

MURPHY CITY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING  
NOVEMBER 19, 2013 AT 6:00 P.M.  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094



Eric Barna  
Mayor

Owais Siddiqui  
Mayor Pro Tem

Ben St. Clair  
Deputy Mayor Pro Tem

Scott Bradley  
Councilmember

Betty Spraggins  
Councilmember

Bernard Grant  
Councilmember

Rob Thomas  
Councilmember

James Fisher  
City Manager

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 November 5, 2013 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**1. CALL TO ORDER**

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

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

**4. PUBLIC COMMENTS**

**5. PRESENTATION ITEMS :**

A. Presentation of Keep Murphy Beautiful Mascot and Poster Contest Winners

**6. 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 upon the November 5, 2013 regular meeting minutes.

**7. INDIVIDUAL CONSIDERATION**

A. Hold a public hearing and consider and/or act on the application of Elevate Church to re-plat 701 E. FM 544.

B. Consider and/or act on the application of Elevate Church to revise the site plan of 701 E. FM

C. Hold a public hearing and consider and/or act on the application of Ann B Pierce, Gabriel Kiros and Tiruwork Abraha requesting to approve a change in zoning from SF-20 (Single Family 20 Residential) Development to PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and PD requirements on approximately 14 acres of property located southwest of FM 544 and east of and adjacent to south Maxwell Creek Road.

D. Hold a public hearing and consider and/or act on amending Murphy Code of Ordinances: Chapter 28 Development Standards, Article II Fencing, Walls and Screening; and Chapter 70 Subdivisions, Article II Procedures, Section 70-35 to amend the requirements for final plat approval.

E. Consider and/or act on amending Chapter 30, Code of Ordinances, to regulate the sale and possession of e-cigarette products.

- F. Consider and/or act upon a resolution casting votes for the position of Board of Director for the Central Appraisal District of Collin County.
- G. Discuss and provide an update on traffic control devices used in the closure of Grant Road at the Murphy city limit.
- H. Consider and/or act on an exception to the Alcohol Policy for the Murphy Community Center for the Board and Commission Appreciation Dinner scheduled for Thursday, December 12<sup>th</sup>, 2013.
- I. Consider and take action, if any, on a request for the institution of an Over 65 Tax Freeze.

#### 8. CITY MANAGER/STAFF REPORTS

North Murphy Road Construction Update  
Thanksgiving Holiday – City Hall Closed - November 28<sup>th</sup> & 29<sup>th</sup>  
Christmas in the Park – December 5<sup>th</sup>  
Board and Commission Celebration Dinner – December 12<sup>th</sup>  
Employee Luncheon – December 18<sup>th</sup>

#### 9. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on November 14, 2013 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Kristi Gilbert, TRMC, CMC, CPM  
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 [kgilbert@murphytx.org](mailto:kgilbert@murphytx.org).

*Notice of Possible Quorum: There may be a quorum of the 4B Community Development Corporation, the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Ethics Review Commission the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission may be present at the meeting, but they will not deliberate on any city business.*

**CITY COUNCIL MINUTES  
NOVEMBER 5, 2013 REGULAR CITY COUNCIL MEETING**

**1. CALL TO ORDER**

Mayor Pro Tem Siddiqui called the meeting to order at 6:00 p.m.

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

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

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

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Pro Tem Owais Siddiqui  
Deputy Mayor Pro Tem Ben St. Clair  
Councilmember Scott Bradley  
Councilmember Betty Nichols Spraggins  
Councilmember Bernard Grant  
Councilmember Rob Thomas

Councilmembers absent:  
Mayor Eric Barna

**4. PUBLIC COMMENTS –**

*Matt Springfield, 529 Windward Drive* - Mr. Springfield advised the Council of two water citations he received within a few days of each. Mr. Springfield stated he set a court date and showed up to find approximately 26 people that were in court only because of irrigation violations. Mr. Springfield asked the Council to consider a policy of a warning for first time offenses.

**5. PRESENTATION ITEMS –**

- A. Mayor Pro Tem Siddiqui presented a proclamation declaring November 2013 as Caregiver Awareness Month to Martha Wolfe and representatives of Relay for Life of Wylie/Sachse/Murphy.
- B. Candy McQuiston presented the 2013 Keep Murphy Beautiful Community Awards. The following awards were presented:
- Civic Award to the Murphy Historical Society
  - Media Award to Celso Martinez of Municipal Voice
  - Keep Murphy Beautiful Litter Law Award to Officer Aaron McCarty
  - Senior Citizen Award to Gus and Carol Delaloye
  - Friends of the Park Award to Brian Jones
  - HOA Beautification Award to the Maxwell Creek HOA
  - Volunteer of the Year Award to Raj Vishwanath
  - Youth Award to the Murphy Middle School Environmental Club

**6. 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 upon the October 15, 2013 regular meeting minutes.

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

***APPROVED***

Councilmember Bradley moved to approve the consent agenda as presented. Councilmember Grant seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

**7. INDIVIDUAL CONSIDERATION**

- A. Consider and/or act upon Murphy Central Park:
1. Operations policy, rentals and application for the amphitheater; and,
  2. Amended fee schedule for deposits and miscellaneous fees.

City Manager James Fisher presented the Council with the proposed policy and fees for the amphitheater usage. Mr. Fisher stated that the official grand opening of Central Park is scheduled for April 5, 2014.

Councilmember Bradley inquired as to how the park would be segmented and how access would be controlled for private events.

Councilmember Grant inquired about alcohol use and the requirement that commercial activities be submitted six months in advance.

Councilmember Thomas stated that he didn't want to see that residents have to jump through a lot of hoops to use the facility for small groups.

Councilmember Nichols-Spraggins inquired about security issues. Mr. Fisher stated that renters would have to coordinate with the Police Chief to address security requirements.

Mayor Pro Tem Siddiqui inquired as to how the noise ordinance played into the use of the amphitheater.

Mr. Fisher stated that the amphitheater must meet the noise requirements of the city.

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

***NO ACTION***

Council took no action on the item.

- B. Discussion regarding board and commission activities, including events and training.

Mr. Fisher stated that the dinner is traditionally provided as a means of recognizing board and commission members, however, the numbers have dwindled in recent years.

Councilmember Grant offered an alternate option to recognize a different board each month and allow them time to be recognized, as well as, giving the opportunity to voice concerns or ask questions.

Mayor Pro Tem Siddiqui suggested establishing a Council liaison for each board or commission.

Council held discussions with regard to various recognition programs.

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

No action was taken.

**NON ACTION ITEM**

- C. Consider and/or take action on the Water Conservation/Drought Management Policy.

Mr. Fisher advised the Council that the North Texas Municipal Water District has moved to watering once every two weeks. Mr. Fisher stated that the City will be mailing postcards to residents next week advising of Murphy's watering days.

Deputy Mayor Pro Tem St. Clair stated he was in favor leaving the water days the same. Discussion was held with regard to watering days and coordinating with surrounding cities.

No action was taken. The Council then revisited the item after discussing Item 7.D. and took action.

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

Councilmember Bradley moved to amend the Ordinance 11-10-897 Section 82-373, Subsection B, to strike the sentence "All water customers using sprinklers or irrigation systems may only operate those systems on Thursdays, if needed". Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. (*Ordinance 13-11-961*)

- D. Consider and take appropriate action on a Resolution adopting an Advanced Funding Agreement with TxDOT for improvements along North Murphy Road.

Mr. Fisher stated the agreement was to extend culverts as part of the North Murphy Road construction. Mr. Fisher stated this has been ongoing for four years. Mr. Fisher stated the Murphy portion of the project cost of approximately \$41,000 would be coming from bond funds.

Councilmember Thomas inquired as to the possibility of including the item in the work session. Mr. Fisher stated that it would be included under project reviews.

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

Councilmember Bradley moved to approve a resolution adopting an Advanced Funding Agreement with TxDOT for improvements along North Murphy Road in the amount of \$40,900. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. (*Resolution 13-R-784 & CLA 201311001*)

**8. CITY MANAGER/STAFF REPORTS**

Mr. Fisher provided the Council with an update on the following items:

- North Murphy Road Construction Update -
- Murphy Central Park Construction Update and Opening Schedule
- PSA Murphy Opening
- Safe Routes to School Update
- Employee Cook Out – November 11<sup>th</sup>
- Christmas in the Park – December 5<sup>th</sup>

**9. ADJOURNMENT**

With no further business, the meeting was adjourned at 7:14 p.m.

APPROVED BY:

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

ATTEST:

\_\_\_\_\_  
Kristi Gilbert, City Secretary

**City Council**  
**November 19, 2013**

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**Issue**

Hold a public hearing and consider and/or act on the application of Elevate Church to re-plat 701 E. FM 544.

**Staff Resource/Department**

Kristen Roberts, Director of Community and Economic Development

**Considerations**

The purpose of this re-plat is to accommodate the removal of existing fire lane easement due to addition of parking spaces.

A cross access agreement between Elevate Church and the property owner to the east has been provided and is in review to ensure the west fire lane of the property to the east remains with any future development; this accommodates fire lane requirements.

**Board Discussion/Action**

On October 28, 2013, the Planning & Zoning Commission unanimously approved this item.

