

ORDINANCE NUMBER 23-08-1321

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 30, OF THE CITY CODE, AS AMENDED, BY AMENDING THE DEVELOPMENT CONDITIONS AND STANDARDS AND ADOPTING A NEW CONCEPT PLAN FOR APPROXIMATELY 20.816 ACRES OF LAND ZONED PLANNED DEVELOPMENT DISTRICT NUMBER 22-03-1253 AND PLANNED DEVELOPMENT NUMBER 22-03-1254, LOCATED ON THE WEST SIDE OF MCCREARY ROAD, SOUTH OF FM 544, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS; PROVIDING AMENDMENTS, DEVELOPMENT CONDITIONS AND STANDARDS AND A CONCEPT PLAN; PROVIDING FOR ZONING ORDINANCE AND MAP AMENDMENT; PROVIDING A CUMULATIVE/ REPEALER CLAUSE, 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 landowner of approximately 20.816 acres of land located on the west side of McCreary Road, south of FM 544, in the City of Murphy, Collin County, Texas, has requested to amend the Comprehensive Zoning Ordinance and Map, Chapter 30 of the City of Murphy Code of Ordinances by amending the Development Conditions and Standards and adopting a new Concept Plan within Planned Development (PD) District Ordinance Number 22-03-1253 and PD Ordinance Number 22-03-1254; and

WHEREAS, the Planning and Zoning Commission (the “Commission”), in compliance with the laws of the State of Texas, gave 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, having reviewed the request to amend the Development Conditions and Standards with a new Concept Plan on an approximate 20.816-acre tract of land located on the west side of McCreary Road, south of FM 544, Murphy, Texas (the “Property”), the Commission determined that these requested changes in the PDs were compatible with surrounding uses and the City’s Comprehensive Plan and recommended approval of the requested amendments to the City Council;

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 amendments to change the Concept Plan and the Development Conditions and Standards are appropriate and are compatible with surrounding uses and the Comprehensive Plan of the City; and

WHEREAS, the governing body in exercise of its 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. Amendments. That the Zoning Ordinance and Zoning Map of the City of Murphy, Texas, are hereby amended by amending the Development Conditions and Standards and adopting a new Concept Plan for Planned Development (PD) District Ordinance Number 22-03-1253 and PD Ordinance Number 22-03-1254 for the 20.816 acres of property located on the west side of McCreary Road, south of FM 544, in the City of Murphy, Collin County, Texas, and more particularly described in **Exhibit A (Legal Description)**, attached hereto and incorporated herein (the “Property”).

Section 3. Development Conditions and Standards. That the amended Development Conditions and Standards for the Planned Development Districts for the Property are attached hereto as **Exhibit B** and incorporated herein, and the same are hereby approved by the City Council for the Property as required by the City of Murphy, Texas, Code of Ordinances.

Section 4. Concept Plan. That the concept plans in Ordinance 22-03-1253 and Ordinance 22-03-1254 are repealed and replaced for these Planned Development Districts for the Property is adopted as attached hereto as **Exhibit C** (the “Concept Plan”) and incorporated herein and sets forth the Planned Development Conditions and Standards for the Property in accordance with the City of Murphy, Texas, Code of Ordinances.

Section 5. Enforcement. 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 6. 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 7. 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 8. 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 9. 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 15th day of August 2023.





Scott Bradley, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary

APPROVED AS TO FORM:



Wm. Andrew Messer, City Attorney

**“EXHIBIT A”
LEGAL DESCRIPTION**

BEING a 132,814 square foot (3.049 acre) tract of land situated in the Henry Maxwell Survey, Abstract Number 579, Collin County, Texas, a portion of a tract of land described in a Warranty Deed to Henry M. and Joyce E. Breen, dated July 12, 1983 and recorded in Volume 1692, Page 804, Deed Records of Collin County, Texas, (D.R.C.C.T.), said 132,814 square foot tract being more particularly described as follows; Being a 117,997 square foot (2.709 acres) tract of land situated in the Henry Maxwell Survey, Abstract No. 579, in the City of Murphy, Collin County, Texas, being a portion of a called 5.955 acre tract of land described in a deed to Harry M. Breen and wife, Joyce E. Breen, Volume 1692, Page 804, in the Deed Records of Collin County, Texas (D.R.C.C.T.), being more particularly described as follows:

