

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



Eric Barna  
Mayor

Scott Bradley  
Mayor Pro Tem

Owais Siddiqui  
Deputy Mayor Pro Tem

Jennifer Berthiaume  
Councilmember

Betty Spraggins  
Councilmember

Sarah Fincanon  
Councilmember

Don Reilly  
Councilmember

Mike Castro  
City Manager

Susie Quinn  
City Secretary

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on March 21, 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.

**1. CALL TO ORDER**

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

**3. ROLL CALL & CERTIFICATION OF A QUORUM**

**4. PRESENTATIONS**

- A. Presentation of the 4<sup>th</sup> Annual Recycle Truck Art Contest Awards Ceremony.
- B. Presentation of financial report as of February 28, 2017.
- C. Presentation by John Wideman, Chair of the Capital Projects Advisory Committee.

**5. PUBLIC COMMENTS**

**6. CITY MANAGER/STAFF REPORTS**

- A. Radio Systems
- B. Sidewalk Rehabilitation Program
- C. South Maxwell Creek Sewer Line
- D. Upcoming Events

**7. CONSENT AGENDA**

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

- A. Consider and/or act to approve the March 7, 2017 Regular Council meeting minutes. *Susie Quinn, City Secretary*
- B. Consider and/or act to approve the March 13, 2017 Special Council meeting minutes. *Susie Quinn, City Secretary*

- C. Consider and/or act to approve a Professional Services Agreement with HealthTexas Provider Network. *Arthur Cotten, Police Chief*

## **8. INDIVIDUAL CONSIDERATION**

- A. Discuss the FY 2016 Comprehensive Financial Report. *Alan Guard, Interim Finance Director*
- 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 a 4.696 acre tract of land 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 a 4.696 acre tract of land 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 Ordinance No. 17-03-1035 amending Planned Development (PD) 09-07-803 to add Gymnastics as an approved use within the District, an approximate 1.19 acres of land having the legal description of ABS A0403 Isaac Herring Survey, Tract 30, located on the south west corner of North Murphy Road and Betsy Lane. (Applicant Engineering Concepts) *Jared Mayfield, Community and Economic Development Director*

## **9. EXECUTIVE SESSION**

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

- A. § 551.071: Consultation with City’s Attorney on a matter in which the duty of the attorney to the 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, moratorium, and land use.
- B. § 551.071: Consultation with City’s Attorney regarding pending litigation – City of Murphy vs George Parker, dba Parker Tree Service.
- C. § 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 will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D Texas Government Code, to take action on any Executive Session Items.



**11. ADJOURNMENT**

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on March 18, 2017 by 1:00 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 21, 2017**

---

**Issue**

Upcoming Events

**Staff Resource/Department**

Mike Castro, City Manager

**Summary**

- Community Clean & Green/Great American Clean-up is on 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 22<sup>nd</sup>) but KMB will recognize it on Friday, April 21<sup>st</sup> 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 29<sup>th</sup> 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 29<sup>th</sup> from 6:30 to 8:30 pm, Murphy Central Park, 550 North Murphy Road, Murphy, Texas 75094

CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
MARCH 7, 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 – filed a conflict of interest for items 6G and 6H

Councilmember Betty Nichols Spraggins

Councilmember Sarah Fincanon – left the videoconference at 7:36 pm

Councilmember Don Reilly– filed a conflict of interest for items 6G and 6H

**4. PUBLIC COMMENTS**

**Mary Pat Elledge, resident** addressed Council in regards to the Murphy Veteran’s Tribute project looking for an organization to sponsor this effort, possible tribute site location, and volunteers to support the project and make this project a community effort.

**5. CITY MANAGER/STAFF REPORTS**

A. Radio Systems – Chief Trey Cotten stated that the project is progressing. The NICE logger system install is almost complete, engineers are working on small glitches in the system and training is to be held on March 15<sup>th</sup> and 16<sup>th</sup> for the system. USDD Bump Out system has been delayed by two weeks, they will be here to install and hold training the week of March 27 – 31<sup>st</sup>. Medical ProQA software training will be held in April. The project is about 93% complete.

B. Sidewalk Rehabilitation Program – Public Services Director Tim Rogers provided an update to Council that the sidewalk program will begin saw-cutting this week and pouring next week. About 75% of the project funds have been expended for fiscal year 2017. Subdivisions to complete are Daniels Crossing, Stratford Crossing and Hunter’s Landing from the initial list. For fiscal year 2018, staff will have a new list to prioritize.

C. South Maxwell Creek Sewer Line –Public Service Director Tim Rogers provided an update to Council that the boring crew is working diligently but the weather has hindered the progress for the other crew to be able to complete the testing. The boring crew has completed one hundred feet (100 ft.) underneath the railroad track, they are moving slowly due to rock.

D. Parks Master Plan – City Manager Mike Castro provided an update about the Parks Board working on the Parks Master Plan and stated that the Parks Board will be holding a Public Input Meeting in the near future. Council will be notified when the date has been set.

- E. FM544 Traffic Safety Update – City Manager Mike Castro provided an update to Council about the intersection at FM544 and Hawthorne. Brenan Honey, TxDOT Engineer conducted a site visit and provided feedback to the City. Mr. Honey stated that TxDOT will not work on a partial project, if the buttons are removed at the intersection but the striping is not removed at the same time, it could create a safety hazard to the public. The City did receive plans from TxDOT for work to be completed this summer at the intersection and a copy of those plans have been given to City Engineer, Gary Hendricks for review and a recommendation to the City.
- F. Upcoming Events –
- Newcomers Guide to Gardening in Collin County – Saturday, March 11, 2017 from 8:00 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 22<sup>nd</sup>) but KMB will recognize it on Friday, April 21<sup>st</sup> 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 Department and KMB partner on this) is on Saturday, April 29<sup>th</sup> 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 29<sup>th</sup> from 1:00 pm to 8:00 pm, Murphy Central Park, 550 North Murphy Road, Murphy, Texas 75094

**6. INDIVIDUAL CONSIDERATION**

- A. Consider and/or act to approve the February 21, 2017 Regular Council meeting minutes. *Susie Quinn, City Secretary*

**COUNCIL ACTION (6.A.):**

**APPROVED**

Mayor Pro Tem Bradley moved to approve the February 21, 2017 Regular Council meeting minutes. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

Mayor Barna explained that items 6A, 6B and 6C would be grouped together for the Public Hearing portion of the meeting.

**PUBLIC HEARING FOR ITEMS 6A, 6B, AND 6C OPENED at 6:18pm**

**Jana Bean, StreetLevel Investments** introduced team members who were in attendance: Winkelmann & Associates, Acoustonica (sound engineer), Edge Realty Partners (Real Estate broker), and Margaret and Jim Smith (current property owners). Jana Bean and team members were present to answer any questions. The project timeline began with the city on April 6, 2016 to begin a collaboration and dialogue to understand what the city wanted and what the city needed. The application before Council is for a Jason's Deli and Andy's Frozen Custard which meets

the intent of the neighborhood services development. Jason's Deli is traditionally a sit down restaurant that meets zoned neighborhood services however, in their new concept and corporate initiative the restaurant will have a convenience window. Andy's Frozen Custard would be a great addition to zoned neighborhood services as they specialize in frozen treats not fast food. Originally the team began with three (3) applications for restaurants that had drive-thrus. We heard the concerns that presenting three (3) restaurants with drive-thrus would be too much, so we pulled one application. Another item of concern we heard is the noise level, the team requested Council to table discussion at the last city council meeting, so noise levels study could be conducted.

**Myron Dornic** on behalf of StreetLevel Investments addressed Council that TxDOT had reviewed the hooded left turn documents and has confirmation that the hooded left turn meets their requirements. The noise information was provided to Council as well. The Specific Use Permit (SUP) request meets all of the standards in the City's ordinance and the team respectfully requests approval of the applications.

**PUBLIC HEARING FOR ITEMS 6A, 6B, AND 6C CLOSED at 6:23pm**

- 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*

Director of Community and Economic Development, Jared Mayfield addressed Council that the item 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 .668 acres of the 4.696 acres in the development. 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 the ordering station to the closest residential property line. 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. To date (March 2, 2017) the City has received the following responses via Reply Forms, emails and Public Comment forms: In favor 6; Opposed 7. Action requested is to consider the requested Specific Use Permit application, as continued from the February 21, 2017 City Council meeting.

Councilmember Berthiaume moved to deny Ordinance No. 17-03-1031 for Specific Use Permit (SUP) allowing a drive-thru for Andy's Frozen Custard. Motion died for lack of a second.

**COUNCIL ACTION (6.B.):**

**APPROVED**

**Mayor Pro Tem Bradley moved to continue Item 6.B. until the March 21, 2017 Regular City Council Meeting awaiting additional conversations from the applicant and a legal opinion from the city attorney. Councilmember Reilly seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember Spraggins, Councilmember Fincanon and Councilmember Reilly. Against: Councilmember Berthiaume. The motion carried by a vote of 6-1.**

- C. 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 the 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. *Jared Mayfield, Community and Economic Development Director*

Director of Community and Economic Development, Jared Mayfield addressed Council that this item 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 1.358 acres of the 4.696 acres in the development. 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 50 feet from the order speaker to the closest residential property line. 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. To date (March 2, 2017) the City had received the following responses via Reply Forms, emails and Public Comment forms: In favor 105; Opposed 13; Neutral 1. Action requested is to consider the requested Specific Use Permit application, as continued from the February 21, 2017 City Council meeting.

***COUNCIL ACTION (6.C.)***

***APPROVED***

**Mayor Pro Tem Bradley moved to continue Item 6.C. indefinitely pending revisions from the applicant and a legal opinion from the city attorney. Councilmember Reilly seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember Spraggins, Councilmember Fincanon, and Councilmember Reilly. Against: Councilmember Berthiaume. The motion carried by a vote of 6-1.**

- 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*

Director of Community and Economic Development, Jared Mayfield addressed Council that 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. 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. To date (March 2, 2017) the City has received the following responses via Reply Forms, emails and Public Comment forms: In favor 2; Opposed 8. Action requested is to consider the requested Concept Plan amendment, as continued from the February 21, 1027 City Council meeting.

Council discussion centered on questions relating to the pending sale of the property. Jana Bean addressed Council that StreetLevel Investments is currently under contract with owners, Jim and Margaret Smith and asked for an extension in order to meet TxDOT requirements and approvals. Currently, the inspection period expires in May with thirty (30 days) to closing which would be June. Considerations within the contract are rezoning (which have been completed), TxDOT approval (hooded left turn and two (2) driveways) and then final city approvals. The letter of intent

for Jason's Deli and Andy's Frozen Custard is to purchase the property to become permanent landowners. If approved, purchase contracts would be finalized soon. Council discussion also centered on traffic concerns and noise impact within the development.

**Walid Tikriti** with Acoustonica, LLC presented to Council results from the Noise Assessment at the proposed Village of Timbers commercial development and adjacent properties. The purpose of the evaluation is to assess the noise impact, if any, from the commercial development upon the adjacent residences once the development is constructed. Acoustonica, LLC conducted ambient noise measurement and examined the site conditions and recorded the exterior sound levels at the site. Multiple noise readings were conducted along the property line: each measurement was approximately ten (10) minutes in duration. Sound measurements were also taken at various drive thru restaurants including, Sonic, Taco Bell and Jason's Deli. In conclusion, installing the eight (8-foot) masonry wall by preserving existing trees and planting new trees along the property line are recommended and will help reduce the sound level from the drive through speaker to meet the city noise ordinance. In the team's judgment, the commercial development complies with the noise requirements set by the city of Murphy article 14.04 noise.

Council had a question in regards to the location of the trash dumpsters. Jana Bean addressed Council that StreetLevel Investments engineers are currently researching alternate trash dumpster locations. Additional discussion points from Council and Jana Bean with StreetLevel Investments included traffic concerns in and out of the proposed development, traffic on FM 544 in regards to the hooded left turn, and depth of the proposed property.

***COUNCIL ACTION (6.D.)***

***APPROVED***

**Mayor Pro Tem Bradley moved to continue Item 6.D. indefinitely pending revisions from the applicant and a legal opinion from city attorney. Councilmember Reilly seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember Spraggins, Councilmember Fincanon, and Councilmember Reilly. Against: Councilmember Berthiaume. The motion carried by a vote of 6-1.**

- 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*)

**PUBLIC HEARING OPENED at 7:55pm**

**PUBLIC HEARING CLOSED at 7:55pm**

The second reading for Ordinance No. 17-03-1034 will be held on Monday, March 13, 2017 in a Special Council meeting.

