

ORDINANCE NUMBER 18-01-1074

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING CHAPTER 30, ZONING, OF THE CODE OF ORDINANCES OF THE CITY TO GRANT A SPECIFIC USE PERMIT FOR A GROCERY STORE ON APPROXIMATELY 2.352 ACRES OF PROPERTY ZONED PD (PLANNED DEVELOPMENT) DISTRICT NUMBER 09-12-823, LOCATED ON VILLAGE DRIVE, WEST OF BRAND ROAD HAVING THE LEGAL DESCRIPTION OF MURPHY VILLAGE ADDITION, BLK B, LOT 2, REPLAT, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS; AMENDING THE ZONING MAP; 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 SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of approximately 2.352 acres of land located on Village Drive, West of Brand Road having the legal description of Murphy Village Addition, Blk B, Lot 2, Replat, 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 a Grocery Store within Planned Development (PD) district ordinance number 09-12-823; 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 of the requested SUP for grocery store 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 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 a Grocery Store applicable only to that 2.352 acres portion of Planned Development (PD) district ordinance number 09-12-823 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 Code of Ordinances, this ordinance, and the conditions stated in the Development Conditions and Standards for Planned Development (PD) district ordinance number 09-12-823.

Section 4. Zoning Ordinance and Map Amended. That Chapter 30 of the City of Murphy Code of Ordinances and Zoning Map, 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.

EXHIBIT "A"

LEGAL DESCRIPTION

Being a 2.352 acre tract of land situated in the James W. Maxwell Survey, Abstract No. 580, also being Lot 2, Block B of Murphy Village Addition to the City of Murphy, Collin County, Texas, according to the Plat or Map thereof recorded in Cabinet P, Page 207, Map Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at the 1/2 inch iron rod found at the corner of the southeast corner of Lot 3, Block B, of Murphy Village Addition and also being the northeast corner of a Woodlands of Plano Addition, said point also being on the south line of Brand Road, a 110 feet right-of-way;

THENCE N 89 degrees 10 minutes 40 seconds W along the City Limit line of Plano and Murphy, Texas as described in City of Plano Ordinance Number 73-4-1, recorded in Volume 861, Page 537, Deed Records of Collin County, Texas, for a distance of 414.88 feet to a 1/2 inch iron rod set for a corner, said point also being the POINT OF BEGINNING;

THENCE N 89 degrees 10 minutes 40 seconds W along the City Limit of Plano and Murphy Texas for a distance of 489.00 feet to a 1/2 inch iron rod found for a corner, on the right-of-way line of the DART railroad tract;

THENCE along a curve, following the DART right-of-way, to the left having a central angle of 02 degrees 14 minutes 28 seconds, a radius of 5,679.97 feet, a chord bearing of N 49 degrees 14 minutes 02 seconds E and a chord distance of 199.45 feet, for a curve length of 199.46 feet to a 1/2 inch iron rod found for a corner;

THENCE N 48 degrees 14 minutes 43 seconds East, along the southeast line of said DART right-of-way, for a distance of 359.95 feet to a 1/2 inch iron rod set for corner;

THENCE 41 degrees 45 minutes 17 seconds E, along the south right-of-way line of Village Drive, for a distance of 65.00 feet to a 1/2 inch iron rod set for corner;

THENCE along a curve to the left having a central angle of 44 degrees 06 minutes 01 seconds, a radius of 50.00 feet and tangent distance of 20.25 feet, a chord bearing of S 63 degrees 48 minutes 17 seconds E and a chord distance of 37.54 feet, for a curve length of 38.48 feet to a 1/2 inch iron rod set for corner;

THENCE S 04 degrees 18 minutes 42 seconds W, a distance of 53.98 feet to 1/2 inch iron rod set for a corner;

THENCE S 00 degrees 49 minutes 20 seconds W, a distance of 258.08 feet to the POINT OF BEGINNING, and containing 102,477 square feet or 2.352 acres of land, more or less.

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.

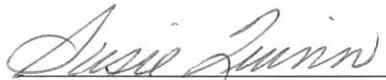
PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 16th day of January, 2018.





Scott Bradley, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary

APPROVED AS TO FORM:



for Wm. Andrew Messer, City Attorney