

ORDINANCE NUMBER 24-05-1356

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP, CHAPTER 30, OF THE CITY OF MURPHY CODE OF ORDINANCES, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 5.652 ACRES OF LAND LOCATED ON THE EAST SIDE OF NORTH MURPHY ROAD BETWEEN MCMILLEN ROAD AND BETSY LANE, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, FROM SINGLE FAMILY-ESTATE (SF-E) RESIDENTIAL TO PLANNED DEVELOPMENT (PD) DISTRICT OVERLAY OF SINGLE FAMILY - 11 (SF-11) RESIDENTIAL, PROVIDING DEVELOPMENT STANDARDS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS, DEVELOPMENT CONDITIONS AND STANDARDS, AND A CONCEPT PLAN; PROVIDING FOR APPLICABLE REGULATIONS, ZONING ORDINANCE AND ZONING MAP AMENDMENT; PROVIDING A CUMULATIVE/REPEALER CLAUSE AND 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 5.652 acres of land located on the east side of North Murphy Road between McMillen Road and Betsy Lane, in the City of Murphy, Collin County, Texas, have requested a change in the zoning for the property described in this ordinance from Single Family - Estate (SF-E) Residential to Planned Development (PD) District overlay of Single Family - 11 (SF-11) Residential with additional development standards consistent with the Comprehensive Plan; 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 change of zoning classification on an approximate 5.652 acre tract of land located on the east side of North Murphy Road between McMillen Road and Betsy Lane, Murphy, Texas, as herein more particularly described in **Exhibit "A" (Legal Description)** attached hereto and made part hereof for all purposes (the "Property"), the Commission determined that the change in zoning was not compatible with surrounding uses and the City's Comprehensive Plan and recommended denial 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 May 21, 2024 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 change the zoning on the Property, having the legal description of 5.652 acres in Tract 36, Abstract 0588, C.A. McMillan Survey, 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, and the governing body in the 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 so as to change the zoning (designation) on the Property described herein from Single Family - Estate (SF-E) Residential to Planned Development (PD) District overlay of Single Family – 11 (SF-11) Residential with additional development standards for the Property, being an approximately 5.652 acre tract of land located on the east side of North Murphy Road between McMillen Road and Betsy Lane, in the City of Murphy, Collin County, Texas, and more particularly described in **Exhibit A (Legal Description)**.

Section 3. Development Conditions and Standards. That the Development Conditions and Standards for the Planned Development District 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 Code of Ordinances.

Section 4. Concept Plan. That the concept plan for the Planned Development District for the Property is 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 Code of Ordinances.

Section 5. Landscape Plan. That the landscape plan for the Planned Development District for the Property is attached hereto as **Exhibit D** (the “Landscape Plan”) and incorporated herein and sets forth the Planned Development Conditions and Standards for the Property in accordance with the City of Murphy Code of Ordinances.

Section 6. 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 7. 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 8. 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 9. 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 10. 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 21st day of May 2024.



ATTEST:

Kandi Jackson
Kandi Jackson, City Secretary

Scott Bradley
Scott Bradley, Mayor
City of Murphy

APPROVED AS TO

FORM:

Wm. Andrew Messer
Wm. Andrew Messer, City Attorney

**"EXHIBIT "A"
LEGAL DESCRIPTION**

EXHIBIT 'A'

BEING A 5.652 ACRE TRACT OF LAND SITUATED IN THE C.A. MCMILLEN SURVEY, ABSTRACT NUMBER 588, COLLIN COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO LOGAN M. HINES, III, AND WIFE, CONNIE HINES, RECORDED IN VOLUME 895, PAGE 402, DEED RECORDS, COLLIN COUNTY, TEXAS (D.R.C.C.T.), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND FOR CORNER BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, SAME POINT BEING IN THE EAST LINE OF A TRACT OF LAND DESCRIBED BY DEED TO KEITH BAILEY AND WIFE, CATHERINE BAILEY, RECORDED IN VOLUME 1150, PAGE 135, D.R.C.C.T., AND BEING IN THE NORTH RIGHT-OF-WAY LINE OF MCMILLEN ROAD, AS DESCRIBED BY DEED TO COLLIN COUNTY, RECORDED UNDER COUNTY CLERK'S FILE NUMBER 93-0049525, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.);

THENCE NORTH 02 DEGREES 30 MINUTES 58 SECONDS EAST, WITH THE EAST LINE OF SAID BAILEY TRACT, A DISTANCE OF 847.11 FEET TO A 1/2 INCH IRON ROD WITH BLUE CAP STAMPED "OLD TOWN SURVEYING" (OTS) SET FOR CORNER BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED BY DEED TO THE CITY OF MURPHY, RECORDED UNDER INSTRUMENT NUMBER 20150529000631180, O.P.R.C.C.T.;