BEGINNING at the northwest corner of said Breen tract, said corner also being in Maxwell Rd. (Variable Width by Use and Occupation), from which a 1/2-inch iron rod found bears North 83 degrees 27 minutes 56 seconds West, a distance of 0.34 feet, said northwest corner also being in the northeast line of a tract of land described in a deed to Margaret Francis dated April 10, 2006 and recorded in Instrument Number 20060420000528370, Deed Records, Collin County, TX (DRCCT);

THENCE North 89 degrees 48 minutes 20 seconds East, with the north line of said Breen tract, also being the south line of a tract of land described in a deed to HEB Grocery Co., LP as recorded in Instrument Number 2015122000074250, DRCCT, a distance of 530.03 feet to the northeast corner of the herein described lot;

THENCE South 00 degrees 00 minutes 00 seconds East, over and across said Breen tract, a distance of 290.03 feet to a point in the south line of said Breen tract, said point also being in the north line of a tract of land described in a deed to Madewell Murphy, LLC by Instrument Number 20210528001089070, DRCCT;

THENCE North 89 degrees 57 minutes 14 seconds West, with the north line of said Madewell Murphy tract and the south line of said Breen tract, passing at a distance of 383.19 feet , the northwest corner of said Madewell Murphy tract and continuing for a total distance of 403.01 feet to the southwest corner of the Breen tract and the southeast corner of said Francis tract, said corner also being in said Maxwell Rd.;

THENCE along said Maxwell Rd. and with the northeast line of said Francis tract and the southwest line of said Breen tract the following courses and distances;

1. North 19 degrees 09 minutes 31 seconds West, a distance of 47.85 feet (47.83 feet-deed) to a found ½” iron rod;
2. North 20 degrees 48 minutes 19 seconds West, a distance of 139.14 feet (139.10-deed) to a found ½” iron rod;
3. North 27 degrees 10 minutes 34 seconds West, a distance of 105.48 feet (105.50-deed) to a found ½” iron rod;
4. North 36 degrees 05 minutes 19 seconds West, a distance of 23.30 feet (23.32-deed) to the POINT OF BEGINNING and containing 132,814 square feet (3.049 acres) of land.

AND;

BEGINNING at a 1/2-inch iron rod (controlling monument) found at the northeast corner of said 5.955 acre tract and the southeast corner of McCreary Marketplace, an addition to the City of Murphy, recorded in Volume 2013, Page 240 of the Map Records of Collin County (M.R.C.C.T.), being in the west line of McCreary Road (100 foot width right-of-way);

THENCE South 00 degrees 34 minutes 02 seconds East, with the east line of said 5.955 acre tract and the west line of said McCreary Road, a distance of 291.87 feet to a 1/2-inch iron rod found at the southeast corner of said 5.955 acre tract and the northeast corner of a tract of land described as First Tract in a deed to Madewell Murphy, LLC, recorded in Instrument No 20210528001089070, of the Official Public Records of Collin

"EXHIBIT A"

County, Texas;

THENCE North 89 degrees 57 minutes 14 seconds West, with the south line of said 5.955 acre tract and the north line of said First Tract, a distance of 428.06 feet to the approximate flood zone line shown on Flood Insurance Rate Map 48085C0415J, dated June 2, 2009;

THENCE northerly with said flood zone line the following courses and distances;

1. North 10 degrees 02 minutes 00 seconds West, a distance of 10.10 feet;
2. North 17 degrees 02 minutes 00 seconds East, a distance of 29.50 feet;
3. North 00 degrees 47 minutes 00 seconds East, a distance of 75.40 feet;
4. North 64 degrees 04 minutes 00 seconds East, a distance of 34.30 feet;
5. North 01 degrees 31 minutes 00 seconds West, a distance of 68.60 feet;
6. North 09 degrees 56 minutes 00 seconds West, a distance of 52.70 feet;
7. North 17 degrees 09 minutes 00 seconds West, a distance of 43.00 feet to the south line of said McCreary Marketplace;

THENCE North 89 degrees 48 minutes 20 seconds East, continuing with the north line of said 5.955 acre tract and the south line of said McCreary Marketplace, a distance of 410.00 feet to the POINT OF BEGINNING and containing 117,997 square feet or 2.709 acres of land.

