

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
FEBRUARY 21, 2017 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



Eric Barna
Mayor

Scott Bradley
Mayor Pro Tem

Owais Siddiqui
Deputy Mayor Pro Tem

Jennifer Berthiaume
Councilmember

Betty Spraggins
Councilmember

Sarah Fincanon
Councilmember

Don Reilly
Councilmember

Mike Castro
City Manager

Susie Quinn
City Secretary

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on February 21, 2017 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PRESENTATIONS/RECOGNITIONS

- A. Presentation of financial report as of January 31, 2017. *Steven Ventura, Interim Director of Finance.*

5. PUBLIC COMMENTS

6. CITY MANAGER/STAFF REPORTS

- A. Radio Systems
- B. Sidewalk Rehabilitation Program
- C. South Maxwell Creek Sewer Line
- D. FM544 Traffic Safety Update
- E. Department Directors Vacancies
- F. Upcoming Events

7. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider and/or act to approve the February 7, 2017 Regular Council meeting minutes. *Susie Quinn, City Secretary*
- B. Consider and/or act upon approval of Resolution No. 17-R-846 authorizing signature authority to sign and endorse checks and drafts of the City of Murphy bank accounts. *Steven Ventura, Interim Director of Finance.*

8. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on the application of Winkelmann and Associates Inc. to request approval for a Specific Use Permit (SUP) allowing a drive-thru for an Andy's Frozen Custard restaurant to be located on 4.696 acres at the south west corner of Timber Ridge Drive and FM 544 zoned Neighborhood Services (NS) in Planned Development (PD) District 16-09-1021 having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75. *(Kelly Carpenter, Interim Community and Economic Development Director)*
- B. Hold a public hearing and consider and/or act on the application of Winkelmann and Associates Inc. to request approval for a Specific Use Permit (SUP) allowing a drive-thru Jason's Deli restaurant to be located on 4.696 acres at the south west corner of Timber Ridge Drive and FM 544 zoned Neighborhood Services, in Planned Development (PD) district 16-09-1021 having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75. *(Kelly Carpenter, Interim Community and Economic Development Director)*
- C. Hold a public hearing and consider and/or act on the application of Winkelmann and Associates Inc. to request approval for an Amendment to a Concept Plan located on 4.696 acres at the south west corner of Timber Ridge Drive and FM 544 zoned Planned Development (PD) District 16-09-1021, having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75. *(Kelly Carpenter, Interim Community and Economic Development Director)*
- D. Consider and/or act on a request by RJ Mexican Cuisine Restaurant to approve an economic development grant of \$60,000 and an economic development loan of \$40,000 to be paid back in full within the next five years of the adoption of this ordinance. The grant and loan are for furniture, fixtures and equipment for a new restaurant proposed for Evans Crossing on the east side of Walmart facing Murphy Road. *(Kelly Carpenter, Interim Community and Economic Development Director)*

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will now recess into Executive Session (closed meeting) to discuss the following:

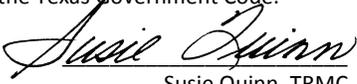
- A. §551. 071: Consultation with City's Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding zoning, land use, and moratoriums.

10. RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D Texas Government Code, to take action on any Executive Session Items.

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on February 17, 2017 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.


Susie Quinn, TRMC
City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 972.468.4011 or squinn@murphytx.org.

Notice of Possible Quorum: There may be a quorum of the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Capital Projects Advisory Committee, the Ethics Review Commission, the Murphy Community Development Corporation, the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission members who may be present at the meeting, but they will not deliberate on any city or board business.

**City Council Meeting
February 7, 2017**

Issue

Upcoming Events

Staff Resource/Department

Mike Castro, City Manager

Summary

- Daddy Daughter Dance – Saturday, February 18, 2017 from 6 pm until 9 pm at the Murphy Community Center, 205 North Murphy Road, Murphy, Texas 75094
- Rainbow Trout Round-Up – Saturday, February 25, 2017 from 9 am until 11 am at the City Hall pond, 206 North Murphy Road, Murphy, Texas 75094
- Newcomers Guide to Gardening in Collin County – Saturday, March 11, 2017 from 8 am until Noon, Allen Public Library Auditorium, 300 North Allen Drive, Allen, Texas 75013
- Reception and Announcement of the Recycling Poster Contest winners – Tuesday, March 21, 2017 from 5:30 pm until 6:15 pm at City Hall, 206 North Murphy Road, Murphy, Texas 75094
- Community Clean & Green/Great American Clean-up – Saturday, April 1, 2017 at City Hall parking lot, from 9:00 am until Noon, 206 North Murphy Road, Murphy, Texas 75094

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 7, 2017 AT 6:00 PM

1. CALL TO ORDER

Mayor Pro Tem Bradley called the meeting to order at 6:00 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Bradley gave the invocation and led the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Susie Quinn, certified a quorum with the following Councilmembers present:

Mayor Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Jennifer Berthiaume
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Don Reilly

Absent:

Mayor Eric Barna

4. PRESENTATIONS/RECOGNITIONS

- A. Presentation of the Annual Traffic Contact Report for 2016 for the Murphy Police Department (also known as the Racial Profiling Report).

Police Chief Arthur Cotten presented to Council an overview of the Annual Traffic Contact Report for 2016 for the Murphy Police Department (also known as the Racial Profiling Report). The report provides a representation of Murphy Police Department in regards to traffic stops or motor vehicle-related contact information for year January 1, 2016 – January 31, 2016 with the total of contacts at 5,496 versus 7,088 contacts for 2015. The Tier 1 Data summary report details race/ethnicity with emphasis on searches, consensual searches, probable cause searches and custody arrests.

Chief Cotten will provide Council an explanation on race/ethnicity as defined by Senate Bill 1074.

5. PUBLIC COMMENTS

Robert Mortonson, resident addressed Council with objections he derived when reviewing the planning retreat notes. Mr. Mortonson commented about library services with surrounding cities and the desire to have an arrangement with another city or with a landfill location to be able to properly dispose of storm debris once a month utilizing the resident water statement.

Debra Mandala, resident and Murphy Chamber of Commerce Executive Director personally invited Council to their 7th Annual Spring Fever event to be held at the Lowe's parking lot on Saturday, March 25, 2017. The event will kick off with the 1mile/5k A-MAZE-ing Race and will also include Art and Nancy's Car Show, a stage with local musicians, arts & craft vendors, food trucks, bounce houses and game trucks.

Karan Chetal, resident addressed Council on a request to have a joint council meeting to discuss Smart Cities.

6. CITY MANAGER/STAFF REPORTS

- A. Radio Systems – Police Chief Arthur Cotten provided to Council an update stating an electrical contractor had to install new conduit for all of the new wiring for the Alerting system at the Fire Station in order to install all of the new equipment (Bump out system). Once installation is complete, the system will be linked to dispatch. The new NICE logger system begins February 20th, which is compatible with Wylie and has a redundant recording system feature for Wylie and Murphy. An estimated completion date is around Mid-March.
- B. Sidewalk Rehabilitation Program – Public Services Director Tim Rogers provided an update to Council that Windy Hill Farms subdivision is complete. Staff is currently working at McCreary Road to begin repairing the slow lanes southbound. In approximately two weeks, staff will proceed with the next three (3) subdivisions: Stratford Crossing, Daniel Crossing and Hunter’s Landing. Council requested Staff to check an entrance at Creekside off McCreary.
- C. South Maxwell Creek Sewer Line – Public Services Director Tim Rogers provided an update to Council that contractor is working on utility locates. At the RaceTrac location, a conflict was discovered with the Stormwater line that will hinder the progress moving forward. Staff is currently working on a change order to be able to place the piece of line in between the entrance and FM 544. Contractor currently preparing (2) two manholes at Woodbridge, and the final (2) two manholes on the south end. The DART permit has been received, it was initially confirmed but the City is waiting for written confirmation. Next week will begin the bore pits on either side of the right of way.
- D. FM544 Traffic Safety Update – City Manager Mike Castro provided Council an update that TXDOT has responded with a quicker solution to the questions that were raised to Staff at the last city council meeting in regards to the work being completed sooner for lighting and pedestrian ramps. TXDOT agreed that the illumination is the most important aspect and TXDOT will replace the existing signal poles within the next two weeks, two (2) on the north and one (1) on the south enhancing the illumination at the intersection. The pedestrian ramps along with the restriping of the crosswalks will be added to the current TXDOT contract for district wide projects but completion will be dependent on priority level within the district wide projects. TXDOT area engineer, Brenan Honey should be given accolades for working so well with the city.
- E. Upcoming Events –
- Release of the Parks and Recreation Spring Guide – February 2, 2017 to be included in the Murphy Messenger that is sent to all citizens
 - Daddy Daughter Dance – Saturday, February 18, 2017 from 6 pm until 9 pm at the Murphy Community Center, 205 North Murphy Road
 - Rainbow Trout Round-Up – Saturday, February 25, 2017 from 9 am until 11 am at the City Hall pond, 206 North Murphy Road

7. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider and/or act to approve the January 6, 2017 Strategic Retreat minutes.
- B. Consider and/or act to approve the January 7, 2017 Strategic Retreat minutes.
- C. Consider and/or act to approve the January 8, 2017 Strategic Retreat minutes.
- D. Consider and/or act to approve the January 17, 2017 Regular Council meeting minutes.

COUNCIL ACTION (7.A.-7.D.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the consent agenda as presented. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Eric Barna was absent).

8. INDIVIDUAL CONSIDERATION

- A. Consider and/or act to upon the placement of a “Little Library” on City property as requested by the Girl Scouts.

Public Services Director, Tim Rogers provided a short history on the “Little Library”. At the October 8th City Council meeting, Councilmember Sarah Fincanon requested that staff look into the installation of “Little Libraries” for the City of Murphy. On November 14, 2016 city staff conducted a presentation regarding the installation of “Little Libraries” within the City of Murphy Parks to the Parks and Recreation Board. Upon discussion, the Parks and Recreation Board discussed concerns regarding possible vandalism, probable locations, costs to the City, maintenance responsibilities and control of content. There was a consensus of the Board to a trail location as long as it was of minimal cost to the City. The Girls Scouts have earned enough funds to build one “Little Library”. City staff recommends installing the “Little Library” at the entrance of Central Park near the Plano Sports Authority due to high foot traffic and clear visibility of the structure in this area.

Tim Rogers introduced Girl Scout Troop 3174 from the Martha Hunt Elementary School. Girl Scout Troop 3174’s Kaitlyn Harrison, Ana Yoch, Carina Kenefick and Reese Ramos presented to Council “The Lending Library” PowerPoint presentation highlighting the responsibility, maintaining, safety aspects, where to place and the look of the lending library. Council mentioned the community grant program available through the Murphy Community Development Corporation (MCDC) and suggested the Girl Scout Troop consider applying for additional funds.

COUNCIL ACTION (8.A.):

APPROVED

Councilmember Fincanon moved to approve the placement of a “Little Library” on City property as requested by Girl Scouts Troup 3174. Councilmember Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

- B. Consider and/or act to approve Ordinance Number 17-02-1029 ordering a General Election to be held on May 6, 2017, and a Runoff Election, should same be required, on June 10, 2017 for the purpose of electing the Mayor and Council Members for Place 3, and Place 5 to a three (3) year term of office.

The City Secretary's office has budgeted \$35,000 for election expenses in the FY 2017 budget. The proposed contract with Collin County Elections and Plano ISD was presented for approval.

COUNCIL ACTION (8.B.)

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve Ordinance Number 17-02-1029 ordering a General Election to be held on May 6, 2017, and a Runoff Election, should same be required, on June 10, 2017 for the purpose of electing the Mayor and Council Members for Place 3, and Place 5 to a three (3) year term of office. Councilmember Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

- C. Consider and/or act upon approval of the Joint Election Contract for Election Services for the May 6, 2017, General Election between the City Council of the City of Murphy, and the Plano Independent School District, along with a Joint Election Agreement between the City of Murphy, the Board of Trustees of the Plano Independent School District and the Board of Trustees of Collin College District and the Elections Administrator of Collin County, Texas and authorize the Mayor to execute the same.

City Secretary Susie Quinn addressed Council that on page seven (7) of the May 6, 2017 Joint General Election Contract for Election Services - City of Murphy/Plano ISD, the date has been modified to reflect a new date of **February 22, 2017** for the official wording for the ballot. In the candidate's packet, the date stated is February 24, 2017 but should be updated to reflect the new date. The new date for the drawing of the names will be held on Friday, February 17, 2017 at 5:45pm.

The City Secretary's office has budgeted \$35,000 for election expenses in the FY 2016-2017 budget. The November 2016 Charter Amendment Election cost the city \$8,712.46. The proposed contract price for the May Election is \$4,868.48, but that may increase depending on how many entities cancel their elections. Provided there is no runoff election, Staff does not anticipate the election cost to exceed \$10,000. If a runoff is necessary, the remaining budgeted funds could be spent, staff recommends approval.

COUNCIL ACTION (8.C.)

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to the Joint Election Contract for Election Services for the May 6, 2017, General Election between the City Council of the City of Murphy, and the Plano Independent School District, along with a Joint Election Agreement between the City of Murphy, the Board of Trustees of the Plano Independent School District and the Board of Trustees of Collin College District and the Elections Administrator of Collin County, Texas and authorize the Mayor Pro Tem to execute the same. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

- D. Consider and/or act upon the proposed revisions to the Murphy Personnel Policies and Procedures Handbook.

Human Resources Manager Jana Traxler addressed Council that the City of Murphy Employee Handbook is reviewed on an annual basis as an opportunity to make sure it has appropriate provisions in place to continue to allow for effective and efficient employee administration and to make revisions as deemed necessary. The changes proposed under this review are largely driven by bringing the City into compliance with new and updated state and federal laws, also added will be a few discretionary changes. Authorized revisions to the City of Murphy Employee Handbook, would take effect on March 1, 2017. Discretionary changes reviewed included sections 3.12 Overtime Worked, 4.06 Vacation Leave, 4.07 Sick Leave and the Addendum D: City of Murphy Travel Policy.

COUNCIL ACTION (8.D.)

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the proposed revisions to the Murphy Personnel Policies and Procedures Handbook effective March 1, 2017. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

- E. Consider and/or act upon approval of Ordinance Number 17-02-1030 amending the FY 2015-2016 revenue budgets, expenditure budgets and fund balances for the General Fund, Utility Fund, Murphy Community Development Corporation (Type B), Capital Construction Fund, and the Utility Construction Fund.

Interim Finance Director Steven Ventura addressed Council on approval of Ordinance Number 17-02-1030 amending the FY 2015-2016 revenue budgets, expenditure budgets and fund balances for the General Fund, Utility Fund, Murphy Community Development Corporation (Type B), Capital Construction Fund, and the Utility Construction Fund.

General Fund: Revenues – adjusted the revenues by increasing property taxes, sales tax, franchise fees, permits, other revenues and solid waste and by decreasing court revenues for a net increase to revenues of \$1,566,997. Expenditures – reallocation of expenditure budget dollars are included in the budget amendment as follows: Administration – increase the consultant services for Interim City Manager. Information Technology – increased due to additional software and software maintenance, and added IT equipment to our lease agreement as opposed to purchasing. Facilities – increased for the cost of property damage caused by hail storms. Public Works – decreased due to traffic signals not being installed, and reduced number of drainage repairs. Community Services – decreased as result of director and staff vacancies. Police – decreased due to several vacancies during the year and lower fuel costs. Parks – decreased due to several vacancies during the year and lack of mosquito treatments needed. The increase to revenues of \$1,566,997 and the net decrease of expenditures by \$286,706 resulted in a \$1,390,690 increase to fund balance. Revenue increased by 12 percent over budget while expenditures decreased by 2 percent of budget.

Utility Fund: Revenues – increases in, water, sewer, and other revenues totaled \$1,602,181. Water sales and sewer sales increased as the result of increased usage. Expenditures – reallocation of expenditure budget dollars are included in the budget amendment as follows: Water

Distribution – decreased due to vacancies and reduced projects and repairs. Wastewater Collection – increased due to the cost of sewer operations (flow to the Muddy Creek Waste Water Treatment was greater than budgeted which increased costs). Customer Service – decreased mainly due to water meters not purchased. The increase to revenues of \$1,602,181 and the decrease of expenditures by \$55,840 resulted in a net increase of \$1,658,021. Revenues increased by 20 percent over budget while expenditures decreased by less than 1 percent of budget.

Murphy Community Development Corporation (MCDC): Each fiscal year the MCDC budget must be amended to account for the unexpended promotional expense that was not utilized during the previous fiscal year. The MCDC also experienced cost savings in several line items and an increase in sales tax revenue.

Capital Construction Fund: Adjustments made to reflect actual expenditures in the budget for the construction of the Timber Nature Preserve Park, Betsy Lane, Safe Routes to School, and the addition of the radio project. Revenues were increased to reflect bond proceeds and grant funds.

Utility Construction Fund: Reductions made to reflect actual expenses on Maxwell Creek sewer project.

COUNCIL ACTION (8.E.)

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve Ordinance Number 17-02-1030 amending the FY 2015-2016 revenue budgets, expenditure budgets and fund balances for the General Fund, Utility Fund, Murphy Community Development Corporation (Type B), Capital Construction Fund, and the Utility Construction Fund. Councilmember Reilly seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

9. ADJOURNMENT

With no further business, a motion was entertained by the Mayor Pro Tem and the Council meeting adjourned at 7:03 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

City Council Meeting
February 21, 2017

Issue

Consider and/or act upon approval of Resolution No. 17-R-846 authorizing signature authority to sign and endorse checks and drafts of the City of Murphy bank accounts.

Staff Resource/Department

Steven Ventura, Interim Finance Director

Background/History

As City staff and elected officers change, this resolution must be updated with current signatures. This resolution will add Alan Guard and remove Steven Ventura, Interim Finance Director as authorized signatures on the City of Murphy bank accounts. Current staff authorized signatures include Mike Castro, City Manager, Susie Quinn, City Secretary. City Council authorized signatures include Eric Barna, Mayor, Scott Bradley, Mayor Pro Tem and Owais Siddiqui, Deputy Mayor Pro Tem. The City requires two signatures on all checks. Checks are signed by staff; however, if two staff members are not available, the Mayor, Mayor Pro Tem or Deputy Mayor Pro Tem may be asked to sign checks.

Financial Considerations

N/A

Action Requested

Approval of Resolution No. 17-R-846 authorizing signature authority to sign and endorse checks and drafts of the City of Murphy bank accounts.

Attachments

- 1) Resolution No. 17-R-846

RESOLUTION NO. 17-R-846

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AUTHORIZING CERTAIN OFFICERS OF THE CITY TO SIGN AND ENDORSE CHECKS AND DRAFTS OF THE CITY OF MURPHY BANK ACCOUNTS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURPHY:

Section 1. That any two (2) or more of the following officers of the City shall be authorized to endorse and cash checks, drafts and similar documents on behalf of the City of Murphy in connection with any bank account of the City of Murphy:

<u>NAME OF SIGNING OFFICER</u>	<u>TITLE OF SIGNING OFFICER</u>
<u>Eric Barna</u>	<u>Mayor</u>
<u>Michael Castro</u>	<u>City Manager</u>
<u>Alan Guard</u>	<u>Interim Finance Director</u>
<u>Susie Quinn</u>	<u>City Secretary</u>
<u>Scott Bradley</u>	<u>Mayor Pro Tem</u>
<u>Owais Siddiqui</u>	<u>Deputy Mayor Pro Tem</u>

Section 2. That any two (2) or more of the signing officers referenced in Section 1 hereof are authorized to receive statements and canceled vouchers of the City of Murphy and to appoint an agent or agents to do the same; furthermore, such officers are authorized to stop payment of checks of the City of Murphy, to revoke stop payment orders, and to open or close banking accounts.

Section 3. That the bank which is now depository for city funds is hereby authorized to honor or accept all drafts, checks and similar documents executed or endorsed on behalf of the City of Murphy in the manner provided in Section 1 hereof for the credit of or in payment of any obligations of or by the payee or any other holder.

Section 4. That a certified copy of this Resolution shall be complete and full evidence of the enactment of this Resolution and of the authority of the respective officers herein named, and said authority shall remain in full force until written notice of revocation thereof shall be received by the bank or a certified copy of a Resolution designating different officers is received by the bank.

Section 5. That any and all resolution, ordinances or other orders of the City Council of the City of Murphy which may be in conflict herewith or any provisions thereof are hereby repealed to the extent of such inconsistency.

Section 6. This resolution shall become effective immediately upon approval.

DULY RESOLVED by the City Council of the City of Murphy, Collin County, Texas, on this the 21st day of February 2017.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary
City of Murphy

City Council
February 21, 2017

Issue

Hold a public hearing and consider and/or act on the application of Winkelmann and Associates Inc. to request approval for a Specific Use Permit (SUP) allowing a drive-thru for an Andy's Frozen Custard restaurant to be located on 4.696 acres at the south west corner of Timber Ridge Drive and FM 544 zoned Neighborhood Services (NS) in Planned Development (PD) District 16-09-1021 having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75.

Details

The Future Land Use Plan in the City of Murphy 2008 Comprehensive Plan states "Areas appropriate for the land use type (Neighborhood Retail and Office) are intended for neighborhood scale retail establishments, office complexes and small scale offices, such as doctors, lawyers and realtors offices. Development should be compatible with the surrounding residential neighborhoods (e.g. hours of operation)." (Ch. 3-Pg. 13)

Both the Planned Development (PD) district and the underlying Neighborhood Services zoning allow drive-thru restaurants with SUP approval.

Staff Resource/Department

Kelly Carpenter, AICP, Interim Director of Community and Economic Development
Tina Stelnicki, Community Development Coordinator

Summary

This is an application for a Specific Use Permit for an Andy's Frozen Custard with a drive-thru comprising of approximately 1800 square feet on 4.696 acres. A drive thru along with a drive lane, escape lane, order placement area and pick up window are all proposed. While not in conflict with the City Code, there is only 90 feet from the ordering station to closest residential property line.

Recommend consideration of requiring hours of operation for drive-thru to be limited to 10 a.m. to 9 p.m. No trash trucks allowed between 9 p.m. and 7 a.m.

There may be issues with exterior materials (including signage) as taken from the preliminary view of the renderings that have been submitted; however, elevations and signage will be reviewed and approved during a later application process.

To date (February 16, 2017) we have received the following responses via Reply Forms:

In favor: 6

Opposed: 5

On February 13, 2017 the Planning and Zoning Commission denied approval of this item by a vote of three votes in favor of the request with conditions and four votes in objection to the item.

The applicant has appealed this decision.

Action Requested

Consider the requested Specific Use Permit application.

Attachments

Applicant's Letter of Appeal

Additional Findings

Andy's Frozen Custard Elevation Renderings

Reply Forms

February 15, 2017

By Electronic Mail

Ms. Susie Quinn
City of Murphy
City Secretary
206 N. Murphy Road
Murphy, Texas 750940

Re: 4.696 Acres at the Southwest Corner of Timber Ridge Drive and FM 544, Planned Development District 16-09-1021, ABS A0579 Henry Maxwell Survey, Tract 75.

Dear Ms. Quinn:

By this letter, StreetLevel Investments, LLC, as applicant, pursuant to Section 30.02.157(b) of the Code of Ordinances, hereby makes a written appeal the City Council for public hearings on the following zoning applications on the above referenced property, each of which were recommended for denial by the Planning and Zoning Commission on February 13, 2017:

- A. An application requesting approval of a Specific Use Permit (SUP) to allow a drive-thru for Jason's Deli restaurant.
- B. An application requesting approval of a Specific Use Permit (SUP) to allow drive-thru for an Andy's Frozen Custard restaurant.
- C. An application for an amendment to the concept plan Planned Development (PD) District 16-09-1021.