**Staff Recommendation**

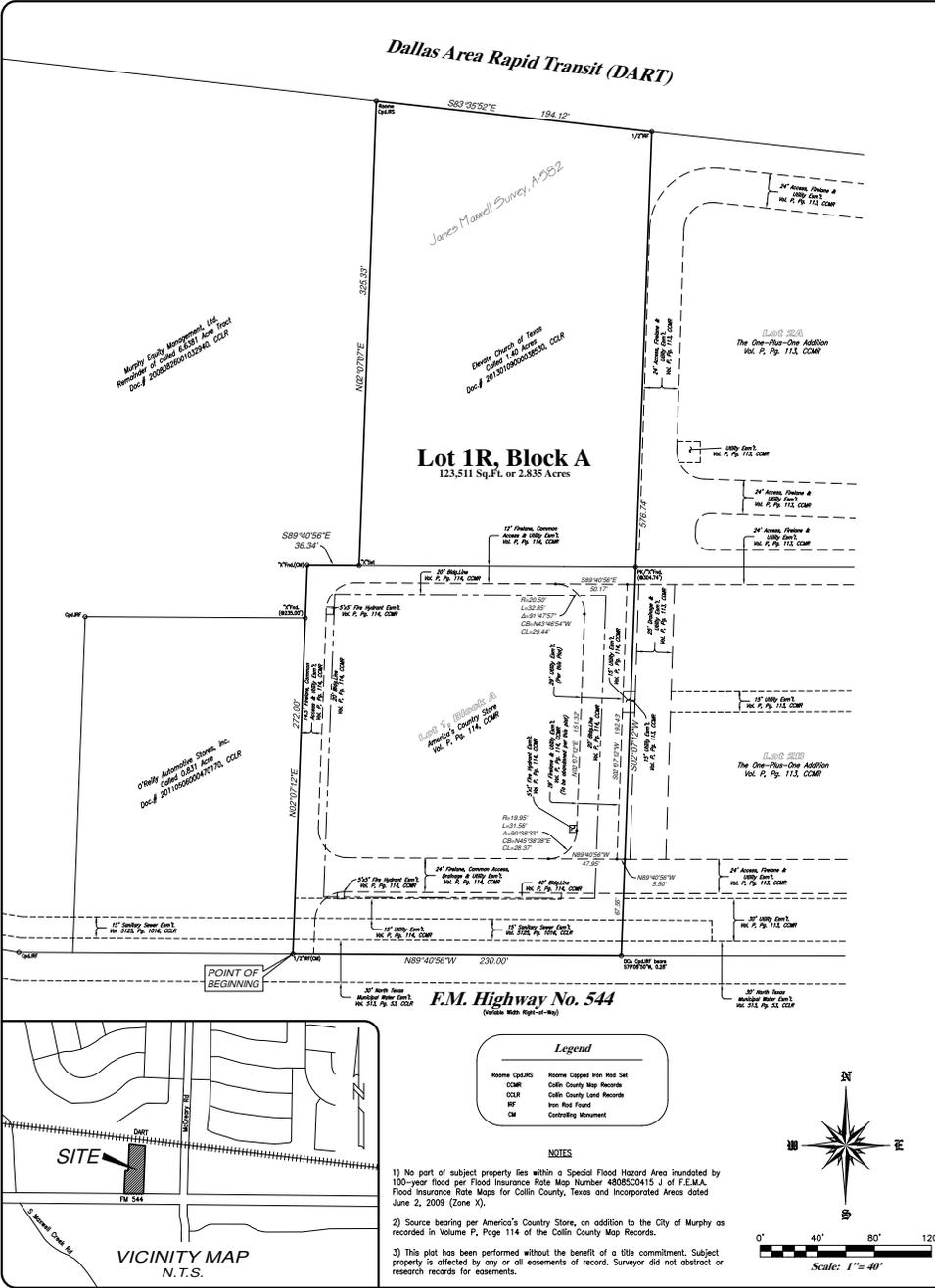
Motion to approve the re-plat as submitted.

**Attachments**

Re-plat

*Kristen Roberts, Director of Community and Economic Development*

**Submitted By**



**OWNER'S CERTIFICATE**

STATE OF TEXAS §  
COUNTY OF COLLIN §

WHEREAS **Elevate Church of Texas** is the owner of a tract of land situated in the State of Texas, County of Collin, and City of Murphy, being part of the James Maxwell Survey, Abstract No. 582, being all of Lot 1, Block A of America's Country Store, an addition to the City of Murphy as recorded in Volume P, Page 114 of the Collin County Map Records, and being all of a called 1.40 acre tract as recorded under Document No. 20110506000470170 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a 1/4-inch iron rod found in the north right-of-way line of F.M. Highway No. 544 (Variable Width Right-of-Way) marking the southwest corner of Lot 1, the southwest corner of said premises, and the southeast corner of a called 0.831 acre tract as recorded under Document No. 20110506000470170 of the Collin County Land Records;

THENCE with the west line of Lot 1, the west line of said premises, and the east line of said 0.831 acre tract, North 02°07'12" East, passing on "X" found at 235.00 feet marking the northeast corner of said 0.831 acre tract, and continuing for a total distance of 272.00 feet to an "X" found marking the northwest corner of Lot 1, and the most westerly northwest corner of said premises;

THENCE with the north line of Lot 1 and the north line of said premises, South 89°40'56" East, 36.34 feet to an "X" set marking an interior ell-corner of said premises and the southwest corner of said 1.40 acre tract;

THENCE with the west line of said 1.40 acre tract and a west line of said premises, North 02°07'07" East, 325.33 feet to a Rooms capped iron rod set in the south right-of-way line of the Dallas Area Rapid Transit (DART) Rail Line marking the northwest corner of said 1.40 acre tract and the most northerly northwest corner of said premises;

THENCE with the south right-of-way line of said DART line, the north line of said 1.40 acre tract, and the north line of said premises, South 83°35'52" East, 194.12 feet to a 1/4-inch iron rod found marking the northeast corner of said 1.40 acre tract, the northeast corner of said premises, and the northwest corner of Lot 2A of the One-Plus-One Addition, an addition to the City of Murphy as recorded in Volume P, Page 113 of the Collin County Map Records;

THENCE with the east line of said 1.40 acre tract, the east line of said premises, and the west line of said Lot 2A, South 02°07'12" West, passing a PK with "X" found at 34.74 feet marking the southeast corner of said 1.40 acre tract, the northeast corner of Lot 1, the southwest corner of said Lot 2A, and the northwest corner of Lot 2B of said One-Plus-One Addition along the east line of Lot 1 and the west line of said Lot 2B for a total distance of 576.74 feet to a point for corner in the north right-of-way line of F.M. Highway No. 544 marking the southeast corner of Lot 1, the southeast corner of said premises, and the southwest corner of said Lot 2B, from which a DCA capped iron rod found bears South 79°05'50" West, 0.28 feet;

THENCE with the north right-of-way line of F.M. Highway No. 544, the south line of Lot 1, and the south line of said premises, North 89°40'56" West, 230.00 feet to the point of beginning and containing 123,511 square feet or 2.835 acres of land.

**OWNER'S DEDICATION AND ACKNOWLEDGEMENT**

STATE OF TEXAS §  
COUNTY OF COLLIN §

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That **Elevate Church of Texas**, acting herein by and through his/its duly authorized officer(s), does hereby adopt this plat designating the herein above described property as **Lot 1R, Block A of America's Country Store**, an addition to the City of Murphy, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the city council of the city. In addition, utility easements may also be used for the manual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and city's use thereof. The city and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The city and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone. This plat approved subject to all plotting ordinances, rules, regulations and resolutions of the City of Murphy, Texas.

The undersigned does hereby covenant and agree that he (they) shall construct upon the fire line easements, as dedicated and shown hereon, a hard surface in accordance with the City of Murphy's posting standards for fire lines, and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire line easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lines, stating "Fire Lane, No Parking or Standing." The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lines, and to cause such fire lines and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Murphy, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

WITNESS, my hand, this the \_\_\_\_ day of \_\_\_\_\_, 2013.

Kalyn C. Brassfield  
Elevate Church of Texas

**ACKNOWLEDGEMENT**

STATE OF TEXAS §  
COUNTY OF COLLIN §

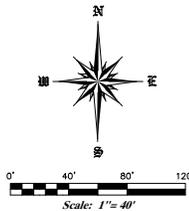
BEFORE ME, the undersigned authority, on this day personally appeared **Kalyn C. Brassfield**, known to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged to me that the same was executed for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_ day of \_\_\_\_\_, 2013.

Notary Public in and for  
The State of Texas

My commission expires on: \_\_\_\_\_

Notice: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.



**SURVEYOR'S CERTIFICATE**

STATE OF TEXAS §  
COUNTY OF COLLIN §

I, **F.E. Bemenderfer, Jr.**, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Murphy.

F.E. Bemenderfer, Jr.  
R.P.L.S. No. 4051



**ACKNOWLEDGEMENT**

STATE OF TEXAS §  
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared **F.E. Bemenderfer, Jr.**, known to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged to me that the same was executed for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_ day of \_\_\_\_\_, 2013.

Notary Public in and for  
The State of Texas

My commission expires on: **August 25, 2017**



**CITY APPROVAL OF CONSTRUCTION PLAT**

Approved for preparation of final plat following construction of all public improvements (or appropriate surties thereof) necessary for the subdivision shown on this plat.

RECOMMENDED BY: Planning and Zoning Commission  
City of Murphy, Texas

Signature of Chairperson \_\_\_\_\_ Date of Recommendation \_\_\_\_\_

APPROVED BY: City Council  
City of Murphy, Texas

Signature of Mayor \_\_\_\_\_ Date of Approval \_\_\_\_\_

ATTEST:

City Secretary \_\_\_\_\_ Date \_\_\_\_\_

**Construction Plat of**  
**Lot 1R, Block A**  
**America's Country Store**  
being a Replat of Lot 1, Block A  
America's Country Store and all of  
a called 1.40 Acre Tract  
James Maxwell Survey, Abstract No. 582  
City of Murphy, Collin County, Texas  
August 2013

Owner:  
Elevate Church of Texas  
PO Box 1954  
Wylie, TX 75098  
Attn: Kalyn C. Brassfield

Plotted by:  
**Roome Land Surveying, Inc.**  
2803 Avenue G, Suite 800  
Plano, Texas 75074  
Phone (972) 423-4472 / Fax (972) 423-7253  
www.roomeurveying.com

City Council  
November 19, 2013

**Issue**

Consider and/or act on the application of Elevate Church to revise the site plan of 701 E. FM 544.