AND;

BEING situated in the HENRY MAXWELL SURVEY, ABSTRACT NO. 579, in the City of Murphy, Collin County, Texas, and being part of that 144 acre tract of land conveyed from F.B. McKinney, et al to H.A. Kinney in deed recorded in Volume 367, Page 196 of the Official Public Records of Collin County, Texas ("OPRCCT") and being those two certain tracts of land described as First Tract, 4.983 acres and Second Tract, 9.683 acres in Warranty Deed With Vendor's Lien from Jauniece M. Kinney to Harold W. Criswell, as recorded in Volume 4005, Page 2258, and County Clerk Instrument No. 97-0081058, OPRCCT, and being more particularly described as follows:

Bearings of lines in the following description refer to Grid North of the Texas Coordinate System of 1983 (North Central Zone, NAD83) as computed from Geomatic Resources VRS GPS vectors. At the PLACE OF BEGINNING described below, True Azimuth = Grid Azimuth - 01° 00' 07".

Distances in the following description are Horizontal Surface Distances in units of US Survey Feet computed using an average project Combined Grid Factor of 0.999861354 (Surface Distance = Grid Distance/0.999861354);

FIRST TRACT:

BEGINNING at a leaning 3/8 inch iron rod round at base of old wood fence post for the northeast corner of said 144 acre and 4.983 acre tracts, and being in the west right-of-way line of McCreary Road, and also being in the east line of said Maxwell Survey;

THENCE South 00 deg. 47 min. 07 sec. East with the east line of said 144 acre and 4.9863 acre tracts and along barbed wire fence 272.96 feet to a 5/8" iron rod found for the southeast corner of said 4.983 acre tract and also being the northeast corner of said 9.683 acre Second Tract;

THENCE North 89 deg. 59 min. 03 sec. West with the south line of said First Tract and north line of said Second Tract 774.93 feet to 1/2" iron rod found for corner in Maxwell Creek Road (a variable width prescriptive right-of-way);

THENCE North 10 deg. 08 min. 30 sec. West with the westerly line of said First Tract a distance of 277.40

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feet to a mag nail set for the northwest corner of same;

THENCE South 89 deg. 58 min. 34 sec. East with the north line of said First Tract 820.04 feet to the PLACE OF BEGINNING, and containing a computed area of 217,710 square feet or 4.998 acres of land, more or less.

SECOND TRACT:

COMMENCING at a leaning 3/8 inch iron rod found at base of old wood fence post for the northeast corner of said 144 acre and 4.983 acre tracts, and being in the west right-of-way line of McCreary Road, and also being in the east line of said Maxwell Survey; thence South 00 deg. 47 min. 07 sec. East with the east line of said 144 acre and 4.983 acre tracts and barbed wire fence 272.96 feet to a 5/8" iron rod found for the southeast corner of said 4.9863 acre tract and also being the northeast corner of said 9.683 acre Second Tract and PLACE OF BEGINNING;

THENCE South 00 deg. 39 min. 33 sec. with the east line of said 144 acre tract and 9.683 acre Second Tract and along barbed wire fence a distance of 588.46 feet to 1/2" iron rod found for the southeast corner of said Second Tract, and being in the north line of a 9.08 acre tract of land conveyed to Texas Power and

Light Company in deed as recorded in Volume 574, Page 299, of the OPRCCT;

THENCE South 89 deg. 16 min. 26 sec. West with the south line of said Second Tract and north line of said 9.08 acre tract 673.67 feet to 1/2" iron rod found in Maxwell Creek Road (a variable width prescriptive right-of-way);

THENCE North 10 deg. 15 min. 34 sec. West with the westerly line of said Second Tract a distance of 606.87 feet to a 1/2" iron rod found for the northwest corner of same;

THENCE South 89 deg. 59 min. 03 sec. East with the north line of said Second Tract 774.93 feet to the PLACE OF BEGINNING, and containing a computed area of 429,586 square feet or 9.862 acres of land, more or less.

