

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
MARCH 7, 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 March 7, 2017 at Murphy City Hall for the purpose of considering the following items. The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Pursuant to Section 551.127, Texas Government Code, one or more Councilmembers may attend this meeting remotely using videoconferencing technology. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting. A quorum will be physically present at the posted meeting location of City Hall.

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. CITY MANAGER/STAFF REPORTS

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

6 INDIVIDUAL CONSIDERATION

- A. Consider and/or act to approve the February 21, 2017 Regular Council meeting minutes. *Susie Quinn, City Secretary*
- B. Hold a public hearing and consider and/or act on Ordinance No. 17-03-1031 approving a Specific Use Permit (SUP) allowing a drive-thru for an Andy's Frozen Custard restaurant to be located on .668 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. (*Jared Mayfield, Community and Economic Development Director*)

- C. Hold a public hearing and consider and/or act on Ordinance No. 17-03-1032 approving a Specific Use Permit (SUP) allowing a drive-thru Jason's Deli restaurant to be located on 1.358 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. *(Jared Mayfield, Community and Economic Development Director)*
- D. Hold a public hearing and consider and/or act on Ordinance No. 17-03-1033 amending the Development Conditions and Standards and approving a Concept Plan located for a 4.696 acre tract 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. *(Jared Mayfield, Community and Economic Development Director)*
- E. Hold a public hearing and consider and/or act on the adoption of Ordinance No. 17-03-1034 enacting a temporary moratorium to suspend the acceptance of permits, authorizations, and approvals necessary for the subdivision of, site planning of, property development, or construction on real property within the area bounded on the north by FM 544, on the west by Murphy Road, on the south by Timbers No. 5, Phase 1 and on the east by The Timbers No. 4-A. *(Jared Mayfield, Community and Economic Development Director) (First Reading)*
- F. Consider and/or act on the request for grant funding for improvements in tenant space for a new RJ Mexican Cuisine Restaurant. *(Jared Mayfield, Community and Economic Development Director)*
- G. Consider and/or act on the application of the Exchange Club of Murphy for consideration of an amendment to a previously awarded Community Grant fund. *(Jared Mayfield, Community and Economic Development Director)*
- H. Consider and/or act on the application of the Murphy Community Emergency Response Team (CERT) for consideration of a Community Grant fund award. *(Jared Mayfield, Community and Economic Development Director)*

7. 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 government 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; and
- B. §551.087: To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Murphy and with which the City is conducting economic development

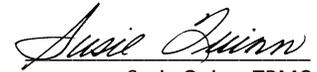
negotiations; and/or to deliberate the offer of a financial or other incentive to the business prospect.

8. 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.

9. 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 March 3, 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
March 7, 2017

Issue

Upcoming Events

Staff Resource/Department

Mike Castro, City Manager

Summary

- 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
- Earth Day (recognized on April 22nd) but KMB will recognize it on Friday, April 21st at the Moonlight Movie Event, ***Finding Dory***, 8:00 pm, Murphy Central Park Amphitheater – 550 North Murphy Road, Murphy, Texas 75094
- Drug Take Back (Police Dept and KMB partner on this) is on Saturday, April 29th in front of the Police Station, from 10:00 am until 2:00 pm, 206 North Murphy Road, Murphy, Texas 75094
- Tunes, Tails, & Ales on Saturday, April 29th from 6:30 to 8:30 pm, Murphy Central Park, 550 North Murphy Road, Murphy, Texas 75094

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 21, 2017 AT 6:00 PM

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

4. PRESENTATIONS/RECOGNITIONS

A. Presentation of financial report as of January 31, 2017.

Interim Financial Director Steven Ventura presented the financial report for January 31, 2017. Account balances ending January 31, 2017 reflects interest rates continuing to increase. Sales Tax collection through February 2017 appears down versus February last year but increased this year overall. Month to Date chart reflects numbers for General Fund Revenues, General Fund Expenditures and Utility Fund Revenue detailing last year (January 2016) to current year (January 2017) numbers for the month of January (numbers reflected state difference between January 2016 and 2017 with a variance percentage). Year to Date chart reflects numbers for General Fund Revenues, General Fund Expenditures and Utility Fund Revenues detailing totals from October through January for budget FY17, current year (January 2017) and last year (January 2016). Permits and Licenses issued five (5) single family building permits in January, for a total of fourteen (14) for the year.

FY2016 Hail Damage Report:

- Total paid for facility repairs \$641,744
- Total paid for vehicle repairs \$166,135
- Total repairs \$807,879
- TML payments received \$742,293

FY2017 Hail Damage Report:

- Total paid for facility repairs \$623,330
- Total encumbered for facility repairs \$312,112
- Total paid for vehicle repairs not applicable
- Total repairs \$935,442
- TML payments received \$795,246
- Remaining TML payment expected FY17 \$187,917

Hail Damage Summary Report:

- Property repairs \$1,577,185
- Vehicle repair \$166,135
- Repair total \$1,743,320
- TML payment total \$1,725,456 (minus deductibles)

Council thanked Steven for all of his work with the City and wished him well in his new position.

B. PUBLIC COMMENTS

No Public Comments presented.

C. CITY MANAGER/STAFF REPORTS

- Radio Systems – Chief Trey Cotten provided an update to Council that work is still ongoing at the Fire Station installation with another week to complete that installation prior to moving onto the Police station to connect the systems. A group of Motorola engineers were at the Police Department today to complete the install of the software into the NICE logging system, should be finished by the end of the week.
- Sidewalk Rehabilitation Program – Public Services Director Tim Rogers provided an update to Council that the project has stalled due to a schedule conflict for the contractor with the recent rain and contractor also services the City of Wylie but should be back on schedule in a couple of weeks. Council inquired if the sidewalk prioritization list is reassessed since this list was compiled more than a year ago. Staff responded that the prioritization list is constantly growing, staff has a set prioritization workload, the original list had about five (500) locations. Residents can call in or submit a track requestor, staff will inspect the location, add to the prioritization list but priority on the list will be determined on the assessment of the sidewalk. Currently, staff is working on the initial high priority list and the medium priority needs to be completed. Concrete panel repairs on McCreary Road have been completed and all of the barricades were removed as of Friday last week. At the request of Council, Staff is to check Waters Edge intersection with McCreary Road first thing in the morning.
- South Maxwell Creek Sewer Line –Public Service Director Tim Rogers provided an update to Council that progress on the project has slowed due to the rains. At North Maxwell, the contractor preparing to dig the bore pit to install the line under the railroad track. Contractor continues to cleanup and prepping for the testing on the new line.
- FM544 Traffic Safety Update – City Manager Mike Castro provided an update to Council that TXDOT installed three (3) of the LED lights at the intersection on FM 544. Installation began Saturday, February 11, 2017 and was completed in a week. TXDOT would like to have only one (1) sidewalk crossing on FM 544 at the western section of the intersection. During the summer, TXDOT plans to remove the striping on the eastern sidewalk side of the intersection. In the meantime, Council inquired how pedestrians and bikers will be alerted to the danger of the intersection. Staff replied that the City of Murphy does not have a plan but will inquire with TXDOT as to their plan to address the concern. A suggestion from Council in alerting residents to the intersection concerns would be to communicate on city wide publications.

E. Department Directors Vacancies

- Community and Economic Development Director, Jared Mayfield began February 13 and was welcomed.
- Finance Director –four (4) candidates were interviewed, possible decision in the next couple of days.
- IT Director – currently advertising the position, have received about sixty (60) applicants in a week.

F. Upcoming Events –

Prior to discussing upcoming events the first Daddy Daughter Dance, held February 18, 2017 was discussed and comments from the event included attendees having a great time and thought the event was amazing. The only complaint was that there were not enough tickets available.

- Rainbow Trout Round-Up – Saturday, February 25, 2017 from 9 am until 11 am at the City Hall pond, 206 North Murphy Road
- 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

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*

COUNCIL ACTION (7.A.):**APPROVED**

Mayor Pro Tem Bradley moved to approve the consent agenda as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- 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.*

Interim Finance Director Steven Ventura addressed Council that the resolution must be updated with current signatures. The resolution will add Alan Guard, incoming Interim Finance Director and remove Steven Ventura, outgoing Interim Finance Director as authorized signatures on the City of

Murphy bank accounts. Staff 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.

COUNCIL ACTION (7.B.):**APPROVED**

Mayor Pro Tem Bradley moved to approve Resolution No. 17-R-846 authorizing signature authority to sign and endorse checks and drafts of the City of Murphy bank accounts. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

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.

Community and Economic Development Director Jared Mayfield addressed Council that the application for a Specific Use Permit (SUP) for an Andy's Frozen Custard with a drive-thru comprising 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. There is 90 feet from the ordering station to the closest residential property line, which is not in conflict with City Code. September 20, 2016, the concept plan approved by City Council for Neighborhood Services with a Planned Development overlay (original concept plan, drive thru were not detailed). Even though drive thru is allowed in the zoning district and in the Planned Development, a Specific Use Permit (SUP) is required.

On February 13, 2017, applicant presented to the Planning and Zoning Commission an application for a Specific Use Permit (SUP) for a drive-thru for an Andy's Frozen Custard, this particular request does not have a microphone or speaker system but is proposing to take orders at the window. The Planning and Zoning Commission on February 13, 2017 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. To date the City (February 16, 2017) has received the following responses via reply forms: In favor 6; Opposed 5. As of 4:00 pm the City (February 21, 2017) had received the following public comments. Updated results: In favor 6; Opposed 6. The applicant appealed the decision and action requested is to consider the requested Specific Use Permit (SUP) application at the next meeting.

COUNCIL ACTION (8.A.):**APPROVED**

Mayor Pro Tem Bradley moved to continue the Public Hearing for Item 8.A. until the March 7, 2017 Regular City Council Meeting. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- 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.

Community and Economic Development Director Jared Mayfield addressed Council that the application for a Specific Use Permit (SUP) for a Jason's Deli with a drive-thru comprising 4800 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. There is only 50 feet from the order speaker to the closest residential property line, which is not in conflict with City Code. On September 20, 2016, the concept plan approved by City Council for Neighborhood Services with a Planned Development overlay (original concept plan, drive thru were not detailed). Even though drive thru is allowed in the zoning district and in the Planned Development, a Specific Use Permit (SUP) is required.

On February 13, 2017, applicant presented to the Planning and Zoning Commission an application for a Specific Use Permit (SUP) for a drive-thru for a Jason's Deli with a traditional drive-thru setup with a speaker and menu. The Planning and Zoning Commission on February 13, 2017 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. To date the City (February 16, 2017) has received the following responses via reply forms: In favor 95; Opposed 9; Neutral 1. As of 4:00 pm the City (February 21, 2017) had received the following public comments. Updated results: In favor 108; Opposed 10; Neutral 1. The applicant appealed this decision and action requested is to consider the requested Specific Use Permit (SUP) application at the next meeting.

COUNCIL ACTION (8.B.)

APPROVED

Mayor Pro Tem Bradley moved to continue the Public Hearing for Item 8.B. until the March 7, 2017 Regular City Council Meeting. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- 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.

Community and Economic Development Director Jared Mayfield addressed Council that the approval for 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. The concept plan has been proposed for amendment in the following ways from the approved concept plan (approved by City Council on September 20 2016, original concept plan drive thru were not detailed).

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 FM 544 has been modified.

Applicant withdrew the Specific Use Permit (SUP) drive thru for Costa Vida at the February 13, 2017 Planning and Zoning Commission meeting. 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. To date the City (February 16, 2017) has received the following responses via reply forms: In favor 3; Opposed 6. As of 4:00 pm the City (February 21, 2017) had received the following public comments. Updated results: In favor 3; Opposed 7. The applicant has appealed this decision and action requested is to consider the requested amendment to concept plan.

Council inquired as to the existing pecan tree on the property if it is deed restricted and the pecan tree is protected by a deed restriction. What steps are in place to care for the tree with future construction to take place at location was also asked. StreetLevel Investments hired an Arborist to care for the tree.

Myron Dornic, Attorney on behalf of StreetLevel Investments addressed Council that the intention of StreetLevel Investments tonight is to table items 8.A., 8.B. and 8.C. until the next City Council agenda. StreetLevel Investment heard some resident concerns from the public hearing at the Planning and Zoning Commission meeting that StreetLevel Investments would need to develop and address the concerns but that the information is not available at this time. Jana Bean who is the project manager on this project was ill and could not attend the meeting. Council inquired as to what information is StreetLevel Investments waiting on, Mr. Dornic responded in particular Noise. StreetLevel investments is working with an acoustician to provide additional information to present to Council. A couple of homeowners requested changes to the screening wall, StreetLevel Investments has not had the opportunity to gather the necessary information.

Jonathan Crawford, EDGE Realty Partners, broker for the property addressed Council's question on tenant mix about having a letter of intent from prospective tenants? A signed letter of intent with Jason's Deli for Lot 1, Andy's Frozen Custard for Lot 2 with conditions. A half dozen tenants to obtain a letter of intent for the remainder of the property (a couple of casual restaurants who do not have a drive-thru, a pet store, insurance agency and inquiries from nail salons and auto parts) have not been completed. What type of contingencies are in the letters of intent from prospective tenants was asked. All tenants have stipulated a drive-thru and hooded left turn. Resident question, asked about the type of Jason's Deli would be at this location. He wondered if it would be a full service Jason's Deli or an Express Jason's Deli. For this location, the restaurant will be a full service Jason's Deli as the Express Jason's Deli concept no longer exists.

Will Winkelmann, Civil Engineer with Will Winkelman Associates provided to Council an overview on the deceleration lane that has been reviewed with staff, the Fire Marshall and last week submitted documents to TXDOT for their opinion. A question from Council was asked about how to alleviate some of the traffic flow at Timber Ridge Drive. That intersection has not been reviewed.

Todd Huntington, Project Manager with GPD Group (Architect Engineer for Jason's Deli) addressed Council about the number of seats provided in the restaurant. The building is the new prototype without an exterior patio and interior seating count is about 130 to 150. The business model function is significantly different than a Chick Fil A, Taco Bell or McDonalds as drive through is not fifty or sixty percent (50% or 60%) of their business. They have always had a "To Go" concept for customers to pick up food but orders take time to prepare. The drive through averages about ten percent (10%) of their business.

Fire Chief Del Albright and Fire Marshall Perry Elliott addressed Council on concerns of the hooded left turn that is being proposed at the location in regards to the Fire truck apparatus. When

responding to emergency situations the apparatus could be damaged and/or slowed in responding time because of the hooded left turn.

Craig Kerkoff, Consulting Engineer for the City of Murphy provided to Council information on TXDOT process in regards to submitting permits.

Brian Murphy, Managing Partner with StreetLevel Investments addressed Council in regards to the sale of the property being contingent on specific items.

PUBLIC HEARING OPENED at 7:16pm

Dave Brandon, resident – Opposed

Phillip Campbell, resident – Opposed

Margaret Andreescu, resident – Opposed

Margaret Smith, resident – In Favor

Shawn Hardy, resident – In Favor

Bob Mortonson, resident – In Favor

COUNCIL ACTION (8.C.)

APPROVED

Mayor Pro Tem Bradley moved continue the Public Hearing for Item 8.C. until the March 7, 2017 Regular City Council Meeting. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- 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.

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. Mr. Khan plans to open his second location of RJ Mexican Cuisine in Evans Crossing, which is currently under construction in the Wal-Mart outparcel property on North Murphy Road. 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 five (5) years with an undefined interest rate.

Council requested applicant respond to questions Council had on his request. Is there a concept plan already developed? How soon would you see the location opening if funded was approved?

Mr. Jay Khan, Manager/Partner of Chef Time, LLC addressed Council that there is no concept plan developed, just a letter of intent but a concept plan is already in place as this will be a second (2nd) location of RJ Mexican Cuisine Restaurant and plans to open in six (6) months. Menu and quality of the food still a chef driven concept but with a different price point.

Direction has been provided to the staff to move forward with a contract in preparation for the next City Council meeting.

Jim Smith, resident is opposed to the economic development grant and loan be approved for RJ Mexican Cuisine Restaurant in regards to item 8.D.

COUNCIL ACTION (8.D.)

NO ACTION

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 7:32 pm 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.
- B. §551. 087: To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Murphy and with which the City is conducting economic development negotiations; and/or to deliberate the offer of a financial or other incentive to the business prospect.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 8:05 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

11. ADJOURNMENT

With no further business, a motion was entertained by the Mayor and the Council meeting adjourned at 8:10 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

City Council
March 7, 2017

Issue

Hold a public hearing and consider and/or act on Ordinance No. 17-03-1031 approving a Specific Use Permit (SUP) allowing a drive-thru for an Andy's Frozen Custard restaurant to be located on .668 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.

Staff Resource/Department

Jared Mayfield, AICP, Director of Community and Economic Development
Tina Stelnicki, Community Development Coordinator

Details

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.

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 Code of Ordinances, there is only 90 feet from 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 (March 2, 2017) we have received the following responses via Reply Forms, emails and Public Comment forms:

In favor: 6

Opposed: 7

On February 13, 2017 the Planning and Zoning Commission denied approval of this item. A super majority vote by the City Council is required to approve this item.

Action Requested

Consider the requested Specific Use Permit application, as continued from the February 21, 2017 City Council meeting.

Attachments

Ordinance No. 17-03-1031

Applicant's Appeal Letter

Andy's Frozen Custard Elevation Renderings

Reply Forms

ORDINANCE NUMBER: 17-03-1031

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, APPROVING A SPECIFIC USE PERMIT FOR A RESTAURANT (DRIVE-THROUGH) ON APPROXIMATELY .668 ACRES OF PROPERTY ZONED PD (PLANNED DEVELOPMENT) DISTRICT NUMBER 16-09-1021, LOCATED ON SOUTHWEST CORNER OF FM544 AND TIMBER RIDGE DRIVE, HAVING THE LEGAL DESCRIPTION OF ABSTRACT A0579 HENRY MAXWELL SURVEY, TRACT 75, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, PROVIDING A CUMULATIVE/ REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of approximately .668 acres of land located on the southwest corner of FM 544 and Timber Ridge Drive, having the legal description of Abstract A0579 Henry Maxwell Survey, Tract 75, in the City of Murphy, Collin County, Texas, request to amend the comprehensive zoning ordinance and map, Chapter 30 of the City of Murphy Code of Ordinances by approval of a Specific Use Permit for Restaurant (with drive-through) within Planned Development (PD) district ordinance number 16-09-1021; 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 approve a Specific Use Permit for a Restaurant with a drive-thru facility applicable only to that .668 acres portion of Planned Development (PD) district ordinance number 16-09-1021 in the City of Murphy, Collin County, Texas, more particularly described in **Exhibit A (Concept Plan)**, attached hereto and incorporated herein by reference, as Lot 2.

Section 3. Development and use of the property shall be in compliance with the City Code of Ordinances, this ordinance, the conditions stated in the Development Conditions and Standards for Planned Development (PD) district ordinance number 16-09-1021, and the Concept Plan attached as **Exhibit A**.

Section 4. 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 5. 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 6. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining portions of this ordinance or the Comprehensive Zoning Ordinance, Chapter 30 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 7. 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 8. 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 7th day of March 2017.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary

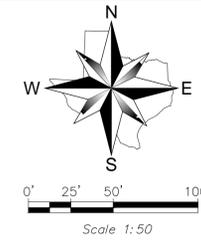
APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

**EXHIBIT A
Concept Plan**

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

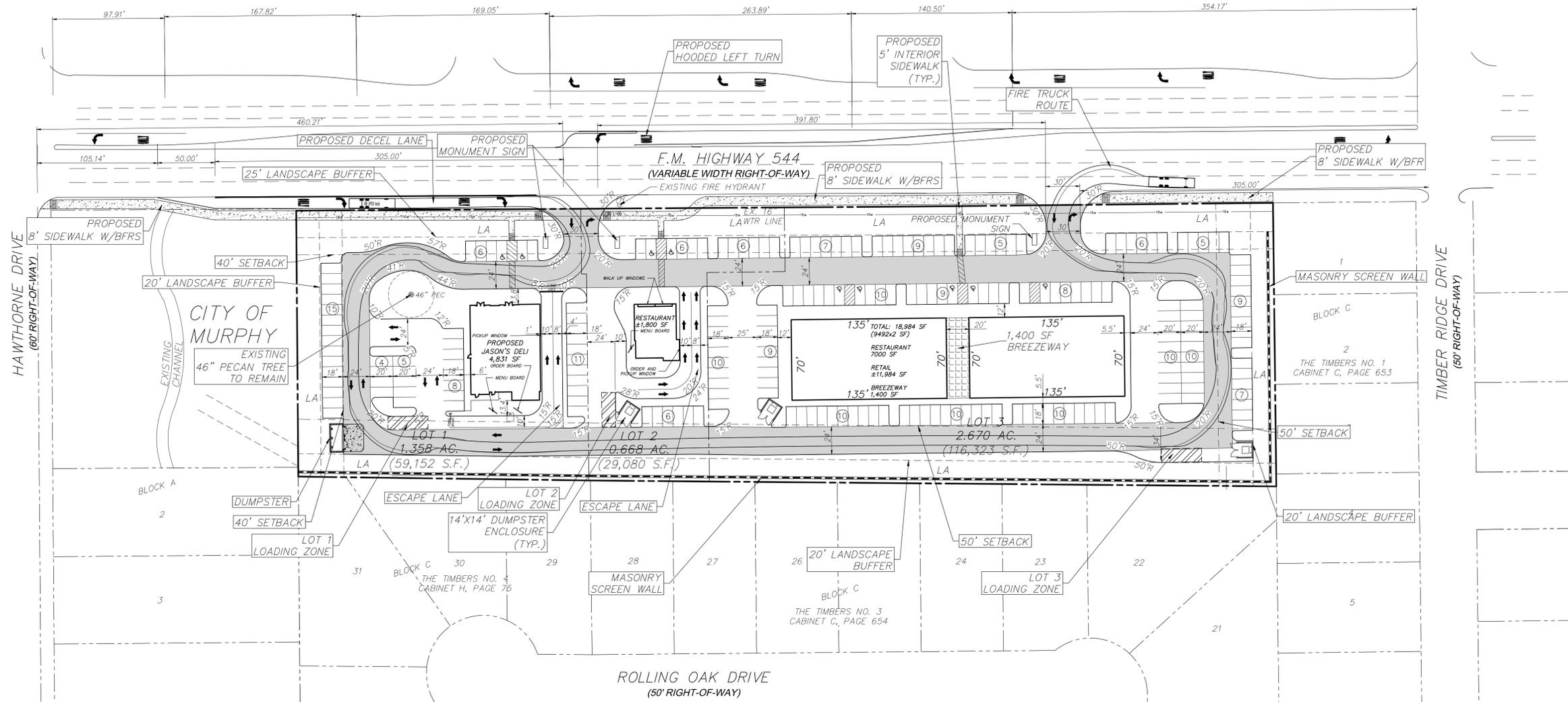


LEGEND

- 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
 State Surveyors Registration No. 100866-00
 State Professional Engineers Registration No. 100866-00
 Copyright © 2017, Winkelmann & Associates, Inc.