THENCE NORTH 88 DEGREES 42 MINUTES 12 SECONDS EAST, OVER AND ACROSS SAID HINES TRACT AND WITH THE SOUTH LINE OF SAID CITY OF MURPHY TRACT, A DISTANCE OF 234.04 FEET TO A 1/2 INCH IRON ROD WITH BLUE CAP STAMPED "OTS" SET FOR CORNER FROM WHICH A 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED "DOWDY" BEARS NORTH 04 DEGREES 05 MINUTES 33 SECONDS WEST AT 4.69 FEET, AND BEING THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1560.00 FEET;

THENCE WITH SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 02 DEGREES 05 MINUTES 32 SECONDS, WHOSE CHORD BEARS NORTH 87 DEGREES 39 MINUTES 27 SECONDS EAST, AT 56.96 FEET, AN ARC LENGTH OF 56.96 FEET TO A 1/2 INCH IRON ROD WITH BLUE CAP STAMPED "OTS" SET FOR CORNER BEING IN THE WEST LINE OF LOT 1, BLOCK A, CHASE ADDITION, AN ADDITION TO THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME Q, PAGE 277, PLAT RECORDS, COLLIN COUNTY, TEXAS, FROM WHICH A 5/8 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 1 BEARS NORTH 02 DEGREES 39 MINUTES 57 SECONDS EAST AT 3.68 FEET, AND FROM WHICH A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID HINES TRACT BEARS NORTH 02 DEGREES 39 MINUTES 57 SECONDS EAST AT 4.36 FEET;

THENCE SOUTH 02 DEGREES 39 MINUTES 33 SECONDS WEST, PASSING AT 849.47 FEET A 5/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1, AND CONTINUING ON FOR A TOTAL DISTANCE OF 856.59 FEET TO A 1/2 INCH IRON ROD WITH BLUE CAP STAMPED "OTS" SET FOR CORNER BEING THE NORTHEAST CORNER OF SAID COLLIN COUNTY TRACT, AND BEING IN THE NORTH RIGHT-OF-WAY LINE OF SAID MCMILLEN ROAD;

THENCE NORTH 89 DEGREES 39 MINUTES 09 SECONDS WEST, WITH THE NORTH LINE OF SAID COLLIN COUNTY TRACT AND THE NORTH RIGHT-OF-WAY LINE OF SAID MCMILLEN ROAD, A DISTANCE OF 288.35 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.652 ACRES OF LAND, MORE OR LESS.

“EXHIBIT “B”
PD CONDITIONS

"EXHIBIT B"

MURPHY GARDENS

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 collectively known as Murphy Gardens. The intent of this PD is to achieve a quality residential community.

- 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 Single-Family Residential-11 (SF-11) District set forth in Article 30.03, Division 7 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. **Conceptual Landscape Plan:** Development shall be in general conformance with the approved conceptual landscape plan as set forth in Exhibit D; however, in the event of conflict between the plans and the conditions, the conditions shall prevail.

 - C. **Site Plan.** A preliminary plat/construction plat shall serve as the site plan for the property.

- V. **Permitted Uses:** Only residential single-family is permitted by right within this PD as defined by the Murphy Code of Ordinances.

- VI. **Specific Regulations:**
 - A. The proposed development shall not exceed 16 single-family homes. The lot layout and composition shall generally conform to the Concept Plan and Lot Standards as stated in the following Table:

Lot Standards	
Maximum Density	3.0 units per acre
Minimum Lot Area	12,000 Square feet

Minimum Lot Width	90 feet
Minimum Lot Depth	100 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback (Interior)	9 feet
Minimum Side Yard Setback (Corner adjacent to street)	15 feet

Minimum Rear Yard Setback	20 feet
Minimum Floor Area	2,200 Square feet
Maximum Building Height	35 feet
Maximum Lot Coverage	50%
Garage Orientation	Front Entry
Roof Pitch	8:12 minimum for main structure (4:12 minimum for architectural features)

B. Fencing Standards

All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the dwellings, and meet the following standards:

1. Residential Fences: All wood fences shall be constructed of a standard fencing material (*minimum of 1/2" 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 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 minimum of six (6) feet and a maximum of eight (8) feet in height and shall incorporate a decorative top rail or cap detailing into the design of the fence.
2. Solid Screening Wall: A solid screening wall with masonry columns shall be constructed on the north boundary along Betsy Lane right-of-way and on the south along McMillen Dr. These walls shall be maintained by the Homeowners Association.
3. Board-on-Board Wood Fence: Lots located along the east and west perimeter of the development shall have a minimum of six (6) feet and maximum of eight (8) feet board on-board wood fence.
 - i. Wrought iron or tubular steel fencing is allowed on the western property line.
4. All wood fences shall be maintained by the individual property owner(s).