“EXHIBIT B”
Enclave at Maxwell Creek
PLANNED DEVELOPMENT DISTRICT STANDARDS

- I. **Statement of Purpose:** The purpose of this Planned Development District (PD) is to establish a Concept Plan and specific conditions for the development of the properties known as the Enclave at Maxwell Creek. The intent of this PD is to achieve a quality residential community with medium density. This PD supersedes the PD regulations contained in Ordinance Number 22-03-1253 and Ordinance Number 22-03-1254.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Murphy Code of Ordinances, Ordinance No. 15-09-002, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Single-Family Residential-Patio Homes (SF-PH) District set forth in Article 30.03, Division 8 of the Murphy Code of Ordinances shall apply, except as otherwise specified by this ordinance.
- IV. **Development Plans:** Development shall be in general conformance with the Concept Plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the written conditions shall prevail. The Concept Plan shall also serve as the land use plan.
- V. **Specific Regulations:**
 - A. The proposed development shall not exceed 104 homes, hereafter known as “units”. Units shall be accessed from a private access easement. There shall be no minimum lot dimensions, rather, the unit layout and composition shall generally conform to the Concept Plan and Unit Placement Standards as stated in the following Table:

Unit Placement Standards	
Minimum Floor Area	1,600 sq.ft.
Minimum Front Yard Setback	18ft ¹
Minimum Distance between Units (Interior)	6.5ft ²
Minimum Side Yard Setback (Corner)	5ft ³
Minimum Rear Yard	6ft ⁴
Maximum Building Height	35ft
Maximum Lot Coverage	85%
Minimum Length of Driveway Pavement	18ft
Garage Orientation	Front Entry
Minimum Roof Pitch	8:12 (4:12 on Porch Roofs)

Notes:

- 1. Front yard setbacks shall be measured from the edge of the fire lane easement.
- 2. As measured between units from side build lines, i.e. from wall to wall.
- 3. Side yard setbacks on corners shall be measured from the edge of the fire lane easement.
- 4. Rear yard shall be measured from the rear build line, i.e. from the rear wall

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B. Resident Access

Access to individual units shall be from a private/common access easement.

C. Fencing Standards

All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

1. All wood fences shall be constructed of a standard fencing material (*minimum of ½" thickness or better; spruce fencing will not be allowed*), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets placed on the "public side" facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of eight (8) feet in height.
2. Rear Yard Fences: Rear yard fences shall only extend to the rear building line of the home, and not towards the front of the home.
3. Solid Screening Wall: A solid masonry screening wall, eight (8) feet in height, shall be required along the perimeter of McCreary Road. The wall shall be installed prior to a Certificate of Occupancy for each home unit.
4. Aluminum/Tubular Steel: Perimeter fences on the north, west and south boundaries of the development may be solid masonry or aluminum/tubular steel fences with a minimum of six (6) feet and a maximum of eight (8) feet in height.
5. Solid Fences (including wood fences): All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.
6. All fences shall be maintained and/or replaced by the HOA.

D. Streets, Parking, Driveways & Sidewalks

1. Streets/Common Access Easements: The minimum design standard for internal streets is 24 feet.
2. Driveways: No private driveway access shall be allowed onto McCreary Road.
3. Parking: A minimum of two enclosed parking spaces behind the front building line on the same lot/tract as the main structure, plus two additional parking spaces on a paved driveway shall be required.
4. Visitor Parking: There shall be a minimum of sixteen parking spaces for guests and visitors of the community amenities. A minimum of eight (8) spaces shall be included within the first phase.
5. Sidewalks installed along McCreary Road shall be a minimum eight (8) feet wide and may meander within the adjacent twenty (20) foot landscape buffer.

E. Minimum Exterior Construction Standards, Building Materials and Design

Exterior Construction and Design shall be compatible and comply with the standards set forth in the Murphy Code of Ordinances, except as provided below:

1. Fiber Cement Board (Hardie Board): limited to eighty-five (85) percent of the total facade.
2. Masonry Material: a minimum of fifteen (15) percent of the total facade. (Stucco is not an allowed masonry material.)
3. Garage Orientation: Garage may be configured to allow a front entry; however, the

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garage shall not extend beyond the front façade of the home.