**Staff Resource/Department**

Kristen Roberts, Director of Community and Economic Development

**Summary**

The applicant has submitted a revised site plan identifying the addition of 23 new parking spaces on the east side of the building.

**Considerations**

The future expansion of the building shown on the revised site plan is contingent on submittal and approval of construction plans to the City of Murphy that match the configuration of the building shown.

No building elevation was altered with the addition of the parking spaces; therefore, no elevation plans were submitted.

**Board Discussion/Action**

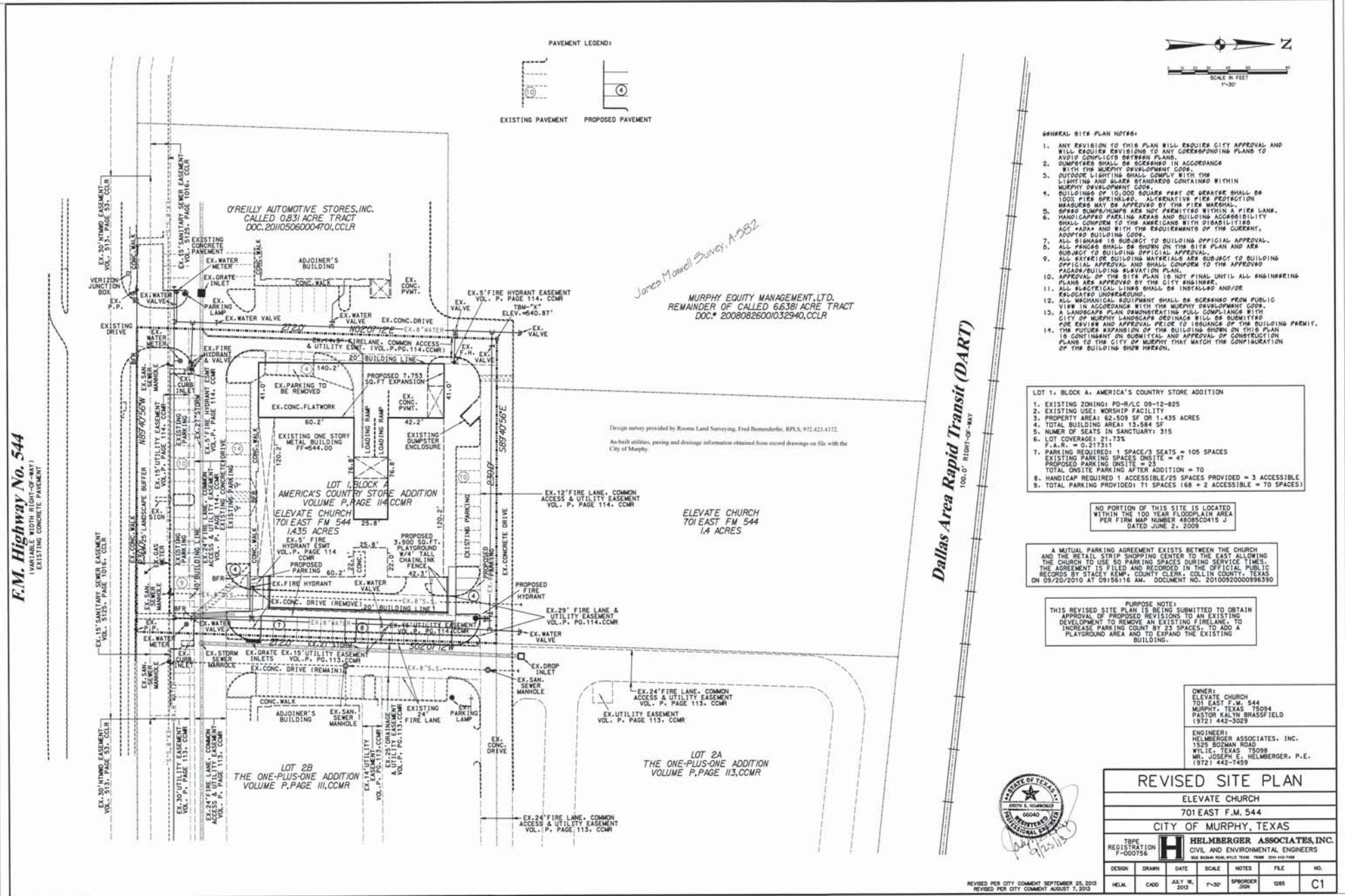
On October 28, 2013, the Planning & Zoning Commission unanimously approved this item.

**Staff Recommendation**

Staff recommends approval of the Elevate Church revised site plan as submitted.

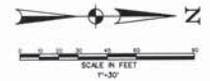
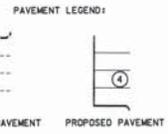
**Attachments**

Revised Site Plan



F.M. Highway No. 544  
 (VARIABLE WIDTH RIGHT-OF-WAY)  
 EXISTING CONCRETE PAVEMENT

Dallas Area Rapid Transit (DART)  
 100' RIGHT-OF-WAY



- GENERAL SITE PLAN NOTES:
1. ANY REVISION TO THIS PLAN WILL REQUIRE CITY APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
  2. DUMPSTERS SHALL BE SCREENED IN ACCORDANCE WITH THE MURPHY DEVELOPMENT CODES.
  3. OUTDOOR LIGHTING SHALL CONFORM WITH THE LIGHTING AND GLARE STANDARDS CONTAINED WITHIN MURPHY DEVELOPMENT CODES.
  4. BUILDINGS OF 10,000 SQUARE FEET OR GREATER SHALL BE 1000 FEET SPINELAND. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE MARSHAL.
  5. DEFEND DUMPSTERS ARE NOT PERMITTED WITHIN FIRE LANE.
  6. HANDICAPPED PARKING AREAS AND BUILDING ACCESSIBILITY SHALL CONFORM TO THE AMERICANS WITH DISABILITIES ACT (ADA) AND WITH THE REQUIREMENTS OF THE CURRENT, ADAPTED BUILDING CODES.
  7. ALL BUILDINGS ARE SUBJECT TO BUILDING OFFICIAL APPROVAL.
  8. ALL FINISHES SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO BUILDING OFFICIAL APPROVAL.
  9. ALL EXTERIOR BUILDING MATERIALS ARE SUBJECT TO BUILDING OFFICIAL APPROVAL AND SHALL CONFORM TO THE APPROVED FACADE/BUILDING ELEVATION PLAN.
  10. APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED BY THE CITY ENGINEER.
  11. ALL ELECTRICAL LINES SHALL BE INSTALLED AND/OR RELOCATED UNDERGROUND.
  12. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE MURPHY DEVELOPMENT CODES.
  13. A LANDSCAPE PLAN DEMONSTRATING FULL COMPLIANCE WITH CITY OF MURPHY LANDSCAPE ORDINANCES WILL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO ISSUANCE OF THE BUILDING PERMIT.
  14. THE FUTURE EXPANSION OF THE BUILDING SHOWN ON THIS PLAN IS CONTINGENT ON SUBMITTAL AND APPROVAL OF CONSTRUCTION PLANS TO THE CITY OF MURPHY THAT MATCH THE CONFIGURATION OF THE BUILDING SHOWN HEREON.

- LOT 1, BLOCK A, AMERICA'S COUNTRY STORE ADDITION
1. EXISTING ZONING: PD-R/LC 09-12-825
  2. EXISTING USE: WORSHIP FACILITY
  3. PROPERTY AREA: 62,509 SF OR 1.435 ACRES
  4. TOTAL BUILDING AREA: 13,584 SF
  5. NUMBER OF SEATS IN SANCTUARY: 315
  6. LOT COVERAGE: 21.73%
  7. F.A.R. = 0.217311
  8. PARKING REQUIRED: 1 SPACE/3 SEATS = 105 SPACES
  9. EXISTING PARKING SPACES ONSITE = 47
  10. PROPOSED PARKING ONSITE = 23
  11. TOTAL DEDICATED PARKING AFTER ADDITION = 70
  12. HANDICAP REQUIRED 1 ACCESSIBLE/25 SPACES PROVIDED = 3 ACCESSIBLE
  13. TOTAL PARKING PROVIDED: 71 SPACES 168 + 3 ACCESSIBLE = 70 SPACES

NO PORTION OF THIS SITE IS LOCATED WITHIN THE 100 YEAR FLOODPLAIN AREA PER FIRM MAP NUMBER 48089C0415 J DATED JUNE 2, 2009

A MUTUAL PARKING AGREEMENT EXISTS BETWEEN THE CHURCH AND THE RETAIL STRIP SHOPPING CENTER TO THE EAST ALLOWING THE CHURCH TO USE 50 PARKING SPACES DURING SERVICE TIMES. THE AGREEMENT IS FILED AND RECORDED IN THE OFFICIAL PUBLIC RECORDS BY STACEY KEMP, COUNTY CLERK, COLLIN COUNTY, TEXAS ON 09/20/2010 AT 09:56:11 AM. DOCUMENT NO. 20100920000996390

PURPOSE NOTE:  
 THIS REVISED SITE PLAN IS BEING SUBMITTED TO OBTAIN APPROVAL OF PROPOSED REVISIONS TO AN EXISTING DEVELOPMENT TO REMOVE AN EXISTING FIRELANE, TO INCREASE PARKING COUNT BY 23 SPACES, TO ADD A PLAYGROUND AREA AND TO EXPAND THE EXISTING BUILDING.