***COUNCIL ACTION (6.E.)***

***NO ACTION***

- 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*)

Staff was given direction to finalized contract language.

**COUNCIL ACTION (6.F.)**

**NO ACTION**

- 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*)

The Exchange Club of Murphy applied for and was awarded a grant up to \$2,000 by the Murphy Community Development Corporation board on October 17, 2016 to fund the purchase of a "Freedom Shrine" to be installed at McMillen High School. After approval by the Murphy Community Development Corporation board, the applicant determined that McMillen High School did not have sufficient space to install the "Freedom Shrine". The applicant has secured permission from the Principal of Boggess Elementary as they have space and are eager to have the "Freedom Shrine" installed at their school. This grant was unanimously approved at the October 17, 2016 and February 20, 2017 Murphy Community Development Corporation meetings.

Marvin Williams with the Exchange Club of Murphy addressed Council that the community grant awarded to the Exchange Club for a "Freedom Shrine" of historical documents at the McMillen High School will need to be amended to reflect a new location. Unfortunately McMillen High School did not have twenty-eight (28) feet of continuous space to display the thirty (30) plaques. The Exchange Club of Murphy has received a letter of approval from Principal Marilyn Carruthers of Boggess Elementary approving the "Freedom Shrine" display at Boggess Elementary School.

**COUNCIL ACTION (6.G.)**

**APPROVED**

**Mayor Pro Tem Bradley moved to approve the application of the Exchange Club of Murphy for consideration of an amendment to a previously awarded Community Grant fund. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui and Councilmember Spraggins. The motion carried by a vote of 4-0. Councilmember Berthiaume and Councilmember Reilly recused themselves from this item. Councilmember Fincanon had left the videoconference meeting at 7:30 pm.**

- 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*)

The Murphy Community Emergency Response Team (CERT) is requesting a grand award in the amount of \$1,870 to purchase a few key 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. This grant was unanimously approved at the February 20, 2017 Murphy Community Development Corporation meeting.

Ron Hill with the Murphy Community Emergency Response Team (CERT) addressed Council that the community grant awarded is to purchase the following items: a canopy, eight two-way waterproof radios, five American Radio Relay League training and communication licenses, two high-powered, long-range radios, ten first aid kits and four tarps.

**COUNCIL ACTION (6.H.)** **APPROVED**  
**Mayor Pro Tem Bradley moved to approve the application of the Murphy Community Emergency Response Team (CERT) for consideration of a Community Grant fund award in the amount of \$1,870. Deputy Mayor Pro Tem Siddiqui seconded the motion For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui and Councilmember Spraggins. The motion carried by a vote of 4-0. Councilmember Berthiaume and Councilmember Reilly recused themselves from this item. Councilmember Fincanon had left the videoconference meeting at 7:30 pm.**

**7. EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 7:30 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; 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 reconvened into Regular Session at 7:53 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

**9. ADJOURNMENT**

With no further business, a motion was entertained by the Mayor and the Council meeting adjourned at 8:01 pm.

APPROVED BY:  
  
\_\_\_\_\_  
Eric Barna, Mayor

ATTEST:  
  
\_\_\_\_\_  
Susie Quinn, City Secretary

CITY COUNCIL MINUTES  
SPECIAL CITY COUNCIL MEETING  
MARCH 13, 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. 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*)

City Manager Castro explained that the required Public Hearing and first reading of the Ordinance was held on March 7, 2017. A moratorium Ordinance requires two readings by State Law. The Ordinance takes effect on the 5<sup>th</sup> business day following publication of the Public Hearing notice.

***COUNCIL ACTION (6.A.):***

***APPROVED***

**Mayor Pro Tem Bradley moved to approve 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. The second was from Councilmember Fincanon. For: Unanimous. The motion carried by a vote of 7-0.**

**5. EXECUTIVE SESSION**

Council did not convene into 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**

With no further business, a motion was entertained by the Mayor and the Council meeting adjourned at 6:03 pm.

APPROVED BY:

\_\_\_\_\_  
Eric Barna, Mayor

ATTEST:

\_\_\_\_\_  
Susie Quinn, City Secretary

**City Council Meeting**  
**March 21, 2017**

---

**Issue**

Consider and approve adoption of the professional services agreement between the City of Murphy and HealthTexas Provider Network, as presented.

**Staff Resource/Department**

Arthur Cotten, Police Chief

**Summary of Changes**

The City of Murphy takes preventative health very seriously. We perform comprehensive physicals for all sworn police and fire personnel to ensure each employee is physically fit for duty. Previously, the City contracted with Medical Center of Plano for this process, however, they notified the City in the fall of 2016 that they would no longer be providing these services.

Contracting with the HealthTexas Provider Network is significantly beneficial to our staff as they are able to offer them time and travel savings by providing these services out of their Baylor Family Medicine location here in the City of Murphy. Additionally, they are reducing the administrative burden of the process by offering direct bill to the City and a single point of contact for process facilitation and questions.

The funds for these services are budgeted each year. The budgeted amount for FY17 is approximately \$33,100 combined between the two departments.

**Board Discussion/Action**

Consider and approve adoption of the professional services agreement between the City of Murphy and HealthTexas Provider Network, as presented.

**Attachments**

Professional Services Agreement

## PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (this “**Agreement**”) is made as of the date set forth on the signature page (the “**Effective Date**”), by and between CITY OF MURPHY, TEXAS (“**City**”) and HEALTHTEXAS PROVIDER NETWORK, a Texas non-profit corporation (“**Provider**”). For purposes of this Agreement, City and Provider are collectively referred to as the (“**Parties**”).

### RECITALS:

- A. City desires to engage Provider to provide Annual Physicals for City’s employees; and
- B. Provider employs physicians who have the educational background, training and experience in cardiovascular services and desires to supply City with physicians to provide Annual Physicals for the employees of City in accordance with the terms of this Agreement; and
- C. Provider warrants that its physicians are duly licensed and skilled to practice medicine in the State of Texas and desires to accept engagement with City on the terms and conditions set forth herein.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **SERVICES.** Subject to the terms and conditions of this Agreement, and subject to applicable state and federal law, City engages Provider and Provider accepts such engagement by City, to provide annual physical assessments as outlined in Exhibit A (“**Annual Physical**”), performed by Provider (collectively the “**Services**”) in the manner and to the extent permitted by the Texas Medical Practice Act and the applicable canons of professional ethics. The exact dates and times during which the Services will be performed shall be coordinated by the City and Provider based on the availability of the Parties, and the Parties shall work cooperatively to provide the Services in accordance with the needs of City.

2. **FEES/BILLINGS.**

City agrees to pay Provider Seven Hundred Twenty-Five Dollars (\$725.00) for each Annual Physical with Chest X-Ray and Pulmonary Function Test, and Six Hundred Fifty Dollars (\$650.00) for each Annual Physical without Chest X-Ray and Pulmonary Function Test, as outlined in Exhibit A, performed for the City. Provider shall invoice City on a monthly basis on the first (1<sup>st</sup>) day of each month for the Services. City agrees to pay Provider’s invoices within thirty (30) days of receiving said invoices. Provider shall not bill any patients or third parties for the Services. City assumes all responsibility for billing and collecting the fees for the Services.

3. **TERM AND TERMINATION.**

a. **INITIAL AND RENEWAL TERM.** The initial term of this Agreement shall be for a period of one (1) year commencing on the Effective Date, and expiring on the first annual anniversary of the Effective Date (“**Initial Term**”), unless earlier terminated as provided herein. At the end of the Initial Term and each Renewal Term (as hereinafter defined), if any, this Agreement shall renew automatically for successive one (1) year terms (each, a “**Renewal Term**”) without action by either party.

b. **OPTIONAL TERMINATION.** Either party may terminate this Agreement with or without cause by giving the other party at least thirty (30) days’ prior written notice of termination.

c. **EFFECT OF TERMINATION.** Upon any termination of this Agreement, neither party shall have further rights against, or obligations to, the other party except with respect to any rights or obligations accruing prior to the date and time of termination and any obligations, promises or agreements which expressly extend beyond the termination, including, but not limited to, those set out in Sections 7 and 8.

4. **AVAILABILITY; RECORDS AND REPORTS.** Provider shall be available to provide the Services as needed. Provider shall prepare such administrative and business records and reports related to the Services in such format and upon such intervals as City shall reasonably require. Provider shall provide to City a written report of the annual physicals on City's employees within 2 business days after such test.

5. **COMPLIANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS.** The Parties to this Agreement intend to comply with and have therefore structured this Agreement so as to comply with all applicable state and federal laws and regulations, including, but not limited to (i) the Administrative Simplification provisions of the Health Insurance Portability and Accountability Act of 1996 and the regulations promulgated thereunder; (ii) the Federal Fraud and Abuse Laws (42 U.S.C. § 1320a-7, 7a and 7b) and the Safe Harbor Regulations promulgated thereunder (42 C.F.R. Part 1001); (iii) the Stark Law (42 U.S.C. §1395nn); and (iv) state laws and regulations regarding anti-kickback, fraud and abuse and/or self referral. It is not a purpose of this Agreement to induce the referral of patients. The Parties acknowledge that there is no requirement nor payment under this Agreement or any agreement between the Parties that either party refer, recommend or arrange for any items or services paid for by Medicare, Medicaid or any other federally funded health care program. All payments specified in this Agreement are consistent with what the Parties reasonably believe to be a fair market value for the items provided, and the compensation payments for the Services do not exceed that which is reasonable for the legitimate business purposes of the Parties.

6. **COOPERATION.** Both City and Provider acknowledge that mutual cooperation and assistance is essential to either party's performance under this Agreement; therefore, it will be the duty of both Parties to make all good faith efforts to fully cooperate in the execution of this Agreement.

7. **GOVERNING LAW; VENUE; CONSENT TO JURISDICTION.** This Agreement, and the rights, remedies, obligations, and duties of the Parties under this Agreement, shall be governed by, construed in accordance with and enforced under the laws of the State of Texas, without giving effect to the principles of conflict of laws of such State. If any action is brought to enforce or interpret this Agreement, venue for such action shall be proper in Collin County. The Parties irrevocably (i) submit to the foregoing exclusive jurisdiction, (ii) agree that all claims in respect of such action or proceeding may be heard and determined in such courts, (iii) waive, to the fullest extent they may effectively do so, the defense of an inconvenient or inappropriate forum to the maintenance of such action or proceeding, and (iv) waive any defense based on lack of personal jurisdiction of any such purpose.

8. **INDEMNIFICATION.** To the extent allowed by applicable law, the City shall reimburse, indemnify, defend (at Provider's election), and hold harmless Provider for, from, and against any and all claims, damages, losses, deficiencies, liabilities, penalties, charges, costs, and expenses (including reasonable attorneys' fees) (collectively "Losses") resulting from, relating to, or arising out of, the acts or omissions of City or City's employees in connection with City's performance of City's duties under this Agreement. Provider shall reimburse, indemnify, defend, and hold harmless City for, from, and against any and all Losses resulting from, relating to, or arising out of, the acts or omissions of Provider or Provider's employees in connection with Provider's performance of Provider's duties under this Agreement.

9. **RELATIONSHIP OF PARTIES.** Nothing contained in this Agreement shall constitute or be construed to be or to create a partnership, joint venture or other such relationship between the Parties. Neither party to this Agreement shall use the name of the other party to this Agreement in any promotional or advertising material without prior approval of the other party. This Agreement shall not constitute an endorsement by one party of the other party to this Agreement. Neither Provider nor Provider's physicians shall be an employee of City for any purpose. Provider will be regarded as an independent contractor for all purposes, and shall represent Provider as such to third parties. It is also agreed that in the performance of the Services, City shall neither have nor exercise any control over the methods used by Provider to perform such Services and duties.