SITE PLAN P
 THE VILLAGE AT TIMBERS
 MURPHY, TEXAS

01-30-2017

CITY PROJECT #2016-010

ATTACHMENT 2

ATTACHMENT 2
APPEAL LETTER



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

ATTACHMENT 3

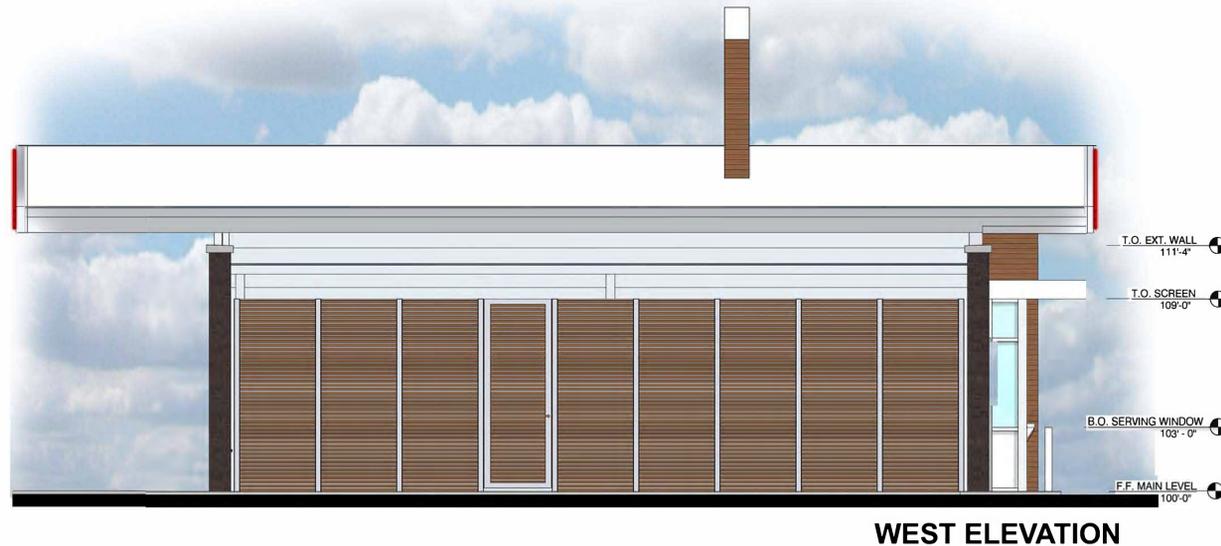
ATTACHMENT 3
Elevation Rendering



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@caerich.com

ANDY'S FROZEN CUSTARD



COMM #

DATE: 2-4-16

REVISION DATE:

T.O. SEATING ELEMENT 101'-6"

F.F. MAIN LEVEL 100'-0"

B.O. SERVING WINDOW 103'-0"

B.O. MULLION 109'-0"

T.O. STOREFRONT 113'-7"

CE1

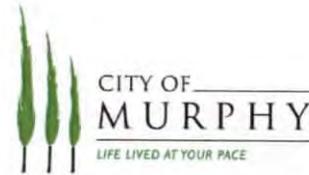
ATTACHMENT 4

ATTACHMENT 4
REPLY FORMS

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



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, 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.

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Tonight's City Council--Agenda 8-A/B/C
Date: Wednesday, February 22, 2017 2:21:23 PM
Attachments: [City Council PZ statement 02.21.17.rtf](#)

From: Susie Quinn
Sent: Tuesday, February 21, 2017 8:34 PM
To: Council <Council@murphytx.org>
Cc: Christine Johnson <cjohnson@murphytx.org>; Jared Mayfield <JMayfield@murphytx.org>
Subject: FW: Tonight's City Council--Agenda 8-A/B/C

Christine Johnson's email did not get to me until the City Council meeting was over. She would like for you to have her thoughts. I have informed her that the items were carried over until the March 7, 2017 meeting.

Sincerely,
Susie

From: Christine Johnson
Sent: Tuesday, February 21, 2017 5:11 PM
To: Susie Quinn <squinn@murphytx.org>
Subject: Tonight's City Council--Agenda 8-A/B/C

Susie,

Every chance in the world this is too late to be read into the record, but I cannot get there, I am in a pre-plan review meeting with a client and architect til God knows when....
Attached as a PDF are the thoughts I wanted the Council to have as they deliberate the SUP's and the Concept Plan by Street Level Investments/Winkleman.
I hope there is a way to include my comments as decisions are made.
Thanks, hope your evening is smooth sailing!
Chris

Christine Johnson, B.F.A., C.G.B, C.G.R.
Murphy, TX 75094
Office: 972-422-0598
Cells: Chris 214-724-4864
Ron 214-724-4874]
Serving the Dallas area for over 25 years....
"Anyone can build a house, let us create your home"....

Mayor, Council, Staff, thank you for your time tonight. 02/21/2017

As you all know, I have been part of the presentations and decisions with the property for up for discussion/action on the SUP's and concept, that brings this to where you all are this evening.

After last Monday's meeting, I decided to read thru the entire packet presented to you for your qork tonight. After reading thru all the comments, including some misinformation/rumors fired up thru one of our active social media sites, which of course was "bible" and spread quickly, there was one glaring solution.....

Take the P & Z out back and shoot 'em!"

The majority of the comments made over the possible Jason's Deli franchise coming to Murphy. I think it would be fair for the concerned citizens to realize, I don't think any one of the 7 commissioners is opposed to Jason's Deli, which takes many of the comment cards out of the running. The very few that indicated opinion on the SUP's for drive-thrus are the ones who understood what was denied last week--3 drive thru SUP's (reduced during the meeting to 2) and because of them, a new concept plan was the only thing that was heard and voted on--it technically didn't matter what branded eating establishment it was for as of the meeting last Monday.

One comment that nailed it among the 95 or so, indicated finding a better locate for Jason's, as they refuse to expand into Murphy without the drive-thru. Since there is apparently huge interest in having this particular brand in our City, I feel this is something the MDC/EDC should follow up on without delay, especially as west side of Wylie still has vacant land, and I'm sure, would love to snap this franchise up.

Unfortunately, no one representing Jason's/the franchisee was present last week, we might have been able to determine, since their many locations don't all have drive-thru's--this is a new corporate plan, if a dedicated curbside pick-up area for phone and online orders, like many other restaurants have, would have been an acceptable alternative solution.

Unless I didn't get the memo that changed this, it has been the concensus of Council, Staff, P & Z, and citizens to have no more drive-thrus, and for

that matter, fast food establishments in Murphy for a few years now.

As long ago as Sept., 2016 meetings held, the potential investor/developer for this parcel was strongly advised to bring concepts for this parcel to the City without drive-thru's, requiring passage of an SUP for each one. To date they have failed to manage a presentation without restaurants that demand a drive-thru. I'm not sure why, I do know with 100% certainty from 30 years in the building/development business, they can tell the City and the landowner anything they think you want to hear, but a developer/investor has one concern only--it is not the landowner they buy from, it is not the best interest of the City and it's citizens, it is their bottom line.

The P & Z is charged with what is best for ALL of Murphy, this includes the residents most impacted by the development. Right now, at 2 1/2 miles from Kimbrough stadium, we are able to hear every event there very loudly and clearly, but that is for another meeting!

If each of you imagine that you are the microphone location for ordering, and one of our residents' back of their home/bedrooms are where the wall of the lobby is, I am not sure you would be thrilled to have that type of noise pollution that close to your home, for the hours they insist on operating.

I urge you to follow the P & Z's decision, though incredibly close, and also deny the two SUP's and the latest concept plan presented (which also has other issues that would have to be addressed), requiring this developer to dig deeper, to do more due diligence, to find a better fit for this unusually narrow property.

Two other quick thoughts I want on the record, as we all know something will soon be on this parcel....discussion to date has been to preserve the 46" caliper oak within parcel boundaries, by the concepts seen so far, and verbal description, no one apparently has considered that the care zone during and after construction is not the 46" trunk, but the space that is the width of the full canopy. This one I know, I have had to do it numerous times in the Park Cities, it isn't just a case of "don't hit the tree".

My last comment as the concept plans for this parcel go forward, or something I would like thought about--so far all concepts show a masonry

wall on the west side by Hawthorne. If I am not mistaken, the City owns that small parcel, with full growth trees, etc. Seems like a perfect place, if this is truly a Neighborhood Services/PD overlay, to have open to the public, to stroll thru to go buy a meal, or frozen custard, a place to sit and eat it, or get together with neighbors.

Christine Johnson
501 Cherokee Dr., Murphy, TX 75094

Reply Form

RECEIVED

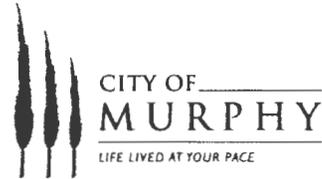


Specific Use Permit (SUP)

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 Chick) 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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason Deli, Andy Custard & Costa Vida
Date: Monday, February 20, 2017 8:05:18 AM

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

From: Jackie Hinckley
Sent: Friday, February 17, 2017 7:22 PM
To: Council <Council@murphytx.org>
Subject: Jason Deli, Andy Custard & Costa Vida

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.

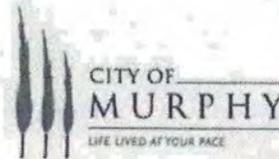
Thank you -
Jackie Hinckley
604 Paint Creek Court
Murphy, TX
75094

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



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, 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.

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)

[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)

RECEIVED

FEB 06 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.

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.

TOO MANY FAST FOOD RESTAURANTS
ALREADY EXIST

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

Jettrey S ZALIT
Name (Please Print)

Signature

331 Rolling Oak Dr
Address

2/6/17
Date

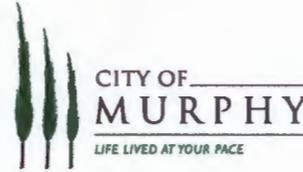
Reply Form

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



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.

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, 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.

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

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

SEYMOUR S FARM
Name (Please Print)

[Handwritten Signature]

331 BUNGALOW DR
Address
MURPHY

Date

Reply Form

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

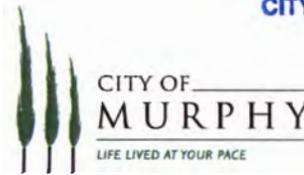
Specific Use Permit (SUP)

RECEIVED

FEB 13 2017

CITY OF MURPHY

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



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.

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)
313 Rolling Oak Dr.
Address

Linda Miller
Signature
2-13-17
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
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

Reply Form

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

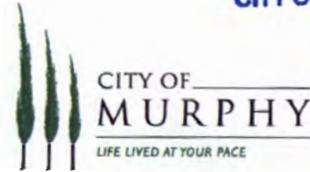
RECEIVED

Specific Use Permit (SUP)

FEB 06 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.

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



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, 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.

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

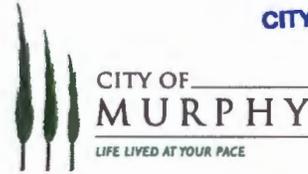
Specific Use Permit (SUP)

RECEIVED

JAN 23 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, 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.

I can count 5 of these places already. No we dont need this. Same 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

ATTACHMENT 4

Reply Form

CITY OF MURPHY



Specific Use Permit (SUP)

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.

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 MCC
Signature

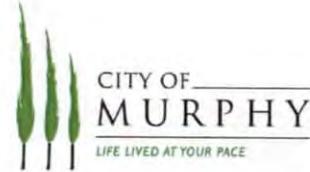
113 MEADOW CREEK LN
Address

2/6/17
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



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.

XX 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, 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.

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: Fwd: Engage Council [#158]
Date: Tuesday, February 21, 2017 5:41:58 PM

Sent from my iPhone

Begin forwarded message:

From: Wufoo <no-reply@wufoo.com>
Date: February 21, 2017 at 5:34:40 PM CST
To: <jberthiaume@murphytx.org>, <bspraggins@murphytx.org>, <ebarna@murphytx.org>, <mcastro@murphytx.org>, <osiddiqui@murphytx.org>, <dreilly@murphytx.org>, <sfincanon@murphytx.org>, <sbradley@murphytx.org>, <squinn@murphytx.org>, <andy@txmunicipallaw.com>, <amunoz@murphytx.org>
Subject: Engage Council [#158]
Reply-To: <no-reply@wufoo.com>

Name	Tony Brown
Email	_____

Comments or Questions

Ladies and Gentlemen of the council,

I would like to address the council in regards to the Special Use Permit being requested by Winkelmann and Associates Inc. to build an Andy's Frozen Custard restaurant and Jason's Deli restaurant on the 4.696 acres of land located at the southwest corner of Timber Ridge Drive and FM 544. I would like it to be know to the council that I, as a property owner and resident of the great city of Murphy would like to see this SUP passed and to see the two restaurants become a part of our community. Please do the right thing for our community and allow this SUP to pass and bring more tax base and culinary diversity to our city.

Thank you for your time and consideration.

Respectfully,
Tony Brown

City Council
March 7, 2017

Issue

Hold a public hearing and consider and/or act on Ordinance No. 17-03-1032 approving a Specific Use Permit (SUP) allowing a drive-thru Jason's Deli restaurant to be located on 1.358 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.

Staff Resource/Department

Jared Mayfield, AICP, Director of Economic and Community Development
Tina Stelnicki, Community Development Coordinator

Details

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.

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.

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.

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

While not in conflict with the Code of Ordinances, there is only 50 feet from the order speaker to closest residential property line.

To date (March 2, 2017) we have received the following responses via Reply Forms, emails and Public Comment forms:

In favor: 105

Opposed: 13

Neutral: 1

On February 13, 2017 the Planning and Zoning Commission denied approval of this item. A super majority vote by the City Council is required to approve this item.

Action Requested

Consider the requested Specific Use Permit application, as continued from the February 21, 2017 City Council meeting.

Attachments

Ordinance No. 17-03-1032

Applicant's Appeal Letter

Jason's Deli Elevation Renderings

Reply forms

ORDINANCE NUMBER: 17-03-1032

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, APPROVING A SPECIFIC USE PERMIT FOR A RESTAURANT (DRIVE-THROUGH) ON APPROXIMATELY 1.358 ACRES OF PROPERTY ZONED PD (PLANNED DEVELOPMENT) DISTRICT NUMBER 16-09-1021, LOCATED ON SOUTHWEST CORNER OF FM544 AND TIMBER RIDGE DRIVE, HAVING THE LEGAL DESCRIPTION OF ABSTRACT A0579 HENRY MAXWELL SURVEY, TRACT 75, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, PROVIDING A CUMULATIVE/ REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of approximately 1.358 acres of land located on the southwest corner of FM 544 and Timber Ridge Drive, having the legal description of Abstract A0579 Henry Maxwell Survey, Tract 75, in the City of Murphy, Collin County, Texas, request to amend the comprehensive zoning ordinance and map, Chapter 30 of the City of Murphy Code of Ordinances by approval of a Specific Use Permit for Restaurant (with drive-through) within Planned Development (PD) district ordinance number 16-09-1021; 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 approve a Specific Use Permit for a Restaurant with a drive-thru facility applicable only to that 1.358 acres portion of Planned Development (PD) district ordinance number 16-09-1021 in the City of Murphy, Collin County, Texas, more particularly described in **Exhibit A (Concept Plan)**, attached hereto and incorporated herein by reference, as Lot 1.

Section 3. Development and use of the property shall be in compliance with the City Code of Ordinances, this ordinance, the conditions stated in the Development Conditions and Standards for Planned Development (PD) district ordinance number 16-09-1021, and the Concept Plan attached as **Exhibit A**.

Section 4. 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 5. 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 6. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining portions of this ordinance or the Comprehensive Zoning Ordinance, Chapter 30 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 7. 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 8. 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 7th day of March 2017.

Eric Barna, Mayor
City of Murphy

ATTEST:

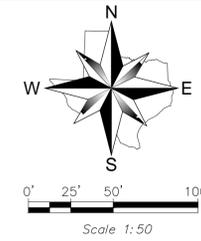
Susie Quinn, City Secretary

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

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

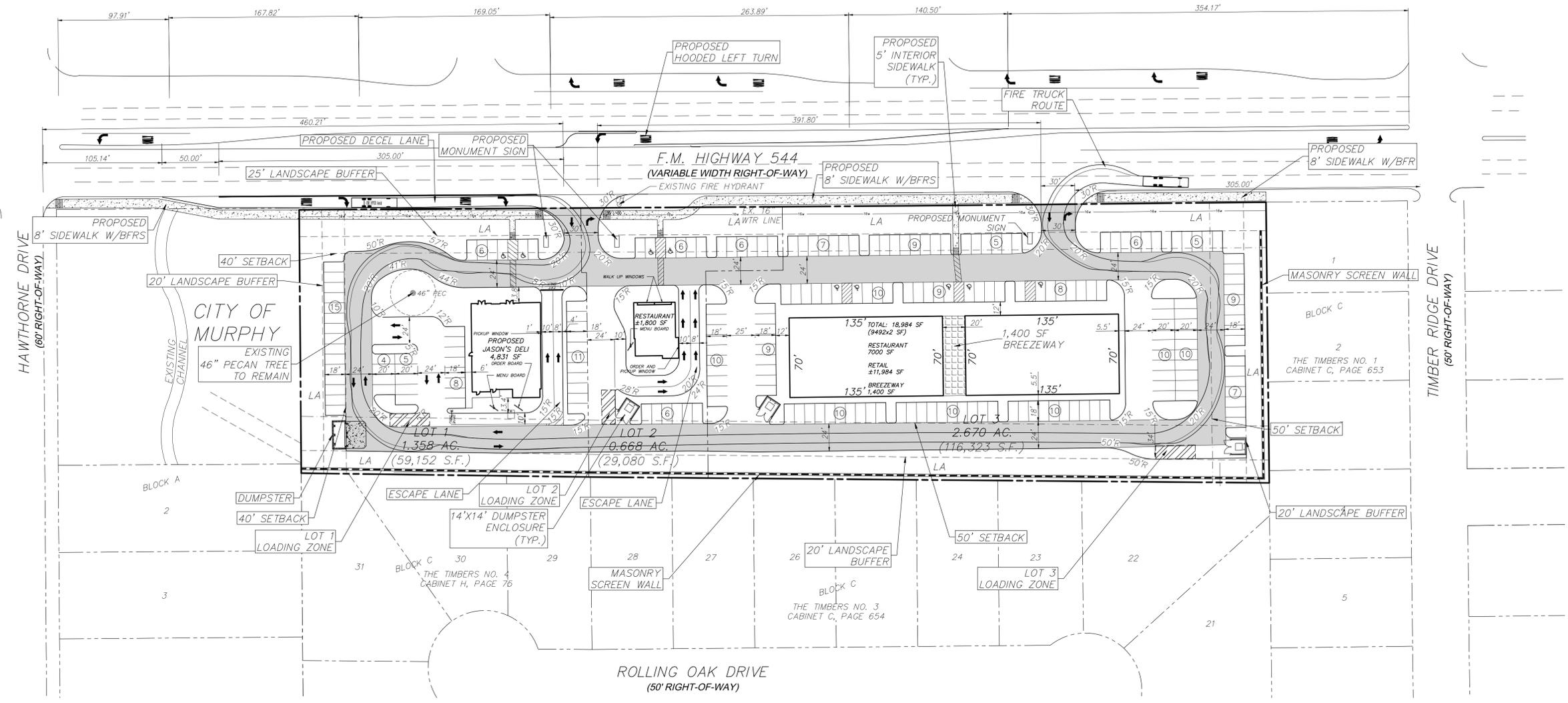


LEGEND

- 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
 State Engineer Registration No. 100866-00
 State Surveyor Registration No. 89
 Copyright © 2017, Winkelmann & Associates, Inc.

SITE PLAN P
 THE VILLAGE AT TIMBERS
 MURPHY, TEXAS

01-30-2017

CITY PROJECT #2016-010

ATTACHMENT 2

ATTACHMENT 2
APPEAL LETTER



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

ATTACHMENT 3
Elevation Rendering

ATTACHMENT 4

ATTACHMENT 4
REPLY FORMS

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:39:27 PM

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.

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:57:54 PM

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

<div data-bbox="207 1717 342 1913" data-label="Image"> </div>	<p>Alison Lumbatis Founder + CEO alison@getyourprettyon.com • GYPO, LLC • http://www.getyourprettyon.com • http://www.stylechallenges.com • http://www.stylegistix.com</p> <div data-bbox="380 1881 542 1913" data-label="Image"> </div>
---	--

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:39:32 PM

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

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!

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:39:20 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Thursday, February 16, 2017 8:06:48 AM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Appeal P&Z Decision - Jason's Deli
Date: Thursday, February 16, 2017 8:09:09 AM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:40:57 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: In favor of Jason's Deli
Date: Thursday, February 16, 2017 8:19:09 AM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Thursday, February 16, 2017 8:18:52 AM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:39:39 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:42:31 PM

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

From: [Susie Quinn](#)
To: [Bailey Ragsdale](#); [Alicia Munoz](#)
Cc: [Tina Stelnicki](#); [Kelly Carpenter](#); [Jared Mayfield](#)
Subject: FW: We support Jason's Deli for Murphy
Date: Saturday, February 18, 2017 1:07:56 PM

Another one.

Sent: Saturday, February 18, 2017 7:29 AM **To:**
 Council <Council@murphytx.org> **Subject:** We
 support Jason's Deli for Murphy

My name is Barbara Dube and I live at 1102 Cactus Path Drive in Murphy. My husband and I **WANT AND SUPPORT** Jason's Deli coming to Murphy. We have wanted Jason's to come for a long time and were disappointed to hear that it may not be coming because of the drive through. I am hoping that all of our Council members can work with Jason's Deli to come to an agreement that will support them coming. Murphy needs some healthy options, the addition of Jason's would provide that. Yes, we have other sandwich places but NONE offer a salad bar and the wide range of gluten free options that Jason's has.

Please vote YES for Jason's to come to Murphy.

Thank you!
 Barbara Dube

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:38:31 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jasons deli
Date: Thursday, February 16, 2017 1:18:36 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:42:03 PM

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

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

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:43:01 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Engage Council [#154]
Date: Thursday, February 16, 2017 10:20:54 AM

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	BTimineri@aol.com
Comments or Questions	I am in favor of Jason's Deli coming to 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



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 Southeast 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, 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.

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's deli
Date: Wednesday, February 15, 2017 1:40:18 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: I am for Jason's Deli
Date: Wednesday, February 15, 2017 1:40:12 PM

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

Sent: Tuesday, February 14, 2017 10:02 AM
To: Council <Council@murphytx.org>
Subject: I am for Jason's Deli

Sent from my iPhone

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Tonight's City Council--Agenda 8-A/B/C
Date: Wednesday, February 22, 2017 2:21:23 PM
Attachments: [City Council PZ statement 02.21.17.rtf](#)

From: Susie Quinn
Sent: Tuesday, February 21, 2017 8:34 PM
To: Council <Council@murphytx.org>
Cc: Christine Johnson <cjohnson@murphytx.org>; Jared Mayfield <JMayfield@murphytx.org>
Subject: FW: Tonight's City Council--Agenda 8-A/B/C

Christine Johnson's email did not get to me until the City Council meeting was over. She would like for you to have her thoughts. I have informed her that the items were carried over until the March 7, 2017 meeting.

Sincerely,
Susie

From: Christine Johnson
Sent: Tuesday, February 21, 2017 5:11 PM
To: Susie Quinn <squinn@murphytx.org>
Subject: Tonight's City Council--Agenda 8-A/B/C

Susie,

Every chance in the world this is too late to be read into the record, but I cannot get there, I am in a pre-plan review meeting with a client and architect til God knows when....
Attached as a PDF are the thoughts I wanted the Council to have as they deliberate the SUP's and the Concept Plan by Street Level Investments/Winkleman.
I hope there is a way to include my comments as decisions are made.
Thanks, hope your evening is smooth sailing!
Chris

Christine Johnson, B.F.A., C.G.B, C.G.R.
Murphy, TX 75094
Office: 972-422-0598
Cells: Chris 214-724-4864
Ron 214-724-4874]
Serving the Dallas area for over 25 years....
"Anyone can build a house, let us create your home"....

Mayor, Council, Staff, thank you for your time tonight. 02/21/2017

As you all know, I have been part of the presentations and decisions with the property for up for discussion/action on the SUP's and concept, that brings this to where you all are this evening.

After last Monday's meeting, I decided to read thru the entire packet presented to you for your qork tonight. After reading thru all the comments, including some misinformation/rumors fired up thru one of our active social media sites, which of course was "bible" and spread quickly, there was one glaring solution.....

Take the P & Z out back and shoot 'em!"

The majority of the comments made over the possible Jason's Deli franchise coming to Murphy. I think it would be fair for the concerned citizens to realize, I don't think any one of the 7 commissioners is opposed to Jason's Deli, which takes many of the comment cards out of the running. The very few that indicated opinion on the SUP's for drive-thrus are the ones who understood what was denied last week--3 drive thru SUP's (reduced during the meeting to 2) and because of them, a new concept plan was the only thing that was heard and voted on--it technically didn't matter what branded eating establishment it was for as of the meeting last Monday.

One comment that nailed it among the 95 or so, indicated finding a better locate for Jason's, as they refuse to expand into Murphy without the drive-thru. Since there is apparently huge interest in having this particular brand in our City, I feel this is something the MDC/EDC should follow up on without delay, especially as west side of Wylie still has vacant land, and I'm sure, would love to snap this franchise up.

Unfortunately, no one representing Jason's/the franchisee was present last week, we might have been able to determine, since their many locations don't all have drive-thru's--this is a new corporate plan, if a dedicated curbside pick-up area for phone and online orders, like many other restaurants have, would have been an acceptable alternative solution.

Unless I didn't get the memo that changed this, it has been the concensus of Council, Staff, P & Z, and citizens to have no more drive-thrus, and for

that matter, fast food establishments in Murphy for a few years now.

As long ago as Sept., 2016 meetings held, the potential investor/developer for this parcel was strongly advised to bring concepts for this parcel to the City without drive-thru's, requiring passage of an SUP for each one. To date they have failed to manage a presentation without restaurants that demand a drive-thru. I'm not sure why, I do know with 100% certainty from 30 years in the building/development business, they can tell the City and the landowner anything they think you want to hear, but a developer/investor has one concern only--it is not the landowner they buy from, it is not the best interest of the City and it's citizens, it is their bottom line.

The P & Z is charged with what is best for ALL of Murphy, this includes the residents most impacted by the development. Right now, at 2 1/2 miles from Kimbrough stadium, we are able to hear every event there very loudly and clearly, but that is for another meeting!

If each of you imagine that you are the microphone location for ordering, and one of our residents' back of their home/bedrooms are where the wall of the lobby is, I am not sure you would be thrilled to have that type of noise pollution that close to your home, for the hours they insist on operating.

I urge you to follow the P & Z's decision, though incredibly close, and also deny the two SUP's and the latest concept plan presented (which also has other issues that would have to be addressed), requiring this developer to dig deeper, to do more due diligence, to find a better fit for this unusually narrow property.

Two other quick thoughts I want on the record, as we all know something will soon be on this parcel....discussion to date has been to preserve the 46" caliper oak within parcel boundaries, by the concepts seen so far, and verbal description, no one apparently has considered that the care zone during and after construction is not the 46" trunk, but the space that is the width of the full canopy. This one I know, I have had to do it numerous times in the Park Cities, it isn't just a case of "don't hit the tree".

My last comment as the concept plans for this parcel go forward, or something I would like thought about--so far all concepts show a masonry

wall on the west side by Hawthorne. If I am not mistaken, the City owns that small parcel, with full growth trees, etc. Seems like a perfect place, if this is truly a Neighborhood Services/PD overlay, to have open to the public, to stroll thru to go buy a meal, or frozen custard, a place to sit and eat it, or get together with neighbors.

Christine Johnson
501 Cherokee Dr., Murphy, TX 75094

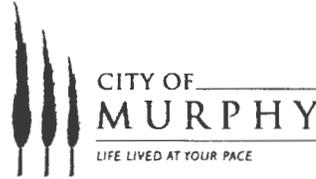
Reply Form
2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

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.

[checked] 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.

[blank] 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)

[Signature]
Signature

1204 Rodeo Dr. Murphy, TX
Address
75094

2/6/17
Date

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli = YES!
Date: Wednesday, February 15, 2017 1:40:45 PM

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!

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Thursday, February 16, 2017 8:16:54 AM

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

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

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



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.

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.

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.

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

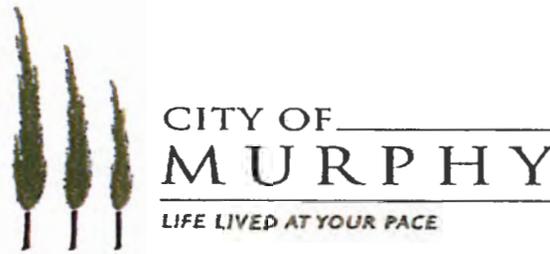
2/13/17
Date

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:40:50 PM

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



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 checked="" 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: David Brandon Phone No. (Optional) _____

Address: 136 Oak Bluff

Representing an Organization? Email address: (Optional) _____

Agenda Item No. _____ (In Favor Opposed)

Comments: 8 A, B

[Signature]
Signature

2/21/2017
Date

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jasons Deli
Date: Thursday, February 16, 2017 8:08:44 AM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Support for Jason's Deli
Date: Wednesday, February 15, 2017 5:09:58 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:42:43 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: We need Jason's deli
Date: Wednesday, February 15, 2017 1:57:12 PM

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.

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Support Jason's Deli
Date: Wednesday, February 15, 2017 1:41:45 PM
Attachments: [image001.png](#)

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



From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Thursday, February 16, 2017 8:16:41 AM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jasons Deli
Date: Wednesday, February 15, 2017 1:38:19 PM
Attachments: [untitled](#)

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?

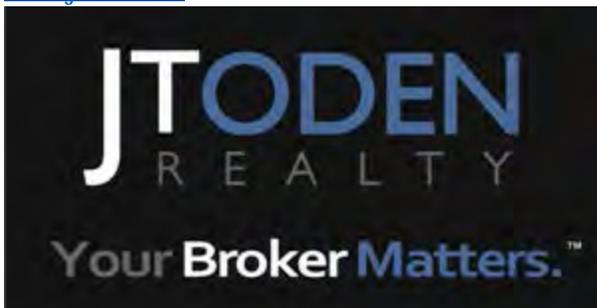
Either too many drive throughs are bad or they aren't.

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/>

----- 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.

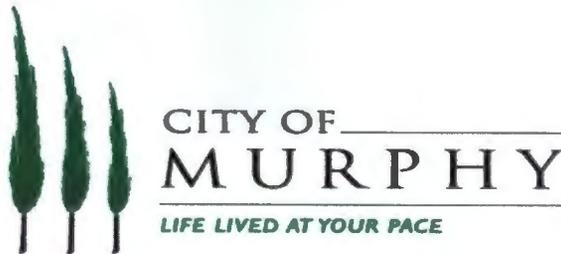
I think between Schlotzsky's, Jimmy John, Firehouse Sub, Subway and my own refrigerator we have the lunch meat market pretty well set in Murphy. That said, I get it that WHAT restaurant isn't the issue, it's drive through or not. Well, I ay *IF*

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/>



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

Signature: Debby Mader Date: 2/15/17

* 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.

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason Deli, Andy Custard & Costa Vida
Date: Monday, February 20, 2017 8:05:18 AM

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

Sent: Friday, February 17, 2017 7:22 PM
To: Council <Council@murphytx.org>
Subject: Jason Deli, Andy Custard & Costa Vida

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Monday, February 20, 2017 8:07:53 AM

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

Sent: Sunday, February 19, 2017 8:14 PM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Either my husband or I will try to be at the council meeting on Tuesday but we would both like to express our desire to have a Jason's Deli here in Murphy. We are overrun with fairly unhealthy options and would desperately love a deli-type place that has healthy options for our entire family. I can only see positives such a restaurant would bring to Murphy and surrounding communities. Please consider bringing Jason's Deli to our town! Thank you so much for your time!

Jamie Hanchar

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



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 Southeast 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, 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.

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:38:25 PM

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

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

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



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.

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.

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.

TOO MANY FAST FOOD PLACES NOW

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

JEFFREY S ZARIT

Name (Please Print)

Signature

331 ROLLING OAK DR

Address

2/1/17

Date

Reply Form

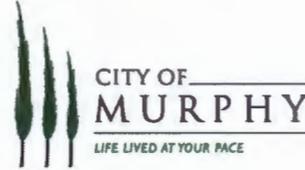
RECEIVED

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

JAN 18 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 Southeast 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, 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.

CONCERNING 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 BOLLING OAK RD
Address
MURPHY

1/16/17
Date

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:37:09 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's deli
Date: Wednesday, February 15, 2017 3:29:59 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: In Favor of Jason's Deli
Date: Wednesday, February 15, 2017 1:41:25 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli - Murphy
Date: Monday, February 20, 2017 8:07:27 AM

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

Sent: Sunday, February 19, 2017 8:09 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli - Murphy

Good Morning,

My husband John Gore and myself would like to email you in favor of the Jason's Deli in Murphy, Texas. We are a family of 4 and frequently travel outside of Murphy to eat out. It would be wonderful to have Jason's Deli in our city! Please consider bringing this wonderful establishment to our city!

Thank you,

John and Leslie Gore
(214) 557-3350

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: P&Z Meeting February 13th
Date: Wednesday, February 15, 2017 1:37:21 PM

From: John Wideman [mailto:john@widemanfamily.com]
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 must 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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli Approval
Date: Wednesday, February 15, 2017 3:04:51 PM

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

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

From: [Kate Anderson](#)
To: [Tina Stelnick](#)
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

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:40:05 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's deli
Date: Thursday, February 16, 2017 8:17:07 AM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:39:58 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 4:04:55 PM
Importance: High

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Thursday, February 16, 2017 2:52:34 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Drive through Jason's Deli
Date: Wednesday, February 15, 2017 1:39:15 PM
Attachments: [image001.png](#)

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



Confidentiality Notice: This email and its attachments (if any) contain confidential information of the sender. The information is intended only for the use by the direct addressees of the original sender of this email. If you are not an intended recipient of the original sender (or responsible for delivering the message to such person), you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance of the contents of and attachments to this email is strictly prohibited. If you have received this email in error, please immediately notify the sender at the address shown herein and permanently delete any copies of this email (digital or paper) in your possession.

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason Deli
Date: Monday, February 20, 2017 8:07:36 AM

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

Sent: Sunday, February 19, 2017 8:52 AM
To: Council <Council@murphytx.org>
Subject: Jason Deli

We are in favor of the Jason's Deli drive through. Jason's is a healthy option and also has much more than sandwiches! We love it!!!!

Kimberly Hanebutt
817-919-9371
Dot & Dash Design
enewton design
Malabar Bay/Jaye's Studio

Sent from my iPhone

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Thursday, February 16, 2017 8:08:02 AM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Thursday, February 16, 2017 8:17:27 AM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli in Murphy
Date: Thursday, February 16, 2017 8:06:38 AM

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

From: Lesley Flabiano [<mailto:flabiano6@icloud.com>]
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

Reply Form

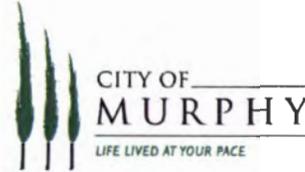
2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

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

[Signature]
Signature
2-13-17
Date

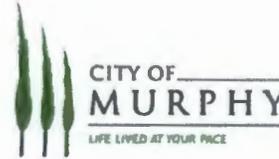
RECEIVED

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



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 Southeast 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, 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.

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)

Lindy Martin
Signature

606 Hilltop Dr
Address

1-22-2017
Date

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:37:15 PM

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

From: Lisa Amsden [<mailto:darlisamsden@aol.com>]
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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's deli
Date: Thursday, February 16, 2017 2:13:53 PM

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

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

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-----

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's deli
Date: Thursday, February 16, 2017 8:18:41 AM

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](#)

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli - in favor.
Date: Thursday, February 16, 2017 8:07:26 AM

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,

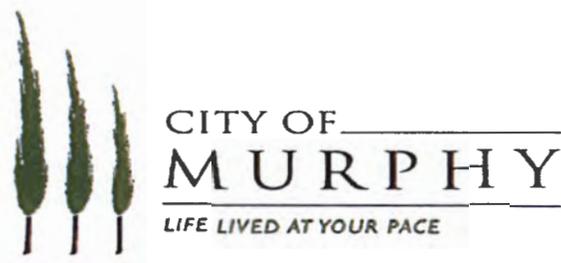
Please take whatever steps may be necessary in order to get PNZ on board with Jason's Deli. Murphy currently has an abundance of empty retail space, which underlines the necessity of making small adjustments in order to accommodate a known, proven and successful chain franchise's request to establish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



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 _____ |

Planning and zoning for South 544 between Hawthorne + Timber Ridge

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

Name: Margaret Andreesen Phone No. (Optional) 972 814 6571

Address: 212 Sunny Crest Drive

Representing an Organization? No Email address: (Optional) _____

Agenda Item No. SABC (in Favor Opposed)

Comments: I am not in favor of the proposed development ~~amendment~~ amendment.

Margaret C. Andreesen
Signature

2/21/2017
Date

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: Fwd: Engage Council [#157]
Date: Tuesday, February 21, 2017 4:38:31 PM

Against

Sent from my iPhone

Begin forwarded message:

From: Wufoo <no-reply@wufoo.com>
Date: February 21, 2017 at 4:39:04 PM CST
To: <jberthiaume@murphytx.org>, <bspraggins@murphytx.org>, <ebarna@murphytx.org>, <mcastro@murphytx.org>, <osiddiqui@murphytx.org>, <dreilly@murphytx.org>, <sfincanon@murphytx.org>, <sbradley@murphytx.org>, <squinn@murphytx.org>, <andy@txmunicipallaw.com>, <amunoz@murphytx.org>
Subject: Engage Council [#157]
Reply-To: <no-reply@wufoo.com>

Name	Maggie Whitt
Email	
Comments or Questions	<p>As president of the Timbers Community Organization, I hear many neighborhood comments and complaints. Everyone pretty much understands that something commercial is going in the vacant space that backs up to our neighborhood, but the quality is our concern--not only of the types of business but also of the noise they will generate. The primary concern is drive through windows which generate a lot more noise than businesses without those plus additional congested traffic patterns for drive throughs. Depending on the time of day, one can see traffic backed up at Starbucks, Chick-fil-a, and others. I have heard there will not be a dedicated turn lane into the area which will further congest traffic. We already have traffic problems during peak hours, so whatever you decide, PLEASE do not include any drive through traffic flow. Thank you! Maggie</p>

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



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.

MARGARET SMITH

Name (Please Print)

Margaret Smith

Signature

124 Timber Ridge Dr

Address

2/2/17

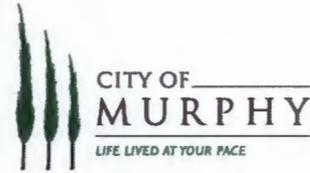
Date

Murphy

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



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 Southeast 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, 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.

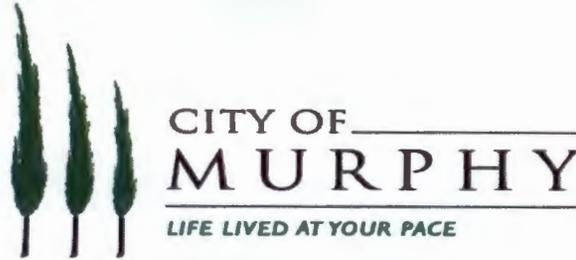
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

MARGARET HAKER SMITH
Name (Please Print)

Margaret Haker Smith
Signature

124 TIMBER RIDGE DR
Address MURPHY

1/16/17
Date



RECEIVED
 FEB 13 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 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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's deli
Date: Wednesday, February 15, 2017 1:40:24 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli for Murphy
Date: Wednesday, February 15, 2017 2:07:34 PM
Attachments: [7EBF00D1-47E8-4412-B9D7-EB636F64A8FD\[12\].png](#)

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>

From: [Susie Quinn](#)
To: [Bailey Ragsdale](#)
Cc: [Tina Stelnicki](#); [Kelly Carpenter](#); [Jared Mayfield](#)
Subject: FW: City of Murphy - Jason's Deli and Other Healthy Restaurant Options
Date: Friday, February 17, 2017 10:03:26 AM

Please work your magic on this one. So far it is the only one that has been received since the packet was completed.

Sent: Friday, February 17, 2017 9:48 AM
To: Council <Council@murphytx.org>
Cc: Eric Barna <ebarna@murphytx.org>; Miranda Mortensen <miranda.mortensen@slalom.com>
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

ATTACHMENT 4

719 Mockingbird Drive
 Murphy, TX 75094
 (612) 385-7777
michael.mortensen@coniferhealth.com
miranda.mortensen@slalom.com

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Engage Council [#156]
Date: Tuesday, February 21, 2017 3:21:17 PM

From: Wufoo [mailto:no-reply@wufoo.com]
Sent: Tuesday, February 21, 2017 3:23 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 [#156]

Name	Michèle Weibel
Email	_____
Comments or Questions	<p>Please allow Jason's Deli approval to build in Murphy.</p> <p>That being said, please ensure that its drive-thru is as minimally disruptive to its neighbors as is possible. I would not want my yard to back onto such a property and I don't feel that those who have lived there for years should be disturbed by a new business.</p>

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:38:42 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jasons deli
Date: Thursday, February 16, 2017 8:17:43 AM

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
Community Counseling Associates
Living Magazine Best Therapy Center

www.communitycounselingassociates.com
<https://www.facebook.com/CommunityCounseling>

Qualified Mediator, Family Mediator, Parent Coordinator and Parent Facilitator specializing in Reunification Therapy
<http://www.cooperativecoparent.com/>

Adoption & Child Custody Evaluations conducted under supervision of Dr. Aaron Robb of Forensic Counseling Services.

[972-979-9720](tel:972-979-9720) direct
[214-509-6888](tel:214-509-6888) main
[214-509-6887](tel:214-509-6887) fax

Michelle's Speaking and Writing
<http://www.counselorthoughts.com/>
<https://www.facebook.com/michellenietert/>

Because email is not a secure environment, confidentiality of email messages cannot be guaranteed.

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use,

disclosure or distribution of this information is prohibited, and may be punishable by law. If this was sent to you in error, please notify the sender by reply e-mail and destroy all copies of the original message.

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's deli support
Date: Thursday, February 16, 2017 8:16:30 AM

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)

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's deli
Date: Thursday, February 16, 2017 1:22:14 PM

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

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

Reply Form

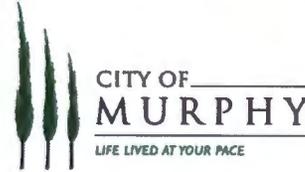
2016-022 – (B) – Jason’s Deli – Village at Timbers
Specific Use Permit (SUP)

RECEIVED

JAN 23 2017

CITY OF MURPHY

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



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 Southeast 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, 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.

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

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: jasons deli
Date: Wednesday, February 15, 2017 1:41:20 PM

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 Jasons Deli sounds like a great place with healthy options.

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

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Engage Council [#155]
Date: Thursday, February 16, 2017 1:24:38 PM

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	_____
<p>Comments or Questions</p> <p>Mayor Barna and Council Members,</p> <p>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.</p> <p>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?</p> <p>Thank you so much for your time and consideration.</p>	

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:43:13 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Thursday, February 16, 2017 8:18:05 AM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Monday, February 20, 2017 10:03:39 AM

Sent: Monday, February 20, 2017 10:05 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

I am a 14-year Murphy resident. I would be in favor of a drive-thru for Jason's Deli. I think Jason's Deli would be a great asset to Murphy.

Peg Oppenhuis



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 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: Phillip Campbell Phone No. (Optional) _____

Address: 113 Timber Ridge, Murphy TX

Representing an Organization? NO Email address: (Optional) _____

Agenda Item No. _____ (In Favor Opposed)

Comments: Approval of SUR on Form 544

Signature _____

Date _____

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:42:17 PM

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

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

>

>



RECEIVED

FEB 13 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: 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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli Coming To Murphy
Date: Wednesday, February 15, 2017 1:41:14 PM

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

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



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.

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.

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 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.

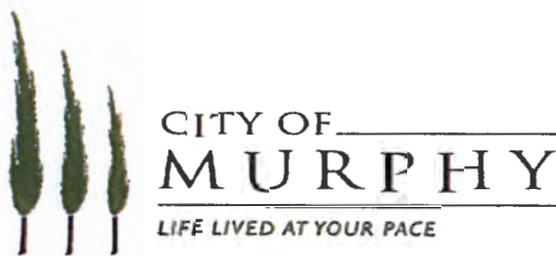
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

ROBERT C. CLARK
Name (Please Print)

Robert C Clark RCC
Signature

113 MEADOW CREEK LN
Address

2/6/2017
Date



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 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: Robert M. Massey Phone No. (Optional) _____

Address: 234 Love Bird

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

Agenda Item No. 8- In Favor Opposed

Comments: T

Signature

Date

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Support Jasons Deli
Date: Wednesday, February 15, 2017 1:39:45 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:38:11 PM

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

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

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli (yes)
Date: Wednesday, February 15, 2017 1:43:30 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 3:04:27 PM

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

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

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli drive-thru
Date: Wednesday, February 15, 2017 1:38:05 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:38:53 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:41:07 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 4:50:36 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:38:49 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:40:39 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Deli
Date: Wednesday, February 15, 2017 1:58:19 PM

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

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

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: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: P & Z January 23, 2017
Date: Wednesday, February 15, 2017 1:39:03 PM
Attachments: [Opposition Reply Forms - P & Z 1.23.16.pdf](#)

Sent: Tuesday, February 14, 2017 2:27 PM
To: Council <Council@murphytx.org>
Subject: Fw: P & Z January 23, 2017

Good afternoon,

After hearing about little feedback for the Jason's Deli case at last night's P & Z meeting I viewed the agenda packet and noticed that my reply forms were not forwarded to the Commission. As you will see below I e-mailed them on January 19, 2017 and they were received, but apparently not included in the agenda packets. Please do not allow additional drive thru restaurants, especially in this specific location.

Best,
Stephanie Pennington
120 S Maxwell Creek Rd

From: Tina Stelnicki <tstelnicki@murphytx.org>
Sent: Thursday, January 19, 2017 4:02 PM
To: Stephanie Pennington
Cc: Bailey Ragsdale
Subject: FW: P & Z January 23, 2017

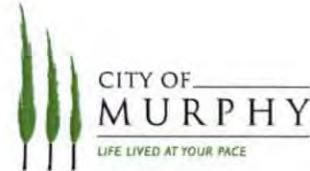
Thank you for your reply.
Please note that this meeting has been rescheduled to Monday, February 13.

We appreciate your input.

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



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 Southeast 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.

 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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Monday, February 20, 2017 8:07:40 AM

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

Sent: Sunday, February 19, 2017 10:23 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Hello. I am strongly in favor of allowing Jason's Deli a permit in Murphy. I realize the issue of the drive-thru. But this seems to me to be very minor. After all, regardless of the business, people will be driving there. The incremental difference in noise between vehicles driving into a business and parking vs. going through a drive-thru seems immaterial.

As a 14 year Murphy resident, Jason's Deli is exactly the kind of food option my family has been looking for.

I hope you will reconsider your prior decision.

Steve Hanebutt



Tina Stelnicki, IOM
City of Murphy
Murphy Economic Development
Community Development Coordinator
P: 972-468-4118
C: 214-498-6875
F: 972-468-4418
206 North Murphy Road
Murphy, TX 75094
www.murphytx.org

[Murphy, TX - Official Website | Official Website](http://www.murphytx.org)

www.murphytx.org

Official city government site including a bulletin board of news and notices, city history, maps, government departments and meetings, businesses, and economic ...

" Celebrate what you've accomplished, but raise the bar a little higher each time you succeed."
Mia Hamm (1972-)
American soccer player

The information contained in this email is considered CONFIDENTIAL according to the Texas Government Code, Sec. 552.131. EXCEPTION: ECONOMIC DEVELOPMENT INFORMATION. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copy, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for the return of the document.

From: Stephanie Pennington [<mailto:sjp1109@msn.com>]

Sent: Thursday, January 19, 2017 2:06 PM

To: Tina Stelnicki <tstelnicki@murphytx.org>

Subject: P & Z January 23, 2017

Good afternoon Tina,

Please find my reply forms for the four items pertaining to the Village at Timbers development.

Thank you,
Stephanie

From: [Susie Quinn](#)
To: [Bailey Ragsdale](#); [Alicia Munoz](#)
Cc: [Tina Stelnicki](#); [Kelly Carpenter](#); [Jared Mayfield](#)
Subject: FW: Yes to Jason's Deli
Date: Saturday, February 18, 2017 1:06:50 PM

They are still coming in, so we will need to print them out for the meeting.

Hope you are having a good weekend.

Susie

Sent: Saturday, February 18, 2017 5:40 AM
To: Council <Council@murphytx.org>
Subject: Yes to Jason's Deli

I believe Murphy absolutely needs a restaurant like Jason's Deli. We need the healthy salad options Jason's as to offer. Currently there are too many fried chicken options and cheap unhealthy food options. We are also lacking in affordable family sit down options that may be enjoyable for kids and parents. Jason's would be a great addition!

Suzi Ferenczhalmy - Daniel Crossing resident

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli!!!
Date: Wednesday, February 15, 2017 5:03:24 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:37:47 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli in Murphy
Date: Wednesday, February 15, 2017 1:37:41 PM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: I support a Jason's Deli coming to Murphy!
Date: Wednesday, February 15, 2017 1:37:58 PM
Attachments: [image002.png](#)

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](#)

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:41:54 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:40:29 PM

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

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Tuesday, February 21, 2017 9:48:41 AM

Sent: Tuesday, February 21, 2017 9:50 AM
To: Council <Council@murphytx.org>
Subject: Jason's Deli

Hello,
Our family wholeheartedly supports Jason Deli coming to Murphy with the understanding that it will require a drive thru. We have been *craving* for a variety of options in food choices locally for over 15 years. We hope that the City Council will work with the applicant and come up with suitable solutions.

Thank you for your service to our city!
The Breysacher Family

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli in Murphy! Yes Please!
Date: Wednesday, February 15, 2017 1:37:30 PM

Sent: Tuesday, February 14, 2017 9:53 PM
To: Council <Council@murphytx.org>
Cc: Theresa.Adams22@gmail.com
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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason"s
Date: Wednesday, February 15, 2017 3:13:36 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason"s Deli
Date: Wednesday, February 15, 2017 1:39:51 PM

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

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: In Favor of Jason's Deli or any Healthier options in Murphy
Date: Thursday, February 16, 2017 8:07:52 AM

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: jason's deli
Date: Wednesday, February 15, 2017 4:52:04 PM

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*

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: Fwd: Engage Council [#158]
Date: Tuesday, February 21, 2017 5:41:58 PM

Sent from my iPhone

Begin forwarded message:

From: Wufoo <no-reply@wufoo.com>
Date: February 21, 2017 at 5:34:40 PM CST
To: <jberthiaume@murphytx.org>, <bspraggins@murphytx.org>, <ebarna@murphytx.org>, <mcastro@murphytx.org>, <osiddiqui@murphytx.org>, <dreilly@murphytx.org>, <sfincanon@murphytx.org>, <sbradley@murphytx.org>, <squinn@murphytx.org>, <andy@txmunicipallaw.com>, <amunoz@murphytx.org>
Subject: Engage Council [#158]
Reply-To: <no-reply@wufoo.com>

Name	Tony Brown
Email	_____

Comments or Questions

Ladies and Gentlemen of the council,

I would like to address the council in regards to the Special Use Permit being requested by Winkelmann and Associates Inc. to build an Andy's Frozen Custard restaurant and Jason's Deli restaurant on the 4.696 acres of land located at the southwest corner of Timber Ridge Drive and FM 544. I would like it to be know to the council that I, as a property owner and resident of the great city of Murphy would like to see this SUP passed and to see the two restaurants become a part of our community. Please do the right thing for our community and allow this SUP to pass and bring more tax base and culinary diversity to our city.

Thank you for your time and consideration.

Respectfully,
Tony Brown

ATTACHMENT 4

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:41:03 PM

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

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

Vezilou Masana
609.819.1799

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: Fwd: Jason's Deli
Date: Friday, February 17, 2017 9:21:17 AM

Sent from my iPhone

Begin forwarded message:

Date: February 16, 2017 at 8:06:45 PM CST **To:**
<council@murphytx.org>
Subject: Jason's Deli

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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Wednesday, February 15, 2017 1:57:32 PM

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?

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Resident in favor of Jason's Deli
Date: Tuesday, February 21, 2017 2:54:39 PM

Sent: Tuesday, February 21, 2017 2:56 PM
To: Council <Council@murphytx.org>
Subject: Resident in favor of Jason's Deli

Greetings Murphy Council-

I am strongly in favor of having a Jason's Deli (drive through or not) in Murphy .. we have a serious lack of any quality healthy food options in town and turning this one away would be a huge mistake. We have way too many unhealthy fast food options .. this would provide the town with a popular and healthy option.

Please vote yes!

Thanks

Wade Hanchar
1008 Cowboy Court

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: Jason's Deli
Date: Thursday, February 16, 2017 1:19:57 PM

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

From: Wendy Barron [<mailto:wbarron2003@yahoo.com>]
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

From: [Alicia Munoz](#)
To: [Bailey Ragsdale](#)
Subject: FW: In favor of Jason's Deli
Date: Wednesday, February 15, 2017 1:39:08 PM

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

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

City Council
March 7, 2017

Issue

Hold a public hearing and consider and/or act on Ordinance No. 17-03-1034 amending the Development Conditions and Standards and approving a Concept Plan located for a 4.696 acre tract 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.

Staff Resource/Department

Jared Mayfield, AICP, Director of Community and Economic Development
Tina Stelnicki, Community Development Coordinator

Details

The concept plan has been proposed for amendment in the following ways from the approved concept plan (approved by City Council on September 20, 2016):

1. Two drive-thru restaurants are now proposed, one with microphones and speakers 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. One dumpster location is shown within 50 feet of existing single family development and may be 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.

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.

To date (March 2, 2017) we have received the following responses via Reply Forms, emails and Public Comment forms:

In favor: 2

Opposed: 8

On February 13, 2017 the Planning and Zoning Commission denied approval of this item. A super majority vote by the City Council is required to approve this item.

Action Requested

Consider the requested Concept Plan amendment, as continued from the February 21, 2017 City Council meeting.

Attachments

Ordinance No. 17-03-1034

Applicant's Appeal Letter

Aerial of property

Concept Plan proposed amendment

Original Concept Plan (approved by City Council on September 20, 2016)

Planned Development (PD) 16-09-1021

Revised TIA (Traffic Impact Analysis)

Engineering Comments

Fire Marshall Comments

Reply Forms

ORDINANCE NUMBER 17-03-1033

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING THE DEVELOPMENT CONDITIONS AND STANDARDS AND ADOPTING THE CONCEPT PLAN FOR APPROXIMATELY 4.696 ACRES OF PROPERTY ZONED PD (PLANNED DEVELOPMENT) DISTRICT NUMBER 16-09-1021, LOCATED ON SOUTHWEST CORNER OF FM544 AND TIMBER RIDGE DRIVE, HAVING THE LEGAL DESCRIPTION OF ABSTRACT A0579 HENRY MAXWELL SURVEY, TRACT 75, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, 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 on the southwest corner of FM 544 and Timber Ridge Drive, having the legal description of Abstract A0579 Henry Maxwell Survey, Tract 75, in the City of Murphy, Collin County, Texas, request to amend the comprehensive zoning ordinance and map, Chapter 30 of the City of Murphy Code of Ordinances by amending the Development Conditions and Standards and adopting the Concept Plan within Planned Development (PD) district ordinance number 16-09-1021; 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 by amending the Development Conditions and Standards and adopting the Concept Plan for Planned Development (PD) district ordinance number 16-09-1021 in the City of Murphy, Collin County, Texas, for property located approximately at 210 East FM 544, and more particularly described in **Exhibit A (Legal Description)**, attached hereto and incorporated herein by reference.

Section 3. That the amended 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 C (Concept Plan)** 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 30 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 8. Penalty Clause. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Murphy, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 7th day of March 2017.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

ATTACHMENT 1

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

ATTACHMENT 1

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.

ATTACHMENT 1

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.

ATTACHMENT 1

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

ATTACHMENT 1

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

ATTACHMENT 1

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.

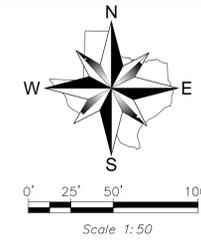
2. **Outdoor Seating:** Any establishment serving food for consumption on- premises is encouraged to provide an outdoor seating area and shall be approved with the site plan. The outdoor seating area may be included as a portion of the 5% open space requirement.
3. An additional 5% of open space is required 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.

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

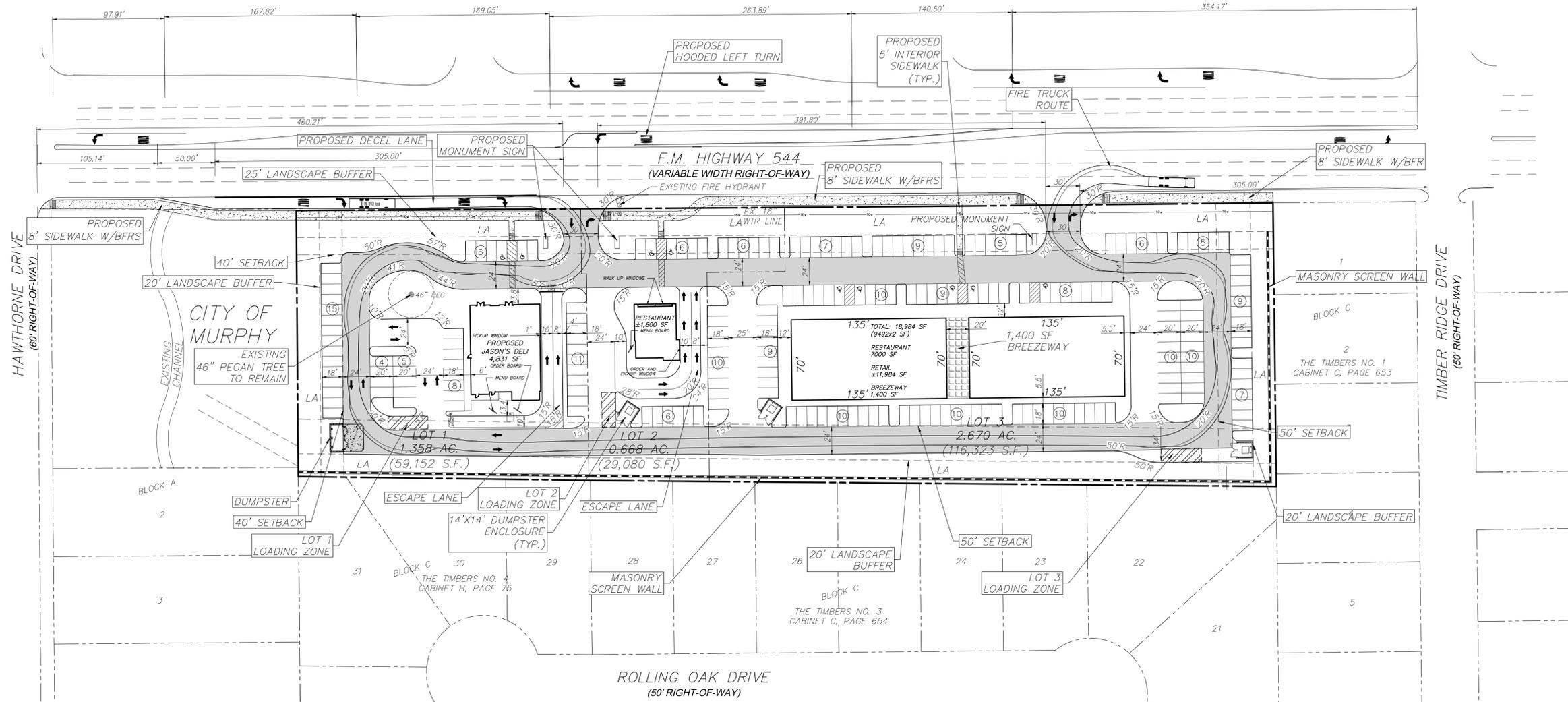


LEGEND

-  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
 State Surveyors Registration No. 100866-00
 State Professional Engineers Registration No. 100866-00
 Copyright © 2017, Winkelmann & Associates, Inc.

SITE PLAN P
 THE VILLAGE AT TIMBERS
 MURPHY, TEXAS

01-30-2017

CITY PROJECT #2016-010

ATTACHMENT 2

ATTACHMENT 2
APPEAL LETTER



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

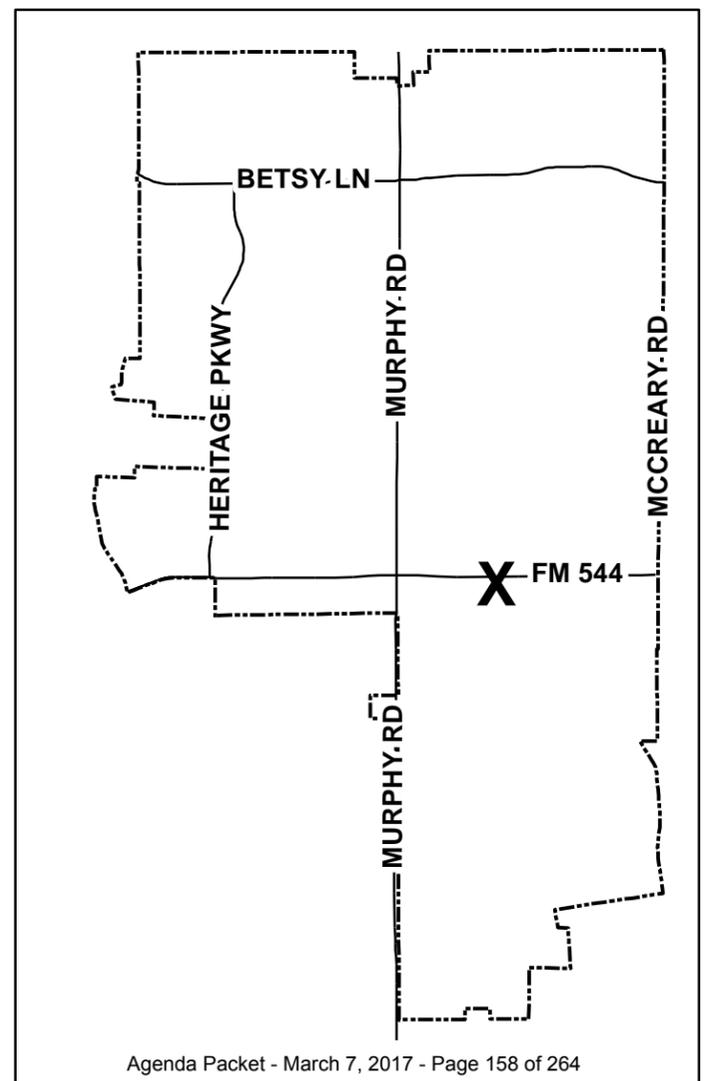
ATTACHMENT 3

ATTACHMENT 3
Aerial of Property

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 4

Attachment 4
Proposed Concept Plan for
Planned Development (PD)
16-09-1021
February 15, 2017

ATTACHMENT 5

Attachment 5
Concept plan for PD 16-09-1021
Approved by City Council
September 20, 2016

ATTACHMENT 6

ATTACHMENT 6

Planned Development (PD) 16-09-1021

Approved by City Council September 20, 2016

ATTACHMENT 6

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



ATTACHMENT 6

**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

ATTACHMENT 6

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

ATTACHMENT 6

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.

ATTACHMENT 6

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.

ATTACHMENT 6

- 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.

ATTACHMENT 6

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

ATTACHMENT 6

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.

ATTACHMENT 6

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

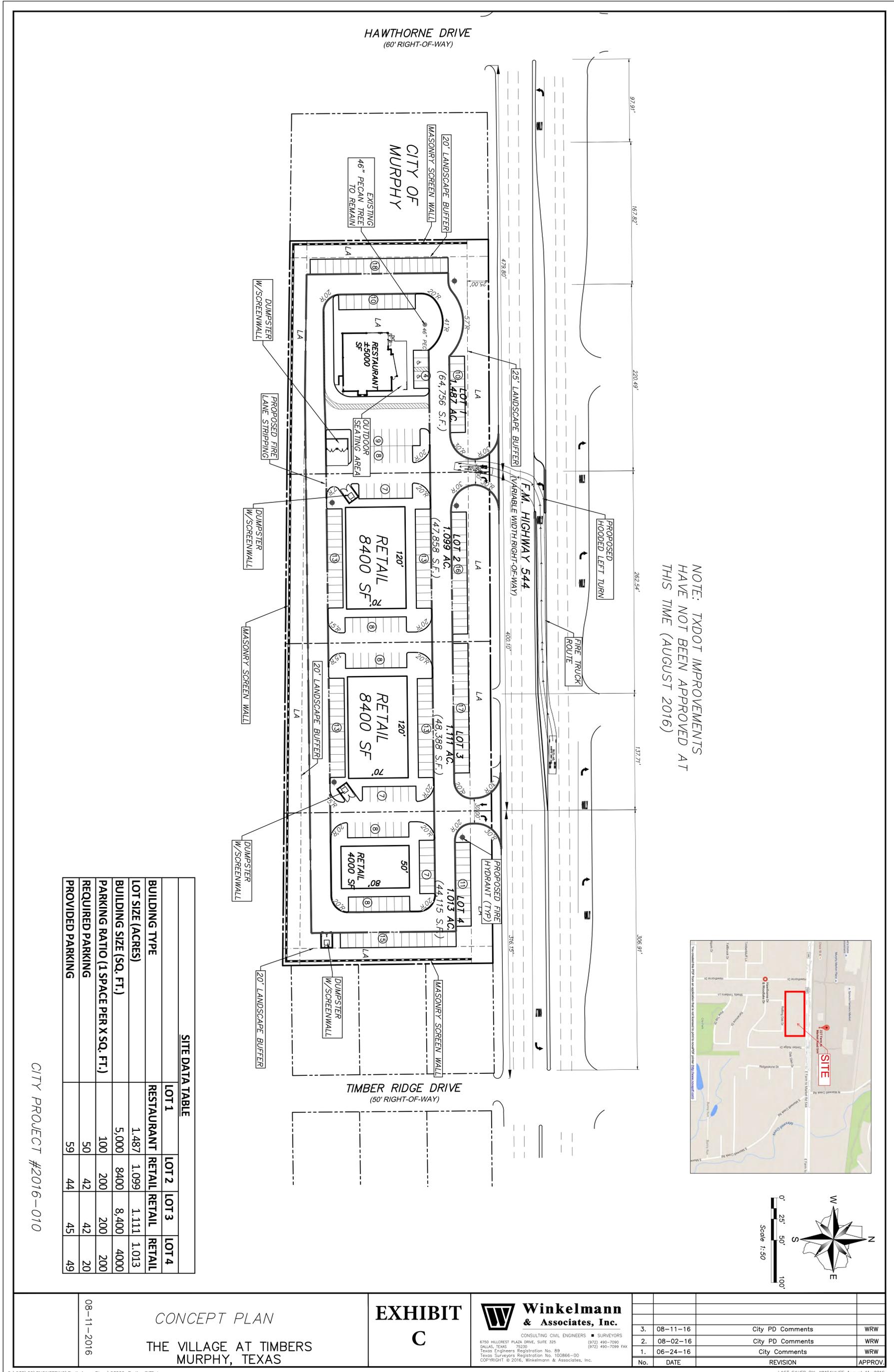
within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Lots at the pedestrian level.

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.

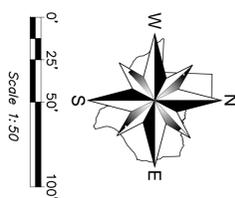
VII. Special Regulations:

- 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



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
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
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

ATTACHMENT 7

Attachment 7
Amendment Traffic Impact Analysis study



ARIZONA
TEXAS
NEW MEXICO
OKLAHOMA

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

ATTACHMENT 7

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

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.

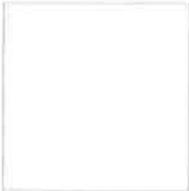
Sincerely,



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

Enclosures

cc: Ms. Kelly Carpenter
Ms. Bailey Ragsdale

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

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

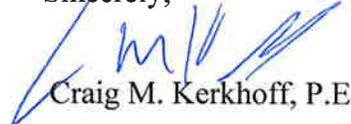
5. The site plan submitted within the TIA is not the same as the hard copy that was submitted. We recommend the TIA be revised to accurately reflect the proposed development.

Ms. Tine Stelnicki
City of Murphy
January 9, 2017
Page 2 of 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.
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

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](#)

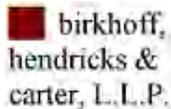
Bailey,

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

Attachment 9
Fire Marshal staff comments

ATTACHMENT 9



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

ATTACHMENT 9



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

ATTACHMENT 9



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

ATTACHMENT 10

ATTACHMENT 10
REPLY FORMS

FEB 06 2017

ATTACHMENT 10

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 CLARK
Name (Please Print)

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

113 MEADOW CROFT DR
Address

2/4/2017
Date

Reply Form

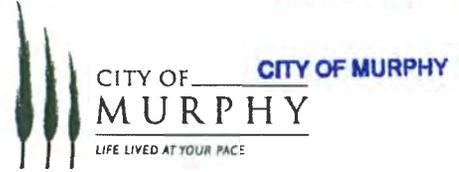
2016-022 – (A) Amendment to a Concept Plan – Village at Timbers

Concept Plan

RECEIVED

JAN 24 2017

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



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 Southeast 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, 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.

Handwritten comments: 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)

[Signature]
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



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.

DG 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.

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

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



CITY OF MURPHY

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 Southeast 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, 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.

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

Reply Form

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

Concept Plan

RECEIVED

FEB 06 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 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.

X 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.

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.

JEREMY R ZARIT
Name (Please Print)

[Signature]
Signature

331 ROLLING OAK DR
Address

2/6/17
Date

ATTACHMENT 10

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

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 Southeast 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, 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.

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)

[Handwritten Signature]
Signature

331 COLLING OAK DR
Address
MURPHY

4/6/17
Date

Reply Form

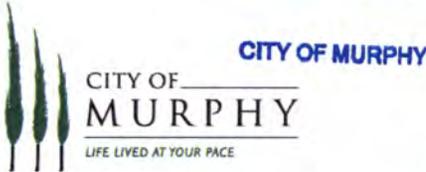
2016-022 – (A) Amendment to a Concept Plan – Village at Timbers

Concept Plan

RECEIVED

FEB 06 2017

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.

[checked] 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.

[Empty lines for written comments]

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

ATTACHMENT 10

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



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 Southeast 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, 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.

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

MARGARET HAKER SMITH
Name (Please Print)

Margaret Haker Smith
Signature

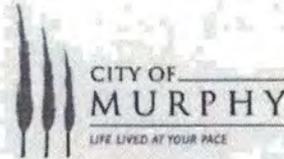
124 TIMBER RIDGE DR.
Address MURPHY

1/16/17
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



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 Southeast 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, 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.

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

Samie Hancher Name (Please Print) Samie Hancher Signature

1008 Cowboy Ct Murphy Address 1-19-17 Date

ATTACHMENT 10

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



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 Southeast 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.

XX 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, 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.

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

ATTACHMENT 10

Reply Form

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

Concept Plan

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 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.

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

L Miller

Signature

2-13-17

Date

City Council
March 7, 2017

Issue

Hold a public hearing and consider and/or act on the adoption of Ordinance No. 17-03-1034 enacting a temporary moratorium to suspend the acceptance of permits, authorizations, and approvals necessary for the subdivision of, site planning of, property development, or construction on real property within the area bounded on the north by FM 544, on the west by Murphy Road, on the south by Timbers No. 5, Phase 1 and on the east by The Timbers No. 4-A (Murphy Road/FM 544 Zone).

Staff Resource

Jared Mayfield, AICP, Director of Community and Economic Development
Tina Stelnicki, Community Development Coordinator

Summary

The City Council seeks to promote a positive image of the City reflecting order, harmony and compatible land uses, thereby strengthening the City's commercial area. In order for the City to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances and their potential impact on the development and/or redevelopment of this area, the City wishes to implement a moratorium period of 90 days. This proposed moratorium suspends the acceptance of permits, authorizations, and approvals necessary for the subdivision of, site planning of, property development, or construction on real property within the described area.

A property owner may request a waiver to the temporary moratorium by submitting a written application to the City with the reasons for the waiver request along with supporting documentation. The request must be submitted at least five business days before, but not more than ten days before, a regularly scheduled City Council meeting. City Council may approve the waiver application if one or more of the following conditions are met:

1. Undue Hardship
2. The tract is subject to a written development agreement with the City
3. The tract is zoned as a Planned Development District
4. Pending Projects – complete application for one or more building permits were on file with the City on or before the moratorium became effective.

On March 6, 2017 the Planning & Zoning Commission will hold a public hearing to make a recommendation on the temporary moratorium.

Action Requested

Consider approval of the temporary moratorium in order to suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, or construction on real property in the area as depicted in the attachment to this summary brief.

Attachments

Moratorium Ordinance No. 17-03-1034

ORDINANCE NUMBER 17-03-1034

AN ORDINANCE ADOPTING AND ENACTING A MORATORIUM TO SUSPEND THE ACCEPTANCE OF PERMITS, AUTHORIZATIONS, AND APPROVALS NECESSARY FOR THE SUBDIVISION OF, SITE PLANNING OF, DEVELOPMENT, OR CONSTRUCTION ON REAL PROPERTY WITHIN A DEFINED GEOGRAPHIC BOUNDARY; PROVIDING FINDINGS OF FACT; PROVIDING EXEMPTIONS; PROVIDING A WAIVER PROCEDURE; PROVIDING FOR A TERMINATION DATE; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Murphy, Texas, finds that it is in the best interest of the City of Murphy (“City”) and its citizens to adopt and enact a moratorium in order to temporarily suspend the acceptance of permits, authorization, and approvals necessary for the subdivision, site planning, development, zoning, or construction on real property in the area within the area bounded on the north by FM 544, on the west by Murphy Road, on the south by Timbers #5-1 and on the east by Timbers #4A as further depicted in Exhibit “A” attached hereto and incorporated herein for all purposes (the “Murphy Road/FM 544 Zone”); and

WHEREAS, the City has developed a Comprehensive Plan and Comprehensive Zoning Ordinance for development and use of land within the City and desires to protect its ability to regulate development within its jurisdiction; and

WHEREAS, the City has started the process of reviewing the land uses authorized in the Murphy Road/FM 544 Zone and developing for adoption ordinances that will implement the objectives of the Comprehensive Plan and Comprehensive Zoning Ordinance; and

WHEREAS, the City Council seeks to promote a positive image of the City reflecting order, harmony and compatible land uses, thereby strengthening the City’s commercial area; and

WHEREAS, in order for the City to have adequate and reasonable time to review, evaluate, and revise the City’s development ordinances and their potential impact on the development and/or redevelopment of this area, the City wishes to implement a moratorium period of 90 days.

WHEREAS, redevelopment and significant growth in and around the Murphy Road/FM 544 Zone requires a determination of the best method to protect the property in and around the Murphy Road/FM 544 Zone; and

WHEREAS, the study and update of City’s development ordinances and procedures is needed in order to clarify and improve planning policies, strengthen the connection between the City’s ordinances and the goals and needs of the citizens, and to protect the health, safety, environment, quality of life, and general welfare; and

WHEREAS, a temporary moratorium is needed to address significant and compelling land use concerns associated with redevelopment and development activities occurring in and around the Murphy Road/FM 544 Zone, including residences, retail, commercial, recreational, and other uses; and

WHEREAS, the City is reviewing its municipal ordinances and regulations to provide for an equitable system of regulations relating to development in the Murphy Road/FM 544 Zone in order to protect the interests of existing residential property and commercial property while providing for opportunities for development of property along significant corridors; and

WHEREAS, the City wants to ensure that that development in the Murphy Road/FM 544 Zone has an acceptable impact on the distinctive character of the community, which is different from that of adjoining areas and municipalities; and

WHEREAS, the application of the City's existing ordinances and regulations is inadequate to prevent new development and redevelopment from being detrimental to the public health, safety, or welfare of the residents of the Murphy Road/FM 544 Zone; and

WHEREAS, the City Council seeks a better understanding of the effects of development and redevelopment within the Murphy Road/FM 544 Zone and needs a reasonable amount of time to study land use management and planning methods for the purpose of devising a responsible land use plan for the Murphy Road/FM 544 Zone; and

WHEREAS, the City Council seeks public input and professional assistance in order to preserve the character of the Murphy Road/FM 544 Zone while also allowing for compatible land uses, enabling free enterprise, and protecting private property rights; and

WHEREAS, in order for the City to have adequate and reasonable time to review, evaluate, and revise the City's land use and development ordinances pertinent to the Murphy Road/FM 544 Zone, and to consider the impact of the ordinances upon land use, future growth, public health and safety, development, and natural environment, the City wishes to implement a moratorium period of 90 days, during which no application for permit, subdivision plats, zoning changes, site planning, development or construction on real property in the Murphy Road/FM 544 Zone will be accepted; and

WHEREAS, the purposes of the temporary moratorium include preserving the *status quo* during the planning process, eliminating incentives for inadequate applications, facilitating consistent planning, avoiding exploitation of any delays inherent in the legislative process, and preventing applicants from undermining the effectiveness of the revised ordinances by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development ordinances; and

WHEREAS, the City desires to implement this temporary moratorium for a stated and fixed time period, and to include a waiver provision; and

WHEREAS, the City Council plans to gather and disseminate to the public vital information relating to land use and development in the Murphy Road/FM 544; and

WHEREAS, the City Council seeks to promote a positive image of the City reflecting order, harmony, and compatible land uses, thereby strengthening the City's commercial, cultural, historical, residential, recreational, and scenic areas; and

WHEREAS, a comprehensive strategy to future development of the Murphy Road/FM 544 Zone will preserve the health, safety and general welfare of the City by providing for orderly growth and coordinated development; and

WHEREAS, all notices and hearings, including a hearing by the Planning and Zoning Commission, have been published and held in accordance with applicable statutes, laws, and regulations; and

WHEREAS, the City Council finds that a moratorium is necessary and prudent in order to protect the status quo in the Murphy Road/FM 544 Zone so that the City Council may adopt the appropriate zoning and development standards to regulate land use and development in the Murphy Road/FM 544 Zone;

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

Section 1. The recitations contained in the preamble to this ordinance are found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The City hereby approves and enacts this ordinance in order to implement a temporary moratorium on the submission and acceptance of permits, authorizations, applications and approvals necessary for the subdivision and development of land, including plats, site development plans, zoning amendments, and development and construction permits for properties within the Murphy Road/FM 544 Zone, an area designated on the map attached as Exhibit "A", which is included in this ordinance for all purposes, until (a) 90 days after enactment of this ordinance, or (b) termination of this ordinance by the City, whichever is sooner. This temporary moratorium is enacted to preserve the *status quo* and (1) assess the existing and future land use for the Murphy Road/FM 544 Zone; (2) evaluate and study methods to allow development and redevelopment while maintaining the character of the Murphy Road/FM 544 Zone; (3) consider the impact of development and redevelopment on surrounding properties in the Murphy Road/FM 544 Zone; (4) adopt ordinances and regulations that allow for compatible development and redevelopment within the Murphy Road/FM 544 Zone. Except as otherwise provided herein, and extending for the duration of this ordinance, no city employee, officer, agent, department, board, or commission of the City shall accept for filing any applications for permits, authorizations, applications or approvals of subdivision plats, site development plans, zoning amendments, development and construction permits for any property located in the Murphy Road/FM 544 Zone. Applications, together with any documents or fees accompanying the applications, which are submitted during the duration of this temporary moratorium, shall be returned to the applicant as unfiled.

Section 3. If the City determines that this 90-day period is insufficient for the City to fully complete the process of developing and adopting ordinances to implement its purposes within the Murphy Road/FM 544 Zone, this ordinance may be renewed for an additional period of time, not to exceed 90 days, upon a majority vote of the City Council.

Section 4. This ordinance shall not apply to completed applications that were lawfully submitted prior to March 8, 2017. An owner of property within the Murphy Road/FM 544 Zone may request a waiver of the application of this temporary moratorium to a particular project by submitting a written application to the City with the reasons for the waiver request along with supporting documentation. The waiver request must be submitted at least five (5) business days before, but not more than ten (10) days before, a regularly scheduled City Council meeting. The City Council may approve a waiver application, in which case the applicant may submit an application for processing, if one or more of the following conditions are satisfied:

1. **Undue Hardship.** The applicant shall suffer undue hardship if the moratorium is not waived, that being something beyond or in addition to financial hardship; current regulations are adequate to address the proposed type of development and construction; it is in the public interest to allow a limited exception to the moratorium; and authorizing the waiver will not adversely impact the development and character of the Murphy Road/FM 544 Zone.
2. **Development Agreement.** The tract is subject to a valid, written development agreement between the property owner and the City pursuant to which all land use and development matters are addressed in a manner that protects the character and development of the Murphy Road/FM 544 Zone.
3. **Planned Development District.** The tract is zoned as a Planned Development District in which all land use and development matters are addressed in a manner that protects the character and development of the Murphy Road/FM 544 Zone.
4. **Pending Projects.** Complete applications for one or more building permits for the proposed project were on file with the City on or before the temporary moratorium became effective.

Section 5. In the case of any conflict between the other provisions of this ordinance and any existing ordinance of the City, the provisions of this ordinance control and all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict.

Section 6. This ordinance and every provision thereof shall be considered severable, and the invalidity of any section, clause, or provision or part or portion of any section, clause or provision shall not affect the validity of any other portion of this ordinance.

Section 7. This ordinance shall take effect immediately from and after its adoption, as the law and Charter in such cases provide, except that beginning on the fifth business day after the date of notice of public hearings is published in conformity with Texas Local Government Code §212.134(b), a temporary moratorium shall take effect on March 8, 2017, during which time the City is authorized to and shall stop accepting permits, authorizations and approvals necessary for the construction, reconstruction, development, redevelopment or other alteration or improvement of property located within the Murphy Road/FM 544 Zone.

PASSED, APPROVED AND ADOPTED this the 7th day of March, 2017.

Eric Barna, Mayor

ATTEST:

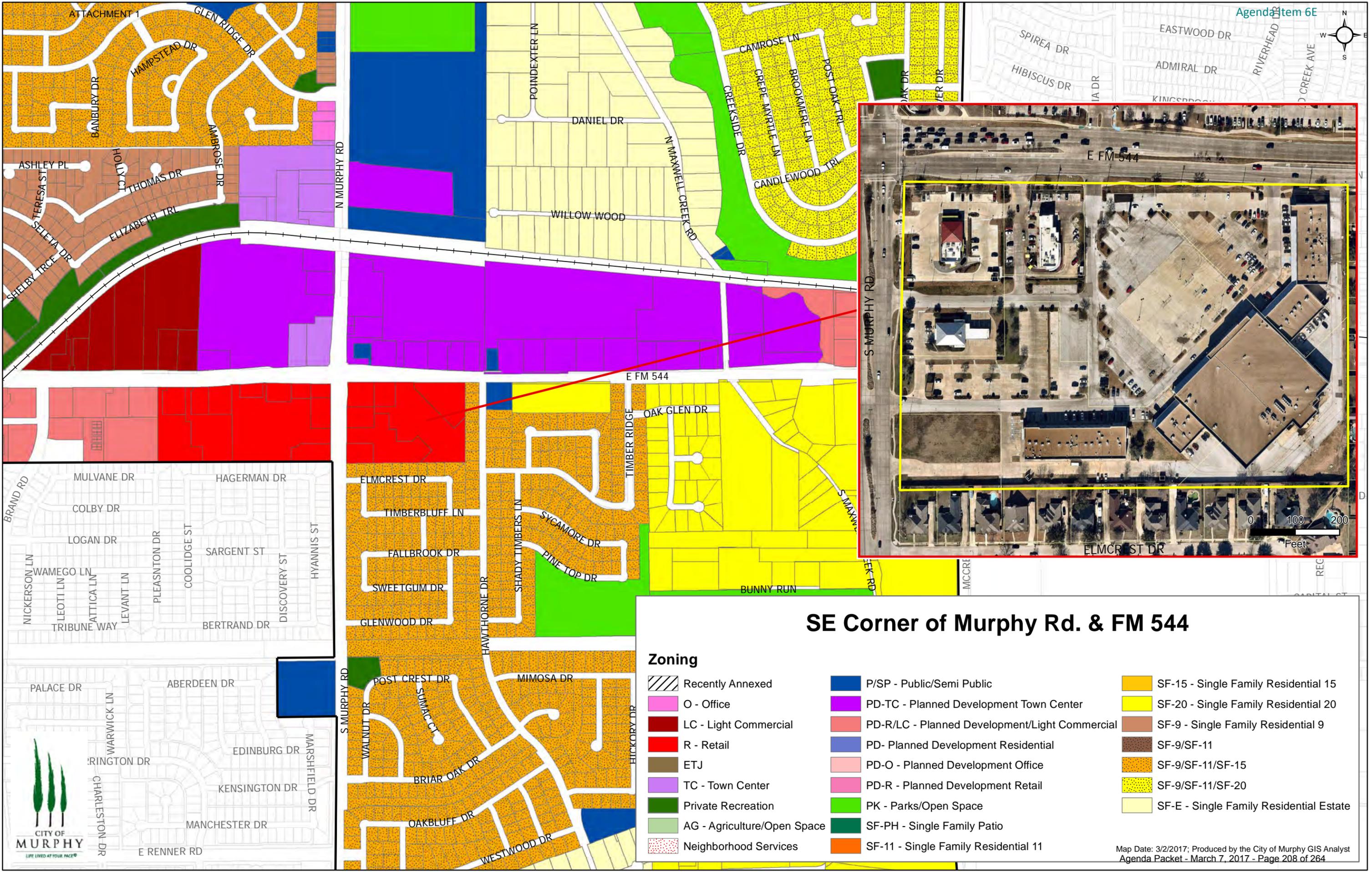
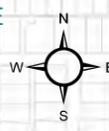
Susie Quinn, City Secretary

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

EXHIBIT A

Map depicting area of Murphy Road/FM 544 Zone

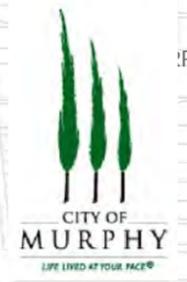


SE Corner of Murphy Rd. & FM 544

Zoning

	Recently Annexed		P/SP - Public/Semi Public		SF-15 - Single Family Residential 15
	O - Office		PD-TC - Planned Development Town Center		SF-20 - Single Family Residential 20
	LC - Light Commercial		PD-R/LC - Planned Development/Light Commercial		SF-9 - Single Family Residential 9
	R - Retail		PD - Planned Development Residential		SF-9/SF-11
	ETJ		PD-O - Planned Development Office		SF-9/SF-11/SF-15
	TC - Town Center		PD-R - Planned Development Retail		SF-9/SF-11/SF-20
	Private Recreation		PK - Parks/Open Space		SF-E - Single Family Residential Estate
	AG - Agriculture/Open Space		SF-PH - Single Family Patio		
	Neighborhood Services		SF-11 - Single Family Residential 11		

Map Date: 3/2/2017; Produced by the City of Murphy GIS Analyst
 Agenda Packet - March 7, 2017 - Page 208 of 264



City Council
March 7, 2017

Issue

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

Staff Resource/Department

Jared Mayfield, AICP, Director of Economic and Community Development
Tina Stelnicki, Community Development Coordinator

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.

This item was previously discussed at the February 21, 2017 Council meeting. No action was taken at that time.

Staff Recommendation

Consultant finds that with the city investment there will be a 100% return in 3.3 years. Consultant does not address the fact that the data shows that the created jobs 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
Economic Development Impact Report
Proposed Contract Terms

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
------	-----------------------------

ATTACHMENT 2
ECONOMIC DEVELOPMENT IMPACT REPORT

A Report of the Economic Impact of RJ Mexican Cuisine in Murphy, Texas

November 30, 2016

Prepared for:

City of Murphy
Murphy Municipal Development District
206 North Murphy Road
Murphy, Texas 75094

Prepared by:

Impact DataSource
4709 Cap Rock Drive
Austin, Texas 78735
(512) 892-0205
Fax (512) 892-2569
www.impactdatasource.com



Table of Contents

The Report:

Introduction 3

Description of the Facility 3

Economic Impact of the Facility 4

Costs and Benefits for Local Taxing Districts 5

Net Benefits to be Received by the City, MMDD and CDC from the Facility 8
and New Workers

An Analysis of Possible Incentives for the Facility 9

Discussion of State Aid for the School District 9

Conduct of the Analysis 10

About Impact DataSource 10

Data and Rates Used in the Analysis 12

Schedules Showing the Results of Economic Impact Calculations 21

Schedules Showing the Results of Costs and Benefits Calculations:

 City of Murphy 26

 Murphy Municipal Development District 29

 Murphy Community Development Corporation 30

 Collin County 31

 Plano Independent School District 34

 Collin College 36

A Report of the Projected Economic Impact from RJ Mexican Cuisine

Introduction

This report presents the results of an economic impact analysis performed by Impact DataSource, Austin, Texas. The analysis was to determine the impact that RJ Mexican Cuisine in Murphy, Texas will have on the economy of the Murphy area and the costs and benefits for local taxing districts over the first ten years.

Description of the Facility

RJ Mexican Cuisine is a planned 3,263 square foot restaurant in Murphy.

An estimated \$700,000 will be invested in the facility: At least \$300,000 for tenant finish out in the leased space and about \$400,000 for furniture, fixtures and equipment. Further, the facility will have estimated annual taxable sales of \$1.5 million in the first year of operations.

The facility will have 25 full-time workers and 25 part-time workers with estimated initial annual payroll of \$429,000.

How the facility will impact the economy of the area is discussed next.

The Estimated Economic Impact of the Facility over the First Ten Years

The facility will have the following economic impact on the Murphy area over the first ten years:

Economic Impact over the First Ten Years	
Total number of permanent direct and indirect jobs to be created	66
Number of direct and indirect workers who will move to the City	4
Number of new residents in the City	10
Number of new residential properties to be built in the City	0
Number of new students expected in Plano ISD	1
Salaries to be paid to direct and indirect workers	\$7,184,984
Taxable sales and purchases expected in the City	\$21,743,173
The value of new residential property to be built for direct and indirect workers who move to the City by Year 10	\$0
The facility's assets added to local tax rolls	\$710,000

How this economic activity translates into additional costs and benefits for local taxing districts is discussed next.

Costs and Benefits for Local Taxing Districts over the First Ten Years

Local taxing districts can expect costs and benefits over the first ten years from the facility, as scheduled below, beginning with the additional revenues to be received.

Additional Revenues for Local Taxing Districts

Local taxing districts can expect to receive the following revenues over the first 10 years from the facility, its employees and workers in indirect jobs created in the community.

Additional Revenues For Local Taxing Districts Over the First Ten Years of the Facility's Operation					
	Sales Taxes	Property Taxes	Utilities	Utility Franchise Fees	Building Permits and Fees
City of Murphy	\$217,432	\$26,334	\$176,183	\$43,343	\$2,400
Murphy MDD	\$108,716				
Murphy CDC	\$108,716				
Collin County	\$0	\$10,761			
Plano ISD		\$74,304			
Collin College		\$4,194			
Total	\$434,863	\$115,592	\$176,183	\$43,343	\$2,400
	Hotel Occupancy Taxes	Other Taxes and User Fees	Additional State and Federal School Funding	Total Additional Revenues	
City of Murphy	\$0	\$13,140		\$478,832	
Murphy MDD				\$108,716	
Murphy CDC				\$108,716	
Collin County		\$2,190		\$12,951	
Plano ISD			\$72,222	\$146,526	
Collin College				\$4,194	
Total	\$0	\$15,330	\$72,222	\$859,934	

Additional Costs for Local Taxing Districts

Local taxing districts will incur the following costs over the first 10 years, as a result of the facility and direct and indirect employees.

Costs for Local Taxing Districts Over the First 10 Years of the Facility's Operation					
	Costs of Services to New Residents	Costs of Providing Monthly Utility Services	Costs of Educating New Students	Reduction in State School Funding as a Result of Property being Added to Local Tax Rolls	Total
City of Murphy	\$19,709	\$170,898			\$190,607
Murphy MDD					
Murphy CDC					
Collin County	\$4,380				\$4,380
Plano ISD			\$68,611	\$60,414	\$129,025
Collin College					\$0
Total	\$24,089	\$170,898	\$68,611	\$60,414	\$324,012

Additional Net Benefits

The additional public benefits less additional public costs will result in the following net benefits for the City, County and other local taxing districts over the first ten years of the facility's operation:

Net Benefits for Local Taxing Districts Over the First 10 Years of the Facility's Operation			
	Benefits	Costs	Net Benefits
City of Murphy	\$478,832	\$190,607	\$288,225
Murphy MDD	\$108,716		\$108,716
Murphy CDC	\$108,716		\$108,716
Collin County	\$12,951	\$4,380	\$8,571
Plano ISD	\$146,526	\$129,025	\$17,501
Collin College	\$4,194	\$0	\$4,194
Total	\$859,934	\$324,012	\$535,922

Discounted Cash Flow for Local Taxing Districts

The discounted cash flow over the first ten years for each local taxing district from the new facility is as follows:

Discounted Cash Flow Over the First Ten Years	
City of Murphy	\$214,777
Murphy MDD	\$80,433
Murphy CDC	\$80,433
Collin County	\$6,655
Plano ISD	\$13,389
Collin College	\$3,232
Total	\$398,919

The above discounted cash flow or present value of net benefits is a way of expressing in today's dollars, dollars to be paid or received in the future. Today's dollar and a dollar to be received or paid at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. This analysis uses a discount rate of 6% to make the dollars comparable -- by expressing them in today's dollars or in present value.

Net Benefits to be Received by the City, MMDD and CDC from (1) the Facility and (2) New Workers

The City of Murphy, including the MMDD and CDD will receive benefits from spending and investments by the facility and from spending by new workers. These benefits, over the first ten years, are shown below for these two categories.

Schedule of Benefits for the City from the Facility and From New Workers			
	Benefits from:		Total Benefits
	The Facility	New Workers	
Additional revenues:			
Sales taxes	\$425,523	\$9,340	\$434,863
Property taxes	\$26,334	\$0	\$26,334
Utility revenues	\$120,997	\$55,187	\$176,183
Utility franchise fees	\$40,025	\$3,319	\$43,343
Hotel occupancy taxes	\$0		\$0
Other taxes and user fees		\$13,140	\$13,140
Building permits and fees	\$2,400		\$2,400
Total additional revenues	\$615,278	\$80,985	\$696,264
Additional costs:			
Costs of providing utilities	\$117,367	\$53,531	\$170,898
Costs of providing municipal services for new residents		\$19,709	\$19,709
Total additional costs	\$117,367	\$73,240	\$190,607
Net benefits	\$497,912	\$7,745	\$505,657
Percent of total net benefits for the City, MMDD and CDC	98%	2%	

An analysis of possible incentives that the City may consider for the facility is next.

Analysis of Possible Incentives for the Facility

The company is requesting the city to invest approximately \$150,000 to aid in the cost of infrastructure, including plumbing, electrical, HVAC, etc. as the restaurant will be the first tenant and the owner of the center will not be providing funds for these costs.

Financial incentives that may be offered the facility may be considered as investments that the City is making in the facility.

Four calculations analyzing possible investments were made -- net benefits, discounted cash flow, rate of return on investment and payback period. Net benefits and discounted cash flow for the City are scheduled above. Rate of return on investment and payback period are discussed and scheduled below.

Rate of return on investment is the City's average annual rate of return from additional revenues that the City will receive on the investment of incentives that the City may make in the facility. Payback period is the number of years that it will take the City to recover the costs of incentives from the additional revenues that it will receive from the facility.

Average annual rates of return on investment each year over the first ten years and payback periods for the possible levels of incentives are shown below.

Rate of Return and Payback Period for Possible City Incentives			
Incentives	Total City, MMDD and CDC Revenues Over Ten Years	Annual Rate or Return	Payback Period (In years)
\$150,000	\$505,657	34%	3.3

Discussion of State Aid for the School District

This analysis seeks to calculate the impact on the school district's finances from the facility by generally, and at a summary level, mimicking the district's school funding formula.

According to the Texas Education Agency, any property added to local tax rolls and local taxes that this generates reduces state funding equivalent to local taxes collected for maintenance and operations. The school district retains local taxes received for debt services and corresponding state funding is not reduced.

However, according to the Texas Education Agency, the school district will receive state aid for each new child that moves to the District. The additional revenues for the school district are calculated in this analysis.

Conduct of the Analysis

This analysis was conducted by Impact DataSource using data, rates and information supplied by the company. In addition, Impact DataSource used certain estimates and assumptions.

Using this data, the economic impact from the facility and the costs and benefits for the City of Murphy, Collin County, Plano ISD, and Collin College were calculated for a ten year period.

In addition to the direct economic impact of the facility and its employees, spin-off or indirect and induced benefits were also calculated. Indirect jobs and salaries are created in new or existing area firms, such as maintenance companies and service firms, that may supply goods and services to the facility. In addition, induced jobs and salaries are created in new or existing local businesses, such as retail stores, gas stations, banks, restaurants, and service companies that may supply goods and services to new workers and their families.

To estimate the indirect and induced economic impact of the facility and its employees on the Murphy area, regional economic multipliers were used. Regional economic multipliers for Texas and areas of the state are included in the US Department of Commerce's Regional Input-Output Modeling System (RIMS II).

Two types of regional economic multipliers were used in this analysis: an employment multiplier and an earnings multiplier.

An employment multiplier was used to estimate the number of indirect and induced jobs created and supported in the Murphy area. An earnings multiplier was used to estimate the amount of salaries to be paid to workers in these new indirect and induced jobs. The multipliers show the estimated number of indirect and induced jobs created for every one direct job at the facility and the amount of salaries paid to these workers for every dollar paid to a direct worker at the facility. The multipliers used in this analysis are below:

Employment multiplier	0.3191
Earnings multiplier	0.4949

About Impact DataSource

Impact DataSource is a 23-year-old Austin economic consulting, research and analysis firm. The firm has conducted economic impact analyses of numerous projects in Texas and 39 other states. In addition, the firm has developed economic impact analysis computer programs for several clients,

including the New Mexico Economic Development Department.

The firm's principal, Jerry Walker, performed this economic impact analysis. He is an economist and has Bachelor of Science and Master of Business Administration degrees in accounting and economics from Nicholls State University, Thibodaux, Louisiana.

Data used in the analysis, along with schedules of the results of calculations, are on the following pages.

Data and Rates Used in this Analysis

Local Tax Rates:

Sales tax rate:

City of Murphy	1.0%
Murphy MDD	0.5%
Murphy CDC	0.5%

City of Murphy hotel occupancy tax rate	0%
---	----

Property tax rates, per \$100 of valuation:

City of Murphy	\$0.51000
Collin County	\$0.20840
Plano ISD:	
M&O	\$1.17000
I&S	\$0.26900
Total	\$1.43900
Collin College	\$0.08122

Some City Rates:

Annual marginal cost of providing municipal services, excluding utilities, to each new household	\$450
Estimated annual other taxes and user fees to be collected by the city from each new household -- those revenues that are in addition to sales and property taxes, utilities and utility franchise fees	\$300
Annual increase expected in the city's other revenues and marginal costs	2%
The city's estimated annual water, wastewater and garbage collection billings per household	\$1,260

Utility Service	Estimated Monthly Billing	Estimated Annual Billing <i>(Monthly billing x 12)</i>
Water	\$40	\$480
Wastewater	\$40	\$480
Solid waste	\$25	\$300

The city's cost of providing water and wastewater services, as a percent of utility billings	97%
--	-----

Annual increase expected in city-owned utility billings 2%

The city's utility franchise fee percentages:

Electricity, estimated as a percent of total electricity billings	3%
Natural gas	3%
Trash collections	3%
Cable	3%
Telephone monthly line access charge:	
Residential	\$0.74
Non-residential	\$1.64

Annual utility franchise fees collected from utility providers for each household in the city as detailed below \$72.37

Utility Service	Estimated Monthly Billing	Utility Franchise Fee Percentage	Monthly Utility Franchise Fee Collections	Estimated Annual Utility Franchise Fee Collections <i>(Monthly collections x 12)</i>
Electricity	\$75	3%	\$2.25	\$27.00
Natural gas	\$40	3%	\$1.20	\$14.40
Trash collections	\$30	3%	\$0.90	\$10.80
Cable	\$40	3%	\$1.20	\$14.40
Telephone lines	0.65	\$0.74	\$0.48	\$5.77

Some County Rates:

Annual marginal cost of providing county services to each new household \$100

Annual miscellaneous taxes and user fees to be collected from each new household, those county revenues other than property and sales taxes \$50

Annual increase expected in other county revenues and marginal costs 2%

Some School District Rates:

Estimated annual state, federal and other funding received by the district for each child enrolled \$4,500

Average annual cost of providing services to each child in the district \$9,500

Average annual cost for each new child, as a percent of average annual cost	45%
Annual marginal cost of providing services to each new child	\$4,275

Other Community Rates:

Expected inflation rate over the first ten years	3.0%
Discount rate used in analysis to compute discounted cash flows	6%
Percent of a typical worker's salary that will be spent on taxable goods and services	26%
Average taxable value of a new single family residence in the community that will be built for some individuals moving to the city	\$275,000
Percent annual increase in the taxable value of residential property and commercial real property on local tax rolls over the first ten years	2%

Depreciation rates:

To estimate the annual taxable or depreciable value of furniture, fixtures and equipment at the facility being analyzed in this analysis, this analysis uses straight line depreciation, an ten year life and a 20% residual value. Therefore, property taxes on the facility's furniture, fixtures and equipment are calculated on the following percentages of the costs of such equipment purchased each year:

Year 1	90%
Year 2	80%
Year 3	70%
Year 4	60%
Year 5	50%
Year 6	40%
Year 7	30%
Year 8	20%
Year 9	20%
Year 10	20%

The Facility's Investments, Assets and Construction:

The investments at the facility each year at the facility:

	Land improvements	Buildings and Other Real Property	Furniture, Fixtures, and Equipment	Total
Year 1	\$0	\$300,000	\$400,000	\$700,000
Year 2	\$0	\$0	\$0	\$0
Year 3	\$0	\$0	\$0	\$0
Year 4	\$0	\$0	\$0	\$0
Year 5	\$0	\$0	\$0	\$0
Year 6	\$0	\$0	\$0	\$0
Year 7	\$0	\$0	\$0	\$0
Year 8	\$0	\$0	\$0	\$0
Year 9	\$0	\$0	\$0	\$0
Year 10	\$0	\$0	\$0	\$0
Total	\$0	\$300,000	\$400,000	\$700,000

The facility's taxable inventories:

Year 1	\$10,000
Year 2	\$10,300
Year 3	\$10,609
Year 4	\$10,927
Year 5	\$11,255
Year 6	\$11,593
Year 7	\$11,941
Year 8	\$12,299
Year 9	\$12,668
Year 10	\$13,048

Estimated annual increase in the volume and value of inventories 3%

Spending During Construction:

Estimated spending for construction:

Year 1	\$300,000
Year 2	\$0
Year 3	\$0
Year 4	\$0
Year 5	\$0
Year 6	\$0
Year 7	\$0
Year 8	\$0
Year 9	\$0
Year 10	\$0

Percent of construction costs for:

Materials	60%
Labor	40%

Estimated percent of construction materials that will be purchased in the city and be subject to sales tax 30%

Percent of taxable spending by construction workers that will be in the city 20%

Estimated percent of furniture, fixtures and equipment that will be purchased in the city and be subject to sales tax 20%

Estimated building permits and fees to be paid to the city:

Year 1	\$2,400
Year 2	\$0
Year 3	\$0
Year 4	\$0
Year 5	\$0
Year 6	\$0
Year 7	\$0
Year 8	\$0
Year 9	\$0
Year 10	\$0

Activities During the Facility's Operations:

The facility's taxable sales subject to sales tax in the city:

Year 1	\$1,500,000
Year 2	\$1,575,000
Year 3	\$1,653,750
Year 4	\$1,736,438
Year 5	\$1,823,259
Year 6	\$1,914,422
Year 7	\$2,010,143
Year 8	\$2,110,651
Year 9	\$2,216,183
Year 10	\$2,326,992

Expected annual increase in taxable sales after the first year 5%

Estimated annual utilities at the facility:

	Water	Wastewater	Solid Waste	Electricity	Natural Gas	Cable	Telephone
Year 1	\$2,400	\$2,400	\$6,000	\$60,000	\$48,000	\$2,400	\$36,000
Year 2	\$2,460	\$2,460	\$6,150	\$61,500	\$49,200	\$2,460	\$36,900
Year 3	\$2,522	\$2,522	\$6,304	\$63,038	\$50,430	\$2,522	\$37,823
Year 4	\$2,585	\$2,585	\$6,461	\$64,613	\$51,691	\$2,585	\$38,768
Year 5	\$2,649	\$2,649	\$6,623	\$66,229	\$52,983	\$2,649	\$39,737
Year 6	\$2,715	\$2,715	\$6,788	\$67,884	\$54,308	\$2,715	\$40,731
Year 7	\$2,783	\$2,783	\$6,958	\$69,582	\$55,665	\$2,783	\$41,749
Year 8	\$2,853	\$2,853	\$7,132	\$71,321	\$57,057	\$2,853	\$42,793
Year 9	\$2,924	\$2,924	\$7,310	\$73,104	\$58,483	\$2,924	\$43,863
Year 10	\$2,997	\$2,997	\$7,493	\$74,932	\$59,945	\$2,997	\$44,959
Annual increase	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%

Estimated number of telephone lines at the facility 4

The facility's estimated local taxable purchases of materials, supplies and services for its operations:

Year 1	\$50,000
Year 2	\$52,500
Year 3	\$55,125
Year 4	\$57,881
Year 5	\$60,775
Year 6	\$63,814
Year 7	\$67,005
Year 8	\$70,355
Year 9	\$73,873
Year 10	\$77,566

Expected annual increase in taxable purchases after the first year 5%

The facility's total taxable purchases and taxable utilities:

	Taxable Purchases of Supplies, Materials and Services	Utilities Subject to Sales Tax			Total
		Utilities Subject to Sales Tax	Percent Taxable	Taxable Utilities	
Year 1	\$50,000	\$146,400	100%	\$146,400	\$196,400
Year 2	\$52,500	\$150,060	100%	\$150,060	\$202,560
Year 3	\$55,125	\$153,812	100%	\$153,812	\$208,937
Year 4	\$57,881	\$157,657	100%	\$157,657	\$215,538
Year 5	\$60,775	\$161,598	100%	\$161,598	\$222,374
Year 6	\$63,814	\$165,638	100%	\$165,638	\$229,452
Year 7	\$67,005	\$169,779	100%	\$169,779	\$236,784
Year 8	\$70,355	\$174,024	100%	\$174,024	\$244,379
Year 9	\$73,873	\$178,374	100%	\$178,374	\$252,247
Year 10	\$77,566	\$182,834	100%	\$182,834	\$260,400

Number of new workers hired at the facility each year:

Year 1	50
Year 2	0
Year 3	0
Year 4	0
Year 5	0
Year 6	0
Year 7	0
Year 8	0
Year 9	0
Year 10	0
Total	50

Number of new workers who will move to the city to take job at the facility:

Estimated percent of total new workers moving to the city	5%
Year 1	3
Year 2	0
Year 3	0
Year 4	0
Year 5	0
Year 6	0
Year 7	0
Year 8	0
Year 9	0
Year 10	0
Total	3

Total annual payroll \$429,000

Average annual salaries of workers at the facility \$8,580

Percent of expected increase in employee salaries after year 1 2.5%

Multipliers for calculating the number of indirect and induced jobs and earnings in the area:

Earnings	0.4949
Employment	0.3191

This cost-benefit analysis uses the above multipliers to project the indirect and induced benefits in the community as a result of the direct economic activity. The employment multiplier shows the number of spin-off jobs what will be created from each direct job. Similarly, the earnings multiplier estimates the salaries and wages to be paid to workers in these spin-off jobs for each \$1 paid to direct workers.

Percent employees to be hired in spin-off jobs created at the facility who will move to the city to take a job 5%

Percent of workers who move to the community that will buy a new home or require that new residential property be built for them 10%

The number of people in a typical worker's household 2.5

The number of school children in a typical worker's household 0.35

Percent of total retail shopping by a typical worker in other parts of the city 25%

Schedules Showing the Results of Economic Impact Calculations

Number of local jobs added each year and worker salaries to be paid:

Year	Direct Jobs	Indirect Jobs	Total Jobs	Direct Salaries	Indirect Salaries	Total Salaries
1	50	16	66	\$429,000	\$212,323	\$641,323
2	0	0	0	\$439,725	\$217,631	\$657,356
3	0	0	0	\$450,718	\$223,072	\$673,790
4	0	0	0	\$461,986	\$228,648	\$690,635
5	0	0	0	\$473,536	\$234,365	\$707,900
6	0	0	0	\$485,374	\$240,224	\$725,598
7	0	0	0	\$497,508	\$246,229	\$743,738
8	0	0	0	\$509,946	\$252,385	\$762,331
9	0	0	0	\$522,695	\$258,695	\$781,390
10	0	0	0	\$535,762	\$265,162	\$800,924
Total	50	16	66	\$4,806,251	\$2,378,734	\$7,184,984

Number of direct and indirect workers and their families who will move to the area and their children who will attend local public schools:

Year	New Workers Moving to the Area	Total New Residents	Total New Students
1	4	10	1
2	0	0	0
3	0	0	0
4	0	0	0
5	0	0	0
6	0	0	0
7	0	0	0
8	0	0	0
9	0	0	0
10	0	0	0
Total	4	10	1

Number of new residential properties that may be built in the city for direct and indirect workers who will move to the community:

Year	New Residential Properties
1	0
2	0
3	0
4	0
5	0
6	0
7	0
8	0
9	0
10	0
Total	0

Local taxable spending on which sales taxes will be collected:

Year	Local Construction Workers' Spending and Furniture, Fixtures and Equipment	Direct and Indirect Workers' Spending	Visitors' Spending	Taxable Sales at the Facility	The Facility's Local Purchases and Taxable Utilities	Total
1	\$140,240	\$41,686	\$0	\$1,500,000	\$196,400	\$1,878,326
2	\$0	\$42,728	\$0	\$1,575,000	\$202,560	\$1,820,288
3	\$0	\$43,796	\$0	\$1,653,750	\$208,937	\$1,906,483
4	\$0	\$44,891	\$0	\$1,736,438	\$215,538	\$1,996,867
5	\$0	\$46,014	\$0	\$1,823,259	\$222,374	\$2,091,646
6	\$0	\$47,164	\$0	\$1,914,422	\$229,452	\$2,191,038
7	\$0	\$48,343	\$0	\$2,010,143	\$236,784	\$2,295,270
8	\$0	\$49,552	\$0	\$2,110,651	\$244,379	\$2,404,581
9	\$0	\$50,790	\$0	\$2,216,183	\$252,247	\$2,519,220
10	\$0	\$52,060	\$0	\$2,326,992	\$260,400	\$2,639,452
Total	\$140,240	\$467,024	\$0	\$18,866,839	\$2,269,070	\$21,743,173

Local spending by visitors on lodging by out-of-town visitors:

Year	Spending on Lodging
1	\$0
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
Total	\$0

Taxable value of new residential property built for direct and indirect workers who move to the community and the value of the facility's property on local tax rolls:

Year	New Residential Property	Value of Property at the Facility on Local Tax Rolls	Total Taxable Property
1	\$0	\$670,000	\$670,000
2	\$0	\$604,300	\$604,300
3	\$0	\$574,729	\$574,729
4	\$0	\$545,290	\$545,290
5	\$0	\$515,985	\$515,985
6	\$0	\$486,817	\$486,817
7	\$0	\$457,789	\$457,789
8	\$0	\$428,904	\$428,904
9	\$0	\$436,166	\$436,166
10	\$0	\$443,576	\$443,576

Schedules Showing the Results of Costs and Benefits Calculations

Costs and Benefits for the City of Murphy:

Benefits:

Sales tax collections:

Year	During Construction and Purchases of Furniture, Fixtures and Equipment	On Direct and Indirect Workers' Spending	On Visitors' Spending	Taxable Sales at the Facility	The Facility's Local Purchases and Taxable Utilities	Total
1	\$1,402	\$417	\$0	\$15,000	\$1,964	\$18,783
2	\$0	\$427	\$0	\$15,750	\$2,026	\$18,203
3	\$0	\$438	\$0	\$16,538	\$2,089	\$19,065
4	\$0	\$449	\$0	\$17,364	\$2,155	\$19,969
5	\$0	\$460	\$0	\$18,233	\$2,224	\$20,916
6	\$0	\$472	\$0	\$19,144	\$2,295	\$21,910
7	\$0	\$483	\$0	\$20,101	\$2,368	\$22,953
8	\$0	\$496	\$0	\$21,107	\$2,444	\$24,046
9	\$0	\$508	\$0	\$22,162	\$2,522	\$25,192
10	\$0	\$521	\$0	\$23,270	\$2,604	\$26,395
Total	\$1,402	\$4,670	\$0	\$188,668	\$22,691	\$217,432

Property tax collections on:

Year	New Residential Property	Property at the Facility			Total
		Taxes Collected	Taxes Abated	Total Taxes After Abatement	
1	\$0	\$3,417	\$0	\$3,417	\$3,417
2	\$0	\$3,082	\$0	\$3,082	\$3,082
3	\$0	\$2,931	\$0	\$2,931	\$2,931
4	\$0	\$2,781	\$0	\$2,781	\$2,781
5	\$0	\$2,632	\$0	\$2,632	\$2,632
6	\$0	\$2,483	\$0	\$2,483	\$2,483
7	\$0	\$2,335	\$0	\$2,335	\$2,335
8	\$0	\$2,187	\$0	\$2,187	\$2,187
9	\$0	\$2,224	\$0	\$2,224	\$2,224
10	\$0	\$2,262	\$0	\$2,262	\$2,262
Total	\$0	\$26,334	\$0	\$26,334	\$26,334

Costs and benefits for the City of Murphy - Continued

Utilities and utility franchise fees collected by the city from new residents and from the facility:

Year	Utilities	Utility Franchise Fees	Total
1	\$15,840	\$3,860	\$19,700
2	\$16,211	\$3,959	\$20,169
3	\$16,590	\$4,059	\$20,650
4	\$16,979	\$4,163	\$21,142
5	\$17,377	\$4,269	\$21,646
6	\$17,784	\$4,378	\$22,162
7	\$18,201	\$4,489	\$22,690
8	\$18,627	\$4,604	\$23,231
9	\$19,064	\$4,721	\$23,785
10	\$19,511	\$4,841	\$24,352
Total	\$176,183	\$43,343	\$219,526

Other city revenues, including hotel occupancy taxes, other taxes and user fees collected from new residents and building permits on construction at the facility:

Year	Hotel Occupancy Taxes	Other Taxes and User Fees	Building Permits and Fees	Total Other Revenues
1	\$0	\$1,200	\$2,400	\$3,600
2	\$0	\$1,224	\$0	\$1,224
3	\$0	\$1,248	\$0	\$1,248
4	\$0	\$1,273	\$0	\$1,273
5	\$0	\$1,299	\$0	\$1,299
6	\$0	\$1,325	\$0	\$1,325
7	\$0	\$1,351	\$0	\$1,351
8	\$0	\$1,378	\$0	\$1,378
9	\$0	\$1,406	\$0	\$1,406
10	\$0	\$1,434	\$0	\$1,434
Total	\$0	\$13,140	\$2,400	\$15,540

Costs and benefits for the City of Murphy - Continued

Costs:**The costs of providing municipal services and utility services to new residents:**

Year	Cost of Services to New Residents	Costs of Utilities	Total Costs
1	\$1,800	\$15,365	\$17,165
2	\$1,836	\$15,724	\$17,560
3	\$1,873	\$16,093	\$17,965
4	\$1,910	\$16,470	\$18,380
5	\$1,948	\$16,855	\$18,804
6	\$1,987	\$17,250	\$19,238
7	\$2,027	\$17,655	\$19,682
8	\$2,068	\$18,068	\$20,136
9	\$2,109	\$18,492	\$20,601
10	\$2,151	\$18,926	\$21,077
Total	\$19,709	\$170,898	\$190,607

Net Benefits for the City of Murphy:

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$45,500	\$17,165	\$28,336	\$28,336
2	\$42,678	\$17,560	\$25,118	\$53,453
3	\$43,894	\$17,965	\$25,929	\$79,382
4	\$45,165	\$18,380	\$26,785	\$106,167
5	\$46,492	\$18,804	\$27,689	\$133,856
6	\$47,880	\$19,238	\$28,642	\$162,498
7	\$49,329	\$19,682	\$29,647	\$192,145
8	\$50,843	\$20,136	\$30,707	\$222,852
9	\$52,608	\$20,601	\$32,007	\$254,858
10	\$54,443	\$21,077	\$33,366	\$288,225
Total	\$478,832	\$190,607	\$288,225	

Benefits for Murphy MDD:**Sales tax collections on spending:**

Year	During Construction and Purchases of Furniture, Fixtures and Equipment	On Direct and Indirect Workers' Spending	On Visitors' Spending	Taxable Sales at the Facility	The Facility's Local Purchases and Taxable Utilities	Total
1	\$701	\$208	\$0	\$7,500	\$982	\$9,392
2	\$0	\$214	\$0	\$7,875	\$1,013	\$9,101
3	\$0	\$219	\$0	\$8,269	\$1,045	\$9,532
4	\$0	\$224	\$0	\$8,682	\$1,078	\$9,984
5	\$0	\$230	\$0	\$9,116	\$1,112	\$10,458
6	\$0	\$236	\$0	\$9,572	\$1,147	\$10,955
7	\$0	\$242	\$0	\$10,051	\$1,184	\$11,476
8	\$0	\$248	\$0	\$10,553	\$1,222	\$12,023
9	\$0	\$254	\$0	\$11,081	\$1,261	\$12,596
10	\$0	\$260	\$0	\$11,635	\$1,302	\$13,197
Total	\$701	\$2,335	\$0	\$94,334	\$11,345	\$108,716

Benefits for Murphy CDC:**Sales tax collections on spending:**

Year	During Construction and Purchases of Furniture, Fixtures and Equipment	On Direct and Indirect Workers' Spending	On Visitors' Spending	Taxable Sales at the Facility	The Facility's Local Purchases and Taxable Utilities	Total
1	\$701	\$208	\$0	\$7,500	\$982	\$9,392
2	\$0	\$214	\$0	\$7,875	\$1,013	\$9,101
3	\$0	\$219	\$0	\$8,269	\$1,045	\$9,532
4	\$0	\$224	\$0	\$8,682	\$1,078	\$9,984
5	\$0	\$230	\$0	\$9,116	\$1,112	\$10,458
6	\$0	\$236	\$0	\$9,572	\$1,147	\$10,955
7	\$0	\$242	\$0	\$10,051	\$1,184	\$11,476
8	\$0	\$248	\$0	\$10,553	\$1,222	\$12,023
9	\$0	\$254	\$0	\$11,081	\$1,261	\$12,596
10	\$0	\$260	\$0	\$11,635	\$1,302	\$13,197
Total	\$701	\$2,335	\$0	\$94,334	\$11,345	\$108,716

Benefits for Collin County:

Sales tax collections on spending:

Year	During Construction and Purchases of Furniture, Fixtures and Equipment	On Direct and Indirect Workers' Spending	On Visitors' Spending	Taxable Sales at the Facility	The Facility's Local Purchases and Taxable Utilities	Total
1	\$0	\$0	\$0	\$0	\$0	\$0
2	\$0	\$0	\$0	\$0	\$0	\$0
3	\$0	\$0	\$0	\$0	\$0	\$0
4	\$0	\$0	\$0	\$0	\$0	\$0
5	\$0	\$0	\$0	\$0	\$0	\$0
6	\$0	\$0	\$0	\$0	\$0	\$0
7	\$0	\$0	\$0	\$0	\$0	\$0
8	\$0	\$0	\$0	\$0	\$0	\$0
9	\$0	\$0	\$0	\$0	\$0	\$0
10	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

Miscellaneous taxes and user fees to be collected from new residents:

Year	Misc. Taxes and User Fees
1	\$200
2	\$204
3	\$208
4	\$212
5	\$216
6	\$221
7	\$225
8	\$230
9	\$234
10	\$239
Total	\$2,190

Costs and benefits for Collin County, continued

Property tax collections on:

Year	New Residential Property	Property at the Facility			Total
		Taxes Collected	Taxes Abated	Total Taxes After Abatement	
1	\$0	\$1,396	\$0	\$1,396	\$1,396
2	\$0	\$1,259	\$0	\$1,259	\$1,259
3	\$0	\$1,198	\$0	\$1,198	\$1,198
4	\$0	\$1,136	\$0	\$1,136	\$1,136
5	\$0	\$1,075	\$0	\$1,075	\$1,075
6	\$0	\$1,015	\$0	\$1,015	\$1,015
7	\$0	\$954	\$0	\$954	\$954
8	\$0	\$894	\$0	\$894	\$894
9	\$0	\$909	\$0	\$909	\$909
10	\$0	\$924	\$0	\$924	\$924
Total	\$0	\$10,761	\$0	\$10,761	\$10,761

Costs of providing county services to new residents:

Year	Costs of County Services
1	\$400
2	\$408
3	\$416
4	\$424
5	\$433
6	\$442
7	\$450
8	\$459
9	\$469
10	\$478
Total	\$4,380

Costs and benefits for Collin County, continued

Total Benefits for the County:

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$1,596	\$400	\$1,196	\$1,196
2	\$1,463	\$408	\$1,055	\$2,252
3	\$1,406	\$416	\$990	\$3,241
4	\$1,349	\$424	\$924	\$4,165
5	\$1,292	\$433	\$859	\$5,024
6	\$1,235	\$442	\$794	\$5,818
7	\$1,179	\$450	\$729	\$6,547
8	\$1,124	\$459	\$664	\$7,211
9	\$1,143	\$469	\$675	\$7,885
10	\$1,163	\$478	\$685	\$8,571
Total	\$12,951	\$4,380	\$8,571	

Costs and Benefits for the Plano ISD:**Benefits, including property taxes and additional state and federal school funding:**

Year	Property Tax Collections on:			Additional State School Funding	Total
	New Residential Property	The Facility's Property	Total Collections		
1	\$0	\$9,641	\$9,641	\$6,300	\$15,941
2	\$0	\$8,696	\$8,696	\$6,489	\$15,185
3	\$0	\$8,270	\$8,270	\$6,684	\$14,954
4	\$0	\$7,847	\$7,847	\$6,884	\$14,731
5	\$0	\$7,425	\$7,425	\$7,091	\$14,516
6	\$0	\$7,005	\$7,005	\$7,303	\$14,309
7	\$0	\$6,588	\$6,588	\$7,523	\$14,110
8	\$0	\$6,172	\$6,172	\$7,748	\$13,920
9	\$0	\$6,276	\$6,276	\$7,981	\$14,257
10	\$0	\$6,383	\$6,383	\$8,220	\$14,603
Total	\$0	\$74,304	\$74,304	\$72,222	\$146,526

Costs of educating children of new workers who move to the district:

Year	Cost of Educating New Students
1	\$5,985
2	\$6,165
3	\$6,349
4	\$6,540
5	\$6,736
6	\$6,938
7	\$7,146
8	\$7,361
9	\$7,582
10	\$7,809
Total	\$68,611

Costs and Benefits for Plano ISD - Continued

Reduction in State aid to the school district as a result of new residential property for the facility's employees and the facility's property being added to the school district's tax rolls:

Year	Reduction in State Aid for the School District
1	\$7,839
2	\$7,070
3	\$6,724
4	\$6,380
5	\$6,037
6	\$5,696
7	\$5,356
8	\$5,018
9	\$5,103
10	\$5,190
Total	\$60,414

Net Benefits for the School District:

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$15,941	\$13,824	\$2,117	\$2,117
2	\$15,185	\$13,235	\$1,950	\$4,067
3	\$14,954	\$13,074	\$1,880	\$5,948
4	\$14,731	\$12,920	\$1,811	\$7,759
5	\$14,516	\$12,773	\$1,743	\$9,501
6	\$14,309	\$12,634	\$1,675	\$11,176
7	\$14,110	\$12,503	\$1,608	\$12,783
8	\$13,920	\$12,379	\$1,541	\$14,325
9	\$14,257	\$12,685	\$1,572	\$15,897
10	\$14,603	\$12,999	\$1,604	\$17,501
Total	\$146,526	\$129,025	\$17,501	

Benefits for Collin College

Property tax collections:

Year	New Residential Property	Property at the Facility		Total Taxes After Abatement	Total
		Taxes Collected	Taxes Abated		
1	\$0	\$544	\$0	\$544	\$544
2	\$0	\$491	\$0	\$491	\$491
3	\$0	\$467	\$0	\$467	\$467
4	\$0	\$443	\$0	\$443	\$443
5	\$0	\$419	\$0	\$419	\$419
6	\$0	\$395	\$0	\$395	\$395
7	\$0	\$372	\$0	\$372	\$372
8	\$0	\$348	\$0	\$348	\$348
9	\$0	\$354	\$0	\$354	\$354
10	\$0	\$360	\$0	\$360	\$360
Total	\$0	\$4,194	\$0	\$4,194	\$4,194

ATTACHMENT 3
Proposed Contract Terms

Proposed Contract Terms

- Eligible “Improvements” include:
 - Furniture, fixtures and restaurant equipment
 - Installation of HVAC
 - Permanent outdoor signage
- Substantial completion of improvements within 150 days after city issues a construction permit.
- Final completion deadline for all improvements and issuance of a Certificate of Occupancy within 180 days after city issues a construction permit.
- Maximum MDD assistance of \$100,000, payable 30 days after issuance of Certificate of Occupancy:
 - \$60,000 grant; and
 - \$40,000 loan with a 2% interest rate compounded annually for a five (5) year term. First annual installment payment due April 1, 2018, with subsequent annual payment due on or before each successive April 1.
- Create and maintain annual average employment of 25 full time and 25 part-time jobs. Applicant shall submit an annual employment report with their installment payment.
- Claw Back Provision – Applicant shall continuously lease and occupy the Premises and continue to maintain and operate the restaurant for five (5) years from the date of Certificate of Occupancy. Developer shall repay both the grant and loan amounts if the restaurant fails to remain open and meet terms of this agreement.
- Require Applicant sponsorship participation in two (2) annual city-held events in the amount of \$5,000 per year, which may include in-kind contribution (e.g., food and beverage, including alcohol).
- Require Murphy Chamber of Commerce membership for no less than five (5) years after the effective date.

City Council
March 7, 2017

Issue

Consider and/or act on the application of the Exchange Club of Murphy for consideration of an amendment to a previously awarded Community Grant fund.

Staff Resource/Department

Jared Mayfield, AICP, Director of Community & Economic Development
Tina Stelnicki, Community Development Coordinator

Summary

The Exchange Club of Murphy applied for and was awarded a grant up to \$2,000 by the Murphy Community Development Corporation board in October, 2016 to fund the purchase of a "Freedom Shrine" to be installed at Murphy High School.

After approval by the MCDC board, the applicant determined that Murphy High School did not have sufficient space to install the Freedom Shrine. The applicant has since secured permission from the Principal of Boggess Elementary to have the Freedom Shrine installed in their school.

As a reminder, the Freedom Shrine, as developed by the National Exchange Club, is comprised of historic American documents and originated from the Freedom Train that toured the nation in 1947 carrying an exhibit of historic documents. Painstakingly researched to guarantee absolute authenticity, the 28 historical American documents that comprise the Shrine were carefully chosen to exemplify the beginnings of our nation and those subsequent turning points of importance which shaped our national character and eminence.

This item was unanimously approved at the February 20, 2017 MCDC meeting.

Action Requested

Consider the application of the Exchange Club for a Community Grant fund award.

Attachments

- MCDC Community Grant Application
- Letter from Boggess Elementary
- Freedom Shrine Facts
- Freedom Shrine Plaques



Note: Please clearly identify any information you deem to be confidential or proprietary. The City will attempt to protect any information marked confidential or proprietary and will notify the applicant of any requests for disclosure.

Applicant Information

Applicant Full Name: MARV WILLIAMS
 Applicant Organization Name: EXCHANGE CLUB OF MURPHY
 Company's Representative(s): MARV WILLIAMS
 Mailing Address: P O BOX 1984, WYLIE TX
 Phone Number: 214-457-0666 Cell: 214-457-0660
 Email Address: marvelus5@verizon.net
 Website: WWW.EXCHANGECLUBOFMURPHYTEXAS.ORG

Project Information

Project Address/
 Location: _____

Please describe the proposed project and goals in detail (attach additional pages as necessary):

"FREEDOM SHRINE" PLAQUES AT MURPHY HIGH SCHOOL

Has any of the above mentioned work begun?

BEEN IN CONTACT WITH

Yes

No

PRINCIPLE BRIAN LYONS.

Will project need to be funded to start?

Yes

No

Please detail the estimated project costs as well as any additional funding sources. Attach any written estimates or other applicable documentation. Include details such as local involvement, volunteers, etc., and how this project impacts and enhances the City of Murphy community while continuing to develop a vibrant economic base. (Attach additional pages as necessary). Also, include project budget including total project cost as well as identifying any additional funding sources and/or in kind resources:

THE EXCHANGE CLUB CURRENTLY HAVE THE "FREEDOM SHRINE PLAQUES ON DISPLAY AT THE COMMUNITY CENTER AND AT THE MIDDLE SCHOOL, PRINCIPLE BRIAN LYONS AS ALREADY EXPRESSED AN INTEREST FOR THE DISPLAY. PREVIOUS FUND RAISERS BY THE EXCHANGE CLUB ALLOWED US TO PURCHASE THEM AT THERE CURRENT 2 LOCATIONS. PRESENTLY, WE NO LONGER HAVE SUFFICIENT FUNDS FOR THIS PROJECT; APPROX \$2000. THESE PLAQUES (HISTORICAL DOCUMENTS) BECOME A CONSTANT REMINDER OF OUR HISTORY AS A NATION.

Application and Review Process

Note: **Once the submittal is complete**, it will be scheduled for consideration by the MCDC Board, including a brief project presentation by the applicant and if approved, it will then be scheduled for City Council final consideration.

By my signature, I certify that all information submitted on this application is true and correct. I also certify that I have reviewed the eligibility requirements and that the project described above meets those requirements. I further certify that I have reviewed the application and review process and agree to comply with its requirements.

MARV Williams
Applicant Signature

Sept. 6, 2016
Date

Grant Payment

A one-time grant payment may be made to applicant to commence project or payments will be made to applicant based on receipts, construction costs or other applicable documentation at the discretion of the Director of Community Development, MCDC or City Council. A *Community Enhancement Grant* purchase (or project number) order will be issued if payments are to be disbursed and a log will be kept in file to track all expenses with copies of all said receipts.

The applicant also understands that if project is selected, photographs along with a short blog regarding said project will be presented to MCDC and subsequently posted on the Murphy Community Development Corporation's website.

MARV Williams
Applicant Signature

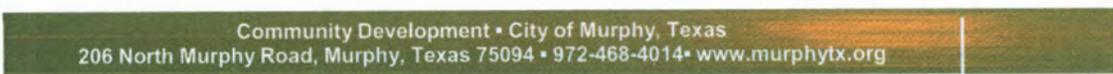
Sept. 6, 2016
Date

Project Approved: Yes No

Director of Community Development or designee

Date

Community Enhancement Grant Program Number: 2016-004





Bogges Elementary School

225 Glen Ridge Drive
Murphy, TX 75094
Phone: 469-752-4000
Fax: 469-752-4001
Marilyn Carruthers, Principal
Veola Neal, Assistant Principal

December 14, 2016

Dear Mr. Williams,

It has been a pleasure learning about the Freedom Shrine and we are very excited to have it on display at Bogges Elementary for our students. Our plan is to have it displayed in the main hallway near the third, fourth and 5th grades. Having access to these historical documents will certainly enhance our students' education as they learn American history. Thank you for considering Bogges to host these documents and we look forward to having them in our school.

Sincerely,

Marilyn Carruthers
Principal, Bogges Elementary

The heritage of the past is the seed which brings forth the harvest of the future.

This statement is the underlying principle of the Freedom Shrine® – to remind young Americans that the freedoms we enjoy today must be cherished and protected. The Freedom Shrine® is a collection of historic American documents reproduced and attractively displayed in thousands of locations throughout the United States.

The purpose of the Freedom Shrine® is to remind all Americans that their freedom is a result of the hard work and determination of our forefathers.

The Freedom Shrine® was inspired by the Freedom Train, a traveling exposition of historic American documents which toured the United States shortly after World War II. In 1949, the National Exchange Club agreed to install permanent displays of the most significant of these historical documents in communities throughout the nation so that all Americans would have access to their rich heritage.

Fact:

The Exchange Club of Santa Monica, California presented the first Freedom Shrine to Santa Monica High School on May 26, 1950. Since then, Exchange Clubs have dedicated thousands of Freedom Shrines® in communities across the nation, Puerto Rico, and at American outposts around the world. Freedom Shrines® exist in the capitol buildings of nearly every state, in the U.S. Capitol Building, at the base of Mount Rushmore, on U.S. warships, in libraries, at U.S. military establishments around the world, and in hundreds of schools throughout the United States.

Fact:

Of the Freedom Shrine® documents, only the first, The Mayflower Compact was written before the concept of the United States of America was conceived. Because it illustrates that the seed of American freedom was carried to these shores by its settlers, it is considered as part of our American heritage.

Fact:

In many schools, the Freedom Shrine® has been integrated into American History courses and is utilized as an invaluable reference for students seeking access to authentic historical American documents.

Fact:

To increase the value and help students understand the Freedom Shrine®, the National Exchange Club has published the complete texts of each document.

Fact:

Although the Freedom Shrine® is an exclusive program of the National Exchange Club, the presentation of a great many Freedom Shrines® has been co-sponsored by hundreds of individuals and businesses.

Fact:

Over the years, five new documents have been added to the Freedom Shrine®; the final draft of the U.S. Constitution, Franklin D. Roosevelt's "Four Freedoms" Address, Kennedy's Inaugural Address, Martin Luther King, Jr.'s "I Have a Dream" speech, and the Account of the Proceedings of the Susan B. Anthony Trial.

The Freedom Shrine® Documents

- The Mayflower Compact
- The Declaration of Independence – Jefferson's Rough Draft*
- The Declaration of Independence
- Benjamin Franklin's Epitaph*
- Patrick Henry's Instructions to George Rogers Clark*
- The Treaty of Paris, 1783*
- The Northwest Ordinance*
- Washington's Letter to Colonel Nicola
- Washington's Copy of the Constitution*
- U.S. Constitution
- Washington's First Inaugural*
- Washington's Farewell
- Jefferson's First Inaugural
- The Bill of Rights*
- The Star Spangled Banner*
- The Monroe Doctrine*
- Lincoln's Second Inaugural
- The Emancipation Proclamation*
- The Gettysburg Address*
- Lee's Letter Accepting Washington College Presidency*
- Theodore Roosevelt's Letter on Cuba*
- The Thirteenth Amendment
- The Nineteenth Amendment*
- Letter Naming Eisenhower Supreme Commander*
- General McAuliffe's "Christmas Message"*
- Wilson's First Inaugural
- German Instrument of Surrender, WWII*
- Jackson's Letter Describing the Battle of New Orleans*
- Instrument of Surrender in the Pacific
- F.D.R.'s Four Freedoms Speech
- J.F.K.'s "Ask Not ..." Speech
- Martin Luther King, Jr.'s "I Have a Dream" Speech
- Account of the Proceedings of the Susan B. Anthony Trial

*-19 document Freedom Shrine
Agenda Packet - March 7, 2017 - Page 256 of 264

Freedom Shrine Documents 1620 The Mayflower Compact^1776 The Declaration of Independence – Jefferson's Rough Draft*1776 The Declaration of Independence^1776 Benjamin Franklin's Epitaph*1778 Patrick Henry's Instructions to George Rogers Clark*1782 Washington's Letter to Colonel Nicola^1783 The Treaty of Paris*^1787 The Northwest Ordinance*^1787 Washington's Copy of the Constitution*1787 U. S. Constitution^ 1789 Washington's First Inaugural*^1789 The Bill of Rights**^1796 Washington's Farewell^ 1801 Jefferson's First Inaugural^1814 The Star Spangled Banner*^1815 Jackson's Letter Describing the Battle of New Orleans*1823 The Monroe Doctrine*^1863 The Emancipation Proclamation*^1863 The Gettysburg Address*^1865 Lincoln's Second Inaugural^1865 Lee's Letter Accepting Washington College Presidency*^1865 The Thirteenth Amendment^1874 Account of the Proceedings of the Susan B. Anthony Trial^1907 Theodore Roosevelt's Letter on Cuba*^ 1913 Wilson's First Inaugural^1920 The Nineteenth Amendment**^1941 F.D.R.'s Four Freedoms Speech^1943 Letter Naming Eisenhower Supreme Commander*^1944 General McAuliffe's "Christmas Message"*^1945 German Instrument of Surrender, World War II*^1945 Instrument of Surrender in the Pacific^1961 J.F.K.'s "Ask Not ..." Speech^1963 Martin Luther King Jr.'s "I Have a Dream" Speech^

*19-document Freedom Shrine

^28-document Freedom Shrine

Purpose

Developed by the National Exchange Club, the Freedom Shrine originated from the Freedom Train that toured the nation in 1947 carrying an exhibit of historic documents. The purpose of the Freedom Shrine is twofold. It puts before young Americans proof that the freedom and greatness we enjoy today were not purchased easily and reminds them that these gifts must be cherished and protected. Painstakingly researched to guarantee absolute authenticity, the 28 historical American documents that comprise the Shrine were carefully chosen to exemplify the beginnings of our nation and those subsequent turning points of importance which shaped our national character and eminence. The documents of the Shrine, although culled from the past, represent foundation stones which permit the present, as we know it, to exist and the future, as we dream it, to be attainable.

Thousands of Shrines have been dedicated throughout the United States and Puerto Rico in universities, libraries, schools, state capitals, city halls and at American outposts scattered throughout the world.

The Shrine is a display of historical documents photographically reproduced from the originals and permanently laminated to individual non-warping plaques. It is used by teachers, students, study groups and other clubs to further study American history. Exchange prints a study tool called the Freedom Shrine Documents Textbook which contains the texts of the documents of the Shrine. It can be used to inspire essay and speech contests, and to prepare for the Milestones of Freedom quiz. For more information on Freedom Shrines, request a free kit from your National Headquarters.

City Council
March 7, 2017

Issue

Consider and/or act on the application of the Murphy Community Emergency Response Team (CERT) for consideration of a Community Grant fund award.

Staff Resource/Department

Jared Mayfield, AICP, Director of Community & Economic Development
Tina Stelnicki, Community Development Coordinator

Summary

The Murphy Community Emergency Response Team (CERT) is requesting a grant award in the amount of \$1,870 to purchase items that will allow the team of trained volunteer residents to continue supporting Murphy Fire Rescue with community events and resident education, enhanced member training, and emergency response scenarios.

The CERT program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help. CERT members also are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community.

Items requested include:

- A canopy to be used during disaster response/recovery operations as well as during community events to host an information booth to educate residents about the CERT program. (estimated cost \$175)
- Eight two-way waterproof radios to be used for communication among the team members. (estimated cost \$800)
- Five American Radio Relay League (ARRL) radio operator training and advanced communications licenses. Cost includes the training manual for each participant, including the fee for the test. (estimated cost \$225)
- Two high-power, long-range radios to communicate with the Incident Command Post - Wouxun KG-UV6D VHF/UHF radios (estimated \$260)
- Ten First Aid kits (estimated cost \$210)
- Four tarps to be used to triage medical status of victims to first-responders (estimated cost \$200)

This item was unanimously approved at the February 20, 2017 MCDC meeting.

Action Requested

Consider the application of CERT for a Community Grant fund award.

Attachments

MCDC Community Grant Application
Addendum to original Grant Application



Murphy Community Development Corporation
Community Enhancement Grant Program
Application - 2016

Community Development • City of Murphy Texas
206 North Murphy Road, Murphy, Texas 75094
972-468-4014 • www.murphytx.org

Note: Please clearly identify any information you deem to be confidential or proprietary. The City will attempt to protect any information marked confidential or proprietary and will notify the applicant of any requests for disclosure.

Applicant Information

Applicant Full Name: Murphy Community Emergency Response Team (CERT)
Applicant Organization Name: (same)
Company's Representative(s): Ron Hill
Mailing Address: c/o Murphy Fire Rescue Department
Phone Number: 972-468-4312 Cell: _____
Email Address: ron23hill5@gmail.com
Website: _____

Project Information

Project Address/
Location: Murphy Fire Rescue Department

Please describe the proposed project and goals in detail (attach additional pages as necessary):
Murphy CERT seeks to purchase equipment for team members to support Murphy Fire Rescue during disaster relief response and operations.

Has any of the above mentioned work begun? Yes No
Will project need to be funded to start? Yes No

Please detail the estimated project costs as well as any additional funding sources. Attach any written estimates or other applicable documentation. Include details such as local involvement, volunteers, etc., and how this project impacts and enhances the City of Murphy community while continuing to develop a vibrant economic base. (Attach additional pages as necessary). Also, include project budget including total project cost as well as identifying any additional funding sources and/or in kind resources:

(see next page)

✓ Tax id: _____

Do they have open/active checking account?

— yes ✗ No



Background

Community Emergency Response Team (CERT) members are residents that receive special training to enhance their ability to recognize, respond to, and recover from a major emergency affecting the Murphy community.

The CERT program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help. CERT members also are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community.

During a disaster, CERT assists emergency response teams in damage assessment, accounting for residents, and securing quick, accessible routes into their neighborhoods. CERT members also support public safety professions by searching for missing persons, assisting at public events, and other support functions that enhance emergency management. CERT members support Murphy Fire Rescue at Maize Days and their annual Open House.

Current Budget Constraints

CERT training materials are provided by the Murphy Fire Rescue as part of their annual budget, administered by Fire Marshall Perry Elliott. Additionally, as residents become full-fledged members of CERT (encouraged but not a requirement after going through training), members receive an official CERT backpack with some basic items for emergency response (e.g., goggles, helmet, leather gloves, nitrile gloves for medical response, flashlight).

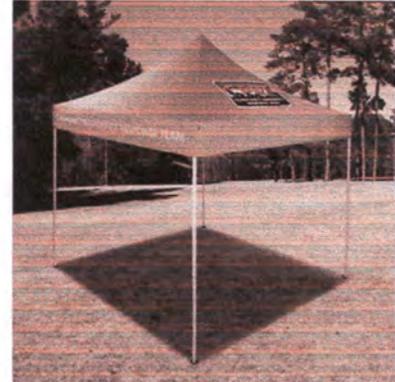
Given budget constraints for the Fire Department with a focus on providing firefighters/EMTs with the required daily operations and maintenance items, the budget for CERT is limited.

We seek a Community Grant to supplement our annual budget and purchase a few key items that will allow us to continue supporting Murphy Fire Rescue with community events and resident education, enhanced member training, and emergency response scenarios.

Wish List

The following are items that we intend to purchase to support these efforts:

1. **Canopy:** A canopy will allow our members to organize under a common, sheltered location near the central Incident Command Post during disaster response / recovery operations. We will also use it during community events to host an information booth to educate our neighbors and residents about our program.



Cost Estimates: \$175 at Walmart or Lowes
OR
\$725 for CERT-specific canopy
(<http://www.nexisprep.com/product/CT-800>)

2. **Eight (8) two-way waterproof radios:** Communication during a disaster response / recovery operation is critical to the success of the team. We have previously practiced radio communications training with individually-owned radios, but we hope to standardize the models and maintain them in a central location (the Fire Department) for formal response operations.

CERT does not want to rely on landlines or cell phones during an emergency response as those lines may be clogged with normal residential traffic. Two-way radios do not rely on external power supplies or physical communications infrastructure. This makes two-way radios a great communications method during an emergency.

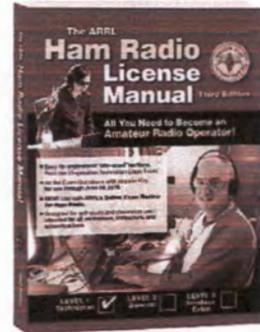


Cost Estimates: Eight (8) two-way waterproof radios (average \$100 for higher-end)

Potential lower cost options pending further review:

- Motorola MS350R – available at Walmart for \$100/pair
(<https://www.walmart.com/ip/MOTOROLA-MS350R-Two-Way-Radio-22-Channel-PR/40824856>)
- Motorola T400 – available at Walmart for \$130/pair
(<https://www.walmart.com/ip/Motorola-T400-Two-Way-Radio/45819020>)

3. **Five (5) ARRL radio operator training and advanced communications licenses:** The American Radio Relay League (ARRL) provides training for advanced communication licenses. We anticipate at least five (5) of our members to take the training and be leaders for our communications response during emergency operations. Costs would include the training manual for each participant, plus the fee for the test.



Cost Estimates: Five (5) copies of the Ham Radio License Manual at \$29.95/each (<http://www.arrl.org/shop/ARRL-Ham-Radio-License-Manual-3rd-Edition/>)

Five (5) testing fees for the ARRL advanced communications license (technician level) at \$15/each

Summary of Potential Costs

Item	Quantity	Cost Per Unit	Total Cost
Canopy	1	\$175	\$175
Two-Way Waterproof Radios	8	\$100	\$800
Ham Radio License Manual	5	\$29.95	\$150
Testing Fees for ARRL Advanced Communications License (Technician)	5	\$15	\$75
Total Approximate Cost (not including all tax)			\$1,200

Application and Review Process

Note: **Once the submittal is complete**, it will be scheduled for consideration by the MCDC Board, including a brief project presentation by the applicant and if approved, it will then be scheduled for City Council final consideration.

By my signature, I certify that all information submitted on this application is true and correct. I also certify that I have reviewed the eligibility requirements and that the project described above meets those requirements. I further certify that I have reviewed the application and review process and agree to comply with its requirements.

Ron Hill
Applicant Signature 972-442-2389

11-1-2016
Date

Grant Payment

A one-time grant payment may be made to applicant to commence project or payments will be made to applicant based on receipts, construction costs or other applicable documentation at the discretion of the Director of Community Development, MCDC or City Council. A *Community Enhancement Grant* purchase (or project number) order will be issued if payments are to be disbursed and a log will be kept in file to track all expenses with copies of all said receipts.

The applicant also understands that if project is selected, photographs along with a short blog regarding said project will be presented to MCDC and subsequently posted on the Murphy Community Development Corporation's website.

Ron Hill
Applicant Signature

11-1-2016
Date

Project Approved: Yes No

Director of Community Development or designee

Date

Community Enhancement Grant Program Number: _____

Rec'd 11-1-16 (S)

From: [Ron Hill](#)
To: [Tina Stelnicki](#)
Cc: [Del Albright](#); [Perry Elliott](#)
Subject: Addendum to 1 Nov 2016 MCDC Grant Request
Date: Monday, February 20, 2017 2:44:38 PM

Ms. Stelnicki:

Since the original CERT request, I have learned that to maximize CERT communication capability between the Incident Command Post and the CERT incident leader in the field, a high-power, long-range radio is necessary. A likely candidate is the Wouxun KG-UV6D dual-band VHF/UHF 199-channel handheld commercial radio with 2.5-step programming. (Source: [mtcradio.com](#); [amazon.com](#))

Cost Estimate: \$260 Two (2) Wouxun KG-UV6D VHF/UHF radios at \$130 each

During a recent meeting with MFR Chief Albright, he advised that Murphy CERT have its own emergency medical supplies. To this end, I have identified the *American Red Cross First Aid Kit Plus*. (Source: American Red Cross Store)

Cost Estimate: Ten kits (#321325) at \$21 each
\$210

Additionally, triage tarps for training and actual incidents serve a useful function. These four, colored (red, yellow, green, and black) ground tarps identify the medical status of victims to professional first-responders when arriving at the incident scene. The tarps measure 16 x 20 ft, are 5-mm thick with grommets, and weigh 30 lb. (Source: [emergencykits.com](#))

Cost Estimate: Set of 4 tarps
\$200

Cost this addendum:
\$670

Cost original grant request
\$1200

Total grant request (not including taxes and shipping)
\$1870

Regards,
Ron Hill