DOWNER:  
 ELEVATE CHURCH  
 701 EAST F.M. 544  
 MCKINNEY, TEXAS 75064  
 PASTOR KALVIN BRASSFIELD  
 (972) 442-3029

ENGINEER:  
 HELMBERGER ASSOCIATES, INC.  
 1525 BOZMAN ROAD  
 WYLLIE, TEXAS 75098  
 MR. JOSEPH E. HELMBERGER, P.E.  
 (972) 442-1459



<b>REVISED SITE PLAN</b>	
ELEVATE CHURCH 701 EAST F.M. 544	
CITY OF MURPHY, TEXAS	
TSBE REGISTRATION F-000756	<b>H</b> HELMBERGER ASSOCIATES, INC. CIVIL AND ENVIRONMENTAL ENGINEERS 608 BOZMAN ROAD, WYLLIE, TEXAS 75098 (972) 442-1459
DESIGN	DATE
HELM	07/11/2013
SCALE	NOTES
1"=30'	SPRINGER
FILE	NO.
C1	1285

REVISED PER CITY COMMENT SEPTEMBER 25, 2013  
 REVISED PER CITY COMMENT AUGUST 7, 2013

City Council  
November 19, 2013

**Issue**

Hold a public hearing and consider and/or act on the application of Ann B Pierce, Gabriel Kiroso and Tiruwork Abraha requesting to approve a change in zoning from SF-20 (Single Family 20 Residential) Development to PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and PD requirements on approximately 14 acres of property located southwest of FM 544 and east of the Timbers Community and adjacent to south Maxwell Creek Road.

**Staff Resource/Department**

Kristen Roberts, Director of Community and Economic Development

**Background**

For approximately four years, staff has worked closely with the majority property owner, Ann B Pierce, on numerous potential developments for this site that for various reasons did not come to fruition.

Staff had been working directly with the proposed single family residential developers of this site for approximately seven months prior to the proposed zoning change request brought forward to Planning & Zoning Commission for consideration on June 24, 2013. At that time, the request was denied by the Planning & Zoning Commission. The application was subsequently withdrawn by the applicant.

Since early July, staff has continued work with the proposed single family residential developers of this site. Both staff and the developer have worked at length to take into consideration various concerns of both residents and the Commission; including lot size, lot depth and street design.

**Summary**

1. The applicant submitted a concept plan as well as details for a Planned Development District on the approximately 14 acres. To address development specifics and details for the residential restrictions of the entire approximate 14 acres, the property must be zoned as a Planned Development District detailing uses and conditions.
2. The property is currently zoned Single Family Residential - 20 (SF-20). This single family zoning district does not allow the minimum requested lot size of SF-9; however, the applicant is requesting the approval of a Planned Development District in order to allow for a minimum of SF-9 and is proposing two types of lots and sizes, detailed below.
3. The residential properties to the immediate east, west and south are zoned SF-20.
  - a. Approximately 450 feet to the west, as seen on the City of Murphy's Zoning Map (Exhibit B), the residential properties are SF-9, SF-11 and SF-15.

**Note:** If the property were developed as currently zoned, SF-20 (Exhibit H) standards would apply including 25 feet minimum rear building line and minimum lot depth of 130 feet.

### **LOT SIZES**

The development proposes a residential development of 37 Single Family lots; two types of lots are proposed, Type A and Type B (Exhibit C).

#### **Type A**

- b. Type A lots – 19 are interior to the proposed neighborhood development and along the southern limits.
- c. Development standards proposed for Type A generally correspond to those established by the City of Murphy for SF-9 (Exhibit G), however the proposed Type A standards are more restrictive. For example:
  - i. Type A minimum lot size = 10,000 square feet; SF-9 minimum lot size = 9,000 square feet
  - ii. Type A minimum house size = 2,400 square feet; SF-9 minimum house size = 2,000 square feet

#### **Type B**

- a. Type B lots – 18 of this type are along the eastern and western sides of the neighborhood.
- b. Development standards proposed for Type B more closely reflect those of the neighborhoods they are adjacent to. As such, they are a composite of a number of the Single Family Residential zoning districts ranging from SF-9 to above and beyond SF-20 (Exhibit H). For example:
  - i. Type B minimum lot depth = 150 feet; SF-20 minimum lot depth = 130 feet
  - ii. Type B minimum rear building line = 40 feet; SF-20 minimum rear building line = 25 feet
  - iii. Type B minimum house size = 2,400 square feet; SF-20 minimum house size = 2,400 square feet

Note: The consideration of this single family zoning change is specific to the identified property and is not a consideration to create a new residential zoning category. Development of this property would be restricted to only residential use and per the specifications listed in the proposed Planned Development Standards.

## **STREETS AND ROADWAY**

### **Maxwell Creek**

- a. In conjunction with this proposed residential development, the developer will be aligning Maxwell Creek Road south at FM 544.
- b. This intersection will have a traffic signal by the end of 2013, according to TXDOT.

### **Oak Glen Drive**

Staff has worked very closely with the developer and discussed numerous options for the connection between Oak Glen Drive and south Maxwell Creek Road. Two options are being included for the Commission's review. (Exhibit D)

Staff is recommending Option 1; details for each are listed below.

#### **Option 1 – Oak Glen Drive to remain as is**

- a. Since the development of the Timbers Community, Oak Glen Drive has been in its current pattern, with a dead-end abutting the property of the proposed Magnolia Park neighborhood.
- b. Staff understands that at some point in the growth of the City, Oak Glen Drive will be extended through to south Maxwell Creek Road.
  - i. The developer has agreed to dedicate the right of way to the City to allow for this extension at a future, undefined date.
  - ii. At such time, the City of Murphy will incur the cost to construct the extension.
- c. Additionally, with Option 1, Magnolia Park proposes a large open space at the end of the street so the general appearance, when you are looking east along Oak Glen Drive, offers an enhanced landscaped view.

#### **Option 2 – extend Oak Glen Drive through to south Maxwell Creek**

- a. Detailed consideration was given to the fact that since the development of the Timbers Community, Oak Glen Drive has been in its current pattern, with a dead-end abutting the property of the proposed Magnolia Park neighborhood.
- b. The attached memo (Exhibit E) from Fire Chief Mark Lee details the reasoning for the connection of Oak Glen Drive to south Maxwell Creek Road to be built with this development.
- c. If the extension were to happen with this development, the developer will incur the cost to construct the extension.

### **Planned Development Standards for Magnolia Park**

Staff has reviewed the proposed Planned Development Standards (Exhibit F) and proposed Concept Plan (Exhibit A) and has included recommended considerations as noted below and redlined in Exhibit A.

1. Lots backing to the western property line
  - a. Staff recommends requiring an 8' board on board fence with steel posts on the common western property line. This fence maintenance shall be the responsibility of the Magnolia Park Homeowner's Association.
2. Additional recommended edits to the proposed Magnolia Park Planned Development District Requirements:
  - a. Add verbiage regarding that if the garage door faces the street, it shall be cedar clad;
  - b. Add verbiage that Minimum Tree Requirements for lots within Magnolia Park: all lots shall be required to have a total of three (4') caliper trees.

### **Public Notice**

A public hearing notification for this proposed zoning change request was published in the newspaper as well as notification being mailed to the property owners (Exhibit I) included in the required 200 feet notification radius (Exhibit J).

- a. The reply forms received at the time of this packet are included with this item (Exhibit K).

### **Board Discussion/Action**

On October 28, 2013, the Planning & Zoning Commission considered this item. Nine persons spoke at the public hearing; three spoke in favor of the development and 6 spoke against. The Planning & Zoning Commission voted to deny the request. The denial passed 4-3. No details were discussed as to the denial.

### **Consideration**

As written in Section 86-147. City Council Consideration, of the Zoning Ordinance: Ultimate approval of any zoning request which was recommended for denial by the planning and zoning commission will require a three-fourths majority vote of the full city council.

**Staff Recommendation**

Staff recommends approval to include:

- Consideration be given to Option 1 for Oak Glen Drive
- Planned Development Standards and Concept Plan be approved with the amendments as noted in the Planned Development Standards
- Approval is contingent on the approval of a final site plan, landscape plan and construction plat including all associated engineering documents.

**Attachments**

Exhibit A - Proposed Magnolia Park Concept Plan

Exhibit B - City of Murphy Zoning Map – proposed Magnolia Park location indicated