10. **MISCELLANEOUS.**

a. **AMENDMENT.** This Agreement may be amended only by an instrument in writing signed by both Parties. Such signed instruments shall state the effective date of the amendment.

b. **ATTORNEYS' FEES.** If either party to this Agreement brings an action against the other party to enforce any provision of this Agreement, the prevailing party shall be entitled to recover its court costs and reasonable attorneys' fees incurred in such action.

c. **AUTHORIZATION OF AGREEMENT/ COUNTERPARTS.** Each party represents and warrants, each to the other, that the execution and delivery of this Agreement has, if such is required, been duly authorized by all necessary action of their respective shareholders, partners, owners or governing boards, as the case may be. This Agreement may be executed simultaneously in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

d. **BINDING EFFECT; ASSIGNMENT; SUCCESSORS AND ASSIGNS.** All of the terms and provisions of this Agreement shall be binding upon, and shall inure to, the benefit of the Parties hereto and their respective permitted transferees, successors and assigns. This Agreement may not be assigned by either of the Parties hereto without the prior written consent of the other.

e. **ENTIRE AGREEMENT.** This Agreement (together with any exhibits attached hereto) constitutes the entire agreement between the Parties hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, whether oral or written, of the Parties, and there are no warranties, representations or other agreements between the Parties in connection with the subject matter hereof except as specifically set forth herein.

f. **HEADINGS/NUMBER AND GENDER.** The headings of this Agreement are inserted for convenience only and are not to be considered in the interpretation of this Agreement. They shall not in any way limit the scope or modify the substance or context of any sections of this Agreement. When required by the context, each number, singular and plural, shall include all numbers and each gender shall include the feminine, masculine and neuter.

g. **NO RULE OF CONSTRUCTION.** The Parties acknowledge that this Agreement was initially prepared by Provider solely as a convenience and that all Parties and their counsel hereto have read and fully negotiated all the language used in this Agreement. The Parties acknowledge that because all Parties had an opportunity for their counsel to participate in negotiating and drafting this Agreement, no rule of construction shall apply to this Agreement that construes ambiguous or unclear language in favor of or against either party.

h. **NOTICE.** Any notice, consent, or other communication to be given under this Agreement by either party to the other party shall be in writing and shall be either (i) personally delivered, (ii) mailed by registered or certified mail, postage prepaid with return receipt requested, (iii) delivered by overnight express delivery service or same-day local courier service or (iv) delivered by facsimile transmission to the address set forth below, or to such other address as may be designated by the Parties from time to time in accordance with this section. Notices delivered personally, by overnight express delivery service or by local courier service shall be deemed given as of actual receipt. Mailed notices shall be deemed given three (3) business days after mailing. Notices delivered by facsimile transmission shall be deemed given upon receipt by the sender of the electronic transmission confirmation.

If to Provider: HealthTexas Provider Network  
8080 North Central Exp., Ste. 600  
Dallas, TX 75206  
Attention: Sarah Gahm, President of Administration

If to City: City of Murphy  
206 North Murphy  
Murphy, TX 75094  
Attn: Jana Traxler, HR Manager

i. **SEVERABILITY.** If any provision of this Agreement is held to be void, illegal or unenforceable under present or future laws effective during the term hereof, or for any reason or in any respect, such provision shall be fully severable and this Agreement shall be construed and enforced as if such void, illegal or unenforceable provision never comprised a part hereof, and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected in any way by the void, illegal or unenforceable provision or by its severance. Furthermore, in lieu of such severed provision, there shall be added automatically as part of this Agreement a provision as similar in its terms to such severed provision as may be possible and be valid, legal and enforceable.

j. **WAIVER.** No delay or omission by either party to this Agreement in the exercise or enforcement of any of its powers or rights hereunder shall constitute a waiver of such power or right. A waiver by either party of any provision of this Agreement must be in writing and signed by such party, and shall not imply subsequent waiver of that or any other provision.

**IN WITNESS WHEREOF**, the Parties hereto have executed this Agreement effective as of the date set forth below.

**CITY OF MURPHY**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**PROVIDER:**

**HEALTHTEXAS PROVIDER NETWORK**

DocuSigned by:

By: Sarah Gahm

Sarah Gahm, President of Administration

Effective Date: \_\_\_\_\_

**EXHIBIT A**

<b>City of Murphy Annual Police/Fire Physical Requirements</b>	<b>Yearly</b>	<b>Every 4 Years</b>	<b>Once</b>
Physical Exam	x		
Hearing Test	x		
Vision (Snellen & Color blind)	x		
Health Questionnaire	x		
Biometrics/BMI/Body Fat	x		
Chest X-ray or low dose CT scan	x		
EKG	x		
TB Screen or T-Spot	x		
CBC	x		
CMP	x		
Lipids	x		
CRP	x		
Hgb A1C	x		
TSH	x		
PSA (males)	x		
UA	x		
Hemocult	x		
PFTs (Fire only)	x		
Vaccine Titers			x
Vaccines			x
N95 (Fire only)	x		

**Issue**

Consider and/or act upon approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2015.

**Staff Resource/Department**

Alan Guard, Interim Finance Director

**Summary**

The annual independent audit for FY 2016 (October 2015 through September 2016) conducted by Pattillo, Brown & Hill L.L.P. has been completed and submitted for City Council's approval.

**Background/History**

Section 7.18 of the City Charter requires the City Council to call for an independent audit of all accounts by a certified public accountant at the close of each fiscal year.

The certified public accounting firm of Pattillo, Brown & Hill, L.L.P. conducted the independent annual financial audit for the 2015-2016 fiscal year. Pattillo, Brown & Hill, L.L.P. was selected to perform the annual independent audit through the Request for Proposals process for audit services during 2013. This is an independent auditor's report and analysis of the City's major funds and business type activities with accompanying financial statements. The audit report, with the auditor's recommendations, will be presented to the City Council. John Manning of Pattillo, Brown & Hill, L.L.P. and Alan Guard, Interim Finance Director will present the comprehensive annual financial report and answer questions during the presentation prior to Council officially approving the audit.

**Financial Considerations**

At the end of the fiscal year, the unassigned fund balance for the General Fund is \$5,154,966 an increase of \$254,571 from the projected FY 2016 Fund Balance included in the FY 2017 Budget. This fund balance represents 39% of the total General Fund expenditures for the fiscal year. Revenues were greater than budgeted, primarily in the areas of charges for services, licenses and permit and other revenues. Total General Fund expenditures were within 0.5% of amended budgeted amounts.

The Business-type Activities (Utility Fund, Impact Fund and Utility Capital) have an increase in net position of \$270,741.

**Action Requested**

Approval of the comprehensive annual financial report for the fiscal year ended September 30, 2016 as conducted by Pattillo, Brown & Hill, L.L.P.

**Attachments**

Comprehensive Annual Financial Report (CAFR) – will send under separate email

**City Council**  
**March 21, 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 a 4.696 acre tract of land 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 13, 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.

On March 7, 2017 the applicant requested this item to be continued at the March 21, 2017 City Council Meeting.

**Action Requested**

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

**Attachments**

Ordinance

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 21<sup>st</sup> day of March 2017.

\_\_\_\_\_  
Eric Barna, Mayor  
City of Murphy

ATTEST:

\_\_\_\_\_  
Susie Quinn, City Secretary

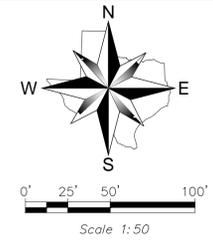
APPROVED AS TO FORM:

\_\_\_\_\_  
Wm. Andrew Messer, City Attorney

**EXHIBIT A  
Concept Plan**

**SITE DATA TABLE**

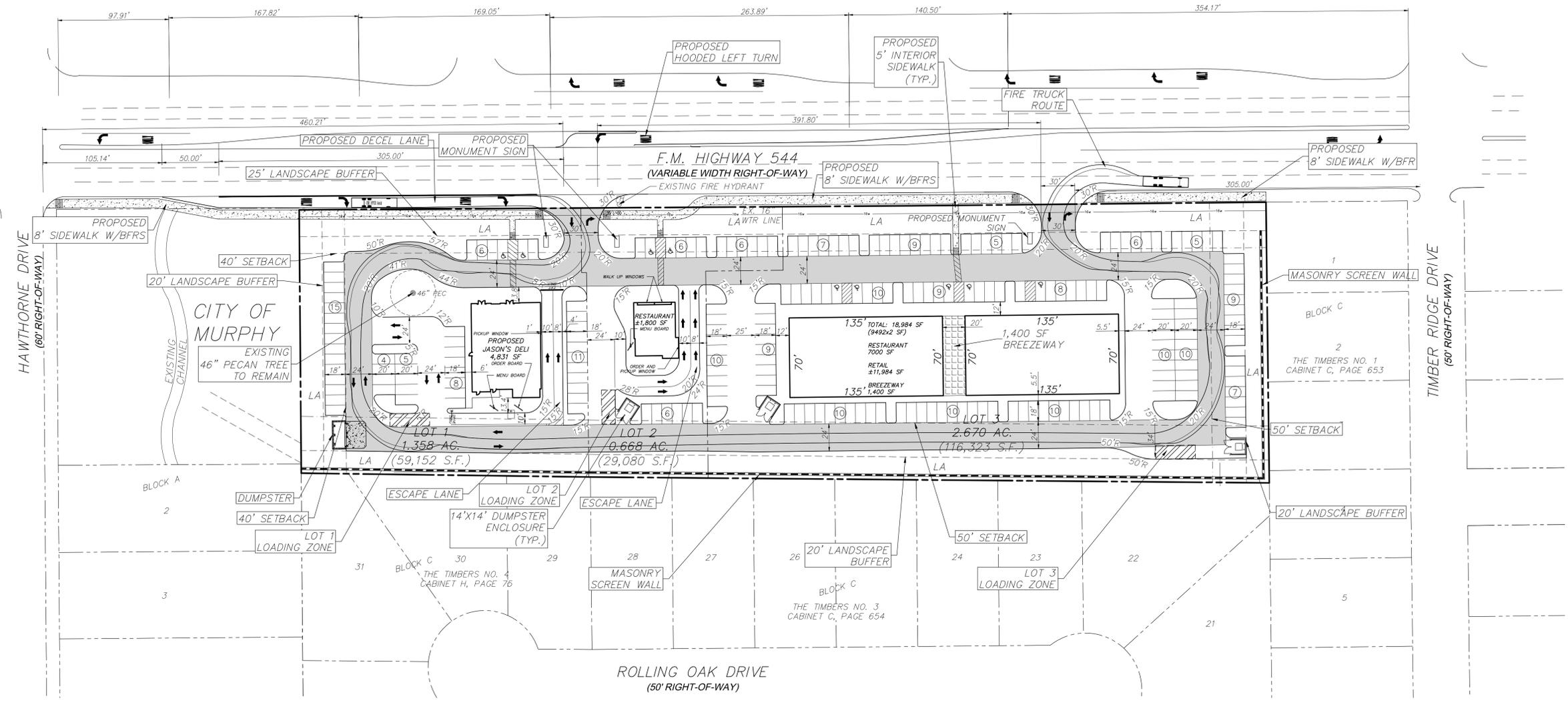
	LOT 1	LOT 2	LOT 3
<b>BUILDING TYPE</b>	RESTAURANT	RESTAURANT	RESTAURANT/RETAIL COMBINED
<b>LOT SIZE (ACRES)</b>	1.358	0.668	2.67
<b>BUILDING SIZE (SQ. FT.) - INCLUDES OUTDOOR SEATING</b>	4,831	1,800	18,984 TOTAL (7,000 REST./10,584 RETAIL) W/1,400 SF BREEZEWAY
<b>REQUIRED PARKING RATIO (1 SPACE PER X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



**SITE PLAN P**  
THE VILLAGE AT TIMBERS  
MURPHY, TEXAS

01-30-2017

CITY PROJECT #2016-010

ATTACHMENT 2

ATTACHMENT 2  
APPLICANT'S 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](mailto: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  
Elevation Rendering



SOUTH ELEVATION

T.O. BRICK 111'-4"

T.O. SEATING ELEMENT 101'-6"

F.F. MAIN LEVEL 100'-0"



NORTH ELEVATION

T.O. STOREFRONT 113'-7"

B.O. MULLION 109'-0"

B.O. SERVING WINDOW 103'-0"

T.O. SEATING ELEMENT 101'-6"

T.O. BRICK 111'-4"

F.F. MAIN LEVEL 100'-0"



WEST ELEVATION

T.O. EXT. WALL 111'-4"

T.O. SCREEN 109'-0"

B.O. SERVING WINDOW 103'-0"

F.F. MAIN LEVEL 100'-0"



EAST ELEVATION

T.O. STOREFRONT 113'-7"

B.O. MULLION 109'-0"

B.O. SERVING WINDOW 103'-0"

T.O. SEATING ELEMENT 101'-6"

F.F. MAIN LEVEL 100'-0"

CRAIG A. SCHNEIDER, AIA

ARCHITECT

1736 East Sunshine, Suite 417  
Springfield, Missouri 65804

417.862.0558  
Fax: 417.862.3265

e-mail: architec@cschneider.com

ANDY'S FROZEN CUSTARD



COMM #

DATE: 2-4-16

REVISION

DATE:

CE1

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](mailto: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.