C. Parking, Driveways & Sidewalks

1. Driveways: No private driveway access shall be allowed onto McMillen Rd.
2. Parking: A minimum of two enclosed parking spaces behind the building line on the same lot/tract as the main structure and shall be attached to the main structure.

3. Sidewalks installed along McMillen Rd shall be a minimum five (5) feet wide and may meander within the adjacent twenty (20') open space and landscape area.

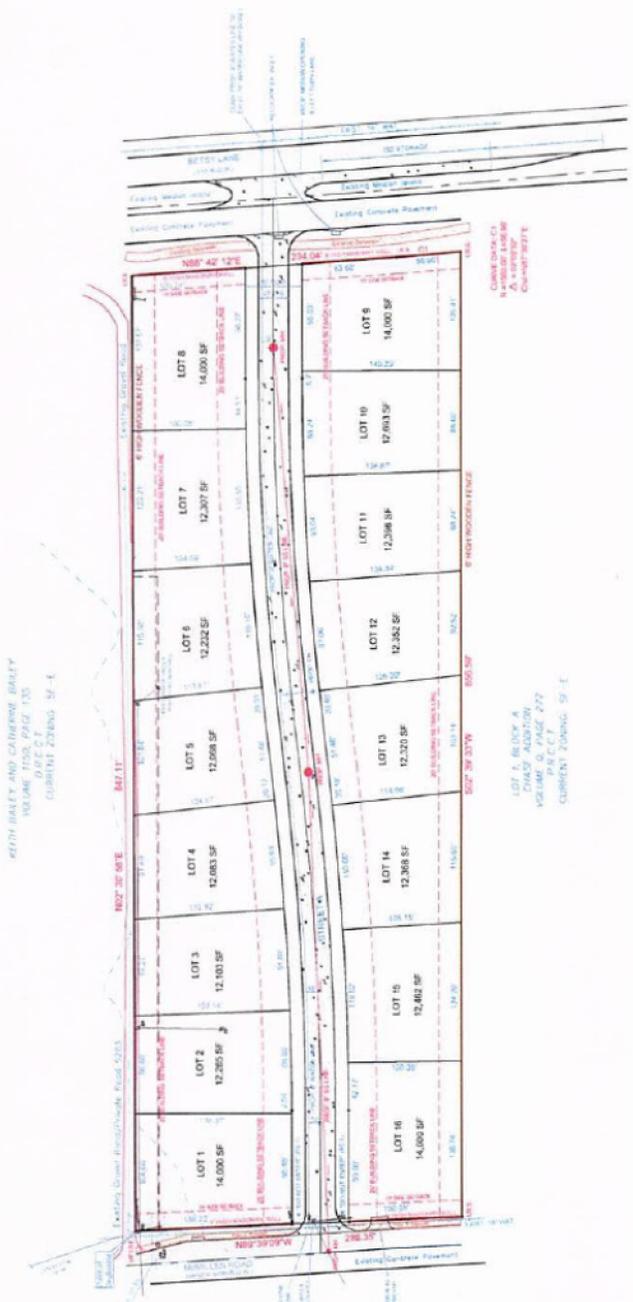
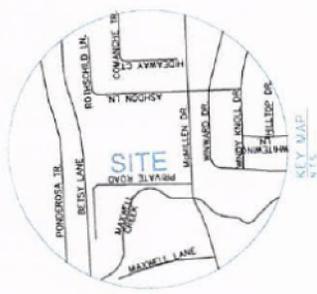
D. Landscape Standards

1. Two (2) City accepted native trees will be planted in the front yards of all lots and two (2) on the side yards of the 4 corner lots.
2. Irrigation: Irrigation shall be installed for all landscaping shown on the Concept Plan. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect.
3. The following trees are approved for planting in this development:
 - i. *Shade Trees.* Bald Cypress, Cedar Elm, Texas Red Oak, Allee Elm, Shumard Oak, Red Maple, Chinese Pistachio, Burr Oak, Chinquapin Oak and Live Oak.
 - ii. *Accent/Ornamental Trees.* Texas Redbud, Mexican Plum, Crepe Myrtle, Wax Myrtle, Texas Mountain Laurel, Vitex, and Desert Willow

E. 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. Homes shall consist of a minimum of 80% masonry (brick and stone) or Stucco or painted bricks or combination of masonry, stucco and painted bricks.
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. 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 Murphy Code of Ordinances. The HOA shall maintain all common access easements (private streets or alleys), 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.
6. **Neighborhood Signage:** Permanent subdivision identification signage shall be permitted at the major entry point on Betsy Lane. 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.