Exhibit C - Proposed Lot Configuration – Type A and Type B

Exhibit D - Oak Glen Drive - Option 1 and Option 2

Exhibit E - Memo – Fire Chief Mark Lee

Exhibit F - Proposed Magnolia Park Planned Development Standards

Exhibit G - SF-9, Single Family Residential SF-9 District

Exhibit H - SF-20, Single Family Residential SF-20 District

Exhibit I - Public Notice Mailing List for Magnolia Park Zoning Request

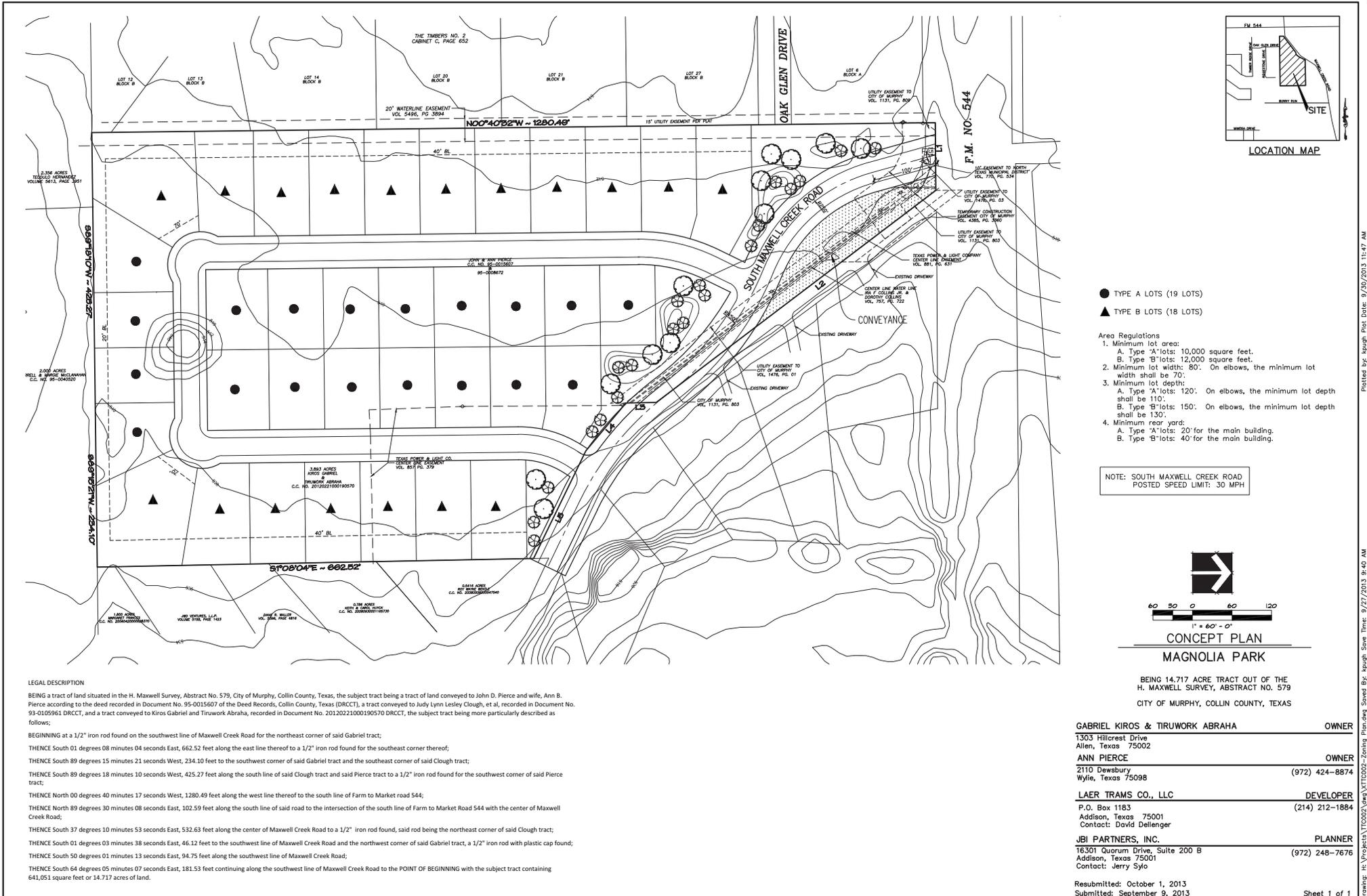
Exhibit J - Required Notice Buffer Map (within 200 feet of proposed location; as required)

Exhibit K - Public Notice Reply Forms received

Exhibit L – Zoning Request Appeal Letter

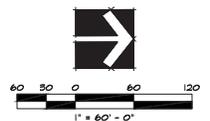
# Exhibit A

## Proposed Magnolia Park Concept Plan



- TYPE A LOTS (19 LOTS)
  - ▲ TYPE B LOTS (18 LOTS)
- Area Regulations
1. Minimum lot area:
    - A. Type "A" lots: 10,000 square feet.
    - B. Type "B" lots: 12,000 square feet.
  2. Minimum lot width: 80'. On elbows, the minimum lot width shall be 70'.
  3. Minimum lot depth:
    - A. Type "A" lots: 120'. On elbows, the minimum lot depth shall be 110'.
    - B. Type "B" lots: 150'. On elbows, the minimum lot depth shall be 130'.
  4. Minimum rear yard:
    - A. Type "A" lots: 20' for the main building.
    - B. Type "B" lots: 40' for the main building.

NOTE: SOUTH MAXWELL CREEK ROAD  
POSTED SPEED LIMIT: 30 MPH



**CONCEPT PLAN**  
**MAGNOLIA PARK**

BEING 14.717 ACRE TRACT OUT OF THE  
H. MAXWELL SURVEY, ABSTRACT NO. 579  
CITY OF MURPHY, COLLIN COUNTY, TEXAS

**LEGAL DESCRIPTION**

BEING a tract of land situated in the H. Maxwell Survey, Abstract No. 579, City of Murphy, Collin County, Texas, the subject tract being a tract of land conveyed to John D. Pierce and wife, Ann B. Pierce according to the deed recorded in Document No. 95-0015607 of the Deed Records, Collin County, Texas (DRCC), a tract conveyed to Judy Lynn Lesley Clough, et al, recorded in Document No. 93-0105961 DRCC, and a tract conveyed to Kiros Gabriel and Tiruwork Abraha, recorded in Document No. 20120221000190570 DRCC, the subject tract being more particularly described as follows;

BEGINNING at a 1/2" iron rod found on the southwest line of Maxwell Creek Road for the northeast corner of said Gabriel tract;

THENCE South 01 degrees 08 minutes 04 seconds East, 662.52 feet along the east line thereof to a 1/2" iron rod found for the southeast corner thereof;

THENCE South 89 degrees 15 minutes 21 seconds West, 234.10 feet to the southwest corner of said Gabriel tract and the southeast corner of said Clough tract;

THENCE South 89 degrees 18 minutes 10 seconds West, 425.27 feet along the south line of said Clough tract and said Pierce tract to a 1/2" iron rod found for the southwest corner of said Pierce tract;

THENCE North 00 degrees 40 minutes 17 seconds West, 1280.49 feet along the west line thereof to the south line of Farm to Market road 544;

THENCE North 89 degrees 30 minutes 08 seconds East, 102.59 feet along the south line of said road to the intersection of the south line of Farm to Market Road 544 with the center of Maxwell Creek Road;

THENCE South 37 degrees 10 minutes 53 seconds East, 532.63 feet along the center of Maxwell Creek Road to a 1/2" iron rod found, said rod being the northeast corner of said Clough tract;

THENCE South 01 degrees 03 minutes 38 seconds East, 46.12 feet to the southwest line of Maxwell Creek Road and the northwest corner of said Gabriel tract, a 1/2" iron rod with plastic cap found;

THENCE South 50 degrees 01 minutes 13 seconds East, 94.75 feet along the southwest line of Maxwell Creek Road;

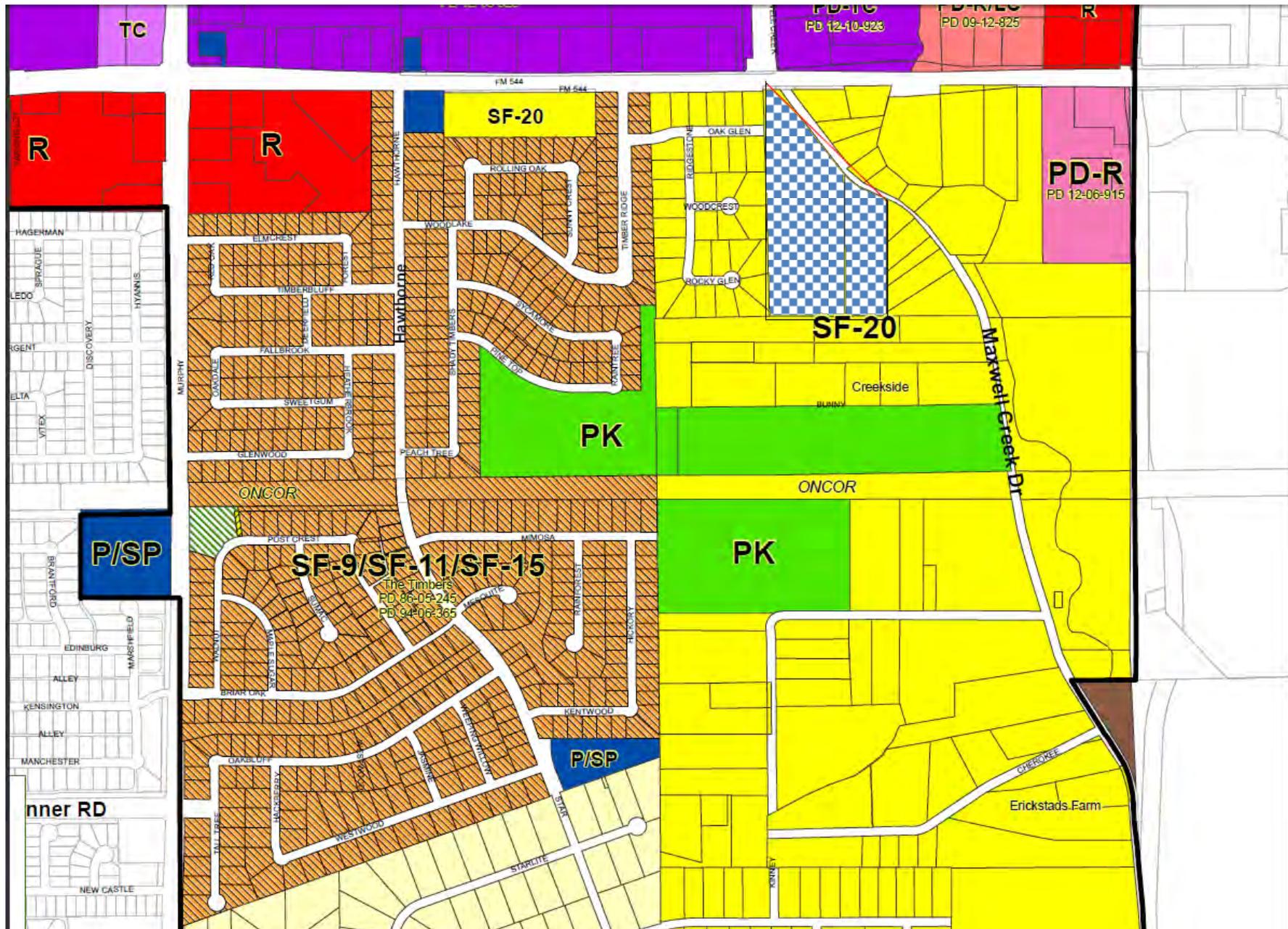
THENCE South 64 degrees 05 minutes 07 seconds East, 181.53 feet continuing along the southwest line of Maxwell Creek Road to the POINT OF BEGINNING with the subject tract containing 641,051 square feet or 14.717 acres of land.