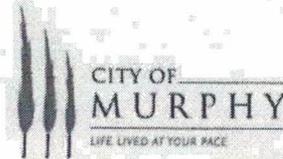
Thank you -  
Jackie Hinckley  
604 Paint Creek Court  
Murphy, TX  
75094

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 & ZALIT  
Name (Please Print)

Signature

331 Rolling Oak Dr  
Address

2/6/17  
Date

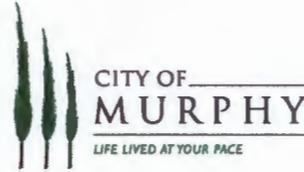
Reply Form

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.

SEATTLE 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

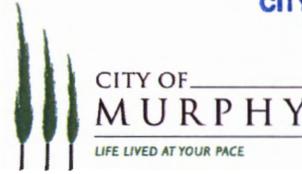
Specific Use Permit (SUP)

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

L 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

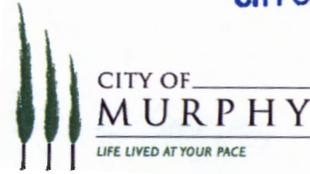
RECEIVED

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

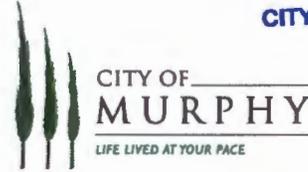
Specific Use Permit (SUP)

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

Name	Tony Brown
Email	<a href="#">_____</a>
Comments or Questions	
Ladies and Gentlemen of the council,	
<p>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.</p>	
Thank you for your time and consideration.	
Respectfully, Tony Brown	

**City Council**  
**March 21, 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 a 4.696 acre tract of land 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.

The center with two drive thru restaurants is clearly not neighborhood oriented but is oriented toward the regional user driving along FM544.

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 13, 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.

On March 7, 2017 the applicant requested this item to be continued at the March 21, 2017 City Council Meeting.

**Action Requested**

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

**Attachments**

Ordinance

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 21<sup>st</sup> day of March 2017.

\_\_\_\_\_  
Eric Barna, Mayor  
City of Murphy

ATTEST:

\_\_\_\_\_  
Susie Quinn, City Secretary

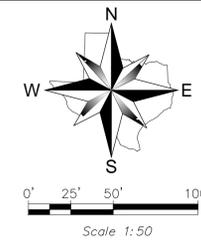
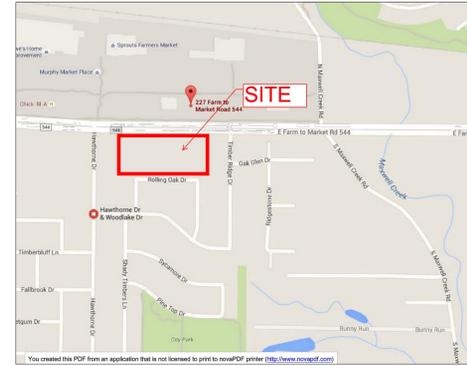
APPROVED AS TO FORM:

\_\_\_\_\_  
Wm. Andrew Messer, City Attorney



SITE DATA TABLE

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

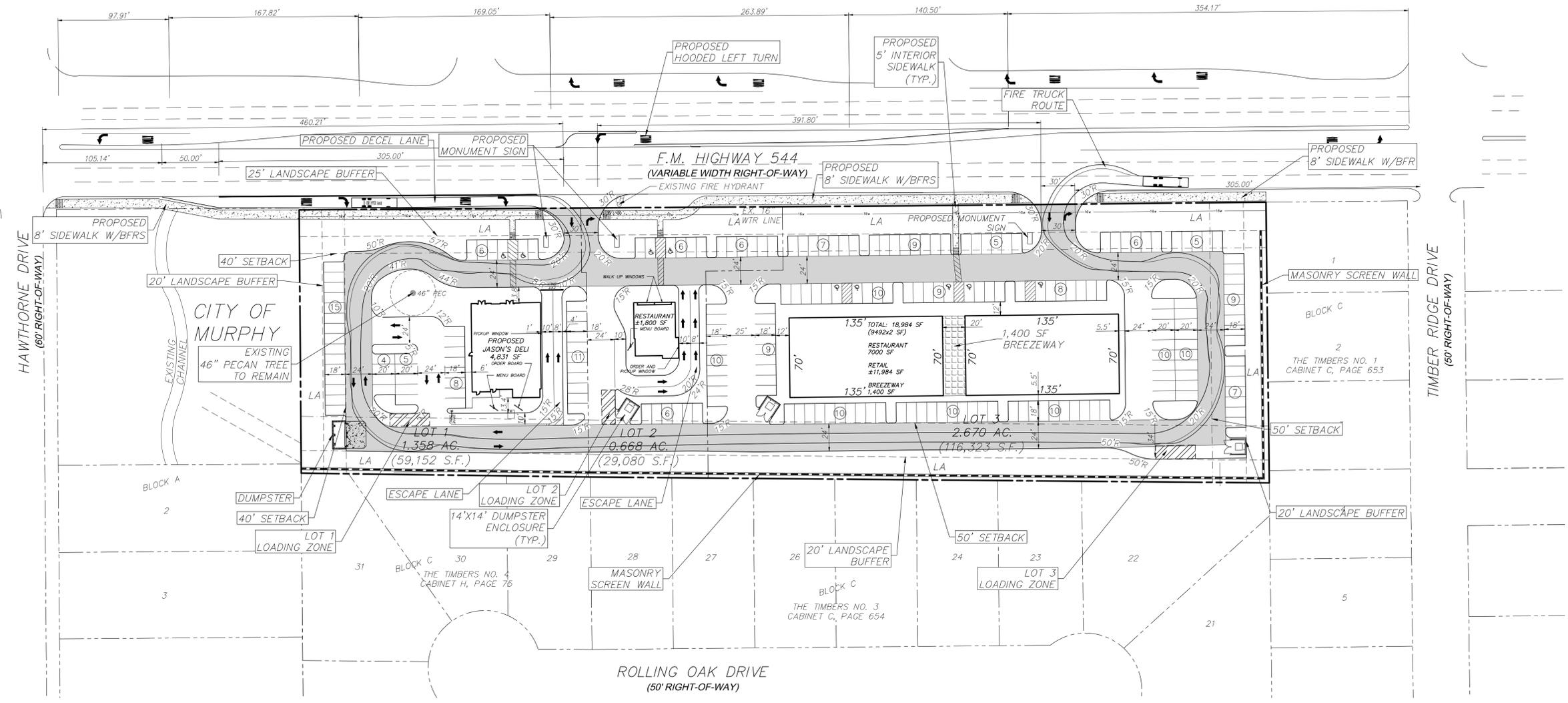


LEGEND

- 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  
APPLICANT'S 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.

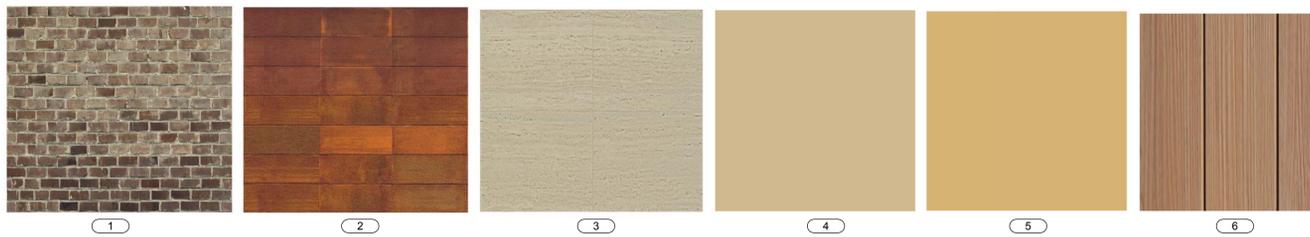
Should you have any questions regarding this notice of appeal, please do not hesitate to contact at 214-545-6959 or at [Jbean@streetlevelinvestments.com](mailto:Jbean@streetlevelinvestments.com).

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



FINISH SCHEDULE - EXTERIOR		
CODE	PRODUCT DATA	
	TYPE / STYLE / COLOR	MANUFACTURER / REP.
1	CYPRESS FOREST TUMBLED - QUEEN SIZE 27/8 x 7 5/8 x 2 3/4	STATESVILLE BRICK / 704-872-4123
2	RUSTED CORTEN PANEL SYSTEM	WESTERN STATES DECKING / PAUL RUBIO 949-929-1020
3	CAST CONC. FINAL TBD	
4	EIFS - COLOR: ALMOND 10407 (73)	PAREX
5	POWDER COAT - 049/15190 - RAL 1001	TIGER DRYLAC POWDER COATINGS
6	ENGINEERED WOOD PLANKING	

**Design Consultant:**

**Innovation and Design in Architecture, Inc.**  
 28 The Promenade North  
 Long Beach, CA 90802  
 www.idexperience.net

**Architect:**

**GEOFFREY B. LIM**  
 AIA, NCARB, LEED AP

Plans, maps, specifications, studies, and reports not containing a red seal and stamp accompanied by an original signature by the licensed professional may have been fraudulently altered and shall not be considered an original copy. All information should be disregarded unless verified by the professional whose signature appears above.  
 Copyright Protected 2012.

**Project Owner:**

**Jason's deli**  
 2400 BROADWAY  
 BEAUMONT, TX 77702

**Stamp:**

\_\_\_\_\_  
 \_\_\_\_\_

**Issue For:**  
PRE-DESIGN

**Issue Date:**  
10-03-13

NO.	REASON	DATE

**PRINCIPAL IN CHARGE:**  
 Approver \_\_\_\_\_  
 PROJECT MANAGER: \_\_\_\_\_  
 Checker \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 Author \_\_\_\_\_

**Project Address:**  
 JASON'S DELI - MADISON, WI

**Project Number:**  
 05-018-13

**Sheet Title:**  
 SCHEMATIC ELEVATIONS

**Sheet Number:**  
 PF-13



2 EXTERIOR PERSPECTIVE 2



1 EXTERIOR PERSPECTIVE 1



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



**Alison Lumbatis**  
 Founder + CEO  
[alison@getyourprettyon.com](mailto:alison@getyourprettyon.com) • GYPO, LLC •  
<http://www.getyourprettyon.com> • <http://www.stylechallenges.com>  
 • <http://www.stylegistix.com>



**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

ATTACHMENT 4 From: [Alicia Munoz](#)  
To: [Bailey Ragsdale](#)  
Subject: FW: Jason's Deli  
Date: Thursday, February 16, 2017 8:06:48 AM

Agenda Item 8.C.

---

**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](mailto: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	<a href="mailto:BTimineri@aol.com">BTimineri@aol.com</a>
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.

Multiple horizontal lines for providing written comments.

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](mailto: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

---

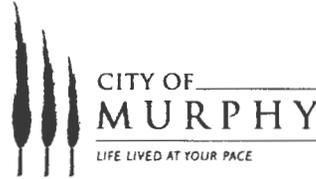
RECEIVED

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

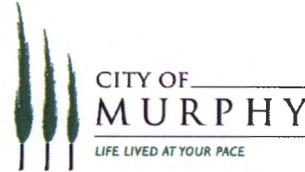
2016-022 – (B) – Jason’s Deli – Village at Timbers  
Specific Use Permit (SUP)

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

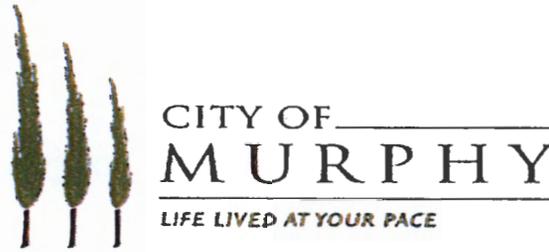
---

**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](mailto:heidi@skylinejuniors.com)]  
**Sent:** Wednesday, February 15, 2017 12:13 PM  
**To:** Council <[Council@murphytx.org](mailto: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](http://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](mailto: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](mailto:jt@jtoden.net)]  
**Sent:** Tuesday, February 14, 2017 4:13 PM  
**To:** Council <[Council@murphytx.org](mailto: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?