Should you have any questions regarding this notice of appeal, please do not hesitate to contact at 214-545-6959 or at Jbean@streetlevelinvestments.com.

Sincerely,



cc: Jared Mayfield, Director of Economic and Community Development

Additional Information (Staff comments are in italics):

From the Murphy Code of Ordinances:

Sec. 30.05.001 Purpose and intent (*Specific Use Permits*)

(a) Nature of special use. A special use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This article sets forth the standards used to evaluate proposed special uses and the procedures for approving specific use permit applications.

Sec. 30.05.003 Application for specific use permits

(b) Subdivision approval. If the proposed use requires a division of or the platting of land, an application for the first step in subdivision approval shall be submitted in conjunction with the application for a specific use permit (see [Chapter 28](#) regarding subdivisions). Approval of the specific use permit shall not become effective until final approval of the subdivision application provided that, if the land is to be divided and developed in phases, the approval of the specific use permit shall take effect upon construction plat approval of the phase of the subdivision containing the property on which the special use is to be located.” *No applications for the first step in subdivision approval has been submitted in conjunction with the application for a specific use permit. Approval of a specific use permit shall not become effective until final approval of the subdivision application and that can be accomplished in phases.*

(2006 Code, sec. 86-633; Ordinance 04-05-610, sec. 36.3, adopted 5/17/04)

Sec. 30.05.004 Procedures for specific use permits:

(a) Planning and zoning commission recommendation. Upon receipt of the recommendation from the city manager, or his designee, the planning and zoning commission shall conduct a public hearing (in accordance with [Article 30.02, Division 5](#) of this chapter) in order to formulate its recommendations to the city council on the specific use permit application. Following the public hearing, the planning and zoning commission shall recommend approval, approval subject to modification, or denial of the proposal to the city council in accordance with [Article 30.02, Division 5](#) of this chapter. If the appropriateness of the use cannot be assured at the location, the planning and zoning commission shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.

 Sec. 30.05.005 Standards

(a) Factors for consideration. When considering applications for a specific use permit, the planning and zoning commission in making its recommendation and the city council in rendering its decision on the application shall, on the basis of the concept plan/site plan and other information submitted, evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The planning and zoning commission and the city council shall specifically consider the extent to which:

(1) The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan; *The adopted Comprehensive Plan states the following: “Neighborhood Retail and Office: areas appropriate for this land use type are intended for neighborhood-scale retail establishments, office complexes and small-scale offices, such as doctors’, lawyers’ and realtors’ offices. Development should be compatible with the surrounding residential neighborhoods (e.g., hours of operation).” (Ch. 3 Pg. 13). Three drive-thru restaurants are clearly not neighborhood compatible. Goal: Encourage a balance of land uses in order to serve the needs of citizens and to provide a more diversified local economic base. This is more of the same – fast food – and does not represent a more diversified local economic base.*

(2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations; *the Zoning Code states the following: “The NS, neighborhood service, district is established to provide areas for limited local neighborhood, low intensity retail and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The NS district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes, but it can also act as a buffer against residential areas.” (Section 30.03.371). This project does not provide limited local neighborhood, low intensity retail and service facilities; however, it is providing landscaping, buffering and screening located along a major thoroughfare and in the rear to act as a buffer against residential areas.*

(3) The proposed use meets all supplemental standards specifically applicable to the use as set forth in [Article 30.07](#) of this chapter and [Chapter 26](#); *no comment*

(4) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:

(A) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire; *the only remaining issues are the hooded left and ability to negotiate by fire truck and location of handicapped parking spaces.*

(B) Off-street parking and loading areas; *applicant has added loading areas, parking is provided.*

(C) Refuse and service areas; *the dumpsters are close to the residential property line and in the rear setback. With the depth of the property locating them further north is also a challenge. Are there other solutions?*

(D) Utilities with reference to location, availability, and compatibility; *no comment*

(E) Screening and buffering features to minimize visual impacts, and/or setbacks from adjacent uses; *yes, these are proposed.*

(F) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district; *signage approval will be reviewed through normal approval channels and within the parameters set forth in the Planned Development (PD) district guidelines. The lighting plan will be reviewed with the site plan review.*

(G) Required yards and open space; *dumpsters appear to be in rear setbacks.*

(H) Height and bulk of structures. *No comment.*

(I) Hours of operation; *10:00 a.m. to 9 p.m. proposed because of drive thru noise.*

(J) Exterior construction material and building design; *may or may not be harmonious;*

(K) Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets;

(5) The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity. *Three drive thru restaurants may be detrimental to public health, safety and convenience on a 4 acre site less than 300 feet deep. Could be measured in noise levels, location of dumpsters, noise, lighting, and odors, as examples.*

(b) Conditions. In approving the application, the planning and zoning commission may recommend, and the city council may impose, such additional conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this article, in accordance with the procedures in [Article 30.02, Division 5](#) of this chapter. Such additional conditions shall exceed the minimum standards contained herein or in any other applicable city code or ordinance, and they cannot, in effect, relax or grant relief from any of the city's minimum standards (see subsection (c) of this section). Any conditions imposed shall be set forth in the ordinance approving the special use, and shall be incorporated into or noted on the concept plan or site plan for final approval. The city manager, or his designee, shall verify that the plan incorporates all conditions set forth in the ordinance authorizing the special use, and shall sign the plan to indicate final approval. The city shall maintain a record of such approved special uses and the site plans and conditions attached thereto.

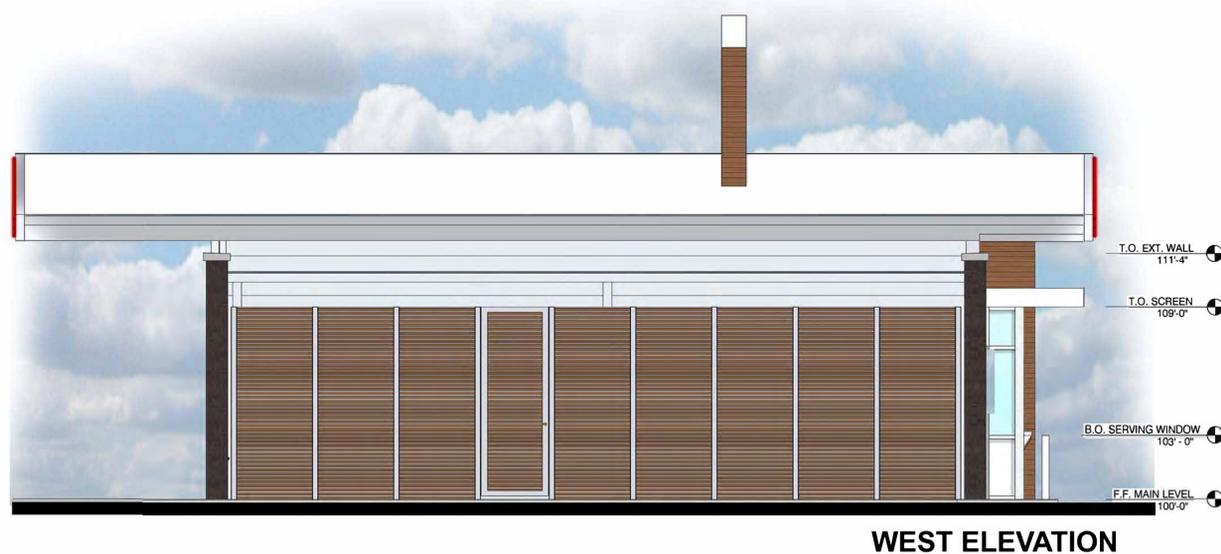
(c) Prohibition on waivers and variances. The foregoing additional conditions shall not be subject to variances that otherwise could be granted by the board of adjustment, nor may conditions imposed by the city council subsequently be waived or varied by the board of adjustment. In conformity with the authority of the city council to authorize special uses, the city council may waive or modify specific standards otherwise made applicable to the use by this chapter, to secure the general objectives of this article; provided, however, that the city council shall not waive or modify any approval factor set forth in subsection (a) of this section.



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

CRAIG A. SCHNEIDER, AIA

ARCHITECT

1736 East Sunshine, Suite 417
Springfield, Missouri 65804

417.862.0558
Fax: 417.862.3265

e-mail: architec@estesyschneider.com

ANDY'S FROZEN CUSTARD



COMM #

DATE: 2-4-16

REVISION DATE:

CE1

Reply Form

RECEIVED

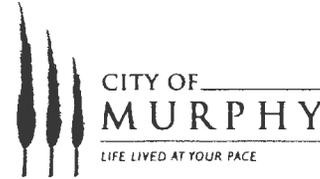


Specific Use Permit (SUP)

FEB 08 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



This letter is regarding a request for approval of the application of Winkelmann and Associates Inc. for a Specific Use Permit (SUP) allowing a drive-thru for an Andy's Frozen Custard restaurant to be located on 4.696 acres at the south west corner of Timber Ridge drive and FM 544 zoned Planned Development (PD) District 16-09-1021. Having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75.

I am **IN FAVOR** of the request for approval of a Specific Use Permit (SUP) for a drive-thru for an Andy's Frozen Custard restaurant.

I am **OPPOSED** to the request for approval of a Specific Use Permit (SUP) for a drive-thru for an Andy's Frozen Custard restaurant.

This item will be heard at the **Planning & Zoning Commission on Monday, February 13, 2017 at 6:00 p.m. and by City Council on Tuesday, February 21, 2017 at 6:00 p.m.** at Murphy City Hall, in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

Drive thrus are super convenient for my family. We LOVE custard, and this would be minutes away for a family treat night! The nearest custard place (Super Chix) is in Richardson, so I think Murphy could use a little custard love as well!

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Christie Palmer
Name (Please Print)

CPalmer
Signature

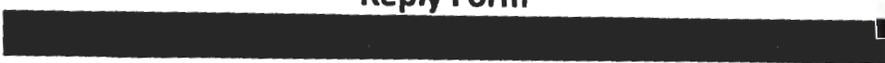
1204 Podedo Dr. Murphy, TX
Address 75094

February 6, 2017
Date

2016-022(D) Andy's Frozen Custard
ATTACHMENT 4

Reply Form

CITY OF MURPHY



Specific Use Permit (SUP)

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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X I am **OPPOSED** to the request for approval of a Specific Use Permit (SUP) for a drive-thru for an **Andy's Frozen Custard restaurant.**

This item will be heard at the **Planning & Zoning Commission on Monday, February 13, 2017 at 6:00 p.m. and by City Council on Tuesday, February 21, 2017 at 6:00 p.m.** at Murphy City Hall, in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

A drive- thru for this location is deemed inappropriate and opposed vigorously due to: _____

- Excessive traffic and noise close to homes _____
- Too many drive thrus already in Murphy _____
- More trash to be littered _____
- More bright lights close to houses _____
- Traffic congestion on FM 544 wih probable increased accidents. _____
- Developers advised previously this was not acceptable by anyone. _____
- Property considered too small to allow drive thrus safely. _____
- Late hour operations close to homes. _____

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

ROBERT C CLAR
Name (Please Print)

Robert C. Clar nec
Signature

113 MEADOW CREEK DR
Address

2/6/17
Date

Reply Form

2016-022 – (D) – Andy's Frozen Custard – Village at Timbers

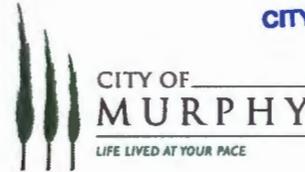
Specific Use Permit (SUP)

RECEIVED

JAN 23 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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I can count 5 of these places already. No we dont need this. Some concerns Property Values, smells, Waste Traffic, noise.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Nanette Garrett
Name (Please Print)

Nanette Garrett
Signature

316 Rolling Oak dr.
Address

Jan 18 2017
Date

Reply Form

2016-022 – (D) – Andy’s Frozen Custard – Village at Timbers
Specific Use Permit (SUP)

RECEIVED

FEB 06 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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TOO MANY FAST FOOD PLACES
ALREADY EXIST

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

JERRY S EARLY
Name (Please Print)

[Signature]
Signature

331 Rolling Oak Dr
Address

2/6/17
Date

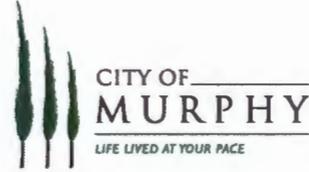
Reply Form

2016-022 - (D) - Andy's Frozen Custard - Village at Timbers

CITY OF MURPHY

Specific Use Permit (SUP)

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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MURPHY ALREADY HAS MULTIPLE FAST FOOD RESTAURANTS, HOW MANY MORE ARE NEEDED/WANTED? 1-5-10-50? CONCERNS ABOUT LIGHT, NOISE TRASH TRAFFIC + VANDALISM AS I AM BEING SAID DEVELOPMENT

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

STEPHEN S ZARY
Name (Please Print)

[Signature]
Signature

331 BUNG OFF DR
Address
MURPHY

1/16/17
Date

Reply Form

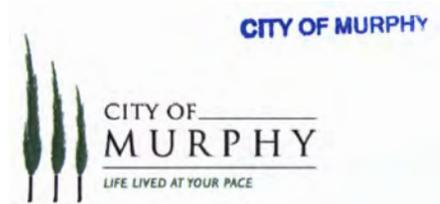
2016-022 – (D) – Andy’s Frozen Custard – Village at Timbers

RECEIVED

Specific Use Permit (SUP)

FEB 06 2017

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

MARGARET SMITH
Name (Please Print)

Margaret Smith
Signature

124 Timber Ridge Dr
Address
Murphy

2/2/17
Date

Reply Form

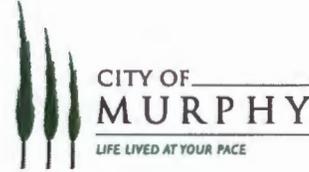
JAN 17 2017

2016-022 - (D) - Andy's Frozen Custard - Village at Timbers

Specific Use Permit (SUP)

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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_____ I am **OPPOSED** to the request for approval of a Specific Use Permit (SUP) for a drive-thru for an Andy's Frozen Custard restaurant.

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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

MARGARET BAKER SMITH
Name (Please Print)

Margaret Baker Smith
Signature

124 TIMBER RIDGE DR
Address MURPHY

1/16/17
Date

Reply Form

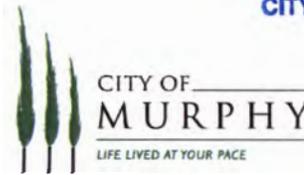
2016-022 – (D) – Andy’s Frozen Custard – Village at Timbers
Specific Use Permit (SUP)

RECEIVED

FEB 13 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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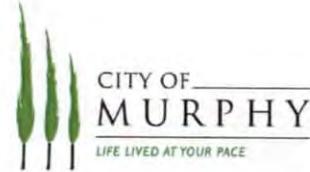
Linda Miller
Name (Please Print)
313 Rolling Oak Dr.
Address

L Miller
Signature
2-13-17
Date

Reply Form

2016-022 – (D) – Andy’s Frozen Custard – Village at Timbers
Specific Use Permit (SUP)

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Carie Felix

Name (Please Print)

352 Kansas Trl Murphy, TX 75094

Address

Carie Felix

Signature

1/20/2017

Date

Reply Form

2016-022 - (D) - Andy's Frozen Custard - Village at Timbers

Specific Use Permit (SUP)

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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Jamie Hanchar
Name (Please Print)

[Signature]
Signature

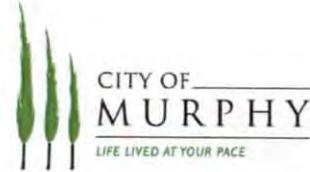
1008 Cowboy Ct Murphy
Address

1-19-17
Date

Reply Form

2016-022 – (D) – Andy’s Frozen Custard – Village at Timbers
Specific Use Permit (SUP)

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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Please do not approve this request or any other requests for drive thru restaurants.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Stephanie Pennington
Name (Please Print)

Stephanie Pennington
Signature

120 S Maxwell Creek Rd, Murphy
Address

1/19/17
Date

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: In favor of Jason Deli, CostaVida!!!
Date: Wednesday, February 15, 2017 1:37:36 PM

-----Original Message-----

From: Liz Loveless [mailto:]
To: Council <Council@murphytx.org>
Subject: In favor of Jason Deli, CostaVida!!!

> My husband and I are in favor of bringing Jason, Costa Vida & Custard to Murphy.
> Thanks,
> Josh & Liz Loveless
>
> 138 Creekside Dr
> Murphy TX 75094
> 801-647-4435
>
>
> Sent from my iPhone

From: [Jackie Hinckley](#)
To: [Council](#)
Subject: Jason Deli, Andy Custard & Costa Vida
Date: Friday, February 17, 2017 7:19:08 PM

I had written a statement about this before the meeting Monday and had emailed it but it doesn't appear that anyone got it. I am in total favor of all three of these establishments coming to Murphy and hope that the council will do everything it needs to help them be able to be apart of our community. I have heard many say that we don't need anymore fast food but even though they have requested drive-thru's, I wouldn't consider Jason's Deli or Costa Vida a traditional fast food. They are quality restaurants that are actually more of a come in and sit down option. I don't know what people are expecting to come to Murphy. We aren't big enough to attract the normal sit down restaurants and I would rather these different, quality restaurants be let in than more donut shops and nail places! Jason's deli is so much more than a "sandwich shop" and Costa Vida isn't just another Mexican restaurant - it is very different than any of the current Mexican options we have. I have driven to Colleyville to get Costa Vida - it is that good - I love it. As for the neighborhood behind - it is the luck of the draw.

I hope the Council can see that these businesses will be a good addition to our community.

Thank you -
Jackie Hinckley
604 Paint Creek Court
Murphy, TX
75094

City Council
February 21, 2017

Issue

Hold a public hearing and consider and/or act on the application of Winkelmann and Associates Inc. to request approval for a Specific Use Permit (SUP) allowing a drive-thru Jason's Deli restaurant to be located on 4.696 acres at the south west corner of Timber Ridge Drive and FM 544 zoned Neighborhood Services, in Planned Development (PD) district 16-09-1021 having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75.

Details

The Future Land Use Plan in the City of Murphy 2008 Comprehensive Plan states "Areas appropriate for the land use type (Neighborhood Retail and Office) are intended for neighborhood scale retail establishments, office complexes and small scale offices, such as doctors, lawyers and realtors offices. Development should be compatible with the surrounding residential neighborhoods (e.g. hours of operation)." (Ch. 3-Pg. 13)

Both the Planned Development (PD) district and the underlying Neighborhood Services zoning allow drive-thru restaurants with SUP approval.

Staff Resource/Department

Kelly Carpenter, AICP, Interim Director of Economic and Community Development
 Tina Stelnicki, Community Development Coordinator

Summary

This is an application for a Specific Use Permit for a Jason's Deli with a drive-thru comprising about 4800 square feet of building on 4.696 acres. A drive thru along with a drive lane, escape lane, order placement area and pick up window are all proposed. While not in conflict with City Code, there is only 50 feet from the order speaker to the closet residential property line.

Recommend consideration of requiring hours of operation for drive-thru to be limited to 10 a.m. to 9 p.m.
 No trash trucks allowed between 9 p.m. and 7 a.m

The dumpster appears to be in the 50 foot rear setback from existing residential (at approx. 22 feet).
 Recommend that handicapped persons not have to cross what amounts to a street to get from dedicated parking spaces to the restaurant.

To date (February 16, 2017) we have received the following responses via Reply Forms:

In favor:	95
Opposed:	9
Neutral:	1

On February 13, 2017 the Planning and Zoning Commission denied approval of this item by a vote of two in favor of the request with conditions and five votes in objection to the item.

Action Requested

Consider the requested Specific Use Permit application.

Attachments

Applicant's Letter of Appeal

Additional Findings
 Jason's Deli Elevation
 Renderings Reply forms



February 15, 2017

By Electronic Mail

Ms. Susie Quinn
City of Murphy
City Secretary
206 N. Murphy Road
Murphy, Texas 750940

Re: 4.696 Acres at the Southwest Corner of Timber Ridge Drive and FM 544, Planned Development District 16-09-1021, ABS A0579 Henry Maxwell Survey, Tract 75.

Dear Ms. Quinn:

By this letter, StreetLevel Investments, LLC, as applicant, pursuant to Section 30.02.157(b) of the Code of Ordinances, hereby makes a written appeal the City Council for public hearings on the following zoning applications on the above referenced property, each of which were recommended for denial by the Planning and Zoning Commission on February 13, 2017:

- A. An application requesting approval of a Specific Use Permit (SUP) to allow a drive-thru for Jason's Deli restaurant.
- B. An application requesting approval of a Specific Use Permit (SUP) to allow drive-thru for an Andy's Frozen Custard restaurant.
- C. An application for an amendment to the concept plan Planned Development (PD) District 16-09-1021.

Should you have any questions regarding this notice of appeal, please do not hesitate to contact at 214-545-6959 or at Jbean@streetlevelinvestments.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Mayfield".

cc: Jared Mayfield, Director of Economic and Community Development

Additional Information (Staff comments are in italics):

From the Murphy Code of Ordinances:

Sec. 30.05.001 Purpose and intent (*Specific Use Permits*)

(a) Nature of special use. A special use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This article sets forth the standards used to evaluate proposed special uses and the procedures for approving specific use permit applications.

Sec. 30.05.003 Application for specific use permits

(b) Subdivision approval. If the proposed use requires a division of or the platting of land, an application for the first step in subdivision approval shall be submitted in conjunction with the application for a specific use permit (see [Chapter 28](#) regarding subdivisions). Approval of the specific use permit shall not become effective until final approval of the subdivision application provided that, if the land is to be divided and developed in phases, the approval of the specific use permit shall take effect upon construction plat approval of the phase of the subdivision containing the property on which the special use is to be located.” *No applications for the first step in subdivision approval has been submitted in conjunction with the application for a specific use permit. Approval of a specific use permit shall not become effective until final approval of the subdivision application and that can be accomplished in phases.*

(2006 Code, sec. 86-633; Ordinance 04-05-610, sec. 36.3, adopted 5/17/04)

Sec. 30.05.004 Procedures for specific use permits:

(a) Planning and zoning commission recommendation. Upon receipt of the recommendation from the city manager, or his designee, the planning and zoning commission shall conduct a public hearing (in accordance with [Article 30.02, Division 5](#) of this chapter) in order to formulate its recommendations to the city council on the specific use permit application. Following the public hearing, the planning and zoning commission shall recommend approval, approval subject to modification, or denial of the proposal to the city council in accordance with [Article 30.02, Division 5](#) of this chapter. If the appropriateness of the use cannot be assured at the location, the planning and zoning commission shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.

