

ORDINANCE NUMBER 21-11-1237

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 30, OF THE MURPHY CITY CODE, AS AMENDED, BY AMENDING AN EXISTING PLANNED DEVELOPMENT DISTRICT 09-09-814 FOR OFFICE USES ON AN APPROXIMATE 1.558 ACRE TRACT OF LAND (ALSO KNOWN AS 1020 N. MURPHY ROAD) SITUATED IN THE C. A. MCMILLAN SURVEY, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND, ADOPTING A NEW EXHIBIT "B", "PLANNED DEVELOPMENT DISTRICT STANDARDS"; PROVIDING AMENDMENTS; PROVIDING FOR APPLICABLE REGULATIONS, 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 AN EFFECTIVE DATE.

WHEREAS, on September 21, 2009, the City of Murphy approved Ordinance No. 09-09-814 amending the Comprehensive Zoning Ordinance of the City to rezone approximately 1.558 acres of land located on the northeast corner of North Murphy Road and Betsy Lane, in the City of Murphy, Collin County, Texas, as therein more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes (the "Property"), from Single-Family Residential -20 (SF-20) District to a Planned Development with Office Uses; 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 for the changes to Exhibit "B" of Ordinance 09-09-814, the Commission determined that the changes to the permitted uses and development standards were compatible with surrounding uses and the City's Comprehensive Plan and recommended approval of the requested amendment 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 a public hearing on November 16, 2021 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 repeal and adopt a new Exhibit "B" to Ordinance No. 09-09-814 for this Planned Development reflecting the development conditions and standards for the Property with the amendment to Section V as set

forth therein is based on legitimate policy goals, is best for the public safety and general health and welfare of the community, 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 Exhibit “B” to Ordinance No. 09-09-814 setting forth the development conditions and standards for the Property is hereby repealed in its entirety and a new Exhibit “B”, **Planned Development District Standards**, setting forth all standards for development of the Property is adopted.

Section 3. Zoning Ordinance and Map Amended. 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 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 November, 2021.



Scott Bradley, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary

APPROVED AS TO FORM:

for

Wm. Andrew Messer, City
Attorney

EXHIBIT "A"
PROPERTY DESCRIPTION

BEING all that tract of land in the City of Murphy, Collin County, Texas, being a part of the C. A. McMILLAN SURVEY, ABSTRACT No. 588, and being a part of that 2.335 acre tract of land conveyed to Maurice L. Williams as recorded in Volume 5947, Page 4823, Collin County Deed Records, and being further described as follows:

BEGINNING at the northwest corner of Betsy Lane Extension, a 0.848 acre tract of land as recorded in Document No. 20070302000287530, Collin County Deed Records, said point being the intersection of the north line of East Betsy Lane (a variable width right-of-way) and the east line of North Murphy Road (a variable width right-of-way);

THENCE North 01 degrees 41 minutes 19 seconds East, 128.94 feet along the east line of North Murphy Road to a point for corner;

Thence North 81 degrees 32 minutes 30 seconds West, 92.02 feet to a point in the south line of The Ranch, Phase III, and addition to the City of Murphy as recorded in Cabinet N, Page 761, Collin County Plat Records;

THENCE along the south line of said The Ranch, Phase III as follows:

North 88 degrees 07 minutes 14 seconds East, 105.12 feet to a point for corner;

South 84 degrees 26 minutes 30 seconds East, 287.13 feet to a point for corner;

THENCE South 07 degrees 22 minutes 05 seconds East, 116.10 feet to the northeast corner of said 0.848 acre Betsy Lane Extension, said point being in the north line of East Betsy Lane;

THENCE along the north line of East Betsy Lane as follows:

North 89 degrees 27 minutes 57 seconds West, 8.77 feet to a point for corner;

Southwesterly, 191.83 feet along a curve to the left which has a central angle of 06 degrees 31 minutes 22 seconds, a radius of 1685.00 feet, a tangent of 96.02 feet, and whose chord bears South 87 degrees 16 minutes 22 seconds West, 191.73 feet to a point for corner;

Southwesterly, 59.77 feet along a curve to the right which has a central angle of 02 degrees 21 minutes 14 seconds, a radius of 1455.00 feet, a tangent of 29.89 feet, and whose chord bears South 85 degrees 11 minutes 17 seconds West, 59.77 feet to a point for corner;

North 85 degrees 46 minutes 05 seconds West, 95.90 feet to a point for corner;

Northwesterly, 43.59 feet along a curve to the right which has a central angle of 01 degrees 43 minutes 42 seconds, a radius of 1445.00 feet, a tangent of 21.80 feet, and whose chord bears North 89 degrees 00 minutes 05 seconds West, 43.59 feet to a point for corner;

North 88 degrees 08 minutes 14 seconds West, 101.55 feet to the POINT OF BEGINNING and containing 67,859 square feet or 1.558 acres of land.