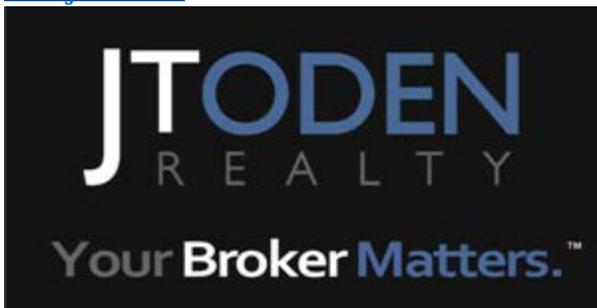
Either too many drive throughs are bad or they aren't.

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](mailto:jt@jtoden.net)  
[www.jtoden.net](http://www.jtoden.net)



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

---

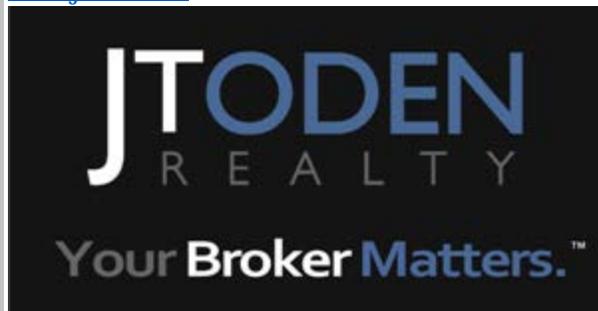
----- Original Message -----  
Subject: Jasons Deli  
From: "J.T. Oden II" <[jt@jtoden.net](mailto:jt@jtoden.net)>  
Date: 2/14/17 3:53 pm  
To: [council@murphytx.org](mailto:council@murphytx.org)

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](mailto:jt@jtoden.net)  
[www.jtoden.net](http://www.jtoden.net)



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



CITY OF \_\_\_\_\_  
**MURPHY**  
LIFE LIVED AT YOUR PACE

RECEIVED

FEB 15 2017

CITY OF MURPHY

## Public Comment Form

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

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

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

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

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

Address: 822 Bonnie Court

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

Agenda Item No. \_\_\_\_\_  In Favor  Opposed

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

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-----

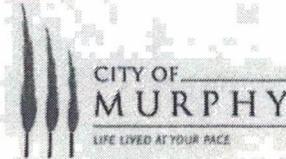
Sent: Sunday, February 19, 2017 8:14 PM  
To: Council <Council@murphytx.org>  
Subject: Jason's Deli

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

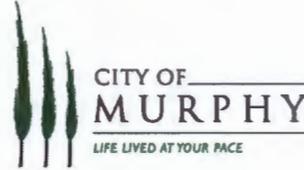
RECEIVED

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](mailto:jodie@skylinejuniors.com)  
[www.skylinejuniors.com](http://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 13<sup>th</sup>. 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 Stelnicki](#)  
**Subject:** Jason's Deli  
**Date:** Tuesday, February 14, 2017 10:07:41 AM

---

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

Kate Anderson

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](mailto:kbaze@bazecpa.com) | [www.bazecpa.com](http://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](mailto: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

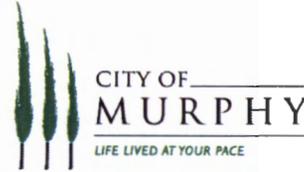
2016-022 – (B) – Jason’s Deli – Village at Timbers  
Specific Use Permit (SUP)

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

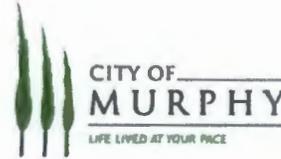
RECEIVED

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](mailto: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](mailto: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,

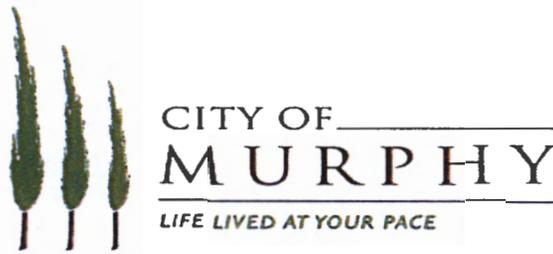
Please take whatever steps may be necessary in order to get PNZ on board with Jason's Deli. Murphy currently has an abundance of empty retail space, which underlines the necessity of making small adjustments in order to accommodate a known, proven and successful chain franchise's request to establish 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](http://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](mailto:no-reply@wufoo.com)>  
**Date:** February 21, 2017 at 4:39:04 PM CST  
**To:** <[jberthiaume@murphytx.org](mailto:jberthiaume@murphytx.org)>, <[bspraggins@murphytx.org](mailto:bspraggins@murphytx.org)>, <[ebarna@murphytx.org](mailto:ebarna@murphytx.org)>, <[mcastro@murphytx.org](mailto:mcastro@murphytx.org)>, <[osiddiqui@murphytx.org](mailto:osiddiqui@murphytx.org)>, <[dreilly@murphytx.org](mailto:dreilly@murphytx.org)>, <[sfincanon@murphytx.org](mailto:sfincanon@murphytx.org)>, <[sbradley@murphytx.org](mailto:sbradley@murphytx.org)>, <[squinn@murphytx.org](mailto:squinn@murphytx.org)>, <[andy@txmunicipallaw.com](mailto:andy@txmunicipallaw.com)>, <[amunoz@murphytx.org](mailto:amunoz@murphytx.org)>  
**Subject:** Engage Council [#157]  
**Reply-To:** <[no-reply@wufoo.com](mailto: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

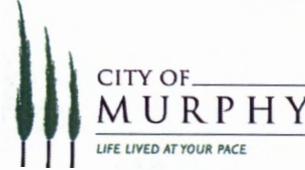
Specific Use Permit (SUP)

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

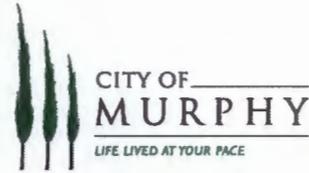
Date

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.

---

---

---

---

---

---

---

---

---

---

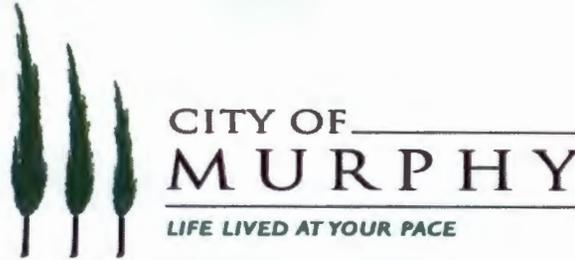
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

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 Date 2/13/17

**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](mailto:michael.mortensen@coniferhealth.com)  
[miranda.mortensen@slalom.com](mailto:miranda.mortensen@slalom.com)

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

We spoke to soon!

**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	<a href="#">_____</a>
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](http://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

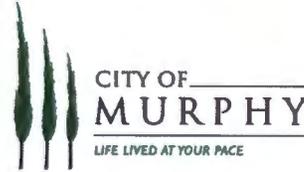
2016-022 – (B) – Jason’s Deli – Village at Timbers  
Specific Use Permit (SUP)

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	<a href="#">_____</a>
Comments or Questions	
<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

---

---

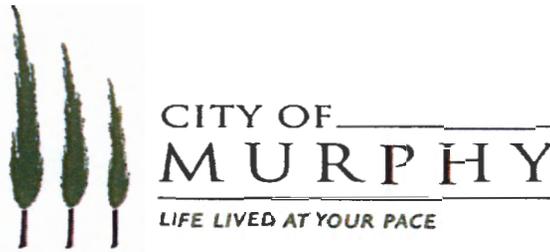
**Sent:** Monday, February 20, 2017 10:05 AM

**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

---

RECEIVED

FEB 06 2017

CITY OF MURPHY

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

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



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.

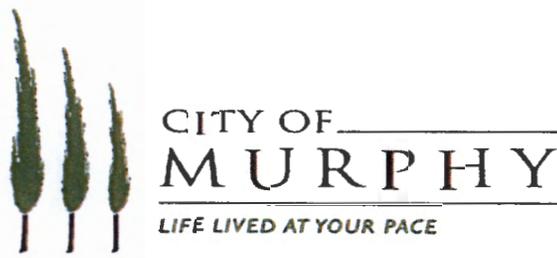
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

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. ... 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](mailto: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](mailto:tstelnicki@murphytx.org)>  
**Sent:** Thursday, January 19, 2017 4:02 PM  
**To:** Stephanie Pennington  
**Cc:** Bailey Ragsdale  
**Subject:** FW: P & Z January 23, 2017

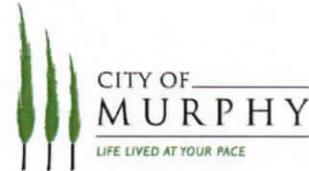
Thank you for your reply.  
Please note that this meeting has been rescheduled to Monday, February 13.

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](http://www.murphytx.org)

---

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

[www.murphytx.org](http://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](mailto: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](mailto:tguillory@bluefinger.net)

**Bluefinger**

**CITRIX**  
PARTNER  
Solution Advisor

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

Name	Tony Brown
Email	<a href="#">_____</a>

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](mailto:Council@murphytx.org)>  
Subject: Jason's Deli

Hello -

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

Thank you.  
The Durante Family

Vezielou Masana  
609.819.1799

**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](mailto: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](mailto: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](mailto: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 21, 2017**

---

**Issue**

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.

**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 13, 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.

On March 7, 2017 the applicant requested this item to be continued at the March 21, 2017 City Council Meeting.

**Action Requested**

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

**Attachments**

Ordinance

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 study)

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 21<sup>st</sup> 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.

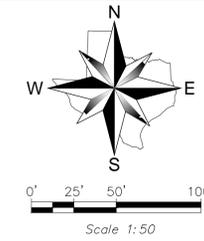
2. **Outdoor Seating:** Any establishment serving food for consumption on- premises is encouraged to provide an outdoor seating area and shall be approved with the site plan. The outdoor seating area may be included as a portion of the 5% open space requirement.
3. An additional 5% of open space is required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