 Sec. 30.05.005 Standards

(a) Factors for consideration. When considering applications for a specific use permit, the planning and zoning commission in making its recommendation and the city council in rendering its decision on the application shall, on the basis of the concept plan/site plan and other information submitted, evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The planning and zoning commission and the city council shall specifically consider the extent to which:

(1) The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan; *The adopted Comprehensive Plan states the following: “Neighborhood Retail and Office: areas appropriate for this land use type are intended for neighborhood-scale retail establishments, office complexes and small-scale offices, such as doctors’, lawyers’ and realtors’ offices. Development should be compatible with the surrounding residential neighborhoods (e.g., hours of operation).” (Ch. 3 Pg. 13). Three drive-thru restaurants are clearly not neighborhood compatible. Goal: Encourage a balance of land uses in order to serve the needs of citizens and to provide a more diversified local economic base. This is more of the same – fast food – and does not represent a more diversified local economic base.*

(2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations; *the Zoning Code states the following: “The NS, neighborhood service, district is established to provide areas for limited local neighborhood, low intensity retail and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The NS district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes, but it can also act as a buffer against residential areas.” (Section 30.03.371). This project does not provide limited local neighborhood, low intensity retail and service facilities; however, it is providing landscaping, buffering and screening located along a major thoroughfare and in the rear to act as a buffer against residential areas.*

(3) The proposed use meets all supplemental standards specifically applicable to the use as set forth in [Article 30.07](#) of this chapter and [Chapter 26](#); *no comment*

(4) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:

(A) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire; *the only remaining issues are the hooded left and ability to negotiate by fire truck and location of handicapped parking spaces.*

(B) Off-street parking and loading areas; *applicant has added loading areas, parking is provided.*

(C) Refuse and service areas; *the dumpsters are close to the residential property line and in the rear setback. With the depth of the property locating them further north is also a challenge. Are there other solutions?*

(D) Utilities with reference to location, availability, and compatibility; *no comment*

(E) Screening and buffering features to minimize visual impacts, and/or setbacks from adjacent uses; *yes, these are proposed.*

(F) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district; *signage approval will be reviewed through normal approval channels and within the parameters set forth in the Planned Development (PD) district guidelines. The lighting plan will be reviewed with the site plan review.*

(G) Required yards and open space; *dumpsters appear to be in rear setbacks.*

(H) Height and bulk of structures. *No comment.*

(I) Hours of operation; *10:00 a.m. to 9 p.m. proposed because of drive thru noise.*

(J) Exterior construction material and building design; *may or may not be harmonious;*

(K) Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets;

(5) The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity. *Three drive thru restaurants may be detrimental to public health, safety and convenience on a 4 acre site less than 300 feet deep. Could be measured in noise levels, location of dumpsters, noise, lighting, and odors, as examples.*

(b) Conditions. In approving the application, the planning and zoning commission may recommend, and the city council may impose, such additional conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this article, in accordance with the procedures in [Article 30.02, Division 5](#) of this chapter. Such additional conditions shall exceed the minimum standards contained herein or in any other applicable city code or ordinance, and they cannot, in effect, relax or grant relief from any of the city's minimum standards (see subsection (c) of this section). Any conditions imposed shall be set forth in the ordinance approving the special use, and shall be incorporated into or noted on the concept plan or site plan for final approval. The city manager, or his designee, shall verify that the plan incorporates all conditions set forth in the ordinance authorizing the special use, and shall sign the plan to indicate final approval. The city shall maintain a record of such approved special uses and the site plans and conditions attached thereto.

(c) Prohibition on waivers and variances. The foregoing additional conditions shall not be subject to variances that otherwise could be granted by the board of adjustment, nor may conditions imposed by the city council subsequently be waived or varied by the board of adjustment. In conformity with the authority of the city council to authorize special uses, the city council may waive or modify specific standards otherwise made applicable to the use by this chapter, to secure the general objectives of this article; provided, however, that the city council shall not waive or modify any approval factor set forth in subsection (a) of this section.

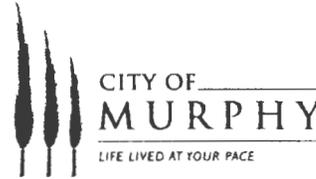
Reply Form
2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

RECEIVED

FEB 08 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



This letter is regarding a request for approval of the application of Winkelmann and Associates Inc. for a Specific Use Permit (SUP) allowing a drive-thru for a Jason’s Deli restaurant to be located on 4.696 acres at the south west corner of Timber Ridge Drive and FM 544, property zoned Planned Development (PD) District 16-09-1021. Having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75.

 ✓ I am **IN FAVOR** of the request for approval of a Specific Use Permit (SUP) for a drive-thru for a Jason’s Deli restaurant.

 I am **OPPOSED** to the request for approval of a Specific Use Permit (SUP) for a drive-thru for a Jason’s Deli restaurant.

This item will be heard at the **Planning & Zoning Commission on Monday, February 13, 2017 at 6:00 p.m. and by City Council on Tuesday, February 21, 2017 at 6:00 p.m.** at Murphy City Hall, in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

I'm from Beaumont, TX where Jason's Deli began. My family still goes there every trip we take home. Murphy absolutely needs a fresh, healthy drive-thru option, and Jason's would perfectly fit the bill. I love all their non-GMO and organic options. Delicious and healthy food, and with drive thru convenience? Perfect. We would go at least once a week. Please consider Jason's for more healthy variety!

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Christie Palmer
Name (Please Print)

CPalmer
Signature

1204 Rodeo Dr. Murphy, TX
Address

2/6/17
Date

75094

RECEIVED

JAN 23 2017

CITY OF MURPHY

Reply Form
2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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A drive thru for a restaurant with healthy menu options in Murphy would be an invaluable addition and important consideration for citizens that can't easily get in and out of their cars. As of now the only drive thru options are fried chicken ~~and~~ tacos, and hamburgers.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Lindy Martin
Name (Please Print)

[Signature]
Signature

606 Hilltop Dr
Address

1-22-2017
Date

Reply Form

2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

RECEIVED

FEB 06 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

MARGARET SMITH
Name (Please Print)

Margaret Smith
Signature

124 Timber Ridge Dr
Address
Murphy

2/2/17
Date

JAN 17 2017

Reply Form
2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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MARGARET HAKER SMITH
Name (Please Print)

Margaret Haker Smith
Signature

124 TIMBER RIDGE DR
Address MURPHY

1/16/17
Date

Reply Form

2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Carie Felix

Name (Please Print)
352 Kansas Trl Murphy, TX 75094

Address

Carie Felix

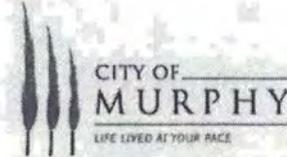
Signature
1/20/2017

Date

Reply Form

2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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I can't even describe how much my family and I would love this!

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Jamie Hanchar
Name (Please Print)

Jamie Hanch
Signature

1008 Cowboy Ct. murphy
Address

1-19-17
Date

RECEIVED

FEB 06 2017

CITY OF MURPHY

Reply Form
2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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X I am OPPOSED to the request for approval of a Specific Use Permit (SUP) for a drive-thru for a Jason’s Deli restaurant.

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A drive-thru for this location is deemed inappropriate and opposed vigorously due to:

- Excessive traffic and noise close to homes
Too many drive thrus already in Murphy
More trash to be littered
More bright lights close to houses
Traffic congestion on FM 544 with probable increased accidents.
Developers advised previously this was not acceptable by anyone.
Property considered too small to allow drive thrus safely.
Late hour operations close to homes.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

ROBERT C. CLARK
Name (Please Print)

Robert C Clark RCC
Signature

113 MEADOW CREEK LN
Address

2/6/2017
Date

Reply Form

2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

RECEIVED

FEB 07 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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JG I am **OPPOSED** to the request for approval of a Specific Use Permit (SUP) for a drive-thru for a Jason’s Deli restaurant.

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There are already 37 eateries within a one mile radius of my house. I don't want 40.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Dal Garrett
Name (Please Print)

Dal Garrett
Signature

316 Rolling Oak Dr. Murphy
Address

2/2/17
Date

Reply Form

2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

RECEIVED

JAN 23 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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Concerned about property Tax, (Resale), The smell of food
We already have it from across the Street, we have 39 fast food
Stores in a mile Radius. Cant we come up with something else?
its going to bring in even more traffic. Where in the heck
are people going to park. noise, waste

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Nanette Garrett
Name (Please Print)

Nanette Garrett
Signature

316 Rolling OAK DR
Address

Jan 18 2017
Date

Reply Form

2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

RECEIVED

FEB 06 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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TOO MANY FAX BOO PLACES NOW

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

JERRY S ZARIT

Name (Please Print)

Signature

331 ROLLING OAK DR

Address

2/1/17

Date

Reply Form

2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

RECEIVED

JAN 18 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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CONCERN ABOUT NOISE, LIGHT AND VIBRATION. WE ALREADY HAVE MULTIPLE FAST FOOD RESTAURANTS, HOW MANY MORE ARE NECESSARY?

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

JEFFREY S ZART
Name (Please Print)

[Signature]
Signature

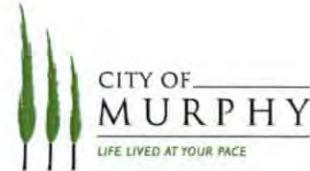
331 BOWLING OAK RD
Address
MURPHY

1/16/17
Date

Reply Form

2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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 I am **IN FAVOR** of the request for approval of a Specific Use Permit (SUP) for a drive-thru for a Jason’s Deli restaurant.

 XX I am **OPPOSED** to the request for approval of a Specific Use Permit (SUP) for a drive-thru for a Jason’s Deli restaurant.

This item will be heard at the **Planning & Zoning Commission on Monday, January 23, 2017 at 6:00 p.m. and by City Council on Tuesday, February 21, 2017 at 6:00 p.m.** at Murphy City Hall, in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

While I would love to have a Jason's Deli in Murphy I am opposed to allowing another drive-thru in Murphy. The Marketplace area is saturated with drive-thrus and we do not need to allow more.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Stephanie Pennington
Name (Please Print)

Stephanie Pennington
Signature

120 S Maxwell Creek Rd, Murphy
Address

1/19/17
Date

Reply Form

2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

RECEIVED

FEB 13 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



This letter is regarding a request for approval of the application of Winkelmann and Associates Inc. for a Specific Use Permit (SUP) allowing a drive-thru for a Jason’s Deli restaurant to be located on 4.696 acres at the south west corner of Timber Ridge Drive and FM 544, property zoned Planned Development (PD) District 16-09-1021. Having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75.

 I am **IN FAVOR** of the request for approval of a Specific Use Permit (SUP) for a drive-thru for a Jason’s Deli restaurant.

 I am **OPPOSED** to the request for approval of a Specific Use Permit (SUP) for a drive-thru for a Jason’s Deli restaurant.

This item will be heard at the **Planning & Zoning Commission on Monday, February 13, 2017 at 6:00 p.m. and by City Council on Tuesday, February 21, 2017 at 6:00 p.m.** at Murphy City Hall, in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Lynne Miller
Name (Please Print)
313 Rolling Oak Dr.
Address

L Miller
Signature
2-13-17
Date

Jared Mayfield

From: Sophia Dookran < >
Sent: Thursday, February 16, 2017 10:38 AM
To: Jared Mayfield
Subject: Suggestions (In place of or next to Jason's Deli)

Hi, Jared,

I am not writing to oppose or be in favor of the Jason's Deli, but rather to suggest a couple of options that might be of interest in that retail area. My suggestions are La Madeline (French bakery and cafe) which might not require a drive-through, and Boston Market (rotisserie and home-style cooking) which may require a drive-through.

Could you please make sure that P&Z gets these suggestions? If I need to go a different route of contact, please let me know. Thank you!

Respectfully,
Sophia Dookran
Murphy Resident of 15 years
214-968-5835 mobile

From: [Kate Anderson](#)
To: [Tina Stelnicki](#)
Subject: Jason's Deli
Date: Tuesday, February 14, 2017 10:07:41 AM

Hi! We would love to have a Jason's Deli in Murphy. There is a lot of support for it on the Moms of Murphy facebook page. Everyone desperately wants some healthier/nicer dining options in Murphy. Thank you!!

Kate Anderson



CITY OF _____
MURPHY
LIFE LIVED AT YOUR PACE

RECEIVED

FEB 15 2017

CITY OF MURPHY

Public Comment Form

The public may address comments on any subject to the Council/Board during the Public Comment portion of the meeting. Please note that the Council/Board can receive your comments and information but may not be able to respond to you at this meeting. The Council/Board is prohibited by the Open Meetings Act to engage in a discussion of any item or issue that is not posted on the Agenda. Your request or comments will be duly noted and scheduled for a future agenda if necessary or referred to City Staff.

The Public Comment portion of the meeting will be opened and your name will be called if you have submitted this form to the City/Staff Secretary. If you have not submitted a form, please notify the Mayor/Chair that you would like to speak and submit this form promptly. Please state your name and address for the record and limit your comments up to five minutes. The meeting Chair may limit the length of speaker comments to less than five minutes depending on the number of speakers wishing to address the Council/Board. The Council/Board expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- | | |
|--|---|
| <input type="checkbox"/> Animal Shelter Advisory Board | <input type="checkbox"/> Board of Adjustments |
| <input type="checkbox"/> Building & Fire Codes Appeal Board | <input type="checkbox"/> City Council |
| <input type="checkbox"/> 4B (Community Development Corporation) | <input type="checkbox"/> Ethics Review Commission |
| <input type="checkbox"/> Murphy Municipal Development District | <input type="checkbox"/> Parks & Recreation Board |
| <input checked="" type="checkbox"/> Planning & Zoning Commission | <input type="checkbox"/> Other Committee _____ |

Please submit this form and any handouts to the City/Staff Secretary prior to the meeting.

Name: Jack + Debby Mader Phone No. (Optional) 9) 897 3537

Address: 822 Bonnie Court

Representing an Organization? _____ Email address: (Optional) maderjack48@gmail.com

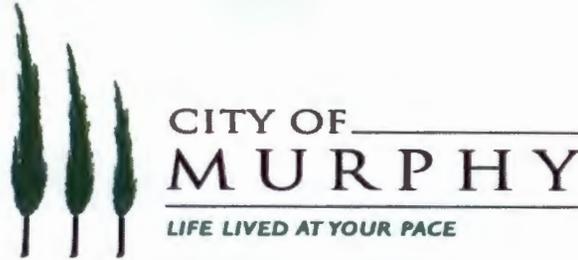
Agenda Item No. _____ In Favor Opposed

Comments: Jason's Deli would be a welcomed restaurant in the Murphy area. We eat out every night. Because we try to eat heart-healthy meals, Jason's is a great choice

Debby Mader
Signature

2/15/17
Date

* We are very tired of the burger + chicken restaurants in the area. Most of all we're fed up with the # of storage units here - gives Murphy a "trucky" appearance.



RECEIVED
FEB 13 2017
CITY OF MURPHY

Public Comment Form

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|---|---|
| <input type="checkbox"/> Animal Shelter Advisory Board | <input type="checkbox"/> Board of Adjustments |
| <input type="checkbox"/> Building & Fire Codes Appeal Board | <input type="checkbox"/> City Council |
| <input type="checkbox"/> 4B (Community Development Corporation) | <input type="checkbox"/> Ethics Review Commission |
| <input type="checkbox"/> Murphy Municipal Development District | <input type="checkbox"/> Parks & Recreation Board |
| <input type="checkbox"/> Planning & Zoning Commission | <input type="checkbox"/> Other Committee _____ |

Please submit this form and any handouts to the City/Staff Secretary prior to the meeting.

Name: MARK LAMBERT Phone No. (Optional) _____

Address: 112 HAWTHORNE DR

Representing an Organization? _____ Email address: (Optional) _____

Agenda Item No. A In Favor Opposed

Comments: DEVELOPMENT NOT NEEDED

Mark Lambert
Signature

2/13/17
Date



RECEIVED

FEB 13 2017

CITY OF MURPHY

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| <input type="checkbox"/> Animal Shelter Advisory Board | <input type="checkbox"/> Board of Adjustments |
| <input type="checkbox"/> Building & Fire Codes Appeal Board | <input type="checkbox"/> City Council |
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| <input type="checkbox"/> Murphy Municipal Development District | <input type="checkbox"/> Parks & Recreation Board |
| <input checked="" type="checkbox"/> Planning & Zoning Commission | <input type="checkbox"/> Other Committee _____ |

Please submit this form and any handouts to the City/Staff Secretary prior to the meeting.

Name: RAY WEYANDT Phone No.(Optional) _____

Address: 412 OAK GLEN MURPHY TX

Representing an Organization? _____ Email address: (Optional) _____

Agenda Item No. _____ In Favor Opposed

Comments: We don't need more restaurants with a drive-through lane. There are Jason Rest. that don't currently have drive throughs.

Signature Ray Weyandt

Date 2-13-17

IN FAVOR

1. **From:** Wufoo [mailto:no-reply@wufoo.com]
Sent: Tuesday, February 14, 2017 3:35 PM
To: Jennifer Berthiaume <jberthiaume@murphytx.org>; Betty Spraggins <bspraggins@murphytx.org>; Eric Barna <ebarna@murphytx.org>; Mike Castro <MCastro@murphytx.org>; Owais Siddiqui <osiddiqui@murphytx.org>; Don Reilly <dreilly@murphytx.org>; Sarah Fincanon <sfincanon@murphytx.org>; Scott Bradley <sbradley@murphytx.org>; Susie Quinn <squinn@murphytx.org>; Andy Messer <andy@txmunicipallaw.com>; Alicia Munoz <AMunoz@murphytx.org>
Subject: Engage Council [#154]

Name	Brenda Timineri
-------------	-----------------

Email	
--------------	--

Comments or Questions	I am in favor of Jason's Deli coming to Murphy.
------------------------------	---

-----Original Message-----

From: Jessica Tresp []
Sent: Tuesday, February 14, 2017 12:01 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Hello Council!

I'm writing to say I support the approval of Jason's Deli. A healthy, family-oriented restaurant is just what we need -- a place for soccer teams to gather after their Saturday game or for mom to get healthy food to go for dinner. The fact that we don't have a salad bar in Murphy is sad and we NEED one!

Even with a "drive-thru", it is only for picking up online or phone orders and we should consider that it will not have a line of cars wrapped around the building while they wait for their chicken to be fried 😊

Thanks for reading!

Jessica Tresp
314 Green Acres Dr, Murphy
214-288-5237

3. -----Original Message-----

From: Lisa Amsden []

Sent: Wednesday, February 15, 2017 8:09 AM

To: Council <Council@murphytx.org>

Subject: Jason's Deli

Please approve a Jason's Deli, don't care if it has a drive thru or not. Just no more chicken places or storage units!

A sit down restaurant will make it in Murphy despite the false facts put out. This town is becoming all fast food and will soon have the image of Plano Road and Arapaho in Richardson. Something we moved to Murphy to get away from.

Thanks Lisa Amsden

Sent from my iPad

-
- 4. From:** John Wideman []
Sent: Tuesday, February 14, 2017 10:05 PM
To: Council <Council@murphytx.org>
Subject: P&Z Meeting February 13th

Council

Thank you for your service to our City. Thank you also for the opportunity to server the City on the CPAC team. I hope at some point all of you will drop into one of our meetings. We have one this Saturday from 8am – 11am, a working session!

I wanted to offer some feedback on the recent P&Z meeting on February 13th. The talk today seems to be about some SUPs that were denied for drive throughs. I am sure there is more to the story, but I wanted to express my support for overriding the P&Z decision to deny these SUP for drive throughs. At this point I think we have firmly established ourselves as a City that people want to come to and businesses want to be in. When we have businesses like those that came to P&Z the other night I think we should be looking for a way to get them in the City instead of turning them away. In full disclosure, I have not listened to the audio of the P&Z meeting.

Regarding P&Z I have much appreciation for them and their service, having been involved in multiple ways in the City and my HOA during my time here in Murphy I understand they are serving the City and their community in the best way they know how. I am not recommending overriding their decision in a spiteful manner, I would share the same opinion with them. I think that is part of the checks and balances we have in Murphy.

I think my main concern with all this is I am left asking myself, if we don't want that then what do we really want? And more importantly how will we know when we see it? When I hear about restaurants getting denied like those on the agenda the other night for reasons that they would be hard pressed to change because it is core to their business model it is concerning to me. I am all for building standards, making everything as nice as possible, etc....but I just wonder if we are losing site of the bigger picture. Is the bigger picture to eliminate drive throughs as much as possible? I think that ship has sailed with CFA, banks, the fine variety of chicken, etc. Are we trying to build something particularly unique about our business community like more indy type places and less chains? More sit-down places? I think for the size of City we have, we kinda have that...Chrisina's, SouthFork Steak, Hana, Sticky Rice, Boomers, Foxxis, Country Burger, China Fang, Denny's, La Flor...and the long-standing Niki's which still has the best rolls in town. Depending on how you define sit down you might put others on the list too. None of those I list have drive throughs either, but you can phone them from the house, wait 15 minutes, drive up, pick up your food, and drive away...which is not much different than a drive through.

Not gripping, just expressing concern. I hope you all know that I care very much about the City and I do try to put my time in with the City and not just be an arm chair citizen.

Happy to chat further....or you can come to our CPAC meeting Saturday and we can talk more there!

Thank you for your time.

John Wideman

404 Gene Autry Lane, Murphy, TX 75094

5. From: Theresa Adams []
Sent: Tuesday, February 14, 2017 9:53 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli in Murphy! Yes Please!

I totally support a Jason's Deli coming to Murphy!

Theresa Adams
 315 Kentwood Dr
 Murphy TX 75094
 The Timbers

6. -----Original Message-----
From: Liz Loveless []
Sent: Tuesday, February 14, 2017 9:13 PM
To: Council <Council@murphytx.org>
Subject: In favor of Jason Deli, CostaVida!!!

> My husband and I are in favor of bringing Jason, Costa Vida & Custard to Murphy.
 > Thanks,
 > Josh & Liz Loveless
 >
 > 138 Creekside Dr
 > Murphy TX 75094
 > 801-647-4435
 >
 >
 > Sent from my iPhone

7. From: Tamberly Guillory []
Sent: Tuesday, February 14, 2017 7:57 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli in Murphy

I live on Hawthorne and I would love a Jason's Deli right there.

Jason Guillory

8. From: Tamberly Guillory []
Sent: Tuesday, February 14, 2017 7:56 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

I would prefer Jason's Deli to anything else.
 Tammy

9. From: Tammy Guillory [<mailto:tguillory@bluefinger.net>]
Sent: Tuesday, February 14, 2017 7:56 PM
To: Council <Council@murphytx.org>
Subject: I support a Jason's Deli coming to Murphy!

Thank you,

Tamberly Guillory
 Office Manager
 Bluefinger Technologies, Inc.
tguillory@bluefinger.net



[Check out XenDesktop 5.5, XenApp6.5, and XenServer 5.6](#)

10. From: Sarah Hardy []
Sent: Tuesday, February 14, 2017 4:53 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli drive-thru

I wanted to share my support for the Jason's Deli drive-thru. As a resident of Murphy, I am excited at the possibility of a "better than fast food" restaurant coming to town even if it means they will build with a drive-thru. I hope you all will approve it unanimously.

Thank you,
 Sarah Hardy
 728 Twin Valley Dr

11. -----Original Message-----
From: Roxane Ridley []
Sent: Tuesday, February 14, 2017 4:29 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

I am in favor for Jason's Deli in Murphy. It would be great to have a healthy option.
 Thank you,
 Murphy Resident
 Roxane Ridley
 624 Duncan Dr
 Murphy, Tx 75094

Sent from my iPhone

12. -----Original Message-----

From: Jasmine Bayliss []
Sent: Tuesday, February 14, 2017 4:09 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Dear Council,

I'm writing to voice my support for Jason's Deli and their request for a drive-thru. I believe Jason's will provide more healthy food options for our community.

Sincerely,
Jasmine Bayliss

Sent from my phone

13. **From:** Belinda Rogers []
Sent: Tuesday, February 14, 2017 3:45 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

I am in support of a Jason's Deli in Murphy, TX

Belinda Rogers
312 Shady Timbers Lane
Murphy, TX 75094
972-516-0771

14. -----Original Message-----

From: michelle morgan []
Sent: Tuesday, February 14, 2017 3:16 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

I support the Jason's Deli with or without drive through concept. We need more healthy fast options!

Michelle Morgan
613 pheasant run dr
Murphy 75094

Sent from my iPhone

15. From: Shannon Steinman []
Sent: Tuesday, February 14, 2017 3:08 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Good afternoon,

I live in Murphy Texas (1215 Cactus Path Drive) and would love to see a Jason's Deli brought into Murphy. A Jason's Deli would bring traffic into Murphy from Wylie, Sachse and East Plano. I love the idea of having a healthier restaurant option for my family and especially one that serves gluten free options for me as there aren't many in our vicinity for me to choose from. Please consider approving the Jason's Deli addition to our wonderful community.

Thank you,
 Shannon Steinman

16. From: Sarah Toth []
Sent: Tuesday, February 14, 2017 2:55 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

I think it would be really nice to have a Jason's Deli in Murphy. Keep up the good work!

Sarah Toth

17. -----Original Message-----
From: Zach LARSON []
Sent: Tuesday, February 14, 2017 2:23 PM
To: Council <Council@murphytx.org>
Subject: In favor of Jason's Deli

I would like to express my support of Jason's deli coming to Murphy. It is a great addition, finally a healthier addition and a great place to attract dining. We can't be a city of storage units and chicken fast food. I want more for this city, so many storage units and empty retail spaces, Murphy needs to kick it up a notch and this is a start. Teri Larson
 517 Michael drive
 Sent from my iPhone

18. From: Keyla Baze (Baze & Company CPAs) [<mailto:kbaze@bazecpa.com>]
Sent: Tuesday, February 14, 2017 12:18 PM
To: Council <Council@murphytx.org>
Subject: Drive through Jason's Deli

Hi,

My name is Keyla Baze and my husband and I are 6 year residents of Murphy with 2 young children, and are owners of a local CPA firm. I regret that I was unable to attend the Feb 13 P&Z meeting, but I did watch the video online. I am writing to express my support for the Jason's Deli in Murphy. I would love this addition to our town as an alternative to the other main option of fast food which seems like mostly fried chicken or other fried 'foods' and burgers. A drive through would make this restaurant option even more appealing, as many of the families in/around Murphy have young children (tedious to unpack all kids from the vehicle for a quick food pick up) and busy schedules; having a healthier but still convenient option to pick up

family meals would be a benefit for a significant amount of residents of the city and those who drive through the city on the way home from work, etc. I did listen to the concerns addressed in the video, but I believe the pros far outweigh the cons. Please let me know if there is some official form that needs to be completed to voice my support for the drive through Jason's Deli.

Kind regards,

Keyla Baze, CPA | Tax Partner, Baze & Company CPAs
Office: 972.798.8452 | Cell: 940.595.0296 | Fax: 469-808-0692
kbaze@bazecpa.com | www.bazecpa.com



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19. From: Andrew & Amie Vawter []
Sent: Tuesday, February 14, 2017 12:18 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

To whom it may concern,

I would like to request that Jason's Deli be allowed to have a location in Murphy. We really need a fast fresh-food option such as Jason's Deli or McAllister's Deli. We have many wonderful restaurants in Murphy, but nothing in this category.

I realize that there is some concern about the drive thru being nearby to a neighborhood and I can sympathize with that. If that location will not work, is there another location here in Murphy that we could offer to them where the drive thru will not cause concern to neighbors.

Thank you so much!

Sincerely,

Amie Vawter

Murphy Resident in The Gables neighborhood

20. From: A. D. []
Sent: Tuesday, February 14, 2017 11:55 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

We support the building of a Jason's Deli.

The Riley Family
148 green acres
214-244-1894

21. -----Original Message-----

From: Andrea John []
Sent: Tuesday, February 14, 2017 11:21 AM
To: Council <Council@murphytx.org>

Subject: Jason's Deli

I'm in support of Jason's Deli. It would be great to have a healthier option and I think it will be great for Murphy. It will keep us from going into Plano to eat at Jason's!

Thanks!

22. From: Ashley Sekimoto []

Sent: Tuesday, February 14, 2017 10:42 AM

To: Council <Council@murphytx.org>

Subject: Jason's Deli

Good morning,

I am writing to voice my support for a Jason's Deli in Murphy. Our family would love to have this as a close meal option, especially one that is on the healthier side. If a drive through is necessary for the company to come to Murphy, I support that option.

Thanks for your consideration.

Ashley Sekimoto
1323 Overland Drive
Murphy, Texas 75094

23. -----Original Message-----

From: Robyn Wagnon []

Sent: Tuesday, February 14, 2017 10:28 AM

To: Council <Council@murphytx.org>

Subject: Support Jasons Deli

Dear Council Members,

I wanted to write an email in support of Jason's Deli coming to Murphy. We do not have many sit down restaurants, especially any established, well-known, restaurants such as Jason's Deli. This will be a great addition to our community, their food is great, healthy, and restaurants are managed so well. We drive to the one in Plano at least 3 times a month, it would make it so much easier on our hectic schedule to have one closer!! And I am aware this will also have a drive thru for call ahead orders, and that's a great bonus!!!!

Thank you!

Robyn Wagnon

Murphy resident of 5 years

Sent from my iPhone

24. -----Original Message-----

From: Tiffany McSimov []

Sent: Tuesday, February 14, 2017 10:23 AM

To: Council <Council@murphytx.org>

Subject: Jason's Deli

We are in support of bringing a Jason's Deli to Murphy!

Thank you,

McSimov's
536 Lochwood Dr

25. -----Original Message-----

From: Kayla Le Woo []
Sent: Tuesday, February 14, 2017 10:20 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

To Whom It May Concern,

I am writing to show my support for Jason's Deli. I am aware it came up for voting and was voted down. I believe that having a Jason's Deli in Murphy would be a great addition to our town. I am in support of having Jason's Deli in my Murphy.

Kayla

26. From: Kate Anderson []
Sent: Tuesday, February 14, 2017 10:09 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Hi! We would love to have a Jason's Deli in Murphy. There is a lot of support for it on the Moms of Murphy facebook page. Everyone desperately wants some healthier/nicer dining options in Murphy. Thank you!!

Kate Anderson

27. -----Original Message-----
From: Christi Regan []
Sent: Tuesday, February 14, 2017 10:02 AM
To: Council <Council@murphytx.org>
Subject: I am for Jason's Deli

Sent from my iPhone

28. -----Original Message-----
From: Chris Anderson []
Sent: Tuesday, February 14, 2017 9:50 AM
To: Council <Council@murphytx.org>
Subject: Jason's deli

Greetings ,

I would like to voice my support for the restaurant Jason's Deli in Murphy. Please consider supporting this establishment. If there is anything else I can do to make this happen please let me know.

Chris Anderson
424 Gene Autry lane
Murphy TX 75094

29. -----Original Message-----

From: Mary Anderson []
Sent: Tuesday, February 14, 2017 9:41 AM
To: Council <Council@murphytx.org>
Subject: Jason's deli

Hello! I am writing in support of Jason's deli coming to our city. We are in need of healthier options, and Jason's would provide this.

Mary Anderson

Sent from my iPhone

30. From: Tanya Gonzales []
Sent: Tuesday, February 14, 2017 9:34 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

I am in FAVOR of Jason's Deli coming to Murphy!

Thanks,
Tanya Gonzales
1219 Iowa Rd
Murphy, TX

31. -----Original Message-----

From: Sheri Leslie []
Sent: Tuesday, February 14, 2017 9:23 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

I'm a resident on Timber Ridge Drive and I would like the City Council to know that I support Jason's Deli coming to our wonderful city.

Sheri Leslie

32. From: Cindy Ready []
Sent: Tuesday, February 14, 2017 9:14 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli = YES!

Yes Please!

I urge you to bring Jason's to our town. This will be a welcome addition to our Murphy family of restaurants and offer a healthy alternative.

Thank you!

Cindy Ready | Sr. Recruiter
Murphy Resident for 13 years and still lov'n it!

33. From: Dawn Anspach []
Sent: Tuesday, February 14, 2017 9:10 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

I'm writing to ask that you please approve that Jason's Deli come to Murphy. I work from home and would really like to have a healthy option for lunch, especially with a drive thru. My family of 5 also loves Jason's Deli and it would be so convenient to have one close by. We would likely eat there a few times a week.

Thank you.
 Dawn Anspach
 422 Englewood
 469.644.8635

34. -----Original Message-----
From: April Findley []
Sent: Tuesday, February 14, 2017 8:42 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

From April Findley and Chris Lewis - 1307 Twin Knoll Dr.

I have been told that Jason's Deli was not approved for coming into Murphy. If this is correct, I ask that you reconsider. Jason's Delis are clean, bright, friendly restaurants with healthy choices (including a gluten-free menu) and delicious food.

I hope you're receiving more feedback like this as Murphy and it's residents will be missing out on a great business. I was informed that the decision was made, at least in part, because there wasn't much feedback from the community - maybe that's a "shame on me", but I haven't seen a straightforward and direct line of communication about what's being considered. Is there something I should sign up for to get notices about the city's agenda?

Thank you for your time.

April
 214-507-3638

Sent from my iPad

35. -----Original Message-----
From: Vezilou Durante []
Sent: Tuesday, February 14, 2017 8:40 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Hello -

I am writing to express my formal support of Jason's Deli in Murphy. My family and I love to eat there and we drive to the one on Plano at least 3 times a month. When Jason's Deli comes to Murphy I know we will eat there much more since it will be so close. I also love the drive thru option as I have a toddler so it would be nice to not have to get out of the car if we want carry out.

Thank you.
The Durante Family

Vezielou Masana
609.819.1799

36. -----Original Message-----

From: Shannon Easterling []
Sent: Tuesday, February 14, 2017 8:20 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Please approve Jason's Deli. We need a salad bar in Murphy!

Thanks!
Shannon Easterling
1312 Parkview

37. From: Rena Marentes []
Sent: Tuesday, February 14, 2017 8:19 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli Coming To Murphy

I am emailing today to express my support for Jason's Deli to come to Murphy. I have been a resident of Murphy for almost 15 years. I have seen many fast food and a few restaurants come in but was never as excited as when I heard Jason's Deli was coming. I eat healthy. And that is not always easy at the options we have currently. Jason's Deli is one of my family's favorites because of the wide variety, the fresh salad bar and having healthy choices for all. Please consider approving Jason's Deli in Murphy. I appreciate your time!

Thank you,
Rena' Marentes

38. From: N Escobedo []
Sent: Tuesday, February 14, 2017 8:11 AM
To: Council <Council@murphytx.org>
Subject: jasons deli

Hello Murphy City Council,

I'm emailing my SUPPORT of bringing a sit down restaurant to Murphy and Jason's Deli sounds like a great place with healthy options.

Respectfully,
Nicole Escobedo
Spring Ridge Drive/ Daniel Crossing Subdivision in Murphy

39. From: Jodie A. Rye [<mailto:jodie@skylinejuniors.com>]
Sent: Wednesday, February 15, 2017 11:34 AM
To: Council <Council@murphytx.org>
Subject: In Favor of Jason's Deli

We wanted to let you know that we are very much IN FAVOR for a Jason's Deli in Murphy. They are a great organization and the food is finally something that is healthy in our area.

Thank you for listening.

Jodie A. Rye
 Director/Travel Coordinator
 Skyline Juniors Volleyball Club
jodie@skylinejuniors.com
www.skylinejuniors.com
 214-514-1718 - C
 972-675-1448 *105 - O

40. From: Heidi Johnson [<mailto:heidi@skylinejuniors.com>]
Sent: Wednesday, February 15, 2017 12:13 PM
To: Council <Council@murphytx.org>
Subject: Support Jason's Deli

I was told you need more support for Jason's Deli. I would absolutely LOVE a Jason's Deli in Murphy, and it would be even better if it was a Drive Thru.

Heidi Johnson
 Associate Director
 972.675.1448 Ext. 103
www.skylinejuniors.com



41. -----Original Message-----
From: tammy westbrook []
Sent: Wednesday, February 15, 2017 1:08 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Our family would love a Jason's Deli in Murphy!! Hopefully something can be done to appeal the P&Z decision.

Thanks, Tammy Westbrook

Sent from my iPhone

42. -----Original Message-----
From: Betty Miller []
Sent: Wednesday, February 15, 2017 1:20 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

I am in favor of a Jason's Deli in Murphy.
 Betty Miller

Sent from my iPad

43. -----Original Message-----

From: Polly Harrison []

Sent: Wednesday, February 15, 2017 1:25 PM

To: Council <Council@murphytx.org>

Subject: Jason's Deli

> I am writing as a Murphy citizen asking for the decision of P&Z be overturned as it pertains to Jason's Deli. They would be a welcome addition to the Murphy restaurant options and very popular among families.

>

> Polly Harrison

> 244 Crepe Myrtle Ln

44. From: Ashley Wilson []

Sent: Wednesday, February 15, 2017 1:26 PM

To: Council <Council@murphytx.org>

Subject: Jason's Deli

Dear Council,

My name is Ashley Wilson and I have lived in Murphy for 12 years. I am in favor of the proposed Jason's Deli and drive thru. I would appreciate some healthy food options in our city.

Thank you,

Ashley Wilson

413 Whisperfield

Murphy, Texas

Sent from AOL Mobile Mail

Get the new AOL app: mail.mobile.aol.com

45. From: Elizabeth Anderson []

Sent: Wednesday, February 15, 2017 1:26 PM

To: Council <Council@murphytx.org>

Subject: Jason's Deli

Hi,

I am in favor of Jason's Deli coming to Murphy even with a drive thru window.

Thank you for all that you all do for Murphy.

Elizabeth Anderson

46. From: Brandy Schoener []

Sent: Wednesday, February 15, 2017 1:38 PM

To: Council <Council@murphytx.org>

Subject: Jason's Deli

I am incredibly disappointed in the decision made by Planning and Zoning to grant a drive thru to Jason's Deli. Murphy is a growing community that is in need of healthy eating alternatives. I would like to see council overturn Planning and Zoning's decision and provide a different type of eating establishment for the community.

Thanks!

Brandy Schoener
512-917-3458

47. -----Original Message-----

From: Patty Boone []
Sent: Wednesday, February 15, 2017 1:39 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Council-

Please approve a Drive-thru in the area Jason's Deli is requesting. It's important to our family to have healthy, family friendly restaurants in Murphy. Thank you

Patty Boone
709 Beaver Creek Dr
Murphy, TX 75094

Sent from my iPhone

48. From: Ryan Sekimoto []
Sent: Wednesday, February 15, 2017 1:40 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli (yes)

Good afternoon,

I am writing to voice my support for a Jason's Deli in Murphy. Our family would love to have this as a close meal option, especially one that is on the healthier side. If a drive through is necessary for the company to come to Murphy, I support that option.

Thank you for your consideration.

Ryan Sekimoto
1323 Overland Drive
Murphy, Texas 75094

49. From: Erinn Okanovic []
Sent: Wednesday, February 15, 2017 1:48 PM
To: Council <Council@murphytx.org>
Subject: We need Jason's deli

Honestly, there are so many drive thrus, what is one more? Especially given the fact that there are much healthier choices available.

50. From: Vicki []
Sent: Wednesday, February 15, 2017 1:56 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Dear Ladies and Gentlemen,

It has come to my attention that Murphy has the opportunity to gain a Jason's Deli, but P & Z denied their drive thru. Please reconsider their petition. While I agree that we have more than plenty of fast food establishments in the area, I hardly compare Jason's Deli with McDonalds, et al. Thank you for your consideration.

Regards,

Victoria Sabelhaus
205 Starlite Dr.
Murphy, TX 75094
vsabel@verizon.net

p.s. Do we really need more storage places?

51. From: Alison Lumbatis [<mailto:alison@getyourprettyon.com>]
Sent: Wednesday, February 15, 2017 1:57 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Dear City Council,

I'm a Murphy resident who is in favor of a Jason's Deli being built in our community. We take our family (including two school age children) out to dinner at least three times a week due to our busy schedules. Unfortunately most of the time, I have to take them outside of Murphy for healthy options - either to the Jason's Deli in Plano or to Panera at Firewheel.

I really prefer to spend our money in our community rather than Garland and Plano. Please consider allowing this option to be built here.

Regards,
Alison Lumbatis



Alison Lumbatis
Founder + CEO
alison@getyourprettyon.com • GYPO, LLC •
<http://www.getyourprettyon.com> •
<http://www.stylechallenges.com>
• <http://www.stylegistix.com>

52. -----Original Message-----
From: [Mr. Mann](#) []
Sent: Wednesday, February 15, 2017 1:58 PM
To: Council <Council@murphytx.org>
Subject: Deli

In favor of Jason's deli!

Sent from my iPhone

53. From: Mary Jane Coker [<mailto:maryjane@aardvarktx.com>]
Sent: Wednesday, February 15, 2017 2:04 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli for Murphy

To Whom It May Concern,

Please take another look at the approval of a Jason's Deli for Murphy. This would be a wonderful asset to not only Murphy but the surrounding communities. Thank you!

Mary Jane Coker
Account Executive
Aardvark Communications
972-423-4144 office
214-403-0589 cell



<http://aardvarktx.com>
<http://twitter.com/aardvarktx>
<http://www.facebook.com/aardvarkcommunicationsinc>

54. -----Original Message-----
From: Sammye Fox []
Sent: Wednesday, February 15, 2017 3:06 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

City Council Members,

As a tax payer, I say yes to allowing Jason's Deli bringing their business to Murphy, TX. Please allow them to have the drive thru so that our town can acquire this business.

Sincerely,

Sammye Fox
524 Chalk Hill Ln
Murphy, Tx

Sent from my iPhone

55. -----Original Message-----
From: Julie Funston []
Sent: Wednesday, February 15, 2017 2:16 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli Approval

To whom it may concern:

I am a Murphy resident: 907 Blue Jay Dr.

I am FOR Jason's Deli being approved, with drive through.

Currently, I drive to Jason's Deli in Plano or Panera in Garland when I want something not fast food. This would be a great addition to the community!

Thanks!

Julie Funston

443-204-7733

56. -----Original Message-----

From: Tiffany Bush []

Sent: Wednesday, February 15, 2017 3:15 PM

To: Council <Council@murphytx.org>

Subject: Jason's

It has come to my attention that Jason's Deli has been denied a drive-through at their proposed site location. I would like to strongly encourage the council to revisit this and allow Jason's deli to build what they need. We have so many unhealthy food options here in Murphy, and bringing a company like Jason's deli to our community would be such a boon! As has been pointed out many a time, we can turn something like this down, but eventually that land will be developed and most likely with a less desirable tenet. I will be following this issue closely.

Thank you,
Tiffany Bush

Sent from my iPhone

57. -----Original Message-----

From: Jill []

Sent: Wednesday, February 15, 2017 3:31 PM

To: Council <Council@murphytx.org>

Subject: Jason's deli

>

> I live in our wonderful town of Murphy. I am in favor of a Jason's Deli. We need more healthy, sit down restaurants. I feel we have enough fast food and storage places. This type of restaurant would do well in Murphy for both lunch and dinner.

>

> Thanks,

> Jill Ray

>

> Sent from my iPad

58. From: kelynf@dfwelectricgroup.com [<mailto:kelynf@dfwelectricgroup.com>]

Sent: Wednesday, February 15, 2017 3:59 PM

To: Council <Council@murphytx.org>

Subject: Jason's Deli

Importance: High

I strongly favor Jason's Deli moving into the Murphy area. We continue to turn down mid-high end restaurants and retail and instead fill our city with storage units and fried chicken fast food. Please reconsider the position of denial on this fantastic opportunity to bring in a healthy option to our city.

Best Regards,

Kelyn Freudiger
President
DFW Electric Group, LLC
Phone: 972-742-8683

Fax: 972-461-0510

59. -----Original Message-----

From: Shannon Penn []
Sent: Wednesday, February 15, 2017 4:29 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Hi! Living as a resident of Murphy, I would love to see a Jason's Deli be built in our community. Healthy eating options are always something my family prefers when eating out and we have a large group of families from church that eat out after Sunday services esp in the evenings and would add that to our favorite to go places.

Thank you,
Shannon Penn

60. From: Toni S. Camp []
Sent: Wednesday, February 15, 2017 4:49 PM
To: Council <Council@murphytx.org>
Subject: jason's deli

To whom it may concern:

I am writing on behalf of my family in favor of the proposed Jason's Deli with drive thru. In my opinion Jason's Deli would be a wonderful, healthier alternative to the many, many fast food options in Murphy. The drive thru doesn't concern me because you will be getting high quality, better choice options through it. I for one will be taking my family often if it is approved. Thank you for the consideration.

Best regards,

Toni S. Camp
406 Windward Drive
Murphy, TX

61. From: Tabetha Smith []
Sent: Wednesday, February 15, 2017 5:06 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli!!!

Dear Murphy City Council,

I'm emailing you to let you know that our family is in favor of the Jason's Deli (and their drive thru) in Murphy--we vote YES! I know my family and many others would LOVE a place that provides more variety and healthier options. We would completely support a Jason's Deli in Murphy and I know we would eat there for both lunch and dinner on a weekly basis!!!

I apologize for not making my voice heard sooner, as I had no idea that the drive thru was a deal breaker issue for Jason's Deli coming to Murphy. This entire time I thought the drive thru was optional and that Jason's Deli was being built in Murphy either way. I cannot speak for all residents, but perhaps many were thinking the same thing too. If I had realized that Murphy would not get a Jason's Deli unless they got approved for a drive thru, then I most definitely would have made my voice heard sooner with the Planning and Zoning Committee.

If it's at all possible, please find a way to have the Planning and Zoning Committee reconsider the drive thru for Jason's Deli so that they will build in Murphy!

Thank you so much for all you do for Murphy! :)

Sincerely,
Tabetha Smith

62. -----Original Message-----

From: Destiny Varghese []
Sent: Wednesday, February 15, 2017 5:10 PM
To: Council <Council@murphytx.org>
Subject: Support for Jason's Deli

I support having Jason's Deli in Murphy. My family of four - with two growing girls - appreciates healthy food options AND a drive-thru so we can choose those healthy options even when kids' schedules limit us from dining or picking up inside. I hope the council and restaurant can find solutions to any neighbors' concerns and provide this option for our town.

Thank you,
Destiny Varghese

63. -----Original Message-----

From: Lesley Flabiano []
Sent: Wednesday, February 15, 2017 7:02 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli in Murphy

Dear Murphy City Council - I am writing in support of the proposed Jason's Deli and drive-thru here in Murphy. I look forward to another dining option here in Murphy, especially one that is considered a healthy one. Thank you for all that you do, Lesley Flabiano
214-632-5461

Sent from my iPhone

64. From: Ann Mortel []
Sent: Wednesday, February 15, 2017 7:27 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Subject: Jason's Deli

Hello I'm writing to say I am in favor of having Jason's Deli in Murphy! We need another option other than chicken. Love Jason's! and would Love to have Jason's In Murphy.

Thank you!
Ann Mortel

Sent from my iPad

65. From: LLF []
Sent: Wednesday, February 15, 2017 7:32 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli - in favor.

Dear Mayor and City Council Members,

Please take whatever steps may be necessary in order to get PNZ on board with Jason's Deli. Murphy currently has an abundance of empty retail space, which underlines the necessity of making small adjustments in order to accommodate a known, proven and successful chain franchise's request to establish here.

Thank you,

Lynlee Forehand
629 Morning View Way
Murphy, TX



This email has been checked for viruses by Avast antivirus software.
www.avast.com

66. From: Kristina Marshall []
Sent: Wednesday, February 15, 2017 8:12 PM
To: Council <Council@murphytx.org>
Subject: In Favor of Jason's Deli or any Healthier options in Murphy

Dear Mayor Barna,

We are very much in favor of having a Jason's Deli being built in Murphy. Our family loves Jason's.

Any salad based options or Healthier options we definitely need. I am noticing the fitness community is growing bigger here in Murphy and which is great! we just need more healthier options for dining. As parents of 3 girls we are trying to teach them at a young age to be healthy through diet and exercise.

Although a drive thru would cause more traffic which is what we don't need in Murphy.

Our family of 5 would eat at a Jason Deli or other salad place before any other options here in Murphy.

Please consider the health of our community.

We have plenty of fast food, sandwich and dessert options.

Thank you!

Tina Marshall
214-432-0485

67. -----Original Message-----

From: Kristin Bishop []
Sent: Wednesday, February 15, 2017 8:14 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

I would be very much in favor of a Jason's Deli in Murphy.

Kristin Bishop

Sent from my iPhone

68. From: Debbie Ison []
Sent: Wednesday, February 15, 2017 8:30 PM
To: Council <Council@murphytx.org>
Subject: Jasons Deli

I vote yes for Jasons, another drive through is not an issue for me. At least they have good healthy choices.

Debbie Ison
918 Mustang Ridge Drive

Sent from my Verizon 4G LTE smartphone

69. From: Ann T []
Sent: Wednesday, February 15, 2017 9:15 PM
To: Council <Council@murphytx.org>
Subject: Appeal P&Z Decision - Jason's Deli

Dear Council Members,

As a resident of Murphy, Stay-at-Home-Mom and Small Business Owner I would like to request that you grant Jason's Deli the ability to develop property in Murphy that would include a drive-thru. I am in support of bringing healthy eating establishments to our beautiful town and welcome the idea of having a drive-thru attached to such to make it easier for me and the multitude of other stay-at-home-moms to grab lunch or dinner for my family and not have to bring all three of my small children (6 years and under) into the store. I love the idea that it would be easy and healthy at the same time. Murphy has MANY drive-thru establishments that are easy but not always the healthiest. Most of the healthier options in our town do not have drive-thru windows. Please reconsider your vote to be in favor of Jason's Deli coming to Murphy with a drive-thru.

Thank you for your time and I look forward to hearing when the next meeting will occur. I will gladly be present to be a voice for all those in favor. I would like you to reference the MoMs facebook page and/or the DAWGS page. While there are a few in opposition, you will find a staggering amount of people that are more in favor of bringing Jason's to Murphy and actually confused as to why it was denied in the first place. Please reconsider your vote so it can reflect the majority of residents within Murphy.

Kind Regards,

Ann Theall

70. From: Michelle Wilson []
Sent: Wednesday, February 15, 2017 9:44 PM
To: Council <Council@murphytx.org>
Subject: Jason's deli support

I am writing to provide my complete support for having a Jason's deli with a drive thru along with any other non-chicken centric restaurants in Murphy. Please don't send them to Wylie by voting them down if they appeal.

Michelle Wilson
150 Skyline Dr.

--

Michelle and Wade Wilson
214-728-2926 (MW)
214-728-7365 (WW)

71. From: Heidi Kane []
Sent: Wednesday, February 15, 2017 10:08 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Hi,

I writing in support of the Jason's Deli. Murphy is in desperate need of healthy eating establishments. We live in Murphy, but do not frequent many of the restaurants because they do not serve healthy food. We would love to frequent Murphy restaurants and support local businesses and having health eating options would allow us to do that. Please consider supporting Jason's Deli. Delicious!

Best,

Heidi Kane
637 Fall Wheat Dr.
Murphy, TX 75094

72. -----Original Message-----
From: Crystal Hays []
Sent: Wednesday, February 15, 2017 10:39 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

My family and I have lived in Murphy since 2010. We have hoped for so long that we would have more healthy dining options. I just heard that Jason's Deli was not approved by the Murphy Planning and Zoning Commission. This is really disappointing. Please reconsider your vote and re-zone the proposed area so that Jason's Deli can come to Murphy.

Sincerely,
Crystal Hays

Sent from my iPad

73. -----Original Message-----

From: Kathy Fulmer []

Sent: Wednesday, February 15, 2017 11:11 PM

To: Council <Council@murphytx.org>

Subject: Jason's deli

Really?

Decline a Jason's deli? We have way too many chicken places and a deli with a variety of foods, salad bar, catering , kid friendly and FREE ice cream ... Please re think this!

I think it would be a GREAT addition to Murphy:)

Sent from my iPad

74. -----Original Message-----

From: Laura Deel []

Sent: Wednesday, February 15, 2017 11:14 PM

To: Council <Council@murphytx.org>

Subject: Jason's Deli

Council members,

I fully support the addition of Jason's Deli to Murphy. We need healthy dining options and more family eating establishments that are not fast food. I believe Jason's would pull in revenue from non-residents as well. Right now we are losing a lot of revenue to Wylie, especially with the opening of Cotton Patch. We need Jason's Deli!

Thank you,
 Laura Deel
 507 Smoke Tree

75. From: Michelle Nietert [<mailto:michelle@allencounselingassociates.com>]

Sent: Wednesday, February 15, 2017 11:47 PM

To: Council <Council@murphytx.org>

Subject: Jasons deli

I probably eat at the corner of 544 and Murphy Road at least 4 to 6 times a week and would definitely contribute to revenue in Murphy by having a Jasons deli with the drive-through in that area.

Kind Regards,

Michelle Nietert, M.A., LPC-S

Clinical Director

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[214-509-6887](tel:214-509-6887) fax

Michelle's Speaking and Writing

<http://www.counselorthoughts.com/>

<https://www.facebook.com/michellenietert/>

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76. -----Original Message-----

From: Paula Walker []

Sent: Thursday, February 16, 2017 7:12 AM

To: Council <Council@murphytx.org>

Subject: Jason's Deli

To whom it may concern,

I urge you to reconsider the drive through request from Jason's Deli. I strongly support the request that was denied by p&z.

As we have an over abundance of chicken drive through restaurants in our community. Jason's would fill a void for healthy eating. It would be an asset to our city.

We must face the fact that drive through restaurants play a large roll in society today.

Sincerely,

Paula Walker

724 Mallard Trail

Sent from my iPad

77. From: Luke Hickey []

Sent: Thursday, February 16, 2017 7:38 AM

To: Council <Council@murphytx.org>

Subject: Jason's deli

To whom it may concern,

As a citizen of Murphy, TX, I am writing to inform that I am in favor of a Jason's deli being located in our city.

Sincerely,
Luke Hickey

Get [Outlook for iOS](#)

78. -----Original Message-----

From: A.M. Keller []
Sent: Thursday, February 16, 2017 7:55 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

I am in total favor of a Jason's deli in Murphy. I hope that the zoning is able to work out.

Ashley Keller

Sent from my iPhone

79. -----Original Message-----

From: Ashley Hickey []
Sent: Thursday, February 16, 2017 7:59 AM
To: Council <Council@murphytx.org>
Subject: In favor of Jason's Deli

To whom it may concern,

I am writing to share my desire for a Jason's Deli in our community. I have heard of the P&Z denying the establishment due to the drive through, and I strongly hope that this decision will be appealed. I think Murphy is in great need of healthier eating options, and a restaurant like Jason's Deli would provide so many with the "dine-in" experience they continuously request in Murphy, as well as have a healthy to-go option for those days when we are busy. This restaurant will bring money into our community from citizens of surrounding cities, and would be a great addition to Murphy! Please consider appealing the P&Z decision.

Thank you for your time and dedication to our city!

Ashley Hickey

80. From: ben and lori yarborough []
Sent: Thursday, February 16, 2017 11:23 AM
To: Council <Council@murphytx.org>
Subject: Jasons deli

We are in favor of Jasons deli.

Thanks,

Ben and Lori Yarborough
618 dove cove ct
Murphy, Tx 75094

81. -----Original Message-----

From: Wendy Barron []
 Sent: Thursday, February 16, 2017 11:58 AM
 To: Council <Council@murphytx.org>
 Subject: Jason's Deli

Please reconsider having Jason's Deli come to Murphy. Murphy needs more healthy eating options, and Jason's Deli would be great.

Thanks for all that you do!
 Wendy Barron

Sent from my iPhone

82.-----Original Message-----

From: Nancy Johnson []
 Sent: Thursday, February 16, 2017 12:32 PM
 To: Council <Council@murphytx.org>
 Subject: Jason's deli

Please affirm Jason's deli coming to Murphy !

Sent from my iPhone

83. From: Wufoo [<mailto:no-reply@wufoo.com>]

Sent: Thursday, February 16, 2017 1:13 PM

To: Jennifer Berthiaume <jberthiaume@murphytx.org>; Betty Spraggins <bspraggins@murphytx.org>; Eric Barna <ebarna@murphytx.org>; Mike Castro <MCastro@murphytx.org>; Owais Siddiqui <osiddiqui@murphytx.org>; Don Reilly <dreilly@murphytx.org>; Sarah Fincanon <sfincanon@murphytx.org>; Scott Bradley <sbradley@murphytx.org>; Susie Quinn <squinn@murphytx.org>; Andy Messer <andy@txmunicipallaw.com>; Alicia Munoz <AMunoz@murphytx.org>

Subject: Engage Council [#155]

Name Pat Brown

Email

Comments or Questions

Mayor Barna and Council Members,

As a resident of Murphy and stay-at-home-grandmother, I would like my voice heard in support of a Jason's Deli in Murphy. I am also in favor of approval for their proposed drive-thru. I would like to see our town support healthy eating establishments. While I am a big fan of sit down dining, I also welcome the idea of a drive-thru in order to make it easier for me, and I'm sure many others with small children, to pick up meals. Don't ever underestimate the chore of unbuckling and re-buckling car seats in addition to ushering in and trying to corral little people in order to get food! ☺ Please consider voting

in favor of Jason's Deli with a drive-thru for the citizens of Murphy.

My other concern is for the 100-year-old Pecan tree on that property. I see in the concept plan the developer notes the tree will remain but will you be able to get a legally binding commitment that the tree will be left intact and cared for as long as it does not become a hazard?

Thank you so much for your time and consideration.

84. -----Original Message-----

From: Lisa Lytle []
 Sent: Thursday, February 16, 2017 2:08 PM
 To: Council <Council@murphytx.org>
 Subject: Jason's deli

Hello Council members,

As Murphy resident, I would like to see us get a Jason's Deli for a healthier dining option. The fact that the drive thru they requested is only for pick up orders makes me want to see it approved. Please reconsider.

Thank you,

Lisa Lytle

85. From: Kendra Carnes []
Sent: Thursday, February 16, 2017 2:31 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

My name is Kendra Carnes and I am a resident of Murphy, Texas. I am following the Facebook discussion regarding the proposed location of Jason's Deli. It is my understanding that Jason's Deli wants to build off of FM 544 just East of Hawthorne, but only with the option of a drive thru and this concept was denied by our Planning and Zoning Committee. I am 100% in favor of bringing Jason's Deli to our community. Their food is wonderful and having healthier dining options is very important to our family. The possibility of a Jason's with a drive thru for call ahead orders is an added bonus!

It is also my understanding that overruling P&Z's decision will not be an easy one. In the event P&Z's decision stands, is there a possibility Jason's Deli will consider a different location? According to one of our citizens, there is already a location approved for a drive thru that would not directly impact homeowners or a neighboring community. I'm referring to "Pad 9 by Country Burger." I may be way ahead of myself but in my opinion, this is exactly where Jason's Deli should be. The lot is large enough, parking already exists and it doesn't negatively affect homeowners, therefore noise would not be an issue. It's a win-win!

Many thanks!!

Kendra Carnes

86.

From: [Vicky Lindsey](#)
To: [Council](#)
Subject: Jason's Deli
Date: Thursday, February 16, 2017 8:03:44 PM

It's my understanding that planning and zoning denied Jason's Deli due to their request for a drive through. It's unfortunate that a healthy alternative that is also quick and easy and very popular would be denied for our community. We have Taco Bell, Jack in the Box, Golden Chick, Wendys, McDonalds, Whataburger, Cains and other fast food restaurants that don't offer a wide selection of healthy options. My family does not frequent these restaurants due to the lack of type of fast foods served and we would like to see more restaurants that offer quick service and healthy options, such as Jason's Deli. Jason's would be a great addition to our community. If Jason's Deli appeals the decision, please reconsider and find a way to allow Jason's Deli into our community.

Best regards,

Vicky Lindsey

87.

From: Mortensen, Michael <>
Sent: Friday, February 17, 2017 9:48 AM
To: Council
Cc: Eric Barna; Miranda Mortensen
Subject: City of Murphy - Jason's Deli and Other Healthy Restaurant Options

Dear Council Members:

My wife and I, Michael and Miranda Mortensen, are Murphy residents at 719 Mockingbird Dr. Murphy, TX 75094.

We are **strongly in favor** of the addition of a Jason's Deli, which would include a drive-thru, to the City of Murphy. We, like most Murphy residents, eat out frequently during the week. If Murphy restaurant sales do not support that statement, it is entirely likely due to most residents, including us, travelling to Richardson, Garland, and Plano to seek healthier eating options. That is not good for the City of Murphy or its businesses.

It is an absolute embarrassment that a community with some affluence like Murphy could be described as the fast food and fried chicken capital of the Northeast DFW area. We lack healthy restaurants in our community, which directly contributes to public health risks, and it is indisputable that Jason's Deli would offer a much needed healthy option for the adults and children of our City.

We believe City leaders have a responsibility to recruit and entice healthy restaurants such as Jason's Deli to invest in our community. We have faith you recognize this responsibility and will challenge Planning & Zoning to ensure approval of the proposed restaurant or any other healthy eating establishments.

We are new to involvement in the public discourse and would like our voices to be heard beyond this email. Please advise of the appropriate and respectful channels through which we may direct our and our neighbors' energy.

Thank you for your dedicated service to our wonderful community. We appreciate your time, effort, and devotion to making Murphy a great place to live.

Respectfully,

Michael and Miranda Mortensen
719 Mockingbird Drive
Murphy, TX 75094
(612) 385-7777

88.

From: [Jackie Hinckley](#)
To: [Council](#)
Subject: Jason Deli, Andy Custard & Costa Vida
Date: Friday, February 17, 2017 7:19:08 PM

I had written a statement about this before the meeting Monday and had emailed it but it doesn't appear that anyone got it. I am in total favor of all three of these establishments coming to Murphy and hope that the council will do everything it needs to help them be able to be apart of our community. I have heard many say that we don't need anymore fast food but even though they have requested drive-thru's, I wouldn't consider Jason's Deli or Costa Vida a traditional fast food. They are quality restaurants that are actually more of a come in and sit down option. I don't know what people are expecting to come to Murphy. We aren't big enough to attract the normal sit down restaurants and I would rather these different, quality restaurants be let in than more donut shops and nail places! Jason's deli is so much more than a "sandwich shop" and Costa Vida isn't just another Mexican restaurant - it is very different than any of the current Mexican options we have. I have driven to Colleyville to get Costa Vida - it is that good - I love it. As for the neighborhood behind - it is the luck of the draw.

I hope the Council can see that these businesses will be a good addition to our community.

Thank you -
Jackie Hinckley
604 Paint Creek Court
Murphy, TX
75094

OPPOSED

Second of Two

From: J.T. Oden II [<mailto:jt@jtoden.net>]
Sent: Tuesday, February 14, 2017 4:13 PM
To: Council <Council@murphytx.org>
Subject: RE: Jasons Deli

Howdy Council Persons

If the issue is solely to override P&Z on the drive thru, then I think you should support P&Z or ditch the drive thru restriction altogether. I don't like Jasons Deli--never have--but it sounds like it's a zoning thingy. Either the drive-thru limiting zoning thingy is good or bad,. The fact that Jasons would make the number of cold-cut restaurants equal to the number of chicken joints isn't the issue, is it?

Either too many drive throughs are bad or they aren't. I don't envy your job. But then you did volunteer, didn't you?

Cheers.

JT

J.T. Oden II
 Broker, REALTOR®
 469.261.1565 direct
jt@jtoden.net
www.jtoden.net



blogging at <http://www.jtoden.me/>

First of Two

----- Original Message -----

Subject: Jasons Deli
From: "J.T. Oden II" <jt@jtoden.net>
Date: 2/14/17 3:53 pm
To: council@murphytx.org

Hello Council persons.

I think between Schlotzsky's, Jimmy John, Firehouse Sub, Subway and my own refrigerator we have the lunch meat market pretty well set in Murphy. That said, I get it that WHAT restaurant isn't the issue, it's drive through or not. Well, I ay *IF*

I've learned only enough about

J.T. Oden II
 Broker, REALTOR®
 469.261.1565 direct
jt@jtoden.net
www.jtoden.net



blogging at <http://www.jtoden.me/>

City Council
February 21, 2017

Issue

Hold a public hearing and consider and/or act on the application of Winkelmann and Associates Inc. to request approval for an Amendment to a Concept Plan located on 4.696 acres at the south west corner of Timber Ridge Drive and FM 544 zoned Planned Development (PD) District 16-09-1021, having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75.

Details

The concept plan has been proposed for amendment in the following ways from the approved concept plan (approved by City Council on September 6, 2016):

1. Two drive-thru restaurants are now proposed, one with a microphone and speaker within 50 feet of existing single family development. The second is an order window that does not have speakers or microphones.
2. Two drive thru lanes and two escape lanes are now proposed.
3. Two dumpster locations are shown within 50 feet of existing single family development and are within the 50 foot setback from existing residential as required in the PD.
4. The project entry driveways have been re-configured which will change the traffic circulation of the project.
5. The layout of the hooded left turn on FM544 has been modified.

Staff Resource/Department

Kelly Carpenter, AICP, Interim Director of Economic and Community Development
 Tina Stelnicki, Community Development Coordinator

Summary

This is a request for approval of an Amendment to a Concept Plan on a property located on 4.696 acres at the south west corner of Timber Ridge Drive and FM 544 zoned Planned Development (PD) District 16-09-1021, having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75.

There are two concept plans attached. Attachment 3 is the original submittal. Attachment 4 (dated February 14, 2017) is reflective of changes made since one SUP request (the drive thru for Costa Vida) was withdrawn by the applicant at the Planning and Zoning Commission meeting.

To date (February 16, 2017) we have received the following responses via Reply Forms:

In favor: 3

Opposed: 6

On February 13, 2017 the Planning and Zoning Commission denied approval of this item by a vote of six votes in favor of denying the request and one vote in objection to denying the item.

The applicant has appealed this decision.

Action Requested

Consider the requested Amendment.

Attachments

Applicant's Appeal Letter
 Additional Findings Aerial of property
 Original amended Concept Plan proposed

City Council

February 21, 2017, Page 2

Amended proposed Concept Plan (includes removal of Costa Vida drive thru) dated February 15, 2017
Approved Concept Plan (approved by City Council on September 6, 2016) Planned Development (PD) 16-09-1021

Planned Development (PD) 16-09-1021

Revised TIA

Engineering Comments

Fire Marshal Comments

Reply Forms



February 15, 2017

By Electronic Mail

Ms. Susie Quinn
City of Murphy
City Secretary
206 N. Murphy Road
Murphy, Texas 750940

Re: 4.696 Acres at the Southwest Corner of Timber Ridge Drive and FM 544, Planned Development District 16-09-1021, ABS A0579 Henry Maxwell Survey, Tract 75.

Dear Ms. Quinn:

By this letter, StreetLevel Investments, LLC, as applicant, pursuant to Section 30.02.157(b) of the Code of Ordinances, hereby makes a written appeal the City Council for public hearings on the following zoning applications on the above referenced property, each of which were recommended for denial by the Planning and Zoning Commission on February 13, 2017:

- A. An application requesting approval of a Specific Use Permit (SUP) to allow a drive-thru for Jason's Deli restaurant.
- B. An application requesting approval of a Specific Use Permit (SUP) to allow drive-thru for an Andy's Frozen Custard restaurant.
- C. An application for an amendment to the concept plan Planned Development (PD) District 16-09-1021.

Should you have any questions regarding this notice of appeal, please do not hesitate to contact at 214-545-6959 or at Jbean@streetlevelinvestments.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Mayfield".

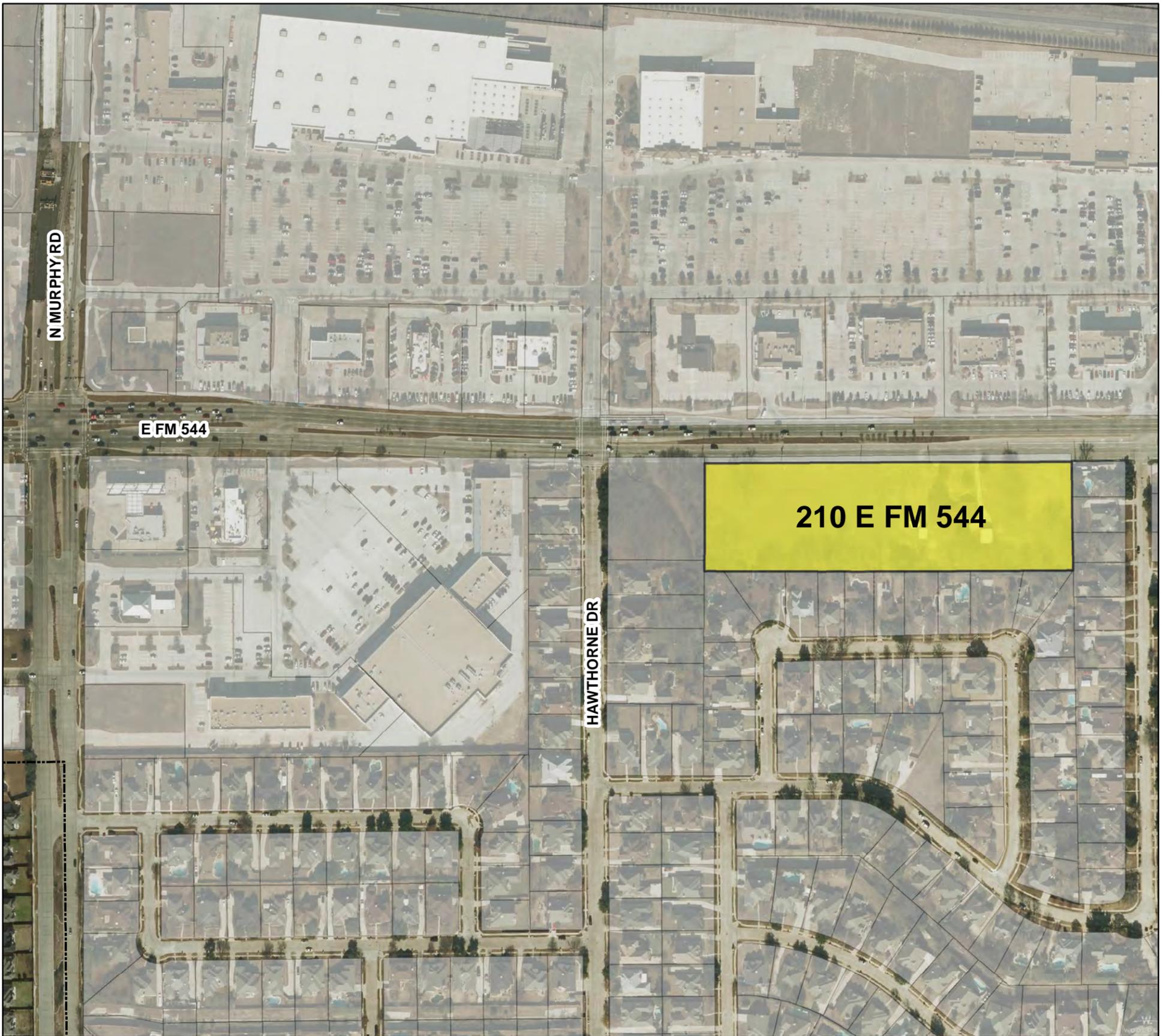
cc: Jared Mayfield, Director of Economic and Community Development

The Zoning Code gives the following direction for reviewing and evaluating the concept plan. The Concept Plan review and evaluation shall be performed with respect to the following. *(Staff comments are italicized.)*

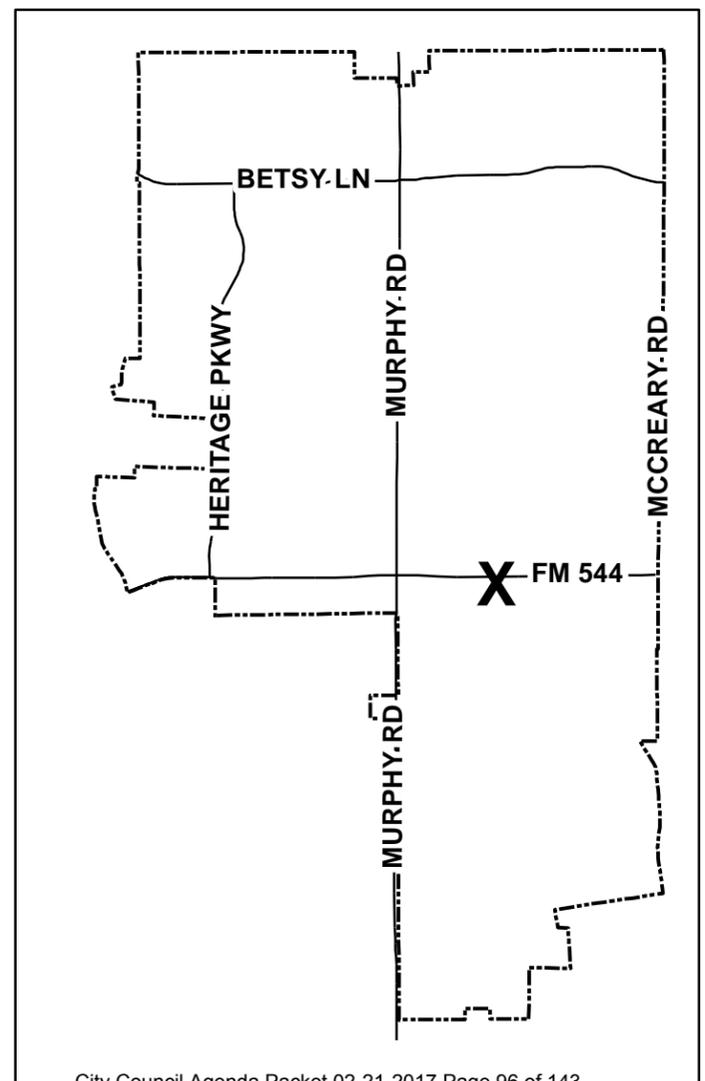
- (1) The plan's compliance with all provisions of this chapter and other ordinances of the city. *Outstanding issues are with the hooded left turn, handicapped parking, dumpster locations vis a vis single family residential and setbacks, and on site traffic circulation.*
- (2) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood. *A large pecan tree is proposed to be preserved.*
- (3) The relationship of the development to adjacent uses in terms of harmonious design, facade and elevation treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts: *the applicant's parcel is neighborhood retail and services uses and the adjacent uses to the south are residential. The uses to the north include a six lane state highway.*
- (4) The provision of a safe and efficient vehicular and pedestrian circulation system. *The vehicular and pedestrian circulation system may be safe and efficient. See Engineer and Fire comments in reference to the hooded left turn and use by fire trucks.*
- (5) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged. *It is not clear that the off street parking is safe or convenient. See #4. Loading facilities have been added to the concept plan.*
- (6) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings. *Fire and city engineer have questioned efficacy of the hooded left turn for the fire trucks.*
- (7) The coordination of streets so as to arrange a convenient system consistent with the thoroughfare plan of the city, as amended. *Streets are consistent with the thoroughfare plan of the city, as amended.*
- (8) The use of landscaping and screening walls to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design. *Landscaping and screening walls were planned to provide adequate buffers and complement the location of buildings in the overall site plan. The landscape plan is not required to be submitted at this point.*
- (9) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties. *Lighting plan is not required at this time. Lighting will be reviewed at the time of site plan submittal.*

- (10) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses. *Applicant proposes to preserve a large pecan tree on site and other wise will be meeting the landscaping standards of the city by adding landscaping including canopy trees to the site.*
- (11) Protection and conservation of soils from erosion by wind or water or from excavation or grading. *This will need to be done but there are no plans for that in what has been submitted nor are plans required at concept plan.*
- (12) Protection and conservation of watercourses and areas that are subject to flooding. *There are no watercourses on site to preserve. Please see the engineer's comments on storm water.*
- (13) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants. *Transportation and parking are essential services to residents and occupants. There are some questions still unanswered with respect to location of handicapped parking, and relationships between entrances and the "ring road" around the restaurants and retail area.*
- (14) Consistency with the comprehensive plan of the city, as amended. *The concept plan shows uses allowed in neighborhood services and that is consistent with the comprehensive plan. Drive-thru restaurants are allowed outright in Retail, Light Commercial and Business zoning and with SUP approval in Neighborhood Services. This property is located in Planned Development district 16-09-1021 which requires SUP approval for a drive-thru restaurant.*

210 E FM 544 Property



- Murphy City Limits
- Parcel Boundaries



0 250 500 Feet

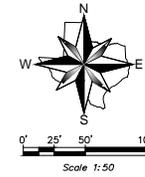


Data Sources:
Collin County Appraisal District
Collin County 911 Addressing

Attachment 3

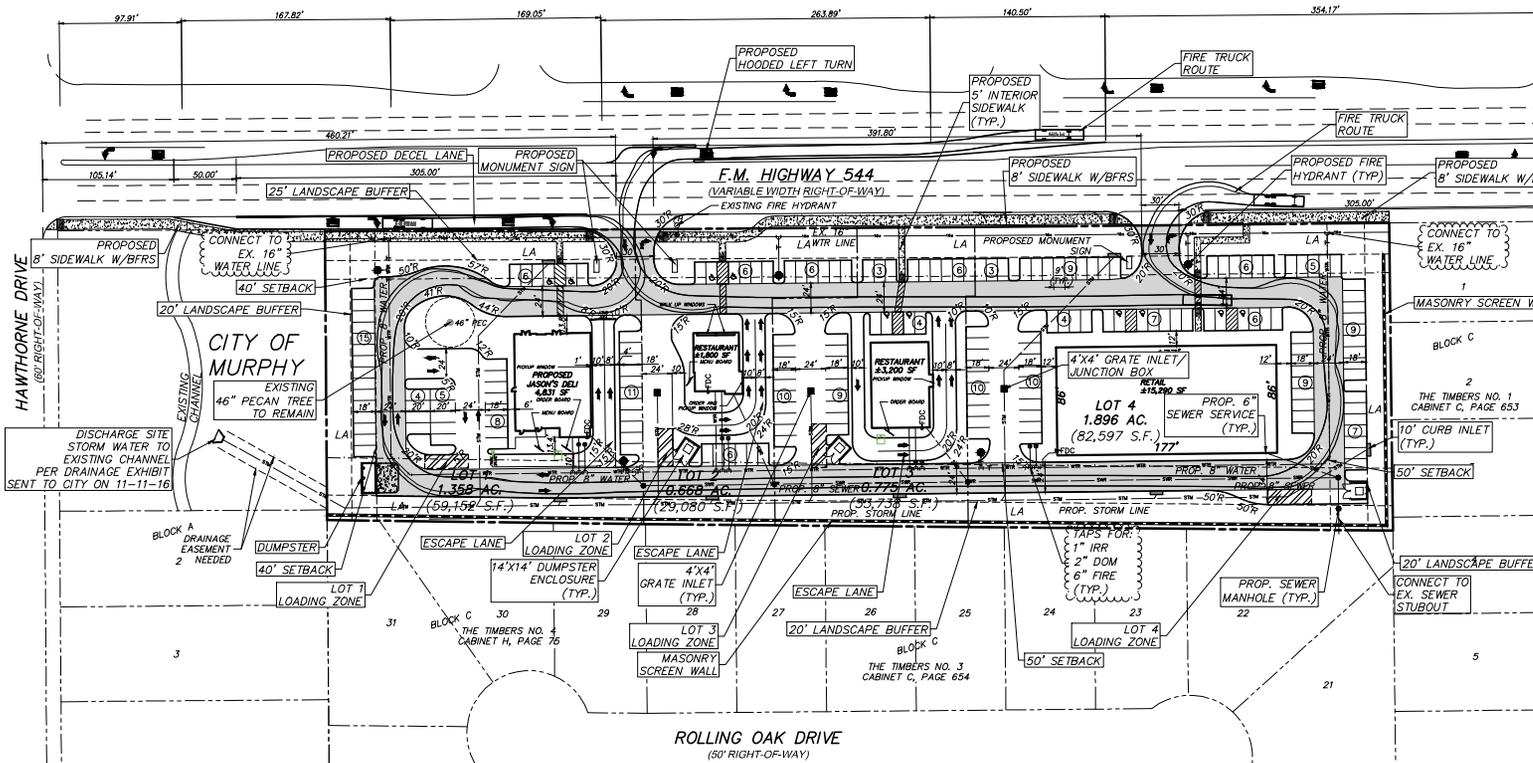
Original Proposed amendment to concept plan for
Planned Development (PD) 16-09-1021

SITE DATA TABLE				
	LOT 1	LOT 2	LOT 3	LOT 4
BUILDING TYPE	RESTAURANT	RESTAURANT	RESTAURANT	RETAIL
LOT SIZE (ACRES)	1.358	0.668	0.775	1.896
BUILDING SIZE (SQ. FT.) - INCLUDES OUTDOOR SEATING	4,831	1,800	3,200	15,290
REQUIRED PARKING RATIO (1 SPACE PER X SQ. FT.)	100	100	100	200
REQUIRED PARKING	49	18	32	77
PROVIDED PARKING	49	18	32	85
HANDICAPPED REQUIRED	2	1	2	3
HANDICAPPED PROVIDED	2	2	2	4



LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE LANE
- PROPOSED LOADING ZONE



6	5	4	3	2	1	NS	DATE
			01-13-2017	12-21-2016	12-05-2016		
			JRD SJP SUBMITTAL	2ND SJP SUBMITTAL	1ST SJP SUBMITTAL		
			WRW	WRW	WRW		
			WRW	WRW	WRW		
							APPROVAL
							REVISION
							LAST SALED BY: MCKINLEY, January 12, 2017

Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS & SURVEYORS
6800 WILLOW WALK DRIVE, SUITE 300
DALLAS, TEXAS 75230
PHONE: 972.497.2200
FAX: 972.497.2202
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CONCEPT PLAN
THE VILLAGE AT TIMBERS
MURPHY, TEXAS

01-13-2017

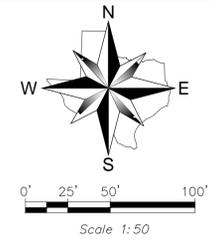
CITY PROJECT #2016-010

Attachment 4

Amended Proposed Concept Plan
for Planned Development (PD)
16-09-1021 includes removal of Costa
Vida drive thru February 15, 2017

SITE DATA TABLE

	LOT 1	LOT 2	LOT 3
BUILDING TYPE	RESTAURANT	RESTAURANT	RESTAURANT/RETAIL COMBINED
LOT SIZE (ACRES)	1.358	0.668	2.67
BUILDING SIZE (SQ. FT.) - INCLUDES OUTDOOR SEATING	4,831	1,800	18,984 TOTAL (7,000 REST./10,584 RETAIL) W/1,400 SF BREEZEWAY
REQUIRED PARKING RATIO (1 SPACE PER X SQ. FT.)	100	100	100 RESTAURANT /200 RETAIL
REQUIRED PARKING	49	18	130
PROVIDED PARKING	49	18	144
HANDICAPPED REQUIRED	2	1	5
HANDICAPPED PROVIDED	2	2	5

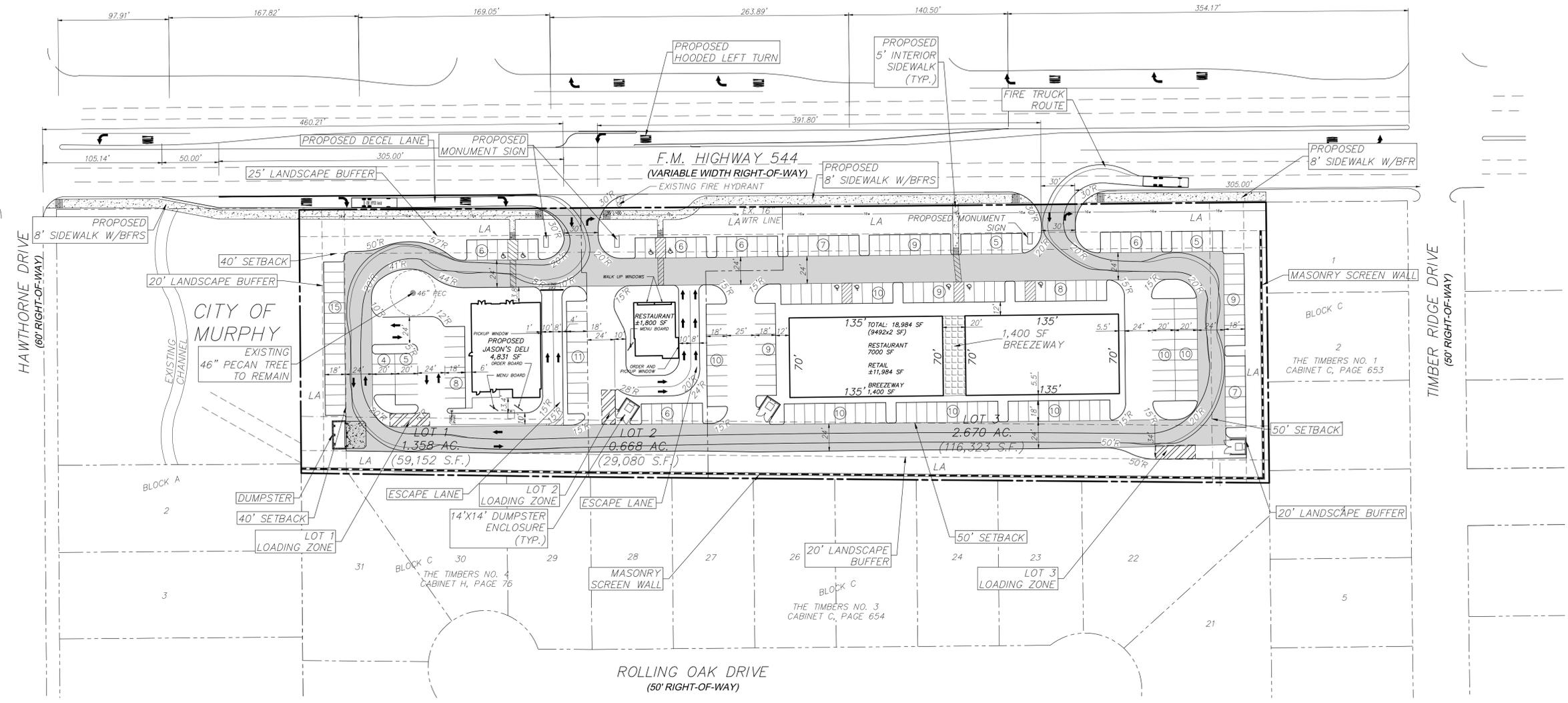


LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE LANE
- PROPOSED LOADING ZONE

No.	REVISION	DATE	APPROVED
11.	SITE PLAN P	01-30-2017	WRW
10.	SITE PLAN O	01-30-2017	WRW
9.	SITE PLAN N	01-06-2017	WRW
8.	SITE PLAN M	12-05-2016	WRW
7.	SITE PLAN L	11-29-2016	WRW
6.	SITE PLAN K	11-28-2016	WRW
5.	SITE PLAN J	11-23-2016	WRW
4.	SITE PLAN I	11-15-2016	WRW
3.	SITE PLAN H	11-11-2016	WRW
2.	SITE PLAN G	11-03-2016	WRW
1.	SITE PLAN F	10-25-2016	WRW

LAST SAVED BY: WINKELMANN JANUARY 30, 2017



Winkelmann & Associates, Inc.
 CONSULTING CIVIL ENGINEERS & SURVEYORS
 6720 HILGREN PLAZA DRIVE, SUITE 325
 FORT WORTH, TEXAS 76116
 (817) 490-7090
 (817) 490-7099
 Fax: (817) 490-7099
 License: Professional Engineer Registration No. 107886-00
 Surveyor Registration No. 107886-00
 Geotechnical Engineer Registration No. 107886-00
 Civil Engineer Registration No. 107886-00

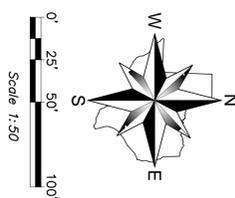
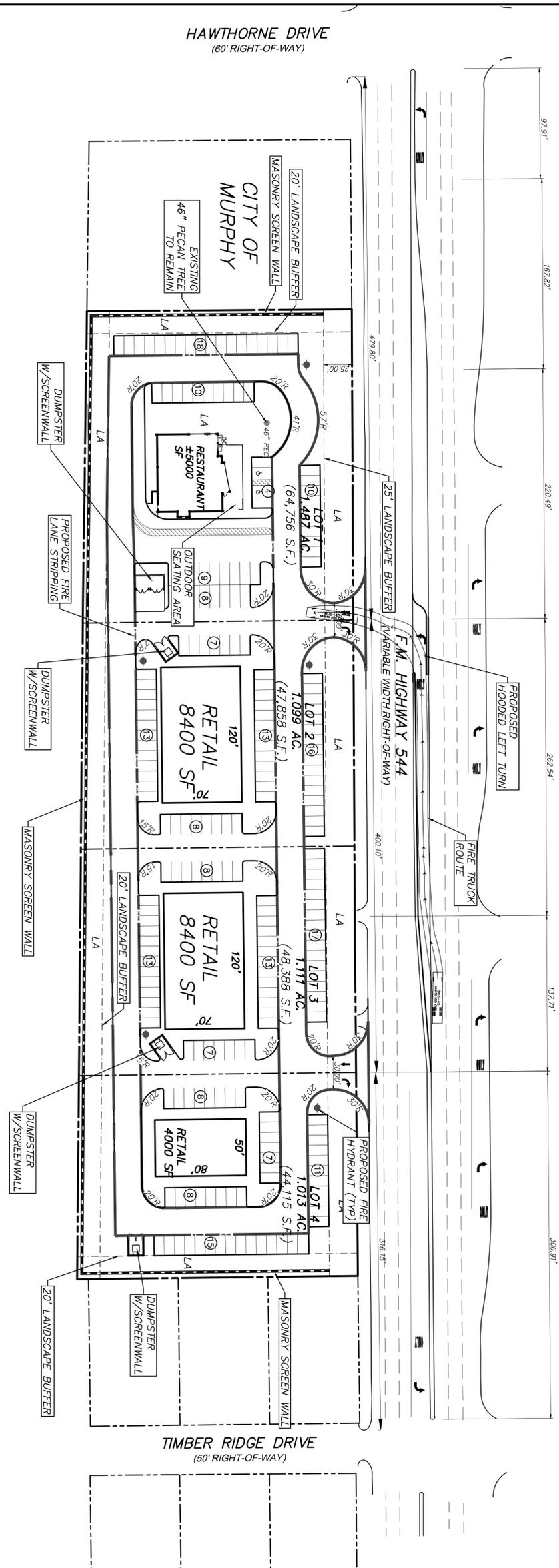
SITE PLAN P
 THE VILLAGE AT TIMBERS
 MURPHY, TEXAS

01-30-2017
 SUBMITTED WITH AMENDMENTS INCLUDING: REMOVAL OF COSTA VIDA DRIVE-THRU FEBRUARY 15, 2017

CITY PROJECT #2016-010

Attachment 5
Concept plan for PD 16-09-1021
Approved by City Council
September 6, 2016

NOTE: TxDOT IMPROVEMENTS HAVE NOT BEEN APPROVED AT THIS TIME (AUGUST 2016)



SITE DATA TABLE				
BUILDING TYPE	LOT 1	LOT 2	LOT 3	LOT 4
RESTAURANT	RESTAURANT	RETAIL	RETAIL	RETAIL
LOT SIZE (ACRES)	1.487	1.099	1.111	1.013
BUILDING SIZE (SQ. FT.)	5,000	8,400	8,400	4,000
PARKING RATIO (1 SPACE PER X SQ. FT.)	100	200	200	200
REQUIRED PARKING	50	42	42	20
PROVIDED PARKING	59	44	45	49

CITY PROJECT #2016-010

CONCEPT PLAN A
THE VILLAGE AT TIMBERS
MURPHY, TEXAS

EXHIBIT A

Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS ■ SURVEYORS
6750 HILLCREST PLAZA DRIVE, SUITE 325
DALLAS, TEXAS 75230
Texas Engineers Registration No. 89
Texas Surveyors Registration No. 100866-00
COPYRIGHT © 2016, Winkelmann & Associates, Inc.

No.	DATE	REVISION	APPROV.
3.	08-11-16	City PD Comments	WRW
2.	08-02-16	City PD Comments	WRW
1.	06-24-16	City Comments	WRW

ORDINANCE NUMBER 16-09-1021

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 30, OF THE CITY OF MURPHY CODE OF ORDINANCES, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 4.696 ACRES OF LAND LOCATED AT 210 EAST FM 544 IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, FROM SINGLE FAMILY RESIDENTIAL-20 (SF-20) TO PLANNED DEVELOPMENT DISTRICT FOR NEIGHBORHOOD SERVICE USES WITH ADDITIONAL DEVELOPMENT STANDARDS; PROVIDING A CUMULATIVE/ REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of approximately 4.696 acres of land located at 210 East FM 544 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 Residential-20 (SF-20) to PD (Planned Development) District for Neighborhood Services with additional development standards consistent with the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Murphy, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS:

Section 1. 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. That the Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby amended so as to change the zoning (designation) from Single Family Residential-20 (SF-20) to PD (Planned Development) District for Neighborhood Services and additional development standards for the property, being an approximately 4.6469 acre tract of land located at 210 East FM544 in the City of Murphy, Collin County, Texas, and more particularly described in **Exhibit A (Legal Description)**, attached hereto and incorporated herein by reference.

Section 3. That the Development Conditions and Standards for this planned development district are attached hereto as **Exhibit B** and incorporated herein by reference, and the same are hereby approved by the City Council for said planned development district as required by the City of Murphy, Texas, Code of Ordinances.

Section 4. That the concept plan for this planned development district is attached hereto as Exhibit AC(Concept Plan) within the planned development Development Conditions and Standards as required by the City of Murphy, Texas, Code of Ordinances.

Section 5. That 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 86~~ of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect. Chapter 30

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.

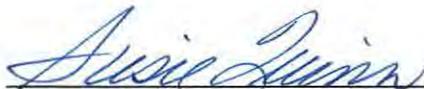
Section 9. Effective Date. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 20th day of September 2016.



Eric Barna, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary

APPROVED AS TO FORM:



Wm. Andrew Messer, City Attorney



**Legal Description
EXHIBIT A**

PROPERTY DESCRIPTION

STATE OF TEXAS §
COUNTY OF COLLIN §

BEING a 4.696 acre (204,555 sq. ft.) tract of land situated in the HENRY MAXWELL SURVEY, ABSTRACT NO. 579, in the City of Murphy, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for the Northwest corner of Lot 1, Block C, The Timbers No. 1, an addition to the City of Murphy, Collin County, Texas, according to the Plat thereof recorded in Cabinet C, Page 653, Official Public Records, Collin County, Texas, on the South right-of-way of F. M. (Farm to Market) Road 544, a variable width right-of-way, said point being the Southeast corner of a tract of land described in deed to the State of Texas as recorded in Volume 4371, Page 2229, Official Public Records, Collin County, Texas;

THENCE South 00 deg 40 min 29 sec East, departing the South right-of-way of said F. M. Road 544, along the West line of Block C of said The Timbers No. 1, a distance of 246.85 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for corner on the West line of Lot 4, Block C, of said The Timbers No. 1, said point being the Northeast corner of Lot 22, Block C, of The Timbers No. 3, an addition to the City of Murphy, Collin County, Texas, according to the Plat thereof recorded in Cabinet C, Page 654, Official Public Records, Collin County, Texas;

THENCE North 89 deg 30 min 36 sec West, along the North line of said Block C (Cabinet C, Page 654), a distance of 600.06 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for the Northwest corner of Lot 28, Block C, of said The Timbers No. 3 and the Northeast corner of Lot 29, Block C, of The Timbers No. 4, an addition to the City of Murphy, Collin County, Texas, according to the Plat thereof recorded in Cabinet H, Page 75, Official Public Records, Collin County, Texas;

THENCE North 89 deg 14 min 10 sec West, along the North line of said Block C (Cabinet H, Page 75), a distance of 255.60 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for corner on the East line of Block A, of The Timbers No. 4-A, an addition to the City of Murphy, Collin County, Texas, according to the Plat thereof recorded in Cabinet I, Page 539, Official Public Records, Collin County, Texas, said point being the Northwest corner of Lot 30, Block C, of said The Timbers No. 4;

THENCE North 00 deg 26 min 57 sec West, along the East line of said Block A, a distance of 231.52 feet to a point for corner on the South right-of-way of said F. M. Road 544 from which a 1/2-inch iron rod with a plastic cap stamped "ROOME" found for corner bears

LEGAL DESCRIPTION
EXHIBIT A
(cont'd)

South 78 deg 41 min 08 sec East, 0.95 feet, said point being the Southwest corner of said State of Texas tract;

THENCE North 89 deg 37 min 26 sec East, along the South right-of-way of said F. M. Road 544 and the South line of said State of Texas tract, a distance of 541.60 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for corner;

THENCE North 89 deg 24 min 33 sec East, continuing along the South right-of-way of said F. M. Road 544 and the South line of said State of Texas tract, a distance of 312.95 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 204,555 square feet or 4.696 acres of land, more or less. Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 18th day of March, 2016, utilizing a G.P.S. measurement (WGS 84) along the Easterly line of Block C, of The Timbers No. 1, recorded in Cabinet C, Page 653, Official Public Records, Collin County, Texas.

EXHIBIT B

**PLANNED DEVELOPMENT – VILLAGE AT TIMBERS, MURPHY, TX
SEC FM 544 and Hawthorne Drive**

PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality neighborhood services 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 area designated by this Planned Development encourages a mixed-use result including, but not limited to the following:
- Restaurants;
 - Retail shops and boutiques;
 - Medical Facilities; and
 - Service Businesses
- III. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 15-09-1002, as amended, except as specifically provided herein.
- IV. **General Regulations:** All regulations of the NS (Neighborhood Service) District set forth in Article 30.03, Division 13 of the City of Murphy Code of Ordinances are included by reference and shall apply, except as otherwise specified by this ordinance.
- V. **Development Plans:**
- A. **Concept Plan:** Development shall be in general conformance with the approved concept plan set forth in Exhibit A; however, in the event of conflict between the concept plan and these conditions, the conditions shall prevail.
- VI. **Specific Regulations:**
- A. **Permitted Uses:** The following uses shall be permitted:
1. Accessory Building/structure (nonresidential) (e.g. Gazebo)
 2. Art Dealer/Gallery
 3. Artist Studio
 4. Auto Supply Store for new and rebuilt parts (SUP)
 5. Bakery (Retail)
 6. Barber/Beauty Shop (Nail Salon/Spa requires SUP)
 7. Bed and Breakfast Inn
 8. Bike Sales and/or Repair
 9. Book Store
 10. Child Care Center Business, Kindergarten (SUP)
 11. Computer Sales
 12. Confectionary Store (Retail)
 13. Convenience Store without gas sales (SUP)
 14. Credit Union
 15. Dance/drama/music schools
 16. Dinner Theater (SUP)
 17. Drapery Shop (SUP)
 18. Financial Services (Advice/Invest)
 19. Florist
 20. Boutique Food or Grocery Store, approximately 5000 square feet in size

21. Furniture Sales (Indoor) (SUP)
22. Garden Shop (inside only, no outside storage)
23. Golf Course (mini) (SUP)
24. Handicraft Shop
25. Hardware Store
26. Health Club (indoors only) (SUP)
27. Insurance Agency Offices
28. Laundry/Dry Cleaning (Drop Off/Pickup Only)
29. Locksmith
30. Mailing Service (private)
31. Martial Arts School
32. Museum (Indoors)
33. Needlework Shop
34. Offices (brokerage, health, medical, legal, professional services)
35. Pet Shop/Supplies
36. Pharmacy (SUP), including compounding pharmacy
37. Philanthropic Organization (SUP)
38. Photo Studio
39. Photocopying/Duplicating
40. Real Estate Office
41. Restaurant
42. Restaurant (Drive-thru) (SUP)
43. Retail Store
44. Shoe Repair
45. Tailor Shop
46. Travel Agency

B. Area and Yard Regulations:

1. Setbacks From Property Lines:
 - a. Building Setbacks - No building of any kind and no part thereof shall be placed within the following setback lines:
 - Minimum 40 feet from FM 544.
 - Minimum 50 feet from residentially zoned property.
 - Minimum 40 feet from west property line.
 - b. Building Height:
 - From North Property Line - Building height will not exceed 30 feet in height and will allow for architectural and tenant branding elements.
 - From East Property Line – Building front height will not exceed 30 feet in height along the store fronts facing FM 544 and will allow for architectural and tenant branding elements. Building sides and rear walls will not exceed 25 feet in height.
 - From South Property Line - Building height will not exceed 30 feet in height along the store fronts facing FM 544 and will allow for architectural and tenant branding elements. Building sides and rear walls will not exceed 25 feet in height.
 - From West Property Line – Building front height will not exceed 30 feet in height and will allow for architectural and tenant branding elements. Building sides and rear walls will not exceed 25 feet in height.

c. Landscape Buffers:

- Minimum 25 feet landscaped buffer strip measured from back of curb to back of curb required along FM 544.
 - ii. Minimum 20 feet landscaped buffer strip where adjacent to residentially zoned property along the east and south property line.
 - iii. Minimum 20 feet landscaped buffer strip adjacent to the west property line.
 - iv. Landscaping within the landscaped buffer strip shall at a minimum comply with code. See Item VI. F. below.
2. There is no maximum building size as long as fire standards and all other site requirements, such as parking and landscaping, for example, are met.

C. Parking, Driveways & Sidewalks:

1. Parking areas shall not be permitted within any landscape buffer strip. See Item VI.F. below.
2. Fire lanes, driveways, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy Code and Ordinances.
3. 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. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.
4. Sidewalks along FM 544 shall be a minimum of (8) eight 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.
2. Truck loading shall be screened by a combination of the building itself and landscaping. Truck loading will occur behind the buildings. Along the south property line, a landscaped buffer strip and a masonry screening wall are required by code and will be providing additional screening from adjacent residential zoning.
3. 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 and comply with the following:

1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with or contains architectural design elements including but not limited to the following:
 - a. Canopies and awnings.
 - b. Outdoor patios.
 - c. Display windows/decorative windows. See Item VI. E. (3) below.
 - d. Architectural details (such as decorative tile, stone or brick work) integrated into the building facade.

- e. Articulate cornice line or trim.
 - f. Accent materials (minimum 15% of exterior facade)
 - g. Other architectural features as approved with the City site plan review and approval process.
2. At least two masonry materials shall be used in addition to glass on any single building. The following masonry and decorative materials shall be allowed:
 - a. Brick Material - Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and type FBA or FBS or better. Unfired or underfired clay, sand, or shale brick are not allowed. Brick veneer is acceptable with a minimum thickness of three inches.
 - b. Stone Material - Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all-weather stone. Cut stone and dimensioned stone techniques are acceptable. Synthetic stone is not acceptable. Stone veneer is acceptable with a minimum thickness of three and five-eighths inches.
 - c. Concrete panel construction - Concrete finish, precast panel, tilt wall, or cementitious composite reinforced panel construction shall be painted, fluted, or exposed aggregate. Smooth or untextured concrete finishes are not acceptable.
 - d. Concrete masonry units - Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications; ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Nonload Bearing Units. Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish as approved by the city council. Lightweight concrete block or cinderblock construction is not acceptable as an exterior finish. Colored concrete masonry units are prohibited.
 - e. EIFS and Stucco Trim (limited to no more than 12% of total façade).
 - f. Awnings or overhangs constructed of decorative metal and fabric material.
 3. Glass and metal standards - Glass and metal standards are as follows: Glass walls shall include glass curtain walls or glass block construction. "Glass curtain wall" shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.
 4. Color schemes shall reflect the tone and quality consistent with the existing architectural character currently found in the City of Murphy. Accent colors may be used to identify architectural features or highlight details. The exterior color of all structures shall be muted, rustic earth tones. Bright colors and those classified as primary colors are expressly prohibited. When civil and architectural plans are submitted, building colors will be noted for city approval and will be presented to the City of Murphy Planning and Zoning and the City of Murphy City Council.

5. 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 with the surrounding developments or effectively shielded from view from any public dedicated street by an architecturally effective method.
6. Each commercial building, complex of buildings, or separate commercial business enterprise 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 as prescribed in city ordinances.
7. Building roofs shall be so designed and constructed 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.
8. 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.
9. 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 and comply with the standards set forth in the City of Murphy Code of Ordinances, except as provided below:

1. All landscaping shall use a unified design for the entire development. 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 25 feet in depth adjacent to the right-of-way of FM 544 as measured from the back of curb of the public 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 25 foot buffers.
3. 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.
 - i. Four (4) feet by four (4) feet shall be provided surrounding each tree located in a surface parking area.
 - ii. 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 the City of Murphy Code of Ordinances. Screening abutting residentially zoned land will comply with City of Murphy Code of Ordinances for design and construction standards.

1. Developer shall construct an eight (8) foot masonry wall along the South side of the property (adjacent to the single family residential.) Landscaping, for sound buffering purposes, will be planted along the wall.

H. Site Lighting:

Lighting shall comply with the standards set forth in the Code of Ordinances, except as provided below.

1. Lighting should be provided for vehicular, pedestrian, signage, and architectural features.
2. Site lighting fixtures used shall be uniform and a consistent design within the development. Lighting standards for illuminating these areas shall be no taller than 35 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 and where abutting residentially zoned land. Parking areas shall have a minimum of 3-foot candles initial and a minimum average 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. Lighting for areas directly abutting residential use shall not exceed 0.5 foot-candles.
4. General illumination shall commence one half hour before sunset and last until the Building Site is closed for the evening.

I. Signage and Graphics:

Signage shall comply with the standards set forth in the City of Murphy Code of Ordinances, except as provided below:

1. General
 - a. Single Tenant Monument signs - One (1) monument sign shall be allowed on each lot where one tenant occupies the building and shall be limited to a maximum sign area of 50 square feet and a maximum structure area of 80 square feet. The site plan review and approval process will reflect the lot or lots that are allowed single tenant monument signs.
 - b. Multi-Tenant Monument signs - One (1) multi-tenant monument sign shall be allowed on each lot where more than one tenant occupies the building as shown on the site plan and shall be limited to a maximum sign area of 80 square feet and a maximum structure area of 120 square feet. The site plan review and approval process will reflect the lots that require multi-tenant monument signs.

2. Single Tenant Monument Signs
 - a. Monument signs shall identify individual tenants or uses within a lot where the building contains one business occupant. Monument signs shall be a maximum of eight (8) feet tall.
 - b. All single tenant monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Single tenant 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.
 - c. Monument signs shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of FM 544 and incorporated within the landscaped buffer strip.
 - d. Construction of monument signs shall include a base of material compatible with the material used for buildings.
3. Multi-Tenant Monument Signs
 - a. Multi-tenant monument sign shall identify each tenant or uses within a lot where the building contains multiple business occupants. The multi-tenant monument sign shall be a maximum of eight (8) feet tall.
 - b. All multi-tenant monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Multi-tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures shall be screened from view in front of the sign.
 - c. Monument signs shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaped buffer strip.
 - d. Construction of monument signs shall include a base of material compatible with the material used for buildings.
4. Temporary Marketing Signage
 - a. Two (2) free-standing temporary marketing signs shall be permitted for the proposed development. These signs shall be for a term of six (6) months from the date of installation.
 - b. The maximum signage area will be 64 square feet. The maximum height shall be 5 feet.
 - 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. Temporary signs are not required to be constructed of the material used for buildings.

J. Open Space:

1. The proposed development should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged

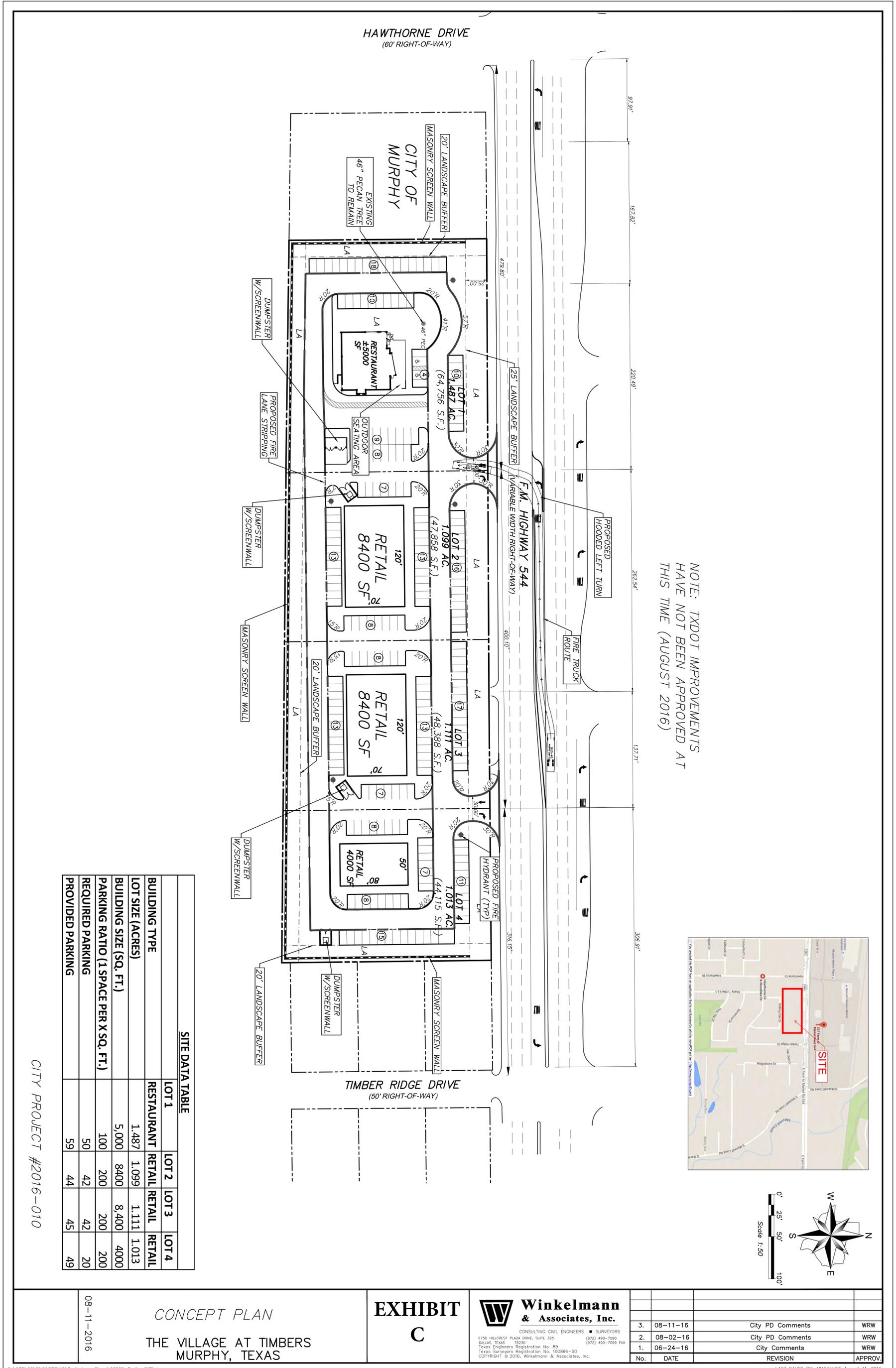
within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Lots at the pedestrian level.

2. **Outdoor Seating:** Any establishment serving food for consumption on- premises is encouraged to provide an outdoor seating area and shall be approved with the site plan. The outdoor seating area may be included as a portion of the 5% open space requirement.
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. Public benches along walkways and sidewalks will be incorporated to meet this requirement.

VII. Special Regulations:

- A. **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.
- B. **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 Lot. These features shall include, but are not limited to, benches, trash receptacles, bicycle racks, lighting poles, etc.
- C. **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.
- D. **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.
- E. **Traffic Impact Analysis:** If requested by the City, a Traffic Impact Analysis report will be provided for the permit application to TXDOT for roadway improvements that impact FM 544.
- F. **Sidewalks:** The developer shall construct a sidewalk from the project property line on the west side of the property, along FM544, to the corner of FM544 and Hawthorne as well as on the east side of Hawthorne. The sidewalk constructed on the east side of Hawthorne will run from FM544 and adjoin existing sidewalk at 112 Hawthorne.

Exhibit C



SITE DATA TABLE				
BUILDING TYPE	LOT 1	LOT 2	LOT 3	LOT 4
RESTAURANT	1.487	1.099	1.111	1.013
RETAIL	8400	8400	8400	4000
LOT SIZE (ACRES)	1.487	1.099	1.111	1.013
BUILDING SIZE (SQ. FT.)	5,000	8,400	8,400	4,000
PARKING RATIO (1 SPACE PER X SQ. FT.)	100	200	200	200
REQUIRED PARKING	50	42	42	20
PROVIDED PARKING	59	44	45	49

CITY PROJECT #2016-010

CONCEPT PLAN
THE VILLAGE AT TIMBERS
MURPHY, TEXAS

EXHIBIT
C

Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS ■ SURVEYORS
6750 HILLCREST PLAZA DRIVE, SUITE 325
DALLAS, TEXAS 75230
Texas Engineers Registration No. 89
Texas Surveyors Registration No. 100866-00
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No.	DATE	REVISION	APPROV.
3.	08-11-16	City PD Comments	WRW
2.	08-02-16	City PD Comments	WRW
1.	06-24-16	City Comments	WRW

Attachment 7
Amendment Traffic Impact Analysis study



January 23, 2017

Mr. Mason Laycock
Analyst
Street Level Investments
5950 Berkshire Lane, Suite 700,
Dallas Texas 75225

RE: *Traffic Study for the Proposed Retail Development – Lee Engineering’s response to TIA Review comments*

Dear Mr. Laycock:

Lee Engineering has discussed the TIA review comments with the review engineer, Craig Kerkhoff, PE, CFM. Our responses to the TIA comments are provided in red below.

Please note that Mr. Kerkhoff has not had the opportunity to review the latest TIA reflecting the latest site plan.

Traffic Impact Analysis Review Comments

5. The site plan submitted within the TIA is not the same as the hard copy that was submitted. We recommend the TIA be revised to accurately reflect the proposed development.

It appears that the hard copy of the site plan that was submitted was slightly updated compared to the site included in the TIA. As shown below, the difference in trip generation between the two site plans is not significant enough to warrant an update to the TIA.

Trips Generated											
Land Use	Amount	Variable (X)	Daily Trips			AM Peak Hour Trips			PM Peak hour Trips		
			Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Retail (TIA 12/09/2016)	14.1	1000 Sq Ft GFA	1,902	951	951	47	29	18	161	77	84
Retail (New Site Plan)	15.29	1000 Sq Ft GFA	2,004	1,002	1,002	50	31	19	170	82	89
High Turnover (Sit-Down) Restaurant (TIA 12/09/2016)	5.6	1000 Sq Ft GFA	712	356	356	61	38	23	55	33	22
High Turnover (Sit-Down) Restaurant (New Site Plan)	4.8	1000 Sq Ft GFA	610	505	505	52	32	20	47	28	19
Two Fast-Food Restaurants with Drive-Through (TIA 12/09/2016)	5	1000 Sq Ft GFA	2,482	1,241	1,241	227	116	111	163	85	78
Two Fast-Food Restaurants with Drive-Through (New Site Plan)	5	1000 Sq Ft GFA	2,482	1,241	1,241	227	116	111	163	85	78
Total Trip Difference: TIA 12/09/2016 VS New Site Plan			0	0	0	6	4	2	-2	0	-2

6. Historically, the hooded left turn proposed from westbound FM 544 into the site has been problematic for the City's emergency service vehicles. Additionally, the hooded left-turn may create a safety issue as it will promote cars turning into the site to cross three lanes of traffic on eastbound FM 544 during the highest traffic time of day.

Mr. Kirkhoff indicated that the fire department has expressed concerns regarding emergency vehicle's ability to utilize the existing hooded left turn median opening along FM 544, just west of McCreary Road. Based on the proposed site plan, it appears that the proposed hooded left turn lane design would allow better turning path for the emergency vehicles as compared to the existing hooded left turn median opening just west of McCreary Road. In addition, without a hooded left turn lane, the westbound left turning vehicles entering the site would have to make a U turn at Hawthorne signal. During a permissive phase of the signal, the U-turns would take longer time to complete the maneuver than a left turn maneuver at the hooded left turn median opening.

7. We recommend extending the build-out year within the report due to the growth within the region.

The TIA was performed for the build out of the proposed development. As shown in the TIA, traffic volumes on FM 544 have decreased from 2010 to 2014. The TIA assumes 2% growth in traffic volumes from existing traffic volumes. A 2% per year increase in traffic volumes along FM 544 over the next five years is not expected to impact the proposed site driveway operations significantly.

8. The TIA states that the trip generation manual referenced for this analysis does not provide pass-by trips percentages for the given uses of this site, however pass-by trips are shown on the trip generation chart .

The TIA intended to say "ITE Trip Generation Manual does not provide pass-by trip percentages for Retail and High Turnover (Sit-Down) Restaurant type land-uses for the AM peak hour." Trip generation chart shows PM peak hour pass-by trips for all land uses for this site and AM peak hour pass-by trips for Fast-Food Restaurants with Drive-Through. TIA chart data is consistent with *ITE Trip Generation Manual*, Ninth Edition.

If you have any questions regarding this study, please contact me at (972) 248-3006. We appreciate the opportunity to provide these services.

Sincerely,

Dharmesh Shah, P.E., PTOE
Vice President
Lee Engineering, LLC
TBPE Firm F-450

Attachment 8
Engineering staff comments

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS

11910 Greenville Ave., Suite 600 Dallas, Texas 75243 Fax (214) 461-8390 Phone (214) 361-7900

JOHN W. BIRKHOFF, P.E.
GARY C. HENDRICKS, P.E.
JOE R. CARTER, P.E.
MATT HICKEY, P.E.
ANDREW MATA, JR., P.E.
JOSEPH T. GRAJEWSKI, III, P.E.
DEREK B. CHANEY, P.E.
CRAIG M. KERKHOFF, P.E.

December 14, 2016

Ms. Tina Stelnicki
Community and Economic Development
City of Murphy
206 N. Murphy Rd.
Murphy, Texas 75094

Re: Villages at Timbers – Site Plan & TIA Review

Dear Ms. Stelnicki:

As you requested, we have reviewed the Site Plan and TIA for the Villages at Timbers development located at 210 E. FM 544. We received the site plan from you electronically on December 12, 2016, and the TIA electronically on October 28, 2016.

Our review of the Site Plan and TIA is for general compliance with the City of Murphy's development requirements and good engineering practice, and does not relieve the engineer of record of his responsibilities under the Texas Engineering Practice Act. Listed below are the comments regarding the enclosed site plan and TIA:

Site Plan Comments

1. A site plan only was submitted. Further comments may be added upon the submittal of the construction plat and detailed engineering plans.
2. A drainage exhibit was submitted showing the developments intentions to discharge storm water undetained from the site. While the exhibit appears to show capacity may exist, detailed calculations will be required.
3. Verify the location of the existing 16-inch water line shown. It may be located on the north side of FM 544.
4. Sidewalk shall be provided from the site to the sidewalk being constructed along FM 544.
5. Building spacing and layout shall meet all requirements of the Fire Department.
6. TxDOT permit will be required for the proposed driveways and median improvements.

Traffic Impact Analysis Comments

7. The site plan submitted within the TIA is not the same as was presented at previous meetings, and shows substantial changes with the site plan submitted for this review. We recommend the TIA be revised to accurately reflect the proposed development.
 8. We recommend a deceleration lane into the site from the eastbound FM 544 traffic. The majority of the traffic entering the site is from this direction during the PM peak hour.
 9. Volumes shown within charts do not match the graphics within the report.
 10. Historically, the hooded left turn proposed from westbound FM 544 into the site has been problematic for the City's emergency service vehicles. Additionally, the hooded left-turn may create a safety issue as it will promote cars turning into the site to cross three lanes of traffic on FM 544 during the highest traffic time of day.
 11. We recommend extending the build-out year within the report due to the growth within the region.
 12. The TIA was not signed by the engineer of record.
- .We are available to discuss this project and our review comments further at your convenience.

Sincerely,



Craig M. Kerkhoff, P.E., C.F.M.

Enclosures

cc: Ms. Kelly Carpenter
Ms. Bailey Ragsdale



BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS

Attachment 8
 Second review

11910 Greenville Ave., Suite 600 Dallas, Texas 75243 Fax (214) 461-8390 Phone (214) 361-7900

JOHN W. BIRKHOFF, P.E.
 GARY C. HENDRICKS, P.E.
 JOE R. CARTER, P.E.
 MATT HICKEY, P.E.
 ANDREW MATA, JR., P.E.
 JOSEPH T. GRAJEWSKI, III, P.E.
 DEREK B. CHANEY, P.E.
 CRAIG M. KERKHOFF, P.E.

January 9, 2017

Ms. Tina Stelnicki
 Community and Economic Development
 City of Murphy
 206 N. Murphy Rd.
 Murphy, Texas 75094

Re: Villages at Timbers – Site Plan & TIA Review

Dear Ms. Stelnicki:

As you requested, we have reviewed the Site Plan and TIA for the Villages at Timbers development located at 210 E. FM 544. We received the site plan from you on December 27, 2016, and the TIA electronically on December 16, 2016.

Our review of the Site Plan and TIA is for general compliance with the City of Murphy's development requirements and good engineering practice, and does not relieve the engineer of record of his responsibilities under the Texas Engineering Practice Act. Listed below are the comments regarding the enclosed site plan and TIA:

Site Plan Comments

1. A site plan only was submitted. Further comments may be added upon the submittal of the construction plat and detailed engineering plans.
2. A drainage exhibit was previously submitted showing the developments intentions to discharge storm water undetained from the site. While the exhibit appears to show capacity may exist, detailed calculations will be required.
3. Building spacing and layout shall meet all requirements of the Fire Department.
4. TxDOT permit will be required for the proposed driveways and median improvements.

Traffic Impact Analysis Comments

5. The site plan submitted within the TIA is not the same as the hard copy that was submitted. We recommend the TIA be revised to accurately reflect the proposed development.

6. Historically, the hooded left turn proposed from westbound FM 544 into the site has been problematic for the City's emergency service vehicles. Additionally, the hooded left-turn may create a safety issue as it will promote cars turning into the site to cross three lanes of traffic on eastbound FM 544 during the highest traffic time of day.
7. We recommend extending the build-out year within the report due to the growth within the region.
8. The TIA states that the trip generation manual referenced for this analysis does not provide pass-by trips percentages for the given uses of this site, however pass-by trips are shown on the trip generation chart.

.We are available to discuss this project and our review comments further at your convenience.

Sincerely,



Craig M. Kerkhoff, P.E., C.F.M.

Enclosures

cc: Ms. Kelly Carpenter
Ms. Bailey Ragsdale

Attachment 8
Third review

From: [Craig Kerkhoff](#)
To: [Bailey Ragsdale](#); [Perry Elliott](#)
Cc: [Kelly Carpenter](#); [Tina Stelnicki](#)
Subject: Re: 2016-022 - Village at Timbers Revisions
Date: Tuesday, January 24, 2017 1:39:57 PM
Attachments: [ATT00001.bmp](#)
[ATT00002.png](#)
[ATT00003.png](#)
[ATT00004.png](#)

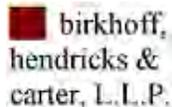
Bailey,

Pardon our tardiness in this review. We offer no additional comments regarding the revised site plan that were not included in the previous submittal.

I will respond to their comment letter stating that the "City Engineer" is unresponsive. We have worked with them on them on the drainage conversation and even met at the City last week. Also, we've not received any phone calls from Lee Engineering on this topic after the initial discussion.

Craig M. Kerkhoff, PE, CFM

11910 Greenville Ave., Suite 600
 Dallas, Texas 75243
 (P) 214-361-7900
 (F) 214-461-8390
ckerkhoff@bhcllp.com



>>> Bailey Ragsdale <bragsdale@murphytx.org> 1/13/2017 12:23 PM >>>
 Good afternoon!

Attached you will find the revised concept plan and reply letter for the 2016-022 – Village at Timbers project.

Please review and provide your comments to me ***no later than Wednesday, January 18th by 2:00pm.***

I apologize for the fast turnaround, this is supposed to be on the January P&Z meeting on January 23rd so we're trying to keep that date if at all possible. _

I appreciate all your hard work!

Bailey Ragsdale
 City of Murphy
 Executive Administrative Assistant
 Economic and Community Development
 P: 972-468-4107
 206 N Murphy Road
 Murphy, TX 75094
www.murphytx.org

Attachment 9
Fire Marshal staff comments



Plan Review Comments

Special Use Permit
Fire

RECIPIENT: WINKLEMAN AND ASSOCIATES
 PROJECT: 2016-022-1 VILLAGE AT TIMBER RIDGE
 LOCATION: SW CORNER OF TIMBER RIDGE DRIVE
 REVIEWED BY: PERRY ELLIOTT, FIRE MARSHAL
 DATE: DECEMBER 12, 2016

Unless otherwise noted or required, all 2006 International Fire Code requirements, amendments, current city ordinances, and applicable NFPA standards must be met as they apply to this project. The following comments are not intended to be all-inclusive and are based solely on the information provided for this review.

Please see the following comments:

- Add one hydrant to the first island east of the West entry point on the Northside fire lane between the 1800' restaurant and the 3200' restaurant on the Northside of the fire lane.
- Fire lane widths acceptable as long as all buildings remain under 30' in height.
- Clarify the intent of the double drive through lanes on the restaurants as either a second drive through lane or as an escape lane.

While every effort has been made to make a complete and comprehensive review of the submitted plans and documents, any omission, changes and/or deletions in this plan review does not relieve the owners, contractors, architects, engineers or other individuals involved in this project from their responsibility to fully comply with the applicable codes, regulations and ordinances.

From the desk of
Perry Elliott
Fire Marshal

pelliott@murphytx.org
972-468-4300 Office

206 North Murphy Road
Murphy, TX 75094
www.murphytx.org



Plan Review Comments
Special Use Permit – Revision 1
Fire

RECIPIENT: WINKLEMAN AND ASSOCIATES
PROJECT: 2016-022-2 VILLAGE AT TIMBER RIDGE
LOCATION: SW CORNER OF TIMBER RIDGE DRIVE
REVIEWED BY: PERRY ELLIOTT, FIRE MARSHAL
DATE: JANUARY 10, 2017

Unless otherwise noted or required, all 2006 International Fire Code requirements, amendments, current city ordinances, and applicable NFPA standards must be met as they apply to this project. The following comments are not intended to be all-inclusive and are based solely on the information provided for this review.

Please see the following comments:

- Hooded left turn on FM 544 is not acceptable. Hooded turns are problematic in maintaining vehicle control and encourage vehicle damage when responding under emergency response mode.

While every effort has been made to make a complete and comprehensive review of the submitted plans and documents, any omission, changes and/or deletions in this plan review does not relieve the owners, contractors, architects, engineers or other individuals involved in this project from their responsibility to fully comply with the applicable codes, regulations and ordinances.

From the desk of
Perry Elliott
Fire Marshal

pelliott@murphytx.org
972-468-4300 Office



Plan Review Comments
Special Use Permit – Revision
Fire

RECIPIENT: WINKLEMAN AND ASSOCIATES
PROJECT: 2016-022-2 VILLAGE AT TIMBER RIDGE
LOCATION: SW CORNER OF TIMBER RIDGE DRIVE
REVIEWED BY: PERRY ELLIOTT, FIRE MARSHAL
DATE: JANUARY 25, 2017

Unless otherwise noted or required, all 2006 International Fire Code requirements, amendments, current city ordinances, and applicable NFPA standards must be met as they apply to this project. The following comments are not intended to be all-inclusive and are based solely on the information provided for this review.

Please see the following comments:

- Hooded turns are problematic in maintaining vehicle control and encourage vehicle damage when responding under emergency response mode. (Department personnel have not been using the existing hooded left turn for the reason stated above after several instances of curb strikes and vehicle damage that began occurring immediately following the installation of the existing hooded left turn. Attempting to promote the use of one hooded left turn and not another hooded left turn becomes a futile attempt as time passes and may well result in unnecessary damage to vehicle and increase the odds of losing control of the vehicle by striking curbs during emergency responses.)
- I concur with the City Engineer comments concerning the potential for creating a safety issue without any uncontrolled safety feature on a high volume roadway.

While every effort has been made to make a complete and comprehensive review of the submitted plans and documents, any omission, changes and/or deletions in this plan review does not relieve the owners, contractors, architects, engineers or other individuals involved in this project from their responsibility to fully comply with the applicable codes, regulations and ordinances.

From the desk of
Perry Elliott
Fire Marshal

pelliott@murphytx.org
972-468-4300 Office

2016-022 (A) Amendment to the concept plan

Attachment 10
8C

Agenda Item 8C
RECEIVED

FEB 06 2017

Reply Form



Concept Plan

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



This letter is regarding a request for approval of the application of Winkelmann and Associates Inc. for an Amendment to a Concept Plan located on 4.696 acres at the south west corner of Timber Ridge Drive and FM 544, property zoned Planned Development (PD) District 16-09-1021. Having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75.

I am **IN FAVOR** of the request for approval of amending the Concept Plan.

I am **OPPOSED** to the request for approval of amending the Concept Plan.

This item will be heard at the **Planning & Zoning Commission on Monday, February 13, 2017 at 6:00 p.m. and by City Council on Tuesday, February 21, 2017 at 6:00 p.m.** at Murphy City Hall, in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

The concept plan seems to have been ignored

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

ROBERT C CLAR
Name (Please Print)

Robert C Clar [Signature] 2/6/17
Signature

113 MEADOW CROFT DR
Address

2/4/2017
Date

Reply Form

Attachment 10
8C

**2016-022 – (A) Amendment to a Concept Plan – Village at Timbers
Concept Plan**

RECEIVED

JAN 24 2017

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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Safety Impact • TRAFFIC Study to show flow of
TRAFFIC IN + AROUND TIMBERS neighborhood
• Neighborhood Impact - noise,
ADHERENCE TO ALL ORDINANCES (lighting, garbage)

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Michael R Bausor
Name (Please Print)

Michael Bausor
Signature

104 TIMBER RIDGE
Address

1/23/17
Date

Reply Form

RECEIVED

2016-022 – (A) Amendment to a Concept Plan – Village at Timbers

FEB 07 2017

Concept Plan

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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There are 39 eateries that are within a one mile radius of my house. My immediate neighbors and I have voiced more than once that we are not opposed to rezoning as long as it does NOT include additional eateries.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Dal Garrett
Name (Please Print)

Dal Garrett
Signature

316 Rolling Oak dr. Murphy
Address

2/2/17
Date

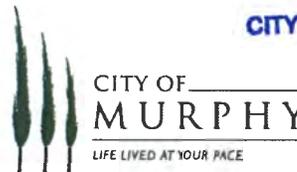
Reply Form
2016-022 – (A) Amendment to a Concept Plan – Village at Timbers
Concept Plan

RECEIVED

JAN 23 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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We dont need any more fast food.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Nanette Garrett
Name (Please Print)

Nanette Garrett
Signature

316 Rolling Oak Dr
Address

Jan 18 2017
Date

RECEIVED

FEB 06 2017

CITY OF MURPHY

Reply Form

2016-022 – (A) Amendment to a Concept Plan – Village at Timbers

Concept Plan

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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TOO MANY FAST FOOD RESTAURANTS
ALREADY EXIST. THIS CITY DOES
NOT NEED MORE OF THEM

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

JEFFREY R ZARIT
Name (Please Print)

[Signature]
Signature

331 ROLLING OAK DR
Address

2/6/17
Date

Reply Form

2016-022 – (A) Amendment to a Concept Plan – Village at Timbers

Concept Plan

RECEIVED
RECEIVED

JAN 18 2017

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



CITY OF
MURPHY
LIFE LIVED AT YOUR PACE

CITY OF MURPHY

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TOO MANY FAST FOOD PLACES EXIST NOW. WHY DO WE NEED MORE? AM CONCERNED ABOUT LIGHT, TRAFFIC, AND NOISE AS I LIVE DIRECTLY BEHIND

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

JEFFREY S. EAST
Name (Please Print)

Signature

331 COLLING OAK DR
Address
MURPHY

4/6/17
Date

Reply Form

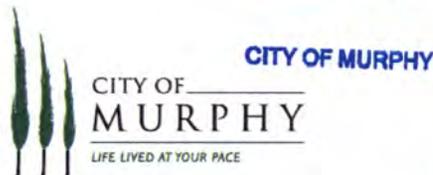
2016-022 – (A) Amendment to a Concept Plan – Village at Timbers

Concept Plan

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FEB 06 2017

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

MARGARET SMITH
Name (Please Print)

Margaret Smith
Signature

124 Timber Ridge Dr
Address
Murphy

2/2/17
Date

RECEIVED

Attachment 10
8C

JAN 17 2017

Reply Form

2016-022 – (A) Amendment to a Concept Plan – Village at Timbers
Concept Plan

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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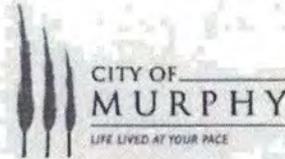
MARGARET HAKER SMITH Margaret Haker Smith
Name (Please Print) Signature

124 TIMBER RIDGE DR. 1/16/17
Address MURPHY Date

Reply Form

**2016-022 – (A) Amendment to a Concept Plan – Village at Timbers
Concept Plan**

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Samie Hancher Samie Hancher
Name (Please Print) Signature

1008 Cowboy Ct Murphy 1-19-17
Address Date

Reply Form
2016-022 – (A) Amendment to a Concept Plan – Village at Timbers
Concept Plan

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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Please deny the request to amend the concept plan for this development. Murphy is saturated with drive-thru "restaurants" already. The idling of the vehicles, light and noise pollution would be a detriment to the environment and would cause a negative impact on the residents living immediately adjacent to the center.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Stephanie Pennington
Name (Please Print)

Stephanie Pennington
Signature

120 S Maxwell Creek Rd, Murphy
Address

1/19/17
Date

Reply Form

2016-022 – (A) Amendment to a Concept Plan – Village at Timbers
Concept Plan

Attachment 10
8C RECEIVED

FEB 13 2017

CITY OF MURPHY

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Linda Miller

Name (Please Print)

213 Rolling Oak

Address

[Signature]

Signature

2-13-17

Date

City Council
February 21, 2017

Issue

Consider and/or act on the request for grant funding for improvements in tenant space for a new RJ Mexican Cuisine Restaurant.

Details

Mr. Jay Khan, Manager/Partner of Chef Time, LLC submitted a request for economic assistance in the amount of \$150,000 from the Murphy Municipal Development District board for a construction assistance grant for a new Mexican food restaurant.

Considerations

Mr. Khan plans to open his second location of RJ Mexican Cuisine in Evans Crossing, which is currently under construction in the WalMart outparcel property on North Murphy Road. The first location of the restaurant is not located in Murphy. Mr. Khan was the owner of Southfork Texas Steak and Crab that was sold to new owners on July 1, 2016.

Staff Recommendation

Consultant finds that city investment there will be a 100% return in 3.3 years. Consultant does not address the fact that the data shows that these are very low wage jobs. There are three other existing sit down Mexican Food restaurants located between Murphy Road and just east of McCreary Road and there is potential influence on the new restaurant or others with this number of similar restaurants.

The Murphy Municipal Development District board on February 6, 2017 approved an incentive to Mr. Khan for the following:

- A grant in the amount of \$60,000; and
- A loan in the amount of \$40,000 to be repaid over 5 years with an undefined interest rate.

Attached

Assistance Application

From: [Wufoo](#)
To: [Kristen Roberts](#); [Tina Stelnicki](#)
Subject: MUNICIPAL DEVELOPMENT DISTRICT [#19]
Date: Tuesday, September 13, 2016 10:39:10 AM

Applicant Company Name:	Chef Time LLC
Company Representative(s)	Jay Khan
Title	Manager/partner
Mailing Address	<input type="checkbox"/> 1004 BEECHWOOD DR MURPHY MURPHY United States
Office Phone Number	(214) 417-4371
Cell Phone Number	(214) 417-4371
Email	JAYKHAN1701@YAHOO.COM
2. Has this company operated under any other names?	No
3. Has applicant or any of its partners or principals (if a corporation) ever filed for bankruptcy?	No
4. Company description and overview:	High end Mexican Cuisine, RJ Mexican Cuisine has been successfully operating for last 12 year, its first location, located in the heart of Dallas west end, this Highly popular local Mexican scratch kitchen looking to open its second location in beautiful city of murphy
5. Is a recent annual audit available?	No
6. Proposed Property address and/or location description:	EVANS CROSSING, HARPER MURPHY RETAIL, LLC, New Development on Murphy RD
Property Legal Description:	HARPER MURPHY RETAIL, LLC New Development on Murphy RD

7. Description of Project:

RJ Mexican Cuisine is Local Mexican Scratch Kitchen, RJ Mexican Cuisine’s imaginative Traditional Dishes, blending Mexico–Texas flavors with Mexican technique, is at the forefront of a new wave of the Mexican cuisine that’s now become entrenched in Dallas’s culinary scene.

High end Mexican Cuisine

Interior of RJ Mexican Cuisine © Dallas Eatery RJ Mexican Cuisine’s legacy is still going strong at this family’s newest renovated Mexican Cuisine . More casual than the previous establishment, it serves up a wide selection of smaller dishes designed for sharing. Here, are the comfort foods to Tilapia Margarita and Steak Quesadilla to Rj favorites: chicken enchilada, sour cream sauce, crispy beef taco, masa boats, pork carnitas or chicken tinga and more from the bar.

Each dish has a touch of unexpected flavor, which is typical of this culinary Master’s of Mexican Cuisine who believes that “each bite should involve all of our senses and tastes.”

Though RJ Mexican Cuisine may be the father of Dallas’s Eatery scene, there are plenty following in their footsteps. RJ Mexican Cuisine has been listed as one of the city’s best new restaurants several times over. This cozy and unpretentious eatery is known for serving up dishes with a twist – a Mexican twist in this case. Tapas of spiced meat, cheeses, and seafood are served up alongside a legendary late-night Chef platter’s. The cocktails are also among the best in Dallas.

8. Will any zoning changes be necessary to accommodate the project?	No
9. Date projected for occupancy / project implementation:	Sunday, January 15, 2017
10. Will applicant company occupy:	Space currently planned or under construction:
11. Square footage of proposed occupied space:	3263
12. Applicant business is: (check all that apply)	<ul style="list-style-type: none"> • New company to Murphy • Expanding
13. Specify economic assistance requested:	\$150,000.00
Why is this assistance needed?	New Development and New Constuction
14. Why did you choose the City of Murphy? :	owned and operated very successful steak house in this Beautiful city of Murphy.
15. Number of Full Time employees and Part Time employees to be employed by applicant company at occupancy and to be maintained throughout the term of the agreement (exclusive of contract employees):	A: Fulltime 25 B: Part Time: 25
16. What will be the median annual salary of the company’s Full Time employees:	225k
17. Projected annual payroll (at occupancy):	429k
18. What is the annual value of sales that will be subject to sales tax collection by the City of Murphy?	1 500000.00
19. Will additional infrastructure investment be required from the City of Murphy at the proposed site?	No
20. Please summarize the overall economic impact on the City of Murphy (sales, real property and business personal property	Increase Employment, Increase business property value, Increase tax revenues.

improvements, employment, etc...)

21. Describe the financial and other issues associated with this application, including method of financing.	personal
22. Have you received economic development assistance before?	Yes
If so, when and where and from what source? What was the outcome of the incentive and project:	Not Directly, in 2014 when we open South Fork Texas steak and crab in Murphy Market place
Signature:	Jay Khan
Date	Tuesday, September 13, 2016