Exhibit "B"

Northeast Corner of Murphy Road and Betsy Lane

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 property at the northeast corner of North Murphy Road and Betsy Lane. The intent of this PD is to achieve a quality high quality office and retail development.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Murphy Code of Ordinances, Ordinance No. 15-09-1002, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Office (O) District set forth in Article 30.03, Division 12 of the Murphy Code of Ordinances are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Development Plans:**
 - A. **Concept Plan:** 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.
 - B. **Site Plan:** Before development of the Property can begin, a site plan, landscape plan, and building elevation plan shall be submitted in accordance with the requirements set forth in Chapter 30, Article 30.02, Division 7 of the Murphy Code of Ordinances, as amended. The site plan may be for all or any part of the Property located within the Planned Development District.
- V. **Specific Regulations:**
 - A. **Permitted Uses.** Only the following uses shall be permitted:
 1. Art Dealer/Gallery
 2. Artist Studio
 3. Bike Sales/Repair
 4. Book Store
 5. Confectionery Store
 6. Credit Agency
 7. Credit Union (SUP)
 8. Florist
 9. Offices (Brokerage Services)
 10. Offices (Health Services)
 11. Offices (Legal Services)
 12. Offices (Medical Office)
 13. Offices (Professional)
 14. Pet Shop/Supplies
 15. Photo Studio

Exhibit "B"

16. Retail Store (SUP)
17. Travel Agency
18. Veterinarian (Indoor Kennels)

B. Area and Yard Regulations:

1. Building Setbacks: No building of any kind shall be placed within 20 feet of residentially zoned property.
2. Building Height: All buildings shall be limited to single-story and a maximum height of 25 feet.

C. Minimum Exterior Construction Standards, Building Materials and Design: Exterior Construction and Design Requirements shall comply with Chapter 26 of the City of Murphy Code of Ordinances, as amended. All structures shall be constructed utilizing a minimum of 80% masonry (brick or stone).

D. Screening: A minimum six-(6) foot masonry wall shall be placed along the north property line. Materials for the screening wall shall match the main building(s). The screening wall shall not contain panels.

E. Architecture: The architecture and façade of any building(s) shall be residential in nature.

F. Roof Mechanical Equipment: Rooftop mechanical equipment shall not be permitted.

G. Outside Storage: No outside/outdoor storage shall be permitted.

H. Landscape Buffer: A fifteen (15) foot landscape buffer shall be provided along Murphy Road and a ten (10) foot buffer along Betsy Lane over and above the right-of-way. This landscape area shall include ornamental trees, shrubbery and grass in order to minimize any visual impact of the Property.

I. Signage: One (1) monument sign shall be allowed on the property with a maximum area of 50 square feet and a maximum height of seven (7) feet. Materials for the monument sign shall match the main building(s).

VI. **Additional Special Regulations:**

A. Parking Regulations: Parking shall be at a ratio of one parking space for every 250 square feet of gross floor area for all tenants (current and future).

B. Utility/ Power Lines: New utility service lines for individual buildings, signs and for any other site development features shall be placed underground.

C. Sidewalks: Existing sidewalks along Betsy Lane, Cactus Path and Murphy Road shall remain.

D. Fire lane: The site plan shall contain an approved turn-around if any designated fire lane exceeds 150 feet in length.

E. Existing Home: The existing home shall be permitted to be used as a Veterinarian (Indoor Kennels) only after appropriate code required improvements to the home and site are completed, as well as the submission of a site plan and landscape plan. Accessory structures, chain link fences, and any refuse on the site shall be removed prior to the issuance of a Certificate of Occupancy. No storage of vehicles listed in [Section 20.05.031](#) or boats shall be permitted.

F. Driveways: No driveway access shall be allowed to Cactus Path Drive.

Exhibit "B"

**Exhibit "C"
Concept Plan**