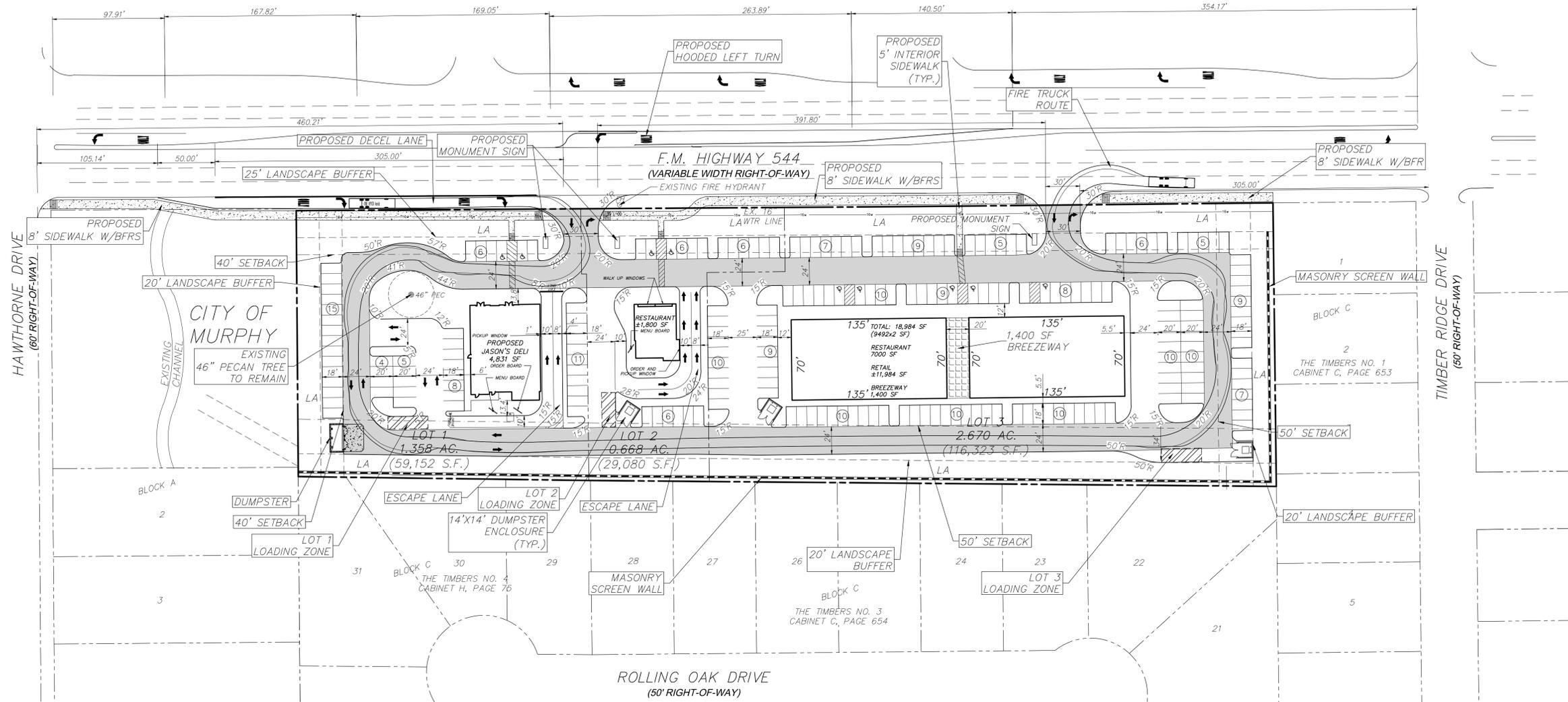
	LOT 1	LOT 2	LOT 3
<b>BUILDING TYPE</b>	RESTAURANT	RESTAURANT	RESTAURANT/RETAIL COMBINED
<b>LOT SIZE (ACRES)</b>	1.358	0.668	2.67
<b>BUILDING SIZE (SQ. FT.) - INCLUDES OUTDOOR SEATING</b>	4,831	1,800	18,984 TOTAL (7,000 REST./10,584 RETAIL) W/1,400 SF BREEZEWAY
<b>REQUIRED PARKING RATIO (1 SPACE PER X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



SITE PLAN P  
THE VILLAGE AT TIMBERS  
MURPHY, TEXAS

01-30-2017

CITY PROJECT #2016-010

ATTACHMENT 2

ATTACHMENT 2  
APPLICANT'S 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](mailto:Jbean@streetlevelinvestments.com).

Sincerely,

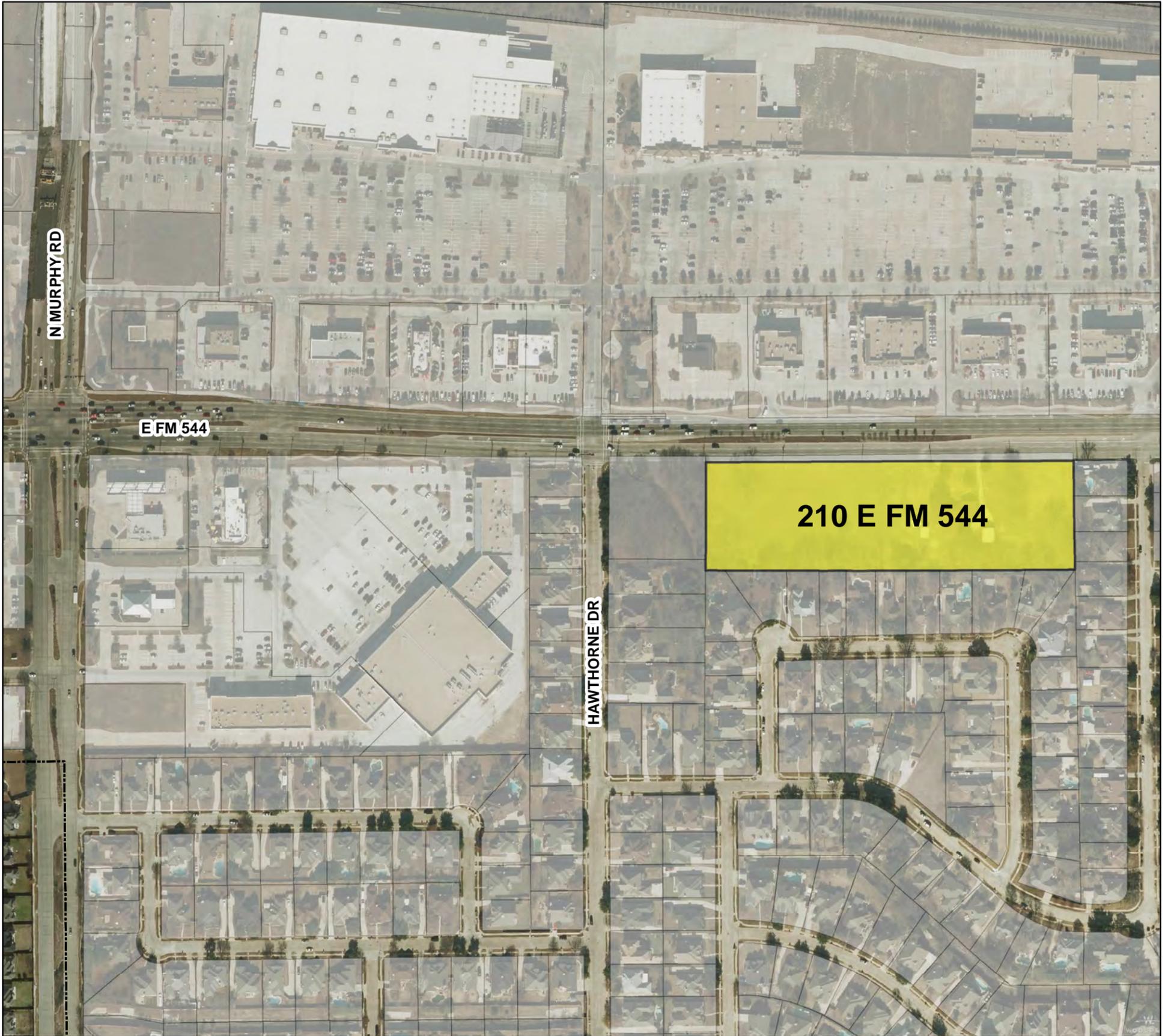


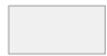
cc: Jared Mayfield, Director of Economic and Community Development

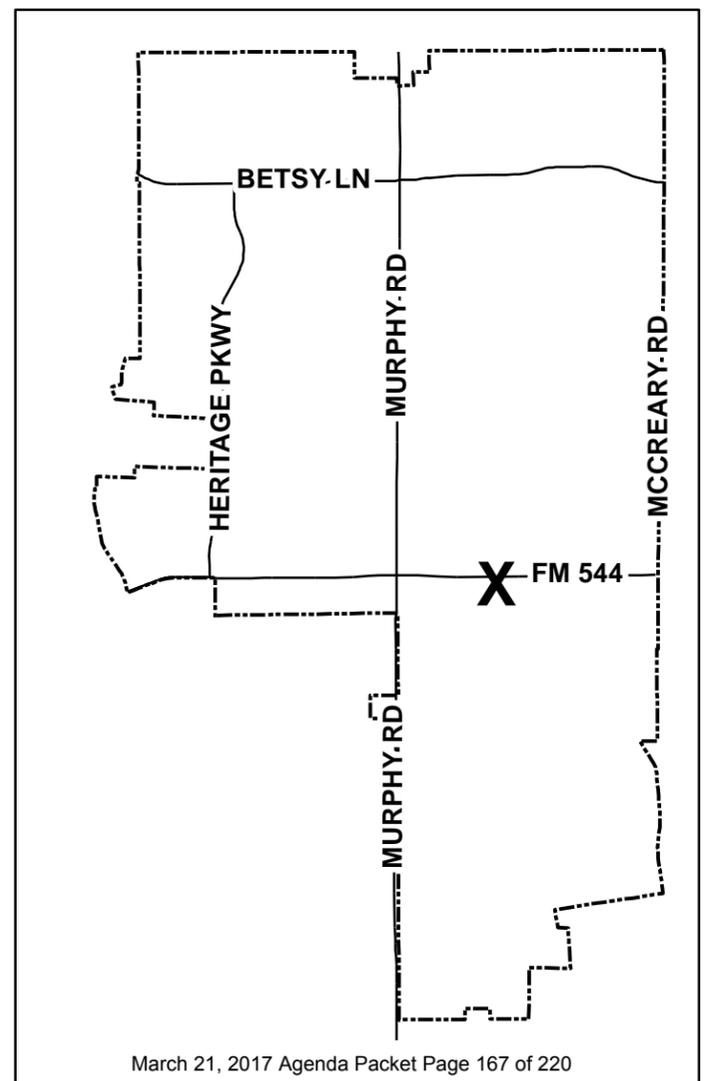
ATTACHMENT 3

ATTACHMENT 3  
AERIAL OF PROPERTY

# 210 E FM 544 Property



-  Murphy City Limits
-  Parcel Boundaries



0      250      500 Feet



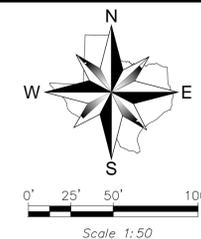
Data Sources:  
Collin County Appraisal District  
Collin County 911 Addressing

**ATTACHMENT 4**

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

**SITE DATA TABLE**

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

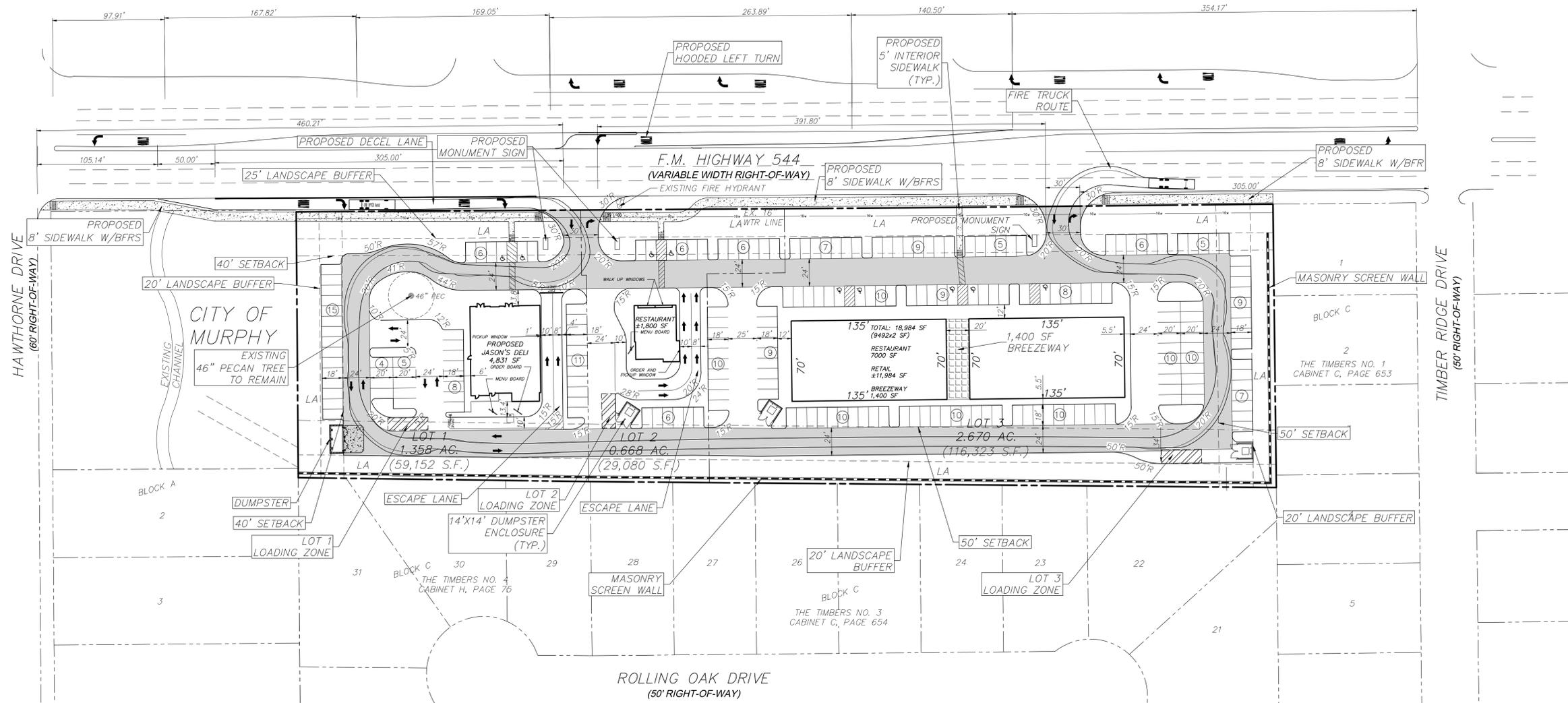


**LEGEND**

- 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 HILGREET PLAZA DRIVE, SUITE 325  
 FORT WORTH, TEXAS 76116  
 (817) 490-7099  
 (817) 490-7098 FAX  
 State Surveyors Registration No. 107886-00  
 State Professional Engineers Registration No. 107886-00  
 Copyright © 2017, Winkelmann & Associates, Inc.