F. Landscape Standards

1. Landscape Buffer Setback: A minimum twenty (20) foot landscape buffer shall be provided along the frontage of McCreary Road (over and above any required right-of-way dedication), and shall incorporate ground cover, a built-up berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of thirty (30) inches and a maximum height of forty-eight (48) inches. For lots adjacent to McCreary Road, fencing will be constructed of Aluminum/Tubular steel with masonry columns spaced on each property corner, with a maximum height of eight (8) feet. In addition, at least one canopy tree shall be planted per fifty (50) feet of linear frontage.
2. Irrigation: Irrigation shall be installed for all landscaping located within private yards, common areas, landscape buffers and/or open space lots as shown on the Concept Plan. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association.
3. Shade trees required within this development shall be a minimum of four (4) inch caliper.
4. The following trees are approved for planting in this development:
 - A *Shade Trees*. Bald Cypress, Cedar Elm, Texas Red Oak, Homestead Elm, Lace Bark Elm, Allee Elm, Chinese Pistachio, Shumard Oak, Sycamore, Burr Oak, and Live Oak.
 - B *Accent/Ornamental Trees*. Texas Redbud, Eve's Necklace, Mexican Plum, Downy Hawthorn, Crepe Myrtle, Texas Mountain Laurel, Vitex, and Desert Willow.

G. Additional Special Regulations/ Conditions

1. Street Lighting: Light poles shall not exceed twenty (20) feet in total height (i.e. based and lighting standard). All fixtures shall be down-light type and positioned to contain all light within the development.
2. Any automatic gates shall be equipped with both a Knox-Box key access and an Opticom System approved by the Fire Department.
3. Accessory buildings are prohibited within this development.
4. There shall be no outside storage except for those items outlined by HOA CC&R's, including furniture and other related items to be determined by the HOA.
5. Open Space: The development shall consist of a minimum of six and one-half (6.5) acres of open space, and generally shall conform to the Concept Plan contained in Exhibit C of this ordinance. All open space areas shall be maintained by the HOA.
6. Homeowner's Association (HOA): A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of Section 28.04.003 of the Subdivision Regulations contained within the Murphy Code of Ordinances. The HOA shall maintain all common access easements (private streets), neighborhood amenities (swimming pool and/or playgrounds), open space, landscape buffers and common areas (HOA lots), irrigation, landscaping, and all fences associated with this development.
7. Gated Entrances: The developer shall install automatic gates equipped with a Knox

"EXHIBIT B"

Box key access approved by the Fire Department.

8. Fire Sprinkler System: All units/structures will be required to install individual automatic sprinkler systems for fire suppression.
9. Deceleration Lane: A deceleration lane shall be constructed for southbound McCreary Road traffic entering the northern/main entrance of the development. This lane shall be subject to City of Wylie design standards.
10. Neighborhood Signage: Permanent subdivision identification signage shall be permitted at the major entry point on McCreary Road within a HOA common area. Final Design and location of entry features shall be reviewed for approval at the time of review of the engineering construction plans and the Final Plat and shall require proper permits in accordance with City regulations.
11. No through traffic is allowed between McCreary Road and South Maxwell Creek Road.
12. The developer shall provide a twenty (20) foot right-of-way to the City dedicated to and open for public use for construction by the City of a north/south trail along the creek within the dedicated open space area in lieu of payment of all parkland dedication fees. The specific location shall be shown on the final plat.



PHASE I PAD TYPES
 "A" - 7
 "B" - 36
 "C" - 22
TOTAL UNITS - 65

PHASE II PAD TYPES
 "A" - 4
 "B" - 35
TOTAL UNITS - 39

1 SITE PLAN - PHASE II
 SCALE: 1" = 50'-0"



OWNER/ DEVELOPER: MADEWELL MURPHY, LLC
 MADEWELL HOLDINGS, LLC
 PCMC VENTURES I, LLC
 2661 MIDWAY RD
 CARROLLTON, TX 75006
EMAIL: MQ@MADEWELLCOS.COM
PHONE: 703-201-4677

EXHIBIT C
ENCLAVE AT
MAXWELL CREEK
 CONCEPT PLAN
TOTAL 104 UNITS

MURPHY SITE PLAN
 PROJECT ADDRESS:
 MURPHY, TEXAS

MARK	DATE	DESCRIPTION
		ISSUE FOR PERMIT

PROJECT NO:
 SHEET TITLE
 SITE PLAN - PHASE II

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