<b>GABRIEL KIROS &amp; TIRUWORK ABRAHA</b> 1303 Hillcrest Drive Allen, Texas 75002	<b>OWNER</b>
<b>ANN PIERCE</b> 2110 Dewsbury Wylie, Texas 75098	<b>OWNER</b> (972) 424-8874
<b>LAER TRAMS CO., LLC</b> P.O. Box 1183 Addison, Texas 75001 Contact: David Dellenger	<b>DEVELOPER</b> (214) 212-1884
<b>JBI PARTNERS, INC.</b> 16301 Quorum Drive, Suite 200 B Addison, Texas 75001 Contact: Jerry Sylo	<b>PLANNER</b> (972) 248-7676

Resubmitted: October 1, 2013  
Submitted: September 9, 2013

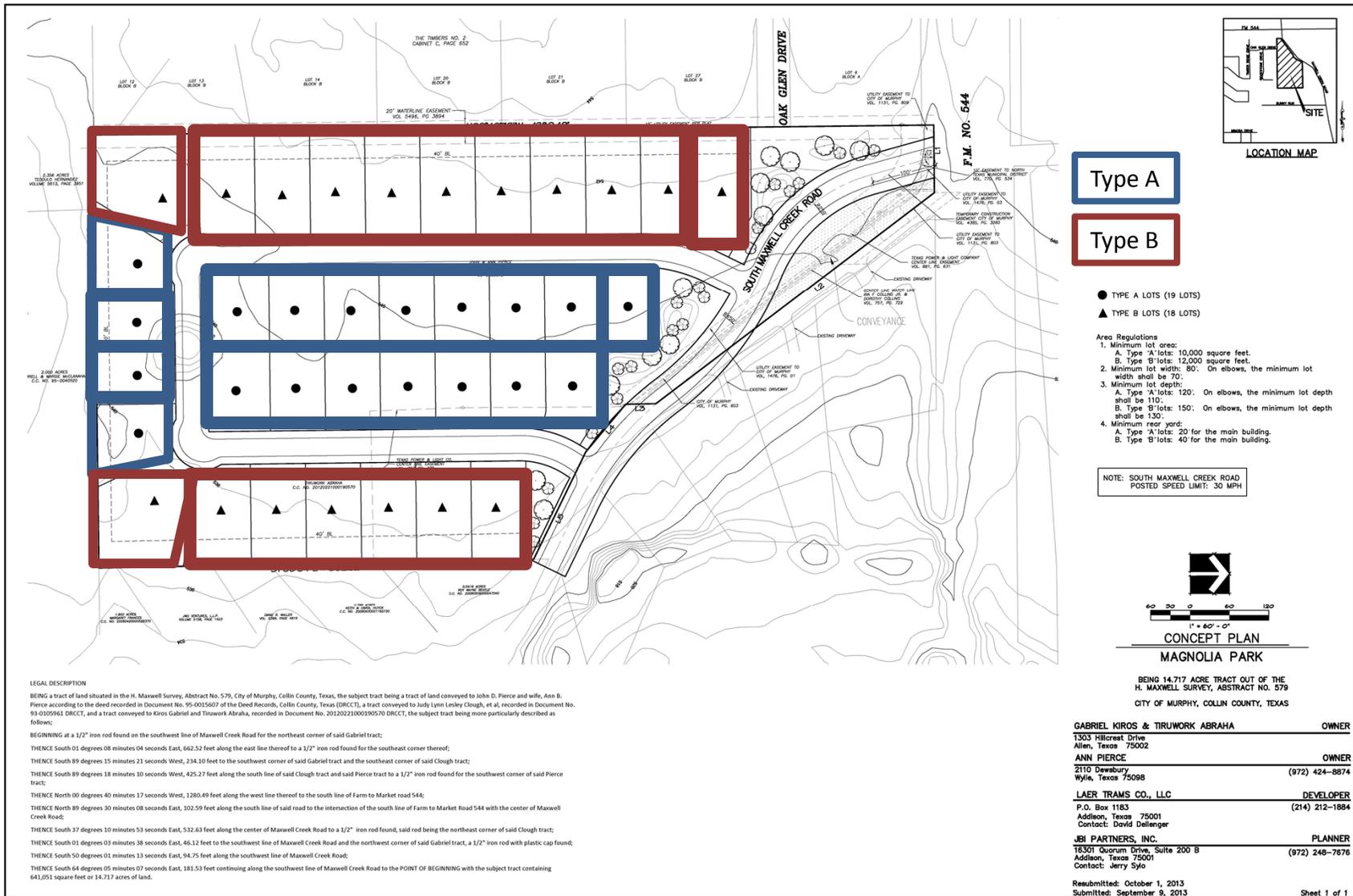
## Exhibit B

City of Murphy Zoning Map – proposed  
Magnolia Park location indicated



## Exhibit C

# Proposed Lot Configuration – Type A and Type B



Type A

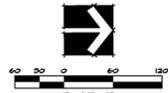
Type B

- TYPE A LOTS (19 LOTS)
- ▲ TYPE B LOTS (18 LOTS)

**Area Regulations**

1. Minimum lot area:
  - A. Type 'A' lots: 10,000 square feet.
  - B. Type 'B' lots: 12,000 square feet.
2. Minimum lot width: 60'. On elbows, the minimum lot width shall be 70'.
3. Minimum lot depth:
  - A. Type 'A' lots: 120'. On elbows, the minimum lot depth shall be 110'.
  - B. Type 'B' lots: 150'. On elbows, the minimum lot depth shall be 130'.
4. Minimum roof yard:
  - A. Type 'A' lots: 20' for the main building.
  - B. Type 'B' lots: 40' for the main building.

NOTE: SOUTH MAXWELL CREEK ROAD  
POSTED SPEED LIMIT: 30 MPH



**CONCEPT PLAN  
MAGNOLIA PARK**

BEING 14.717 ACRE TRACT OUT OF THE  
H. MAXWELL SURVEY, ABSTRACT NO. 579  
CITY OF MURPHY, COLLIN COUNTY, TEXAS

**GABRIEL KIROS & TRUWOK ABRAHA** OWNER

1303 Hilcrest Drive  
Allen, Texas 75002

**ANN PIERCE** OWNER

2110 Dewabury  
Wylie, Texas 75098 (972) 424-8874

**LAER TRANS CO., LLC** DEVELOPER

P.O. Box 1183  
Addicks, Texas 75001 (214) 212-1884  
Contact: David Dellenger

**JBI PARTNERS, INC.** PLANNER

18301 Quorum Drive, Suite 200 B  
Addicks, Texas 75001 (972) 248-8876  
Contact: Jerry Syo

Resubmitted: October 1, 2013  
Submitted: September 9, 2013

Sheet 1 of 1

Drawing: H:\Projects\110202\New\110202-2013\Plan\mg\_Plan.dwg Saved By: kugh Date: 9/27/2013 8:40 AM Plotted By: kugh Plot Date: 9/27/2013 11:47 AM

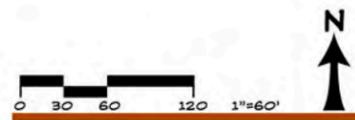
# Exhibit D

## Oak Glen Drive Option 1 and Option 2

OPTION 1



OPTION 2



OCT 21, 2013  
TTC002

# OAK GLEN OPTIONS

## MAGNOLIA PARK MURPHY, TEXAS

ENGINEERING, PLANNING, AND LANDSCAPE ARCHITECTURE  
FOR REAL ESTATE DEVELOPMENT

16301 QUORUM DR. SUITE 200 B  
ADDISON, TX 75001

## Exhibit E

### Memo – Fire Chief Mark Lee



From the Desk of  
Mark E. Lee  
Fire Chief

972/468-4300 tel  
972/468-4322 fax

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

## MEMORANDUM

To: James Fisher, City Manager  
From: Mark E. Lee, Fire Chief  
Date: 10/21/2013  
Re: Oak Glen Dr Extension

In regards to our discussion this morning please find the information below helpful.

There are 33 homes that use the intersection of Oak Glen and Timber Ridge as their point of ingress and egress for the neighborhood to the east of Timber Ridge Dr including the streets of Oak Glen Dr., Ridgestone Dr., Woodcrest Cir., and Rocky Glen Cir.

Oak Glen Dr. on the current east end appears to have been designed for extension when future development would take place in order to meet neighborhood design standards of providing two means of access to all neighborhoods. This allows the homes beyond the intersection of Timber Ridge Dr and Oak Glen Dr. to be accessed by emergency personnel and equipment in the event that another incident or local emergency has access blocked at the west end of Oak Glen Dr.

Recently we experienced a house fire on Timber Ridge Dr near the intersection with FM 544. The closest fire hydrant was located at the corner of Timber Ridge and Oak Glen. This intersection was closed for about two hours due to the fire hose blocking the street. Had another emergency come in on Oak Glen, Ridgestone, Woodcrest, or Rocky Glen then those residents would not have been accessible to emergency response vehicles.

The city code of ordinances also addresses this situation as described here:  
*503.2.5 Dead Ends.* Fire lane easements shall either connect both ends to a dedicated street or be provided with an approved turnaround. A cul-de-sac shall not exceed 600 feet in length as measured from the centerline of the intersecting street to the center point of the bulb of the cul-de-sac having a minimum 50-foot outer radius.

Public streets are also defined as fire access lanes. We have to consider this entire area to the east of Timber Ridge Dr. as one dead end unless we connect at more than one location.

Therefore, as discussed this morning, for access purposes the fire department is requesting that Oak Glen Dr be connected to S. Maxwell Creek Dr. as the vacant property develops at the east end of the current Oak Glen Dr. Should flow through traffic be of a concern then the fire department is

not opposed to a gate being installed where these two neighborhoods would connect and make this area emergency access only. After connecting Oak Glen Dr we still face an extended area on Ridgestone Dr and the circles off of this street that are not connected at more than one location. There are no other points of access readily available for these areas. The extension of Oak Glen does lessen the exposure to cutting residents off from services.