**“EXHIBIT “C”
CONCEPT PLAN**



SITE DATA SUMMARY TABLE

NAME OF PROJECT	MURPHY GARDENS
CURRENT ZONING	SF-E
PROPOSED ZONING	PD - SF-11
TOTAL AREA	5,652 ACRES
TOTAL ROW AREA	42,541 S.F. / 0.9765 ACRES
RESIDENTIAL LOT AREA	4,675 ACRES
AVERAGE LOT SIZE	12,725 S.F.
TOTAL NO. OF LOTS	16
DENSITY	2.81 LOTS/ACRE

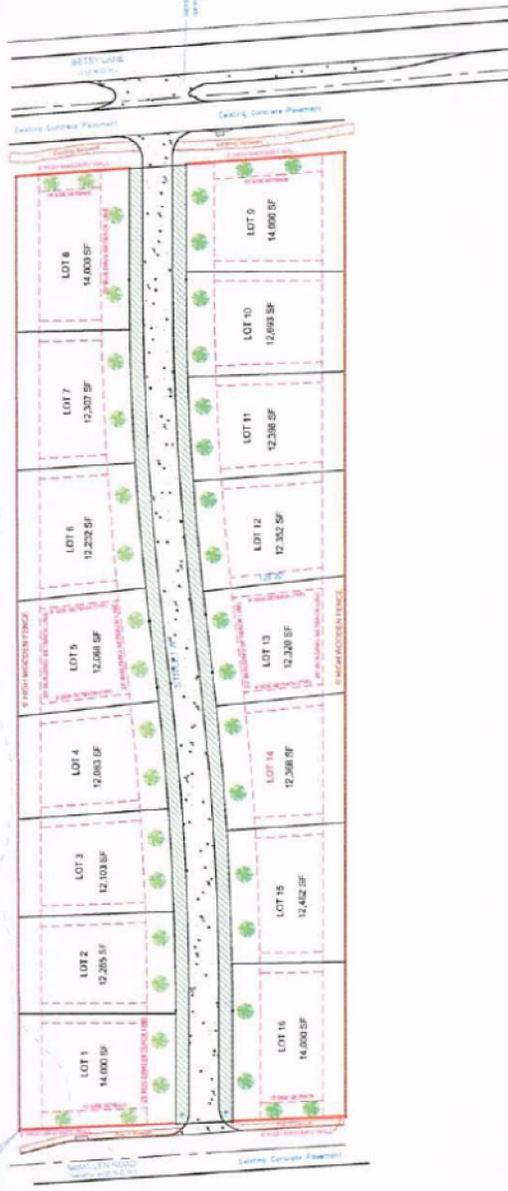
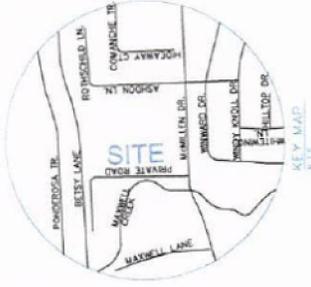
ENGINEER:
 WEBB CONSULTING GROUP, INC.
 5803 COPPERWOOD LANE, #2118
 DALLAS, TX 75248
 FIRM REGIS. NO. F-4742
 EMAIL: MCGW@GATTI.NET
 214.656.4822 FAX: 800.236.1590

DEVELOPER:
 SYED ANSARI
 SYMBIOSIS HOMES, INC.
 1333 McDERMOTT DR, #150
 ALLEN, TX 75013
 PH: 214.563.1820
 E-MAIL: SYED@SYBIOISHOMES.COM

OWNER:
 MURPHY GARDENS, LLC
 1333 McDERMOTT DR, #150
 ALLEN, TX 75013
 PH: 214.563.1820
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EXHIBIT 'C' CONCEPT PLAN			
MURPHY GARDENS			
GROSS ACREAGE: 5.652 ACRES			
C. A. McMILLEN SURVEY, ABS. NO. 588			
SINGLE-FAMILY LOTS - PD ZONING			
16 SINGLE FAMILY LOTS			
CITY OF MURPHY, COLLIN COUNTY, TEXAS			
REVIEW BY:	DATE:	FILE NUMBER:	SHEET:
CC	04/02/24		CP

**“EXHIBIT “D”
LANDSCAPE PLAN**



LEGEND

	PROF. 27\"/>
	PROV. 5\"/>
	6\"/>
	6\"/>
	TREES

ENGINEER:
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EXHIBIT 'D' LANDSCAPE PLAN			
MURPHY GARDENS			
GROSS ACREAGE: 5.652 ACRES			
C. A. McMILLEN SURVEY, ABS. NO. 588			
SINGLE-FAMILY RESIDENCE - PD ZONING			
20 SINGLE FAMILY LOTS			
CITY OF MURPHY, COLLIN COUNTY, TEXAS			
DATE	FILE	NUMBER	SHEET
04/02/24			LP