

MURPHY CITY COUNCIL AGENDA
SPECIAL CITY COUNCIL MEETING
MARCH 13, 2017 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



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 13, 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.

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

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. INDIVIDUAL CONSIDERATION

- A. 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*) (*Final Reading*)

5. 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

6. 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.

7. ADJOURNMENT

MURPHY CITY COUNCIL AGENDA
SPECIAL MEETING
MARCH 13, 2017

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 9, 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
March 13, 2017

Issue

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 held a public hearing and recommended 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:

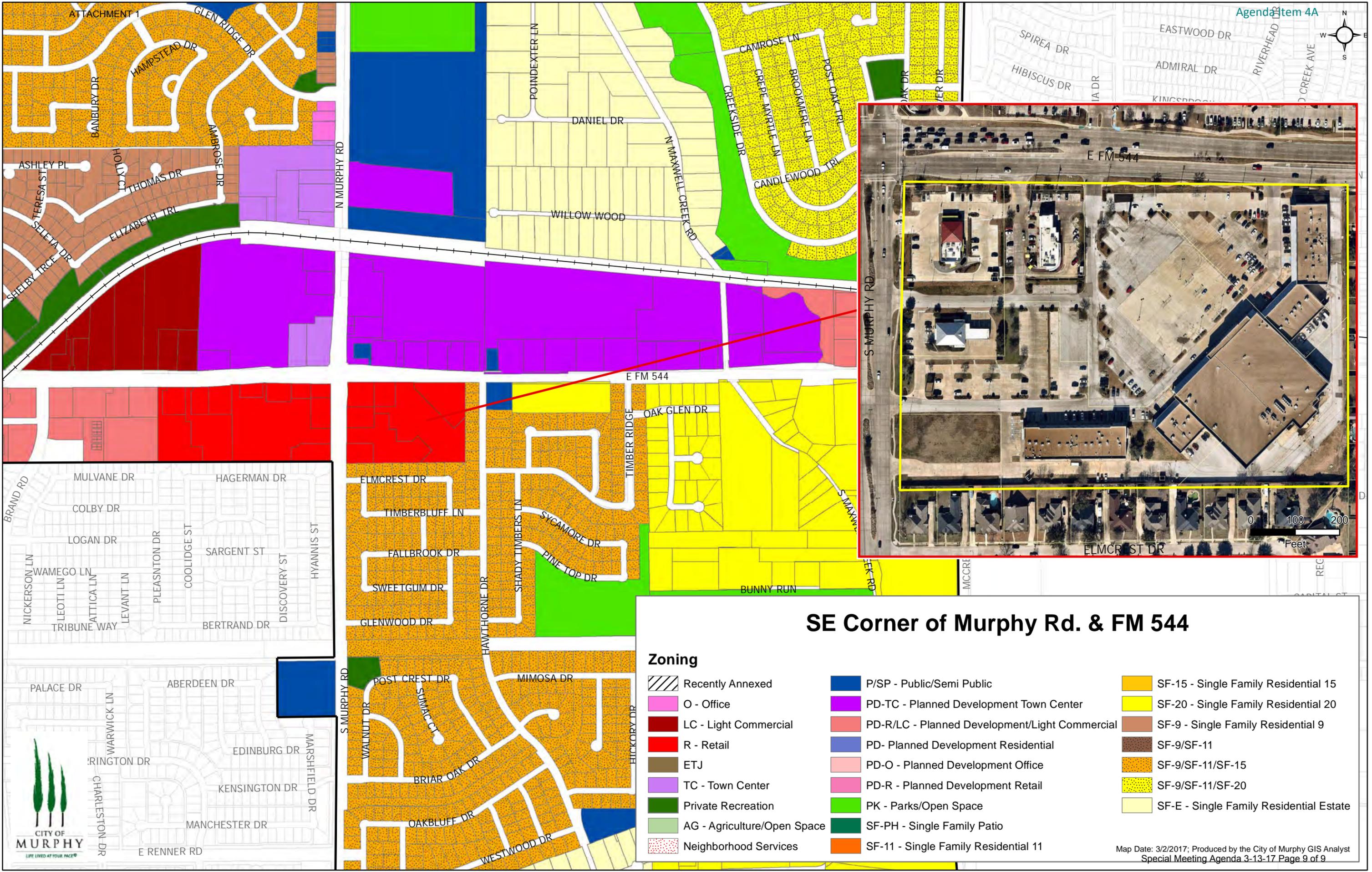
Susie Quinn, City Secretary

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
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