## Exhibit F

# Proposed Magnolia Park Planned Development Standards

**EXHIBIT \_**  
**MAGNOLIA PARK**  
**PLANNED DEVELOPMENT STANDARDS**

**GENERAL STANDARDS**

1. The design and development of the Magnolia Park neighborhood shall take place in general accordance with the attached Residential Concept Plan.
2. The Magnolia Park neighborhood shall be comprised of approximately 14.7 contiguous acres of land.

**RESIDENTIAL STANDARDS**

Development shall take place in accordance with development standards established in the Murphy Zoning Ordinance for the SF-9 zoning district, as it exists or may be amended, unless otherwise identified below.

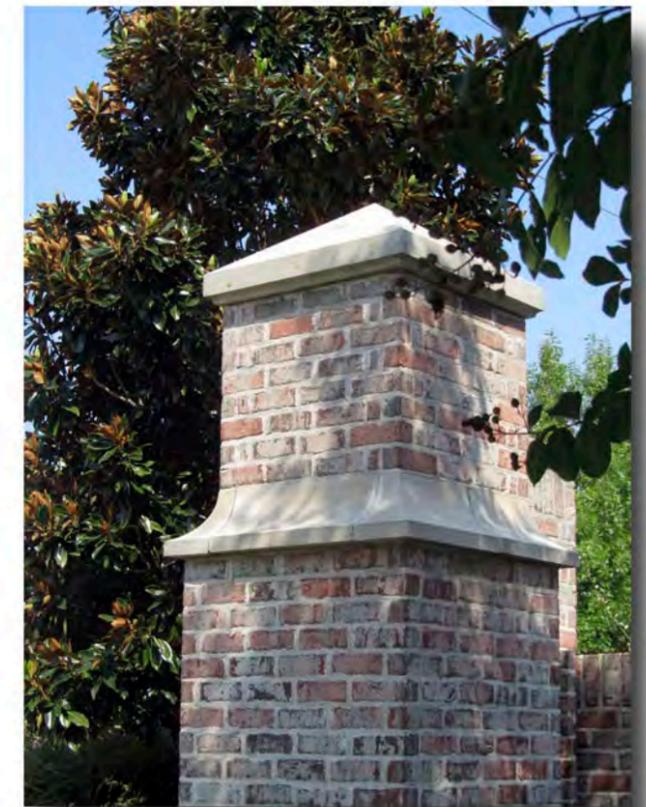
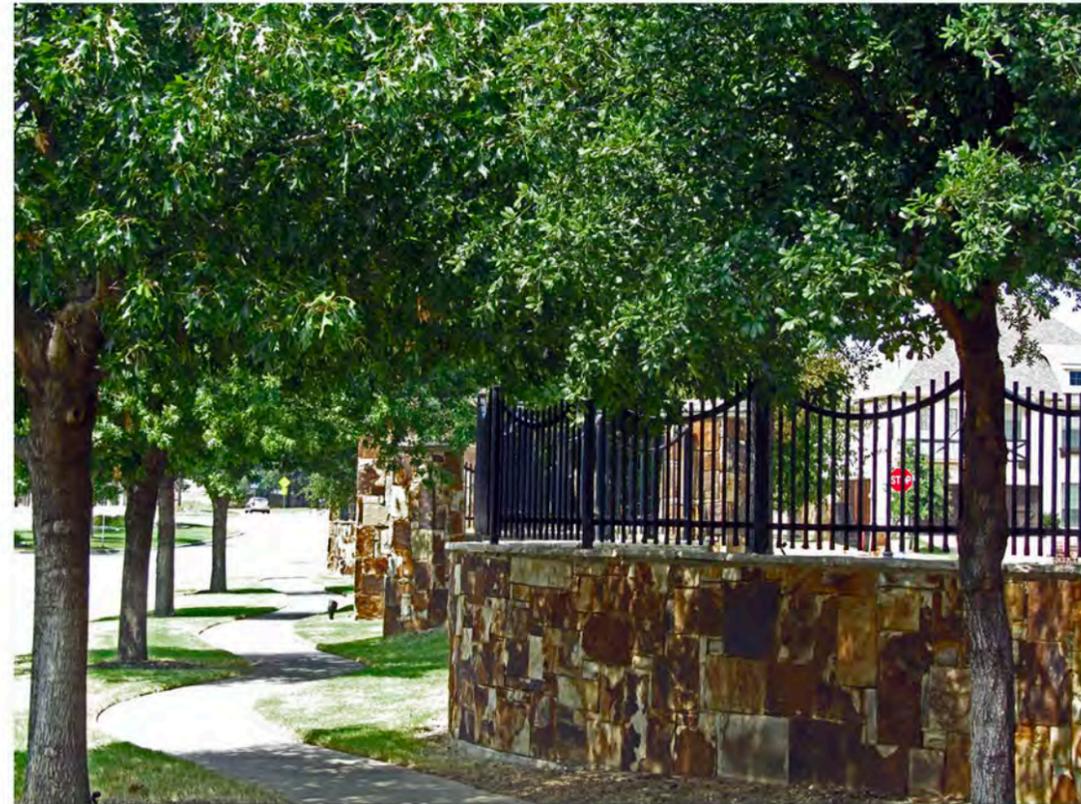
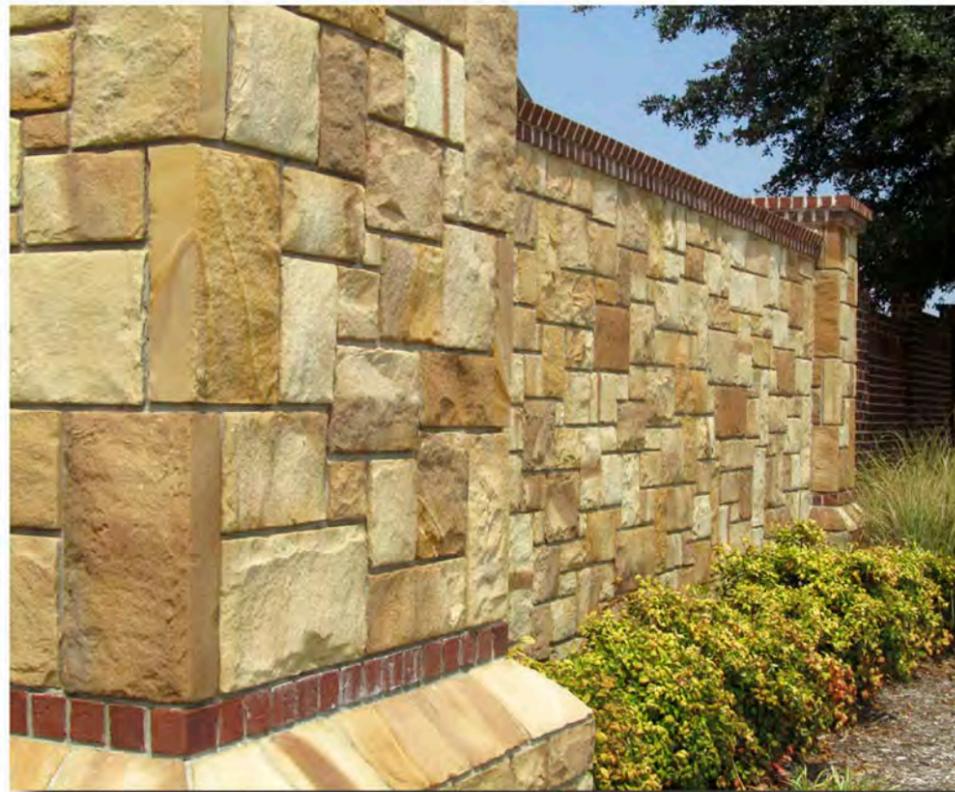
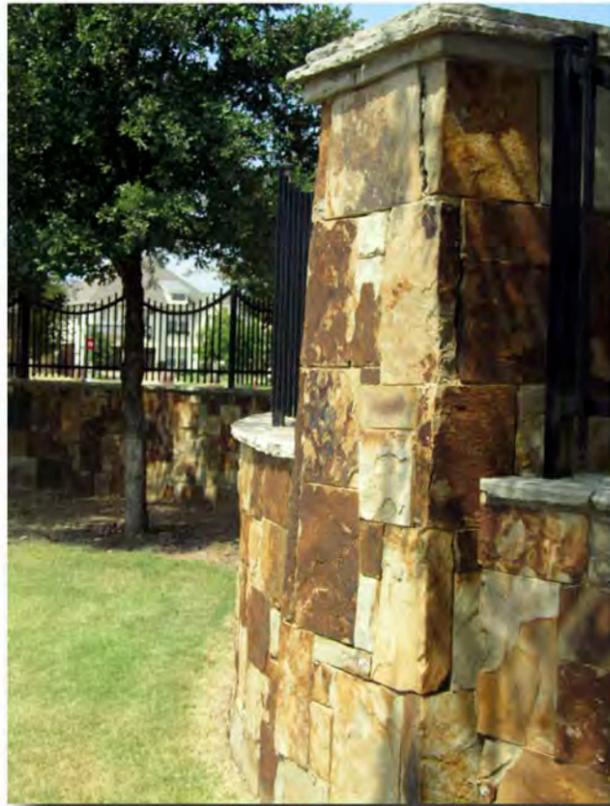
Area Regulations

1. Minimum lot area:
  - A. Type “A” lots: 10,000 square feet.
  - B. Type “B” lots: 12,000 square feet.
2. Minimum lot width: 80’. On elbows, the minimum lot width shall be 70’.
3. Minimum lot depth:
  - A. Type “A” lots: 120’. On elbows, the minimum lot depth shall be 110’.
  - B. Type “B” lots: 150’. On elbows, the minimum lot depth shall be 130’.
4. Minimum front yard: 20’. 24’ to the face of a garage door for front facing garages.
5. Minimum rear yard:
  - A. Type “A” lots: 20’ for the main building.
  - B. Type “B” lots: 40’ for the main building.
6. Minimum dwelling unit area: 2,400 square feet.