SITE PLAN P  
THE VILLAGE AT TIMBERS  
MURPHY, TEXAS

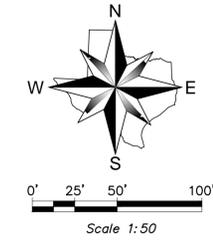
01-30-2017  
 SUBMITTED WITH  
 AMENDMENTS  
 INCLUDING:  
 REMOVAL OF COSTA  
 VIDA DRIVE-THRU  
 FEBRUARY 15, 2017

CITY PROJECT #2016-010

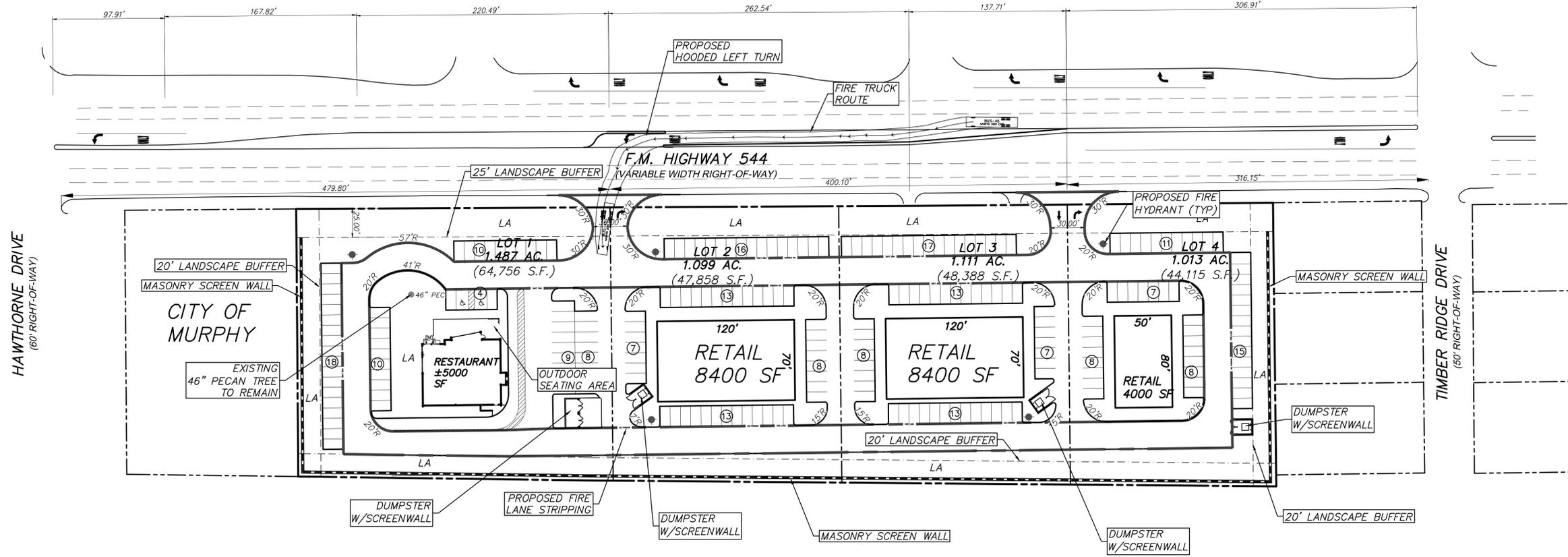
G:\638\02\0A\ENGINEERING\Preliminary\Plan\63802.0A-Prelim SITE P.dwg

**ATTACHMENT 5**

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



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



SITE DATA TABLE				
	LOT 1	LOT 2	LOT 3	LOT 4
BUILDING TYPE	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

**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS & SURVEYORS  
6720 HILLCREST PLAZA DRIVE, SUITE 325  
MURPHY, TEXAS 75006  
Phone: (972) 490-7090  
Fax: (972) 490-7096  
E-mail: info@winkelmann.com  
www.winkelmann.com

**EXHIBIT A**

CONCEPT PLAN A  
THE VILLAGE AT TIMBERS  
MURPHY, TEXAS

08-11-2016

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

**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

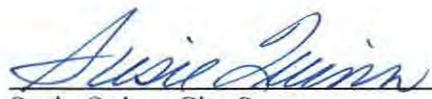
**Section 8. Penalty Clause.** Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Murphy, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$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

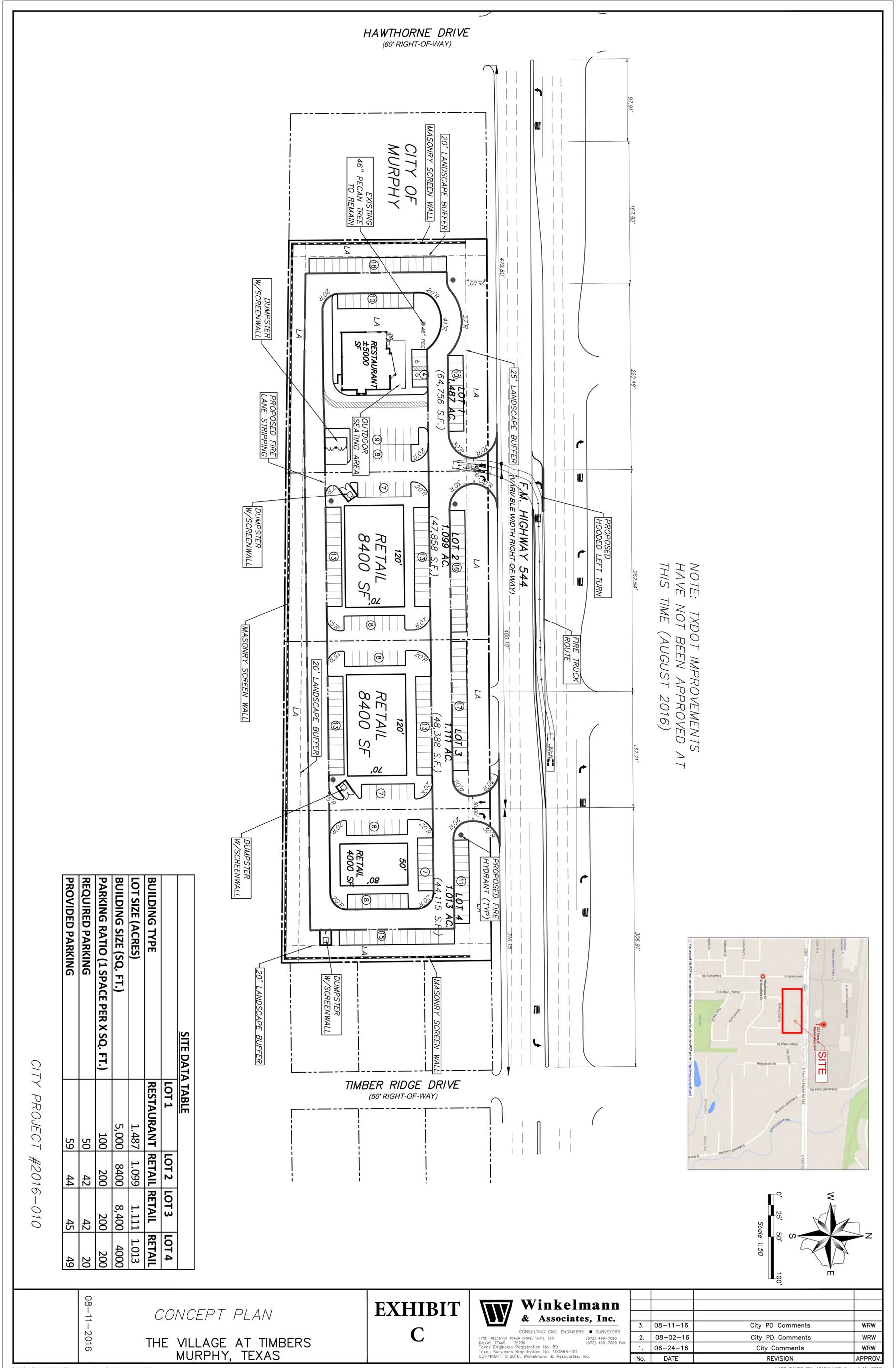
within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Lots at the pedestrian level.

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.

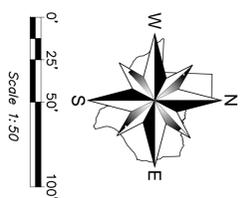
## VII. Special Regulations:

- 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  
Revised 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
<b>Total Trip Difference: TIA 12/09/2016 VS New Site Plan</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>-2</b>	<b>0</b>	<b>-2</b>

## 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 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.

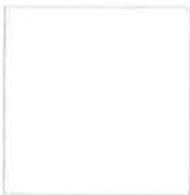
Sincerely,



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 &amp; 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**

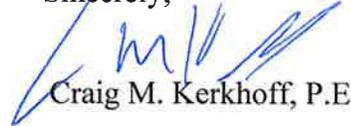
5. The site plan submitted within the TIA is not the same as the hard copy that was submitted. We recommend the TIA be revised to accurately reflect the proposed development.

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](#)

---

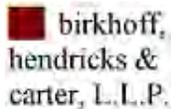
Bailey,

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](mailto:ckerkhoff@bhcllp.com)



>>> Bailey Ragsdale <[bragsdale@murphytx.org](mailto: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 18<sup>th</sup> by 2:00pm.***

I apologize for the fast turnaround, this is supposed to be on the January P&Z meeting on January 23<sup>rd</sup> 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](http://www.murphytx.org)

**ATTACHMENT 9**

Attachment 9  
Fire Marshal 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](mailto:pelliott@murphytx.org)  
 972-468-4300 Office

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

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](mailto: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](mailto:pelliott@murphytx.org)  
 972-468-4300 Office

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

ATTACHMENT 10  
REPLY FORMS

2016-022 (A) Amendment to the concept plan

RECEIVED  
Agenda Item 8.D.

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

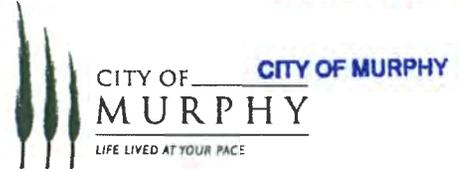
2016-022 – (A) Amendment to a Concept Plan – Village at Timbers

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.

[Checkmark] 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

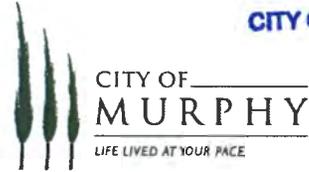
2016-022 – (A) Amendment to a Concept Plan – Village at Timbers

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



CITY OF MURPHY  
MURPHY  
LIFE LIVED AT YOUR PACE

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.

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

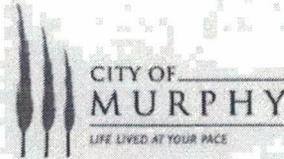
124 TIMBER RIDGE DR.  
Address MURPHY

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.

X 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 Hanchar Name (Please Print) Samie Hanchar 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)

23 Rolling Oak  
Address

[Signature]

Signature

2-13-17  
Date

**City Council**  
**March 21, 2017**

---

**Issue**

Hold a public hearing and consider and/or act on Ordinance No. 17-03-1035 amending Planned Development (PD) 09-07-803 to add Gymnastics as an approved use and approve the application of Engineering Concepts for the change. Property is located on 1.19 acres having the legal description of ABS A0403 Isaac Herring Survey, Tract 30, located on the south west corner of North Murphy Road and Betsy Lane.

**Staff Resource/Department**

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

**Background**

- In 2006, the City Council adopted Ordinance No. 06-12-709, which amended the Permitted Uses in the Planned Development District for this site to include Automotive Gasoline or Motor Fuel Service Station.
- In 2008, the City Council adopted Ordinance No. 08-08-756, which amended the Permitted Uses for this site to include Mini-Warehouse/Self Storage.
- In 2009, the City Council adopted Ordinance No. 09-07-803, which amended the Permitted Uses for this site to include School, K through 12 (Private) (SUP).
- In 2015, the City Council approved an amendment to the Permitted Uses for this site to include Swim School.

**Summary**

The applicant is requesting an amendment to the PD (Planned Development) District to allow, by right, Gymnastics use on the list of Permitted Uses. Permitted Uses in this Planned Development District would be amended to include Gymnastics, along with:

- a. Automotive Gasoline or Motor Fuel Service Station.
- b. Bank
- c. Offices (Health Services)
- d. Offices (Legal Services)
- e. Offices (Professional)
- f. Real Estate Offices
- g. School, K through 12 (Private) (SUP)
- h. Swim School

The site plan, construction plat, landscape plan and building elevations for this building were approved by City Council on August 16, 2016.

To date (March 10, 2017) we have received the following responses via Reply Forms, emails and Public Comment forms:

In Favor: 1  
 Opposed: 0

*On March 6, 2017 the Planning and Zoning Commission unanimously recommended approval of this item.*

**Attachments**

Location Map  
 Ordinance  
 Proposed amended Planned Development District Conditions  
 Reply Form



**ORDINANCE NUMBER 17-03-1035**

**AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING PLANNED DEVELOPMENT (PD) DISTRICT ORDINANCE 09-07-803, ESTABLISHING A PLANNED DEVELOPMENT DISTRICT ON AN APPROXIMATE 1.19 ACRES OF LAND ON THE SOUTHWEST CORNER OF NORTH MURPHY ROAD AND BETSY LANE HAVING THE LEGAL DESCRIPTION OF ABSTRACT A0403 ISAAC HERRING SURVEY, TRACT 30, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP, CHAPTER 30, OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT TO ADD GYMNASTICS AS AN ALLOWED USE WITHIN THE DISTRICT; PROVIDING A CUMULATIVE/REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE ESTABLISHING A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR A VIOLATION OF THE ORDINANCE FOR EACH DAY A VIOLATION EXISTS OR CONTINUES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the landowners of approximately 1.19 acres of land located on the southwest corner of North Murphy Road and Betsy Lane, having the legal description of Abstract A0403 Isaac Herring Survey, Tract 30, in the City of Murphy, Collin County, Texas, and designated as Planned Development (PD) District Ordinance No. 09-07-803 amending the Comprehensive Zoning Ordinance and Zoning Map, Chapter 30 of the Code of Ordinances of the City of Murphy, Texas, more particularly described in **Exhibit “A”**, a copy of which is attached hereto and incorporated herein, requested an amendment to Ordinance No 09-07-803 to allow gymnastics as a permitted use within Planned Development (PD) District; and

**WHEREAS**, the Planning and Zoning Commission of the City of Murphy (the “Commission”), in compliance with the laws of the State of Texas, gave the requisite notices by publication and otherwise, and held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard; and

**WHEREAS**, having reviewed the request for the addition of gymnastics as a retail use within the Planned Development District, the Commission determined that the addition of the proposed use was compatible with surrounding uses and the City’s Comprehensive Plan and recommended approval of this Ordinance amending Planned Development (PD) District Ordinance No. 09-07-803 to the City Council; and

**WHEREAS**, the City Council of the City of Murphy, in compliance with the laws of the State of Texas, having given the requisite notices by publication and otherwise, having held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard, and having considered the recommendation of the Planning and Zoning Commission, has determined that the proposed amendment to add gymnastics as an allowed retail use within the Planned Development (PD) District created by Ordinance No. 09-07-803 is appropriate and is compatible with surrounding uses and the Comprehensive Plan of the City;

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

**Section 1. Incorporation of Premises.** That all of the above recitals are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

**Section 2. Amendments.** That Planned Development District (PD) Ordinance number 09-07-803, amending the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, and regulating an approximate 1.19 acres of land located on the southwest corner of North Murphy Road and Betsy Lane, having the legal description of Abstract A0403 Isaac Herring Survey, Tract 30, in the City of Murphy, Collin County, Texas, as more particularly described in **Exhibit “A” hereto (Legal Description)**, is hereby amended as follows:

Section IV, “Specific Regulations”, Subsection “A”, “Permitted Uses” of Exhibit “B”, “Planned Development Conditions” is hereby amended to add “Gymnastics” as an allowed use, and Section IV(A) of Exhibit “B” to Ordinance No. 09-07-803 shall be and read in its entirety as follows with all other terms and provisions of Section IV(A) not specifically amended hereby remaining the same and continuing in full force and effect:

**IV. Specific Regulations:**

A. Permitted Uses: All uses of the R (Retail) District shall be permitted. In addition, the following uses shall be permitted.

1. Automotive Gasoline or Motor Fuel Service Station.
2. Bank
3. Offices (Health Services)
4. Offices (Legal Services)
5. Offices (Professional)
6. Real Estate Offices
7. School, K through 12 (Private) (SUP)
8. Swim School
9. Gymnastics

**Section 3. Applicable Regulations/Zoning Ordinance and Zoning Map Amended.** Development and use of the property described in **Exhibit “A”** shall be in compliance with this ordinance amending Ordinance No. 09-07-803, the same amending the Comprehensive Zoning Ordinance of the City of Murphy and the Zoning Map of the City, Ordinance No. 09-07-803, including all Exhibits thereto as amended hereby, the Code of Ordinances of the City of Murphy, Texas, and all applicable state and federal law.

**Section 4. Cumulative/Repealer Clause.** This ordinance shall be cumulative of all provisions of state or federal law and all ordinances of the City of Murphy, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

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

**Section 6. Penalty Clause.** Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Murphy, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

**Section 7. Effective Date.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas, on this 21<sup>st</sup> day of March 2017.

---

Eric Barna, Mayor  
City of Murphy

ATTEST:

---

Susie Quinn, City Secretary

APPROVED AS TO FORM:

---

Wm. Andrew Messer, City Attorney

**Legal Description**

WHEREAS, Clyde P. Hanawalt and Gladys Hanawalt, Trustees, under the Hanawalt Living Trust are the owners of a tract of land situated in the Isaac Herring Survey, Abstract No. 403, in the City of Murphy, Collin County, Texas, being a part of an 8.18 acre tract of land described to them in County Clerk's File No. 20081023001256490, Deed Records, Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a one-half inch iron rod with cap marked "Roome" found for corner, said point being in the Southerly line of Betsy Lane (115' Right-of-way) and from which the intersection of the Southerly line of Betsy Lane and the Westerly line of Murphy Road (FM 2551) bears South 89 degrees, 42 minutes, 29 seconds, East, a distance of 443.27 feet;

THENCE South 00 degrees, 05 minutes, 15 seconds, East, departing the Southerly line of said Betsy Lane, a distance of 195.51 feet to a one-half inch iron rod with cap marked "Roome" found for corner;

THENCE South 89 degrees, 28 minutes, 05 seconds, West, a distance of 330.19 feet to a one-half inch iron rod with marked "Roome" found for corner in the Easterly line of Wellington Lane (50 feet of right-of-way) said point also being in the Easterly line of Stratford Crossing, an addition to the City of Murphy according to the plat thereof recorded in Cabinet L, Slide 201, Map Records, Collin County, Texas;

THENCE North 00 degrees, 05 minutes, 15 seconds, West, following the Easterly line of said Wellington Lane and said Stratford Crossing, a distance of 200.26 feet to a one-half inch iron rod with cap marked "Roome" found for corner in the Southerly line of said Betsy Lane;

THENCE South 89 degrees 42 minutes, 29 seconds, East, departing the Easterly line of said Stratford Crossing following the Southerly line of said Betsy Lane, a distance of 330.19 feet to the POINT OF BEGINNING and containing 1.500 acres of land, more or less.

**EXHIBIT B****Ordinance No.****West Betsy Lane, west of North Murphy Road****PLANNED DEVELOPMENT CONDITIONS**

- I. **Statement of Purpose:** The purpose and intent of this Planned Development District is to permit the development of retail uses and to amend certain development conditions found in Planned Development District Ordinance 09-07-803.
- II. **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.
- III. **General Regulations:** All regulations of the R (Retail) District set forth in Chapter 30, Article 30.03, Division 14 of the City of Murphy Code of Ordinances (Ordinance No. 15-09-1002), as amended, are included by reference, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
  - A. **Permitted Uses:** All uses of the R (Retail) District shall be permitted. In addition, the following uses shall be permitted.
    1. Automotive Gasoline or Motor Fuel Service Station.
    2. Bank
    3. Offices (Health Services)
    4. Offices (Legal Services)
    5. Offices (Professional)
    6. Real Estate Offices
    7. School, K through 12 (Private) (SUP)
    8. Swim School
    9. Gymnastics
  - B. **Minimum Exterior Construction Standards, Building Materials and Design**
    1. There shall be a compatible architectural framework in which individual building sites and/or tenant character may be expressed. All buildings shall be finished on all sides in a compatible architectural concept and shall not detract from adjacent property.
    2. Building materials shall be of permanent, lasting quality and shall be of masonry construction. Masonry construction shall be construed to mean that form of construction composed of brick or stone (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include the following materials:
      - a. Hard fired brick (kiln fired clay or slate material; severe weather grade; minimum thickness of three inches when applied as a veneer; shall not include unfired or underfired clay, sand or shale brick; may include concrete brick if it conforms to the same ASTM

standards, and to the above stated additional standards, as hard fired clay brick).

- b. Stone (includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior building construction; may also include cast- or manufactured-stone product, provided that such product yields a highly textured, stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance-free; natural or man-made stone shall have a minimum thickness of three and five-eighths inches when applied as a veneer).
3. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure. This shall not be intended to prevent or exclude a national or regional retailer from using their prototypes.
  4. Each commercial building, complex of buildings, or separate commercial business enterprises 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 public view.
  5. 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. Minimum roof pitch of a gabled or otherwise pitched roof shall be at least 4:12, except for flat-roofed structures that shall have a highly articulated parapet that conceals the roof and any roof-mounted equipment.
  6. 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.
- E. Height Regulations: The maximum height shall be three (3) stories or forty-five feet (45') for the main building(s).
- F. Area Regulations
1. The minimum lot/tract area shall be ten thousand (10,000) square feet, except fifteen thousand (15,000) square feet for any site fronting Murphy Road.
  2. The minimum front yard shall be forty (40) feet. All yards adjacent to a street shall be considered a front yard for setback purposes.

3. The minimum side or rear yard adjacent to a residential zoning district shall be twenty (20) feet.
- G. Special Requirements: Driveways along Betsy Lane shall be located as shown on the "7-11" site plan and at the existing curb cuts on the property. One curb cut on Murphy Road shall be allowed in addition to the one shown on the "7-11" site plan.

### Reply Form 2017-001 Amendment to a Planned Development district (PD)

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



This letter is regarding a request for approval of the application of Engineering Concepts requesting approval of an amendment to Planned Development (PD) 09-07-803 to add Gymnastics as an approved use. Property is located on 1.19 acres having the legal description of ABS A0403 Isaac Herring Survey, Tract 30, located on the south west corner of North Murphy Road and Betsy Lane.

I am **IN FAVOR** of the request for approval of an amendment to PD 09-07-803.

I am **OPPOSED** to the request for approval of an amendment to PD 09-07-803.

This item will be heard at the **Planning & Zoning Commission on Monday, March 6, 2017 at 6:00 p.m. and by City Council on Tuesday, March 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.

*Gymnastics would be great across the street! Many of the clients coming to our veterinary clinic are also hoping that adult water aerobics will eventually be offered*

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

LORRAINE CHALKLEY LW Chalkley  
Name (Please Print) Signature

1101 N. MURPHY RD. 03.03.2017  
Address Date