108.87 feet) to a set 1/2 inch capped rebar stamped "JPH LAND SURVEYING";

4. SOUTH 03 degrees 34 minutes 11 seconds EAST, departing said curve, a distance of 223.72 feet to the north line of the said RaceTrac Addition, from which an “+” cut in concrete found at northeast corner of RaceTrac Addition bears NORTH 89 degrees 35 minutes 54 seconds EAST a distance of 52.57 feet;

THENCE SOUTH 89 degrees 35 minutes 54 seconds WEST, with the said north line of RaceTrac Addition, a distance of 234.40 feet returning to the Point of Beginning and enclosing 1.858 acres ( $\pm$  80,924 square feet).

Bearings are based on Grid North per the Texas Coordinate System of 1983, North Central Zone.

**EXHIBIT B**  
**CONSTRUCTION PLAT**

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STATE OF TEXAS
COUNTY OF COLLIN

MURPHYVILLE, TEXAS
COUNTY OF COLLIN

CITY APPROVAL OF CONSTRUCTION PLAN
APPROVED BY: Planning and Zoning Commission

GENERAL PLAT NOTES
1. The plat is subject to all laws, ordinances, rules, regulations and restrictions of the City of Murphy, Texas.

APPROVED BY: City Council
Signature of Mayor
Signature of City Secretary

WHEREAS Murphy Four Ventures, L.P., a Texas limited partnership, the trustee of that certain trust situated in the County of Collin, Texas, and the City of Murphy, Texas, have entered into a certain agreement...

PRELIMINARY: THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.
RELEASED FOR REVIEW TO THE CITY OF MURPHY ON October 18, 2017

APPROVED BY: City Council
Signature of Mayor
Signature of City Secretary

MURPHYVILLE NOTES
1. The set back to a 10-foot wide strip with a 10-foot wide strip along the front, side and rear boundaries...

APPROVED BY: City Council
Signature of Mayor
Signature of City Secretary

THENCE South 02 degrees 16 minutes 07 seconds West, with the east line of the tract described in the deed to the City of Murphy recorded under Instrument Number 2008031000974805 of the Official Public Records of Collin County, Texas...

THENCE South 02 degrees 16 minutes 07 seconds West, with the east line of the tract described in the deed to the City of Murphy recorded under Instrument Number 2008031000974805 of the Official Public Records of Collin County, Texas...

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THENCE South 02 degrees 16 minutes 07 seconds West, with the east line of the tract described in the deed to the City of Murphy recorded under Instrument Number 2008031000974805 of the Official Public Records of Collin County, Texas...

NOT WITHSTANDING, KNOW ALL MEN BY THESE PRESENTS
The Murphy Four Ventures, L.P., a Texas limited partnership, acting herein by and through its duly authorized officers, does hereby certify that the plat depicting the herein above described property as Murphy Four Addition...

WITNESSETH, my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
BY: \_\_\_\_\_
Authorised signature of mayor

WITNESSETH, my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
BY: \_\_\_\_\_
Authorised signature of mayor

WITNESSETH, my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
BY: \_\_\_\_\_
Authorised signature of mayor

SPRINKLING INC.
3917 600 E. N. Maxwell, Suite 100, Murphy, Texas 75086
Phone: (972) 523-2209
www.sprinkling.com



CONSTRUCTION PLAT
MURPHY FOUR ADDITION
BLOCK A, LOTS 1-4
SITUATED IN THE
CITY OF MURPHY, TEXAS
492,105 SQ. FT. / 11.297 ACRES
JAMES W. MAXWELL SURVEY
ABSTRACT NO. 582