Neighborhood Standards

1. Fencing: All Fences along the ~~rear~~ property lines of Type “A” and “B” lots shall be a minimum 6’ and a maximum of 8’ in height. The fences shall be solid, board-on-board stained cedar with ~~metal-steel~~ posts and caps. All fences along the western property line of Type B lots shall be 8’ in height and shall be solid, board-on-board stained cedar with steel posts and caps.
2. Perimeter and neighborhood entry landscape treatments shall generally be in accordance with the attached Entry Treatments exhibit. A specific landscape plan for the neighborhood shall be provided in conjunction with the submittal of construction plans for the neighborhood.
- ~~2.3.~~ Minimum Tree Requirements for lots within Magnolia Park: all lots shall be required to have a total of three (4’) caliper trees

4. Neighborhood open spaces shall be platted as lots of record and shall be owned and maintained by a Homeowner's Association.
- ~~3.5.~~ If the garage door of the residential unit faces the street, it shall be cedar clad.



# ENTRY TREATMENTS

# MAGNOLIA PARK MURPHY, TEXAS

SEPT 9, 2013  
TTC002

ENGINEERING, PLANNING, AND LANDSCAPE ARCHITECTURE  
FOR REAL ESTATE DEVELOPMENT

16301 QUORUM DR. SUITE 200 B  
ADDISON, TX 75001

# Exhibit G

SF-9

Single Family Residential SF-9 District

**Murphy, Texas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 86 - ZONING >> ARTICLE III. - ZONING DISTRICTS >> DIVISION 7. SF-9, SINGLE-FAMILY RESIDENTIAL-9 DISTRICT (PD ONLY) >>**

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**DIVISION 7. SF-9, SINGLE-FAMILY RESIDENTIAL-9 DISTRICT (PD ONLY)**

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[Sec. 86-351. General purpose and description.](#)

[Sec. 86-352. Permitted uses.](#)

[Sec. 86-353. Height regulations.](#)

[Sec. 86-354. Area regulations.](#)

[Sec. 86-355. Special requirements.](#)

[Secs. 86-356—86-370. Reserved.](#)

**Sec. 86-351. General purpose and description.**

The SF-9, single-family residential-9, district is intended to provide for planned residential development of primarily detached, single-family residences on smaller and more compact lot/tracts of not less than 9,000 square feet in size, churches, schools and public parks in logical neighborhood units (allowed as a planned development only, no stand-alone SF-9 zoning districts shall be allowed). Areas zoned for the SF-9 district shall have, or shall make provision for, city water and sewer services. Areas zoned for the SF-9 district shall be designed to adequately accommodate storm drainage; they shall be paved concrete streets with logical and efficient vehicular circulation patterns which discourage nonlocal traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

*(Ord. No. 04-05-610, § 19.1, 5-17-2004)*

**Sec. 86-352. Permitted uses.**

Those uses listed for the SF-9 district in article VI of this chapter as "P" or "S" are authorized uses permitted by right or specially permitted uses, respectively. Special uses must be approved utilizing procedures set forth in article V of this chapter.

*(Ord. No. 04-05-610, § 19.2, 5-17-2004)*

**Sec. 86-353. Height regulations.**

Maximum height regulations for the SF-9 district shall be as follows:

- (1) Two and one-half stories, or 35 feet for the main building/house.
- (2) One story, or 16 feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.
- (3) Other requirements (see [chapter 28](#), article V).

*(Ord. No. 04-05-610, § 19.3, 5-17-2004; Ord. No. 05-03-645, § 5, 3-4-2005)*

**Sec. 86-354. Area regulations.**

- (a) *Size of lot/tracts.* The size of lots/tracts in the SF-9 district shall be as follows:
  - (1) Minimum lot/tract area: 9,000 square feet; the minimum average lot/tract area shall be 10,500 square feet in order to provide diversity in lot/tract sizes within each SF-9 neighborhood.

- (2) Minimum lot/tract width: 75 feet.
  - (3) Minimum lot/tract depth: 120 feet.
- (b) *Size of yards.* The size of yards in the SF-9 district shall be as follows:
- (1) Minimum front yard: 25 feet.
  - (2) Minimum side yard: Eight feet for an interior side yard; 15 feet from a street right-of-way line for a corner lot/tract on a residential or collector street; 20 feet for a corner lot/tract on an arterial street; 25 feet from a street right-of-way line for a key corner lot/tract.
  - (3) Minimum rear yard: 20 feet for the main building.
- (c) *Maximum lot/tract coverage.* The maximum lot/tract coverage in the SF-9 district shall be 35 percent including main buildings and accessory buildings.
- (d) *Parking regulations.* Parking regulations for the SF-9 district shall be as follows:
- (1) Single-family dwelling unit: A minimum of two attached and enclosed parking spaces behind the front building line on the same lot/tract as the main structure, plus two additional parking spaces on a paved driveway (all concrete or a similar paved surface such as turf pavers, brick pavers).
  - (2) Other: See article VII, division 2 of this chapter regarding off-street parking and loading regulations.
- (e) *Minimum floor area per dwelling unit.* The minimum floor area per dwelling unit in the SF-9 district shall be 2,000 square feet.
- (f) *Minimum exterior construction standards.* See [chapter 28](#), article V for exterior construction standards.

(Ord. No. 04-05-610, § 19.4, 5-17-2004)

### **Sec. 86-355. Special requirements.**

- (a) *Recreational vehicles, travel trailers, mobile homes or motor homes.* Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes in the SF-9 district.
- (b) *Fencing.* Aboveground electrical fencing (does not include underground "virtual fencing," which is allowed), wire mesh (such as hog wire, chicken wire) and barbed wire are prohibited as perimeter fencing in the SF-9 district except for containment of farm animals on parcels of five or more acres.
- (c) *Open storage.* Open storage is prohibited in the SF-9 district (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
- (d) *Setbacks from garages or carports.* Single-family homes with side-entry garages in the SF-9 district where lot/tract frontage is only to one street (not a corner lot/tract) shall have a minimum of 24 feet from the door face of the garage or carport to the side property line with a paved six-foot hammerhead turnaround provided for on-site maneuvering of vehicles. The minimum setback from any garage door to a street or alley right-of-way line in the SF-9 district shall also be 24 feet.
- (e) *Enclosure or conversion of garage space.* The elimination of a garage space by enclosing or converting any portion of the garage space with a stationary building wall shall be prohibited in the SF-9 district unless another garage of the same size is built on the lot/tract within the proper setbacks, not exceeding the maximum lot/tract coverage, etc.
- (f) *Swimming pools.* For swimming pools in the SF-9 district see [chapter 18](#), article VI.
- (g) *Site plan approval for nonresidential use; service standards.* Site plan approval shall be required for any authorized nonresidential use in the SF-9 district. Any nonresidential land use which may be permitted in the SF-9 district shall conform to the NS neighborhood service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.
- (h) *Other regulations.* Other regulations for the SF-9 district shall be established by articles VI and VII of

this chapter.

*(Ord. No. 04-05-610, § 19.5, 5-17-2004)*

**Secs. 86-356—86-370. Reserved.**

# Exhibit H

SF-20

Single Family Residential SF-20 District

**Murphy, Texas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 86 - ZONING >> ARTICLE III. - ZONING DISTRICTS >> DIVISION 4. SF-20, SINGLE-FAMILY RESIDENTIAL-20 DISTRICT >>**

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**DIVISION 4. SF-20, SINGLE-FAMILY RESIDENTIAL-20 DISTRICT**

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[Sec. 86-291. General purpose and description.](#)

[Sec. 86-292. Permitted uses.](#)

[Sec. 86-293. Height regulations.](#)

[Sec. 86-294. Area regulations.](#)

[Sec. 86-295. Special requirements.](#)

[Secs. 86-296—86-310. Reserved.](#)

**Sec. 86-291. General purpose and description.**

The SF-20, single-family residential-20, district is intended to provide for development of primarily low-density detached, single-family residences on lot/tracts of not less than 20,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-20 district shall have, or shall make provision for, city water and sewer services. Areas zoned for the SF-20 district shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns which discourage nonlocal traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

*(Ord. No. 04-05-610, § 16.1, 5-17-2004)*

**Sec. 86-292. Permitted uses.**

Those uses listed for the SF-20 district in article VI of this chapter as "P" or "S" are authorized uses permitted by right or specially permitted uses, respectively. Special uses must be approved utilizing procedures set forth in article V of this chapter.

*(Ord. No. 04-05-610, § 16.2, 5-17-2004)*

**Sec. 86-293. Height regulations.**

Maximum height regulations for the SF-20 district shall be as follows:

- (1) Two and one-half stories, or 35 feet for the main building/house.
- (2) One story, or 16 feet for other accessory buildings, including detached garage, garden shed, accessory dwelling units, gazebo, etc.
- (3) Other requirements (see [chapter 28](#), article V).

*(Ord. No. 04-05-610, § 16.3, 5-17-2004)*

**Sec. 86-294. Area regulations.**

- (a) *Size of lot/tracts.* The size of lots/tracts in the SF-20 district shall be as follows:
  - (1) Minimum lot/tract area: 20,000 square feet.
  - (2) Minimum lot/tract width: 115 feet.
  - (3) Minimum lot/tract depth: 130 feet.

- (b) *Size of yards.* The size of yards in the SF-20 district shall be as follows:
- (1) Minimum front yard: 40 feet.
  - (2) Minimum side yard: 11 feet for an interior side yard; 15 feet from a street right-of-way line for a corner lot/tract on a residential or collector street; 20 feet for a corner lot/tract on an arterial street; 40 feet from a street right-of-way line for a key corner lot/tract.
  - (3) Minimum rear yard: 25 feet for the main building.
- (c) *Maximum lot/tract coverage.* The maximum lot/tract coverage in the SF-20 district shall be 35 percent including main buildings and accessory buildings.
- (d) *Parking regulations.* Parking regulations for the SF-20 district shall be as follows:
- (1) Single-family dwelling unit: A minimum of two attached and enclosed parking spaