

ORDINANCE NUMBER 22-08-1275

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP, CHAPTER 30, OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY BY AMENDING ORDINANCE NO. 21-05-1208, AN EXISTING PLANNED DEVELOPMENT DISTRICT COMMONLY KNOWN AS THE MURPHY MARKETPLACE, ON APPROXIMATELY 8.17 ACRES HAVING THE LEGAL DESCRIPTION OF MURPHY MARKETPLACE - EAST ADDITION, BLOCK C, LOT 4, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, BY ADDING FOOD STORE AS A PERMITTED USE; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING SUCH AMENDMENT; PROVIDING FOR ZONING ORDINANCE AND ZONING MAP AMENDMENT; PROVIDING A CUMULATIVE/REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE ESTABLISHING A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR A VIOLATION OF THE ORDINANCE FOR EACH DAY A VIOLATION EXISTS OR CONTINUES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of approximately 8.17 acres of land located on the west side of North Maxwell Creek Road, North of FM 544, having the legal description of Murphy Marketplace – East Addition, Block C, Lot 4, in the City of Murphy, Collin County, Texas, and designated as being a part of Planned Development (PD) District Ordinance No. 21-05-1208, more particularly described in a plat map attached via Exhibit “A”, a copy of which is attached hereto and incorporated herein, requested an amendment to Ordinance No 21-05-1208 to allow Food Store as a permitted use on this site only within Planned Development (PD) District; and

WHEREAS, the Planning and Zoning Commission of the City of Murphy (the “Commission”), in compliance with the laws of the State of Texas, gave the requisite notices by publication and otherwise, and held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard; and

WHEREAS, having reviewed the request for the addition of Food Store as a permitted use within this Planned Development District, the Commission determined that the addition of the proposed use was compatible with surrounding uses and the City’s Comprehensive Plan and recommended approval of this Ordinance amending Planned Development (PD) District Ordinance No. 21-05-1208 to the City Council; and

WHEREAS, the City Council of the City of Murphy, in compliance with the laws of the State of Texas, having given the requisite notices by publication and otherwise, having held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard, and having considered the recommendation of the Planning and Zoning Commission, has determined that the proposed amendment to add Food Store as a permitted use within the Planned Development (PD) District on the site having the legal description Murphy Marketplace – East Addition, Block C, Lot 4 as created by Ordinance No. 21-05-1208 is appropriate

and is compatible with surrounding uses and the Comprehensive Plan of the City;

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. Amendments. That Planned Development District (PD) Ordinance No.21-05-1208 of the City of Murphy, Texas, is hereby amended as follows:

Section VI, "Specific Regulations", Subsection "A", "Permitted Uses" of Exhibit "B", "Planned Development District Conditions" is hereby amended to add "Food Store" on approximate 8.17 acres of land located on the west side of North Maxwell Creek Road, North of FM 544, having the legal description of Murphy Marketplace – East Addition, Block C, Lot 4, in the City of Murphy, Collin County, Texas, as more particularly described in a plat Exhibit "A" hereto (Legal Description), and all other terms and provisions of Section VI(A) of Exhibit "B" to Ordinance No. 21-05-1208 shall hereby remain the same and continue in full force and effect.

Section 3. Applicable Regulations/ Zoning Ordinance and Zoning Map Amended. Development and use of the property described in Exhibit "A" shall be in compliance with this ordinance amending Ordinance No. 21-05-1208, the same amending the Comprehensive Zoning Ordinance of the City of Murphy and the Zoning Map of the City, Ordinance No. 21-05-1208, including all Exhibits thereto as amended hereby, the Code of Ordinances of the City of Murphy, Texas, and all applicable state and federal law.

Section 4. 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 5. 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 6. 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 7. 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 August 2022.





Scott Bradley, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary

APPROVED AS TO

FORM:



for Wm. Andrew Messer, City Attorney

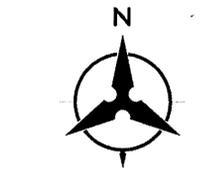
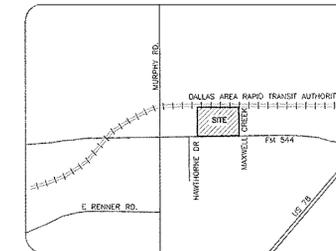
EXHIBIT A
LEGAL DESCRIPTION & PLAT

Murphy Marketplace-East Addition, Block C, Lot 4

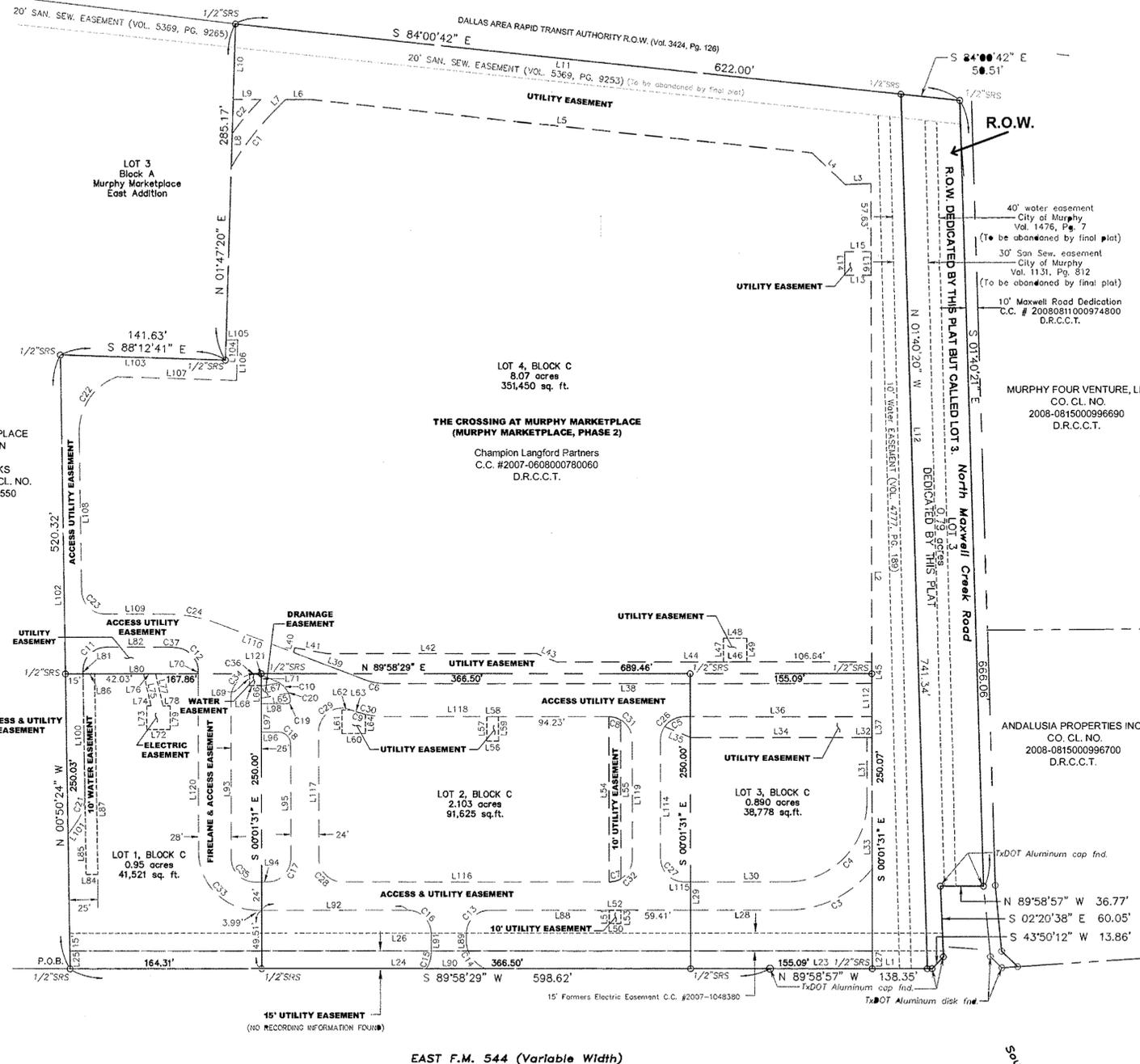


2009/6/8
Langford

EXHIBIT A



SCALE IN FEET
1" = 60'



LINE	BEARING	DISTANCE
L1	N 89°58'57" W	46.95'
L2	N 00°01'31" W	665.25'
L3	S 88°13'38" W	21.93'
L4	N 46°46'22" W	39.10'
L5	N 83°58'36" W	430.06'
L6	N 90°00'00" W	21.96'
L7	S 45°00'00" W	13.02'
L8	N 01°47'20" E	28.61'
L9	N 90°00'00" W	23.52'
L10	N 01°47'20" E	64.19'
L11	S 84°00'42" E	571.49'
L12	S 01°40'20" E	741.34'
L13	N 89°58'29" E	22.50'
L14	S 00°01'31" E	20.00'
L15	S 89°58'29" W	22.50'
L16	N 00°01'31" W	20.00'
L17	N 89°58'29" W	87.28'
L18	N 00°50'24" W	15.00'
L19	N 89°58'29" E	686.20'
L20	S 00°01'31" E	15.00'
L21	S 89°58'29" W	82.79'
L22	N 00°01'31" W	24.00'
L23	N 89°58'29" W	82.79'
L24	N 00°01'31" W	54.39'
L25	N 89°58'29" E	4.30'
L26	S 00°01'31" E	111.27'
L27	S 89°58'29" W	154.50'
L28	N 67°22'29" W	24.24'
L29	N 89°58'29" E	160.59'
L30	S 00°01'31" E	17.72'
L31	N 89°58'29" W	415.11'
L32	N 69°13'09" W	64.84'
L33	N 09°59'24" E	4.06'
L34	S 80°00'36" E	28.20'
L35	N 89°58'29" E	179.26'
L36	S 67°22'29" W	18.35'
L37	N 89°58'29" E	268.89'
L38	S 00°01'31" E	18.39'
L39	S 89°58'29" W	20.00'
L40	N 00°01'42" W	20.00'
L41	N 89°58'29" E	20.00'
L42	S 00°01'31" W	20.00'
L43	N 00°01'31" W	10.00'
L44	N 00°01'31" W	11.28'
L45	N 89°58'29" E	10.00'
L46	S 00°01'31" E	11.28'
L47	N 00°01'31" W	140.10'
L48	S 00°01'31" E	134.64'
L49	N 89°58'29" W	10.00'
L50	N 00°01'31" W	20.57'
L51	N 89°58'29" E	10.00'
L52	N 00°00'44" E	10.00'
L53	N 89°58'29" W	20.57'
L54	S 89°58'29" W	20.00'
L55	N 00°01'31" W	20.00'
L56	N 89°58'29" E	7.90'
L57	S 69°13'09" E	1.74'
L58	S 00°01'31" E	16.19'
L59	S 89°58'29" W	10.00'
L60	N 00°01'31" W	9.11'
L61	S 00°01'31" E	2.26'
L62	N 00°01'31" E	8.56'
L63	N 90°00'00" W	20.00'
L64	N 00°00'00" W	20.00'
L65	N 00°00'00" W	3.48'
L66	N 12°59'22" W	27.87'
L67	N 89°58'29" E	10.26'
L68	S 12°59'22" W	27.87'
L69	N 90°00'00" E	6.25'
L70	S 00°00'00" E	20.00'
L71	N 89°58'29" W	149.08'
L72	N 00°50'24" W	2.34'
L73	N 89°58'29" E	51.21'
L74	S 89°58'29" W	10.00'
L75	N 00°50'24" W	169.96'
L76	N 89°58'29" E	10.00'
L77	S 00°50'24" E	169.97'
L78	S 89°58'29" W	171.61'
L79	S 00°01'31" W	5.77'
L80	S 89°58'29" W	50.25'
L81	N 00°01'31" W	15.69'
L82	S 89°58'29" W	128.88'
L83	N 00°01'03" W	136.00'
L84	N 89°58'29" E	10.99'
L85	N 00°01'31" W	96.94'
L86	S 89°58'29" W	15.00'
L87	N 00°01'31" W	24.00'
L88	N 89°58'29" E	21.86'
L89	NOT USED	
L90	S 00°50'24" E	102.58'
L91	S 37°05'08" W	10.66'
L92	N 00°50'24" W	406.08'
L93	S 88°12'41" E	141.63'
L94	N 01°47'20" E	17.14'
L95	N 90°00'00" E	10.00'
L96	S 01°47'20" W	34.45'
L97	N 88°12'41" W	162.71'
L98	S 00°50'24" E	133.88'
L99	N 89°58'29" E	52.00'
L100	S 69°13'09" E	133.09'
L101	S 00°01'31" E	28.00'
L102	S 00°01'31" E	100.10'
L103	N 89°58'29" E	5.50'
L104	S 89°58'29" W	228.00'
L105	N 00°01'31" W	107.44'
L106	N 89°58'29" E	190.52'
L107	S 00°01'31" E	100.10'
L108	N 00°01'31" W	150.49'
L109	S 69°13'09" E	0.39'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C13	20.00'	31.42'	28.28'	S 44°58'29" W	90°00'00"
C14	25.50'	30.54'	28.74'	S 34°19'51" E	68°36'40"
C15	25.45'	14.60'	14.40'	N 16°17'53" E	32°51'39"
C16	20.00'	31.42'	28.28'	N 45°01'31" W	90°00'00"
C17	20.00'	31.42'	28.28'	N 44°58'29" E	90°00'00"
C18	10.00'	15.71'	14.14'	N 45°01'31" W	90°00'00"
C19	3.00'	5.10'	4.51'	N 41°16'54" E	37°23'10"
C20	20.00'	21.58'	20.54'	N 38°18'55" W	61°48'29"
C21	40.00'	26.48'	26.80'	S 18°07'22" W	37°58'22"
C22	50.00'	61.29'	57.52'	S 34°16'50" W	70°13'52"
C23	20.00'	31.13'	28.08'	S 45°25'57" E	89°11'07"
C24	129.00'	46.84'	46.59'	S 79°37'20" E	20°48'21"
C26	20.00'	31.42'	28.28'	S 44°58'29" W	90°00'00"
C27	20.00'	31.42'	28.28'	S 45°01'31" E	90°00'00"
C28	20.00'	31.42'	28.28'	N 45°01'31" W	90°00'00"
C29	20.02'	39.43'	33.35'	N 56°25'47" E	112°51'51"
C30	79.49'	38.42'	30.24'	S 79°01'43" E	21°55'44"
C31	20.00'	31.42'	28.28'	S 45°01'31" E	90°00'00"
C32	20.00'	31.42'	28.28'	S 44°58'29" W	90°00'00"
C33	50.00'	78.54'	70.71'	S 45°01'31" E	90°00'00"
C34	20.00'	37.13'	32.02'	N 53°09'15" E	106°21'32"
C35	20.00'	31.42'	28.28'	S 45°01'31" E	90°00'00"
C36	20.00'	9.74'	9.65'	S 87°37'17" E	27°54'36"

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	242.50'	61.03'	60.87'	S 37°47'24" W	14°25'12"
C2	257.50'	37.73'	37.69'	N 40°21'52" E	8°23'41"
C3	82.00'	83.18'	80.38'	S 64°04'21" W	51°48'16"
C4	68.00'	106.81'	96.17'	N 44°58'29" E	90°00'00"
C5	20.00'	19.02'	18.31'	N 62°44'06" E	54°28'46"
C6	51.00'	18.52'	18.42'	N 79°37'20" W	20°48'21"
C7	20.00'	10.49'	10.37'	S 74°41'32" W	30°02'28"
C8	20.00'	10.49'	10.37'	S 74°44'33" E	30°02'28"
C9	79.00'	11.06'	11.05'	S 75°13'46" E	8°01'14"
C11	20.00'	31.70'	28.48'	N 44°58'29" E	90°48'53"
C12	20.00'	29.49'	26.89'	S 42°18'00" E	94°28'58"
C37	100.00'	9.00'	9.00'	S 87°05'17" E	5°09'22"

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C10	20.00'	11.84'	11.67'	S 41°02'52" E	33°55'22"

NOTICE: Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.

FLOOD STATEMENT:
PLOTTING THIS PROPERTY ON THE FLOOD INSURANCE RATE MAP NUMBERED 48065 C0465H WITH AN EFFECTIVE DATE OF DECEMBER 19, 1997 SHOWS THIS PROPERTY TO BE IN AN UNSHADED AREA DESIGNATED AS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 100 YEAR FLOODPLAIN).

SURVEYOR'S NOTES:

1. BASIS OF BEARINGS FOR THIS PLAT IS THE NORTH LINE OF THAT TRACT DESCRIBED WITHIN THE DEED TO ALLEN & LOUCKS VENTURE LP, RECORDED IN VOLUME 4391, PAGE 3105, DEED RECORDS COLLIN COUNTY, TEXAS.
2. ALL CORNERS SHOWN AS "BHI" ARE MONUMENTED WITH 5/8" IRON RODS WITH PLASTIC CAP STAMPED "BOHANNAN HUSTON INC." UNLESS OTHERWISE NOTED.

LEGEND

- BHI YELLOW PLASTIC CAP ON A 5/8" IRON ROD STAMPED "BOHANNAN HUSTON, INC." FOUND.
- IRF IRON ROD FOUND
- (C.M.) CONTROL MONUMENT
- CRIF CAPPED IRON ROD FOUND
- P.R.C.C.T. PLAT RECORDS COLLIN COUNTY, TEXAS
- D.R.C.C.T. DEED RECORDS OF COLLIN COUNTY, TEXAS
- R.O.W. RIGHT-OF-WAY



MURPHY MARKETPLACE-EAST

S9726

FINAL PLAT OF BLOCK C, LOTS 1, 2, 3, AND 4

THE CROSSING AT MURPHY MARKETPLACE (MURPHY MARKETPLACE, PHASE 2)

FROM: R-6582-000-0280-1 / 12.805 ACS FOR TAX YEAR 2009

SITUATED IN THE JAMES W. MAXWELL SURVEY, ABSTRACT NO. 582 IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS

12.804 ACRES

OWNER/DEVELOPER: ALLEN & LOUCKS VENTURE LP
5924 TWIN COVES
DALLAS, TEXAS 75248
972-788-2232
CONTACT: ERIC LANGFORD

SURVEYOR: Bohannon & Huston

310 East I-30 Suite 100 Dallas, TX 75043 972-226-8181
ENGINEERING • SPACIAL DATA • ADVANCED TECHNOLOGIES

THIS PLAT IS FILED IN CABINET ___ SLIDE ___ OF THE PLAT RECORDS FOR COLLIN COUNTY, TEXAS.

9726-2

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
02/28/2009 09:52:21 AM
\$31.00 BPETERSCH
20090228010000420

2009/10/9



Eric Langford

STATE OF TEXAS
COUNTY OF COLLIN

BEING all that tract of land in the City of Murphy, Collin County, Texas out of the James W. Maxwell Survey, A-582, as described in the deed to Champion Langford Partners by deed recorded in County Clerk's File No. 2007-0608000780060 of the Deed Records of Collin County, Texas and being further described as follows

BEGINNING at a 1/2 inch steel rod set in the north line of FM 544, a variable width right-of-way, same being the southwest corner of said Champion tract and the southeast corner of the Allen & Loucks Venture, L.P. Tract as recorded in County Clerk's file # 2006-0523000700550 of said Deed Records;

THENCE North 00°50'24" West along the common line between said Champion tract and said Allen & Loucks tract, 520.32 feet to a 1/2" steel rod set for corner;

THENCE South 88°12'41" East, 141.63 feet to a 1/2" steel rod set for corner;

THENCE North 01°47'20" East, 285.17 feet to a 1/2" steel rod set for corner on the South R.O.W. line of Dallas Area Rapid Transit Authority R.O.W. as recorded in Volume 3424, Page 126 of said Deed Records;

THENCE South 84°00'42" East, along said south R.O.W. line, 622.01 feet to a 1/2" steel rod set at the northeast corner of said Champion tract and on the west line of a Maxwell Creek Road dedication, as recorded in County Clerk's File No. 2008-0811000974800 of said Deed Records;

THENCE South 01°40'21" East, along the common line between said Champion tract and said dedication, 666.06 feet to a 5/8" steel rod with TxDOT aluminum cap found on said north line of FM 544;

THENCE North 89°58'57" West, 36.77 feet along said north line to a TxDOT aluminum disk found for corner;

THENCE South 02°20'38" East, 60.05 feet continuing along said north line to a TxDOT aluminum disk found for corner;

THENCE South 43°50'12" West, 13.86 feet continuing along said north line to a TxDOT aluminum disk found for corner;

THENCE North 89°58'57" West, 138.35 feet continuing along said north line to a TxDOT aluminum disk found for corner;

THENCE South 89°58'29" West, 598.62 feet along said north line to the POINT OF BEGINNING and containing 12.804 acres of land, more or less.

Fire Lanes

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface in accordance with the City of Murphy's paving standards for fire lanes, and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking or Standing." The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire departments and emergency use.

Access Easements

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Murphy, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

EXHIBIT A

PROPERTY OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Champion Langford Partners, acting herein by and through its duly authorized officer, does hereby adopt this plat designating the herein above described property as MURPHY MARKETPLACE - EAST ADDITION, an addition to the City of Murphy, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements and growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Murphy. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other removed improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Murphy, Texas.

WITNESS, my hand, this 14 day of January, 2009.

By: Allen & Loucks Venture LP

Eric Langford
Eric Langford, President

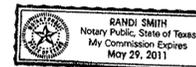
STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared ERIC LANGFORD, Owner of ALLEN & LOUCKS VENTURE LP, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this 14 day of January, 2009.

Randi Smith
Notary Public in and for the State of Texas

My Commission Expires On: May 29, 2011



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Brian C. Wright, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Murphy.

Brian C. Wright 1/14/09
Registered Public Land Surveyor
Registration No. 4560



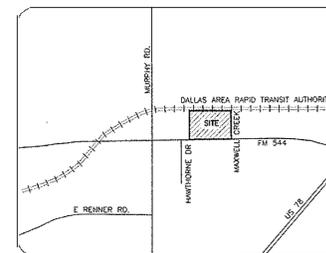
STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared BRIAN C. WRIGHT, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this 14 day of January, 2009.

Patricia L. Thompson
Notary Public in and for the State of Texas

My Commission Expires On: 2-19-2010



CITY APPROVAL OF FINAL PLAT

Approved for preparation of final plat following construction of all public improvements (or appropriate sureties thereof) necessary for the subdivision shown on this plat.

RECOMMENDED BY: Planning and Zoning Commission
City of Murphy, Texas

[Signature]
Signature of Chairperson
November 24, 2008
Date of Recommendation

APPROVED BY: City Council
City of Murphy, Texas

[Signature]
Signature of Mayor
December 15, 2008
Date of Approval

ATTEST:

[Signature]
City Secretary
02/18/2009
Date



S9726

MURPHY MARKETPLACE-EAST

CHANGED TO REFLECT OWNER'S CERTIFICATE

A
FINAL PLAT
OF

BLOCK C, LOTS 1, 2, 3, AND 4

~~THE CROSSING AT MURPHY MARKETPLACE~~
~~(MURPHY MARKETPLACE, PHASE 2)~~

SITUATED IN THE
JAMES W. MAXWELL SURVEY, ABSTRACT NO. 582
IN THE
CITY OF MURPHY, COLLIN COUNTY, TEXAS

12.804 ACRES

OWNER/DEVELOPER: ALLEN & LOUCKS VENTURE LP
5924 TWIN COVES
DALLAS, TEXAS 75248
972-788-2232
CONTACT: ERIC LANGFORD

SURVEYOR: Bohannon & Huston

310 East I-30 Suite 100 Dallas, TX 75043 972-226-8181
ENGINEERING • SPACIAL DATA • ADVANCED TECHNOLOGIES

THIS PLAT IS FILED IN CABINET ___ SLIDE ___ OF THE
PLAT RECORDS FOR COLLIN COUNTY, TEXAS.

LEGEND

- BHI YELLOW PLASTIC CAP ON A 5/8" IRON ROD STAMPED "BOHANNAN HUSTON, INC." FOUND.
- IRF IRON ROD FOUND
- (C.M.) CONTROL MONUMENT
- CIRF CAPPED IRON ROD FOUND
- P.R.C.C.T. PLAT RECORDS COLLIN COUNTY, TEXAS
- D.R.C.C.T. DEED RECORDS OF COLLIN COUNTY, TEXAS
- R.O.W. RIGHT-OF-WAY

EXHIBIT B

Property Located North of FM 544
Between North Murphy Road and North Maxwell Creek Road

PLANNED DEVELOPMENT DISTRICT CONDITIONS

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality mixed- use, primarily retail, development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City of Murphy in terms of visual identity.
- II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the property designated by this Planned Development District encourages a mixed- use application including, but not limited to the following:

- High Quality Restaurants
- Upscale Retail Shops and Boutiques

All restaurants in the Planned Development District shall be High Quality Restaurants. High Quality Restaurants shall include restaurants with table seating and table service and dining; cafeteria style service with table dining; or counter seating and service with a full bar service. High Quality Restaurants do not include restaurants with counter seating and service without a full-service bar; that primarily serve fast food with a menu above the counter and little or no wait staff; that primarily serve take-out food; or that have a drive-through.

- III. **Statement of Effect:** This Planned Development shall not affect any regulation in the Comprehensive Zoning Ordinance of the City of Murphy found in the City of Murphy, Texas, Code of Ordinances (Ordinance No. 06-12-708, as amended, and hereinafter referred to as the "Code of Ordinances"), except as specifically provided herein. The administration and interpretation of the plans and regulations of the Planned Development District, including Permitted Uses, shall be with the City Manager or his designee.
- IV. **General Regulations:** The base zoning districts for the Planned Development District shall be Office and Retail Districts. Therefore, regulations contained in the Code of Ordinances applicable to the following zoning districts shall be included by reference and shall apply for each of the specified areas of the concept plan listed below, except as otherwise specified by this ordinance.

- A. Article 30.03, Division 12 - Office District (O)
- B. Article 30.03, Division 14 - Retail District (R)

V. **Development Plans:**

- A. Concept Plan: Development shall be in general conformance with the approved concept plans and site plans set forth in Exhibit C; however, in the event of conflict between the concept plans and/or site plans and the conditions, the conditions shall prevail. A concept plan shall be required and approved in accordance with Article 11, Division 5

of the Code of Ordinances (public hearing) for any area not governed by an approved concept plan.

- 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. Amenities Plan: Development shall be in general conformance with the approved amenities plan as set forth in Exhibit G; however, in the event of conflict between the amenities plan and the conditions; the conditions shall prevail.
- F. North Maxwell Creek Road Plan: North Maxwell Creek Road shall be upgraded in general conformance with the North Maxwell Creek Road plan as set forth in Exhibit H and in accordance with the City of Murphy construction requirements. However, in the event of conflict between the exhibits, the conditions, and/or the generally accepted construction standards, the standards and conditions (in this order) shall prevail.
- G. The Concept Plan, Landscape Plan, Exterior Elevation Plan, Signage Plan and Amenities Plan approval shall be for a period of one year from the date of City Council action on each plan. If within that one-year period a site plan has been submitted 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.
- H. Site Plan: A Site Plan shall be submitted in accordance with the requirements set forth in Article 30.02, Division 7 of the 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. The following land uses listed below are the only uses authorized by right or by SUP within the Planned Development District. All other land uses contained in Article 30.06. Use Regulation (See Appendix A-3 Use Regulations Chart) of the Code of Ordinances, as amended, for Retail and Office Districts not listed herein are expressly prohibited. Uses that must be authorized by SUP must be approved following the procedures set forth in Article 30.05. Specific Use Permits, of the City of Murphy, Texas, Code of Ordinances, as amended.

1. Amusement Services (Indoors)

2. Antique Shop (household items only; no outside storage)
3. Art Dealer/Gallery
4. Artist Studio
5. Bakery (Retail)
6. Bank, Savings and Loan, or Credit Union (Stand Alone with drive-through) (limited to one)
7. Barber/Beauty Shop (non-college)
8. Bed and Breakfast Inn (SUP)
9. Book Store
10. Civic Club
11. Dance Studio (Lot 2, Block A, Murphy Marketplace West only)
12. Department Store
13. Dinner Theater
14. Food Store (Lot 4, Block C, Murphy Marketplace East only)
15. Florist
16. Furniture Home Furnishings or Appliance Store (Indoor)
17. Hardware Store
18. Health Club (Physical Fitness)
19. Hotel/Motel (SUP)
20. Kennels (Indoor pens with outdoor play areas) (SUP) (Lot 2, Block A Murphy Four Addition only)
21. Laundry/Dry Cleaning (Drop Off/Pickup Only)
22. Library (Public)
23. Motion Picture Theater (Indoors)
24. Museum (Indoors Only)
25. Offices (SUP)
 - a. Financial Services (Advice/Invest)
 - b. Insurance Agency Offices
 - c. Legal Services Offices
 - d. Medical Offices/Clinic
 - e. Professional Offices
 - f. Real Estate Offices
 - g. Travel Agency
26. Park and/or Playground (SUP)
27. Pet Shop/Supplies
28. Pharmacy
29. Photo Studio
30. Photocopying/Duplicating
31. Restaurant or Cafeteria (with no drive-through/no drive-in service)
32. Restaurant or Cafeteria (with drive-through/drive-in service) (SUP)
33. Retail Store
34. Shoe Repair
35. Tailor Shop
36. Theater (Non-Motion Picture; Live Drama)
37. Any land use having more than sixteen (16)-hour operations per day (SUP)

B. Area and Yard Regulations:

1. Setbacks from Property Lines Adjacent to Streets:
 - a. Building Setbacks - No building of any kind and no part thereof shall be placed within the following setback lines:
 - i. Minimum 50 feet from FM 544 and FM 2551 (Murphy Road).
 - ii. Minimum 50 feet from North Maxwell Creek Road right-of-way.
 - iii. Minimum 50 feet from right-of-way of all other public streets, roads, etc.
 - b. Landscape Setbacks
 - i. Minimum 15 feet from FM 544 and FM 2551 (Murphy Road).
 - ii. Minimum 15 feet from North Maxwell Creek Road right-of-way.

2. Setbacks from Property Lines Not Adjacent to Streets:
 - a. Building Setbacks - No building of any kind and no part thereof shall be placed within the following setback lines:
 - i. Minimum 15 feet from rear and side lines of the overall property and each tract or 0 feet with landscaping, except where buildings on adjacent lots abut each other. In the case of abutting buildings, the building setback shall be 0 feet.
 - ii. Minimum 50 feet abutting residential districts for single story buildings not exceeding an average of 35 feet in height. However, any proposed theaters shall have an average maximum height of 45 feet. All pad sites along FM 544 shall have a maximum average height of 25 feet.
 - iii. Maximum 50 feet along the DART right-of-way along the north property line.

3. There is no maximum building size as long as fire standards and other site requirements, such as parking and landscaping, etc. are met.

- C. Parking, Driveways & Sidewalks:
 1. Parking areas shall not be permitted within any landscape buffer strip.
 2. Parking shall not be permitted in front of the building except that parking may be provided in front of the building at a ratio not greater than 15 percent. Retail and restaurant use are exempt from this requirement.
 3. 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.
 4. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Code of Ordinances. All pads (in-line or stand-alone with a footprint larger than 19,000 square feet shall be considered commercial in zoning and provide parking at a rate of 1 space for every 250 square feet. All pads smaller than 19,000 square feet shall be considered retail or restaurant and shall have parking according to the Code of Ordinances. Parking for any proposed theater shall be provided at a ratio of 1 space for every 5 seats.
 5. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.

6. Sidewalks along FM 544 and North Maxwell Creek Road shall be a minimum of 8 feet in width.

D. Loading and Unloading

1. Truck loading berths and apron space shall not be located on the street side of any building, however, and exceptions can be addressed during site plan approval. In those instances where 3 or more sides of the building face dedicated streets, the loading berth shall be screened from view.
2. Truck loading berths and apron space shall not be located within any required setback or landscape buffer strip.

E. Minimum Exterior Construction Standards, Building Materials and Design – Exterior Construction and Design Requirements shall be architecturally compatible with the approved elevation plans for Murphy Marketplace as shown in Exhibit E, except as provided below.

1. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure.
2. 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 public or private dedicated street by an architecturally sound method.
3. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
4. Building roofs shall be so designed and constructed as to prevent water ponding and to shed water in a reasonable amount of time. Built-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance.
5. Roof top equipment, piping, flashing, and other items on the roof shall be screened by a perimeter parapet wall so as not to be visible from roadways.
6. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.

F. Landscape Standards. Landscaping shall be compatible with the approved landscape plan as shown in Exhibit D and comply with the standards set forth in Article 26.07 of the Code of Ordinances, except as provided below.

1. All landscaping shall use a unified design for the entire property. 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 or final building inspection for the development. An automatic underground irrigation system 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 fifteen (15) feet in depth adjacent to the right-of-way of FM 544, fifteen (15) feet in depth adjacent to North Maxwell Creek Road and ten (10) feet in depth adjacent to all other roads (includes public streets and private access drives) as measured from the back of curb of the public or private street to the back of curb of any site paving. No parking may be placed within any landscape buffer. Pedestrian easements may be located within a landscape buffer. The width of the sidewalk may be included in the calculation of the buffer depth for fifteen (15) foot buffers, but may not be included in the calculation of the buffer depth for ten (10) foot buffers.
3. A landscape buffer shall be provided for an average of fifteen (15) feet in depth adjacent to the Southern Pacific/DART Railroad right-of-way.
4. 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 four (4) feet by four (4) feet shall be provided surrounding each tree located in a surface parking area.
 - b. A total of five (5) 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 five (5) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed eighteen (18) spaces in length.

G. Screening. Screening shall comply with the standards set forth in Article 26.03 of the Code of Ordinances, except as provided below.

1. All screening at the rear 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. Bald Cypress trees are excluded from the approved list. The existing railroad berm will also serve as a natural screen between the nonresidential and residential districts.
2. All truck docks/loading areas for anchor stores with a footprint greater than 100,000 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 capacity within four years of planting unless such areas are screened from public views by a building).
3. Outside seasonal displays shall be permitted with the Planned Development District.

H. Site Lighting. Lighting shall comply with the standards set forth in Article 26.04 of the Code of Ordinance, except as provided below.

1. Lighting should be provided for vehicular, pedestrian, signage, architectural and site features.

2. 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 40 feet high. However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.
 3. The pattern of light pooling from each fixture shall be carefully considered to provide smooth, even lighting of driveways and parking, while eliminating light intrusion into adjacent property outside of the planned development district. Parking areas shall have a minimum of 3-foot candles initial and a minimum average of 2-foot candle on a maintained basis. Light sources shall be metal halide, mercury vapor or of similar color. Yellow/orange source lights are prohibited from use. Incandescent source lighting should be considered for pedestrian areas and near buildings.
 4. Pedestrian walkways, courts, gardens and entrance areas shall be illuminated to enhance the pedestrian qualities of the development. Low level fixtures should complement the architectural design and focus on quality landscape lighting that will enhance the development.
 5. General illumination shall commence one half hour before sunset and last until the Building Site is closed for the evening. Parking structures and pedestrian walkways shall be illuminated during all hours of darkness and when poor weather conditions warrant.
- I. Signage and Graphics: On-site signage will be in accordance with the Signage Criteria package provided and included as Exhibit F. Signage shall comply with the standards set forth in Article 26.02 of the Code of Ordinances, except as provided below or within the Signage Criteria Package (Exhibit F).
1. General
 - a. Monument signs - One (1) monument sign shall be allowed on each lot and shall be limited to a maximum area of 50 square feet.
 2. Anchor Signs
 - a. Anchor signs will only be allowed for tenants with a total building footprint of 10,000 square feet or above.
 - b. Anchor signs shall be internally illuminated aluminum channel letters with 1/8" Plexiglass front. The maximum letter height shall be 5'6".
 - c. All anchor signs shall be illuminated until 10:00 pm regardless of store hours.
 - d. Ancillary signs shall not exceed the size of the primary signs. The length of the sign shall not exceed 80% of the tenant width or the width of the architectural element.
 3. Retail Signage
 - a. Retail signage requirements will apply to tenants with a total building footprint of 9,999 square feet or less.
 - b. Retail signs shall be individually backlit aluminum channel letters over 1/8" aluminum "outline" panel to be offset 2".
 - c. Typefaces, logos, and colors are subject to the landlord's approval and subject to the City of Murphy requirements.
 - d. The length of the retail sign shall not exceed 80% of the tenant width or the width of the architectural element.

- e. The letter height shall range between a minimum of 1' to a maximum of 2'-6".
- f. For corner tenants and freestanding buildings, secondary signage shall not exceed the size of the primary signage.

4. Monument Signs

- a. Multi-tenant monument signs shall identify multiple tenants or uses within a given area. Single-tenant monument signs shall identify a single tenant and one shall be allowed on each lot. Locations of the monument signs are as shown within the Signage Criteria package.
- b. Multi-tenant monument signs shall be a maximum of 10 feet tall. Single-tenant monument signs shall be a maximum of 7 feet tall.
- c. All monument signs shall be double-sided, internally illuminated Plexiglass sign panels contained within a masonry structure. Monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
- d. Monument signs shall be located at a set-back distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
- e. Multi-tenant monument signs: The maximum structure area for the multi-tenant monument sign shall be 184 square feet. The maximum signage area will be 94 square feet. Signage shall be similar to detail shown within the Signage Criteria package.
- f. Single-tenant monument signs: The maximum structure area for the single-tenant monument sign shall be 80 square feet. The maximum signage area will be 25 square feet. Signage shall be similar to detail shown within the Signage Criteria package.
- g. Construction of monument signs shall include a base of material compatible with the material used for buildings.

5. Temporary Marketing Signage

- a. One (1) quality temporary marketing signs shall be permitted on the development on FM 544. These signs shall be allowed for a term of twelve (12) months from the date of installation. Temporary marketing signs may be permitted for a longer period of time upon approval by the City.
- b. The maximum signage area will be 64 square feet. The maximum height shall be 8 feet. Signage shall be similar to detail shown within the Signage Criteria package.
- c. All other temporary signage not specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.
- d. Construction of temporary signs are not required to be constructed of the material used for buildings.

J. Open Space

- 1. Development within the property shall make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged within these areas. This can be accomplished through the

incorporation of open spaces that become public amenities and that provide interest within the property at the pedestrian level.

2. Outdoor Seating. Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and need to be approved with the site plan. The outdoor seating area may be included as a portion of the 5% open space requirement as stated in the following subsection 3.
3. An additional 5% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 5% 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.
 - a. Water feature, such as a fountain or detention pond with constant water level.
 - b. Plaza or courtyard with art sculpture piece.
 - c. Outdoor patio or gazebo with seating area.
 - d. Other areas for pedestrian congregation, as may be approved on the site plan.
4. Outside seasonal displays are allowed within the Planned Development District. Outside storage is not allowed.

VII. Special Regulations:

- A. North Maxwell Creek Road: As a part of this development, the existing asphalt North Maxwell Creek Road shall be upgraded to a concrete curb and gutter street. Public right-of-way with a width of 60 feet shall be dedicated by plat and centered on the existing roadbed in accordance with the City of Murphy Thoroughfare Plan. As shown in Exhibit H, North Maxwell Creek Road will be widened to a three-lane undivided roadway with the middle lane serving as a turn lane. The proposed roadway will then taper from three lanes to two lanes prior to the existing railroad tracks along the north side of the site. The developer is only responsible for half of the roadway construction costs; however, it is understood that the cost of the eastern half of the roadway would overburden the property east of North Maxwell Creek Road. Therefore, roadway construction costs will be shared between the developer of the site and the City of Murphy as detailed/negotiated under separate cover.
- B. Traffic Impact Analysis Recommendations: As recommended by the TIA dated September 2007, the following traffic control measures shall be instituted: a traffic signal shall be installed at FM 544 and North Maxwell Creek Road, a shared thru and right turn lane and dedicated left turn lane southbound on North Maxwell Creek Road at FM 544 and dedicated left and right turn lanes for the driveways leading to North Maxwell Creek Road from the subject property shall be installed.
- C. Utility/Power Lines: New utility distribution and service lines for individual business establishments, buildings, signs and for any other site development features shall be placed underground.

- D. Pedestrian Streetscape: Pedestrian spaces throughout the Planned Development District shall be treated with amenities that are selected based upon their ability to unify the streetscape and shall be established on the overall concept plan for each tract. These features shall include, but are not limited to, benches, trash receptacles, bicycle racks, lighting poles, etc.
- E. Cross-Access Requirement: A joint access (i.e. - ingress, egress) easement shall be required to minimize the number of driveway openings along FM 544. 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.
- F. Building Placement/Orientation: Buildings shall be placed in a manner that is conducive to a pedestrian-oriented atmosphere, wherever possible. Any building within 200 feet of FM 544 shall either face such right-of-way or shall have a facade facing such right-of-way that is in keeping with the character of the building's main facade.
- G. Mobile Food Truck Court: A Mobile Food court or courtyard containing Mobile food trucks and/or trailers shall be allowed per the following guidelines and standards:
1. All Mobile Food Truck/Trailer/Units shall comply with the regulations outlined in Chapter 10, Division 8 of the Murphy Code of Ordinances.
 2. All vendors shall obtain a city health permit before operating on the property.
 3. No additional parking shall be required for the Mobile Food Truck Court.
 4. Restroom facilities shall be provided.
 5. Hours of operation shall be limited to 7:30am to 12:00am.
 6. The sale of beer and wine shall be permitted provided that the appropriate licenses have been procured. The facility shall be enclosed by a fence with a minimum height of four (4) feet. Gates are to open during operating hours with signs posted prohibiting the removal of alcoholic beverages.



THIS PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE. THE CONCEPT MAY NOT NECESSARILY DEPICT THE PROJECT AS IT SHALL BE FINALLY DEVELOPED.

EAST F.M. 544

NORTH MAXEWELL CREEK ROAD

EXHIBIT C

PARKING TABULATION

REQUIRED	306
PROVIDED	420



MURPHY MARKETPLACE

MURPHY, TEXAS | ± 8.04 AC. | JUNE 22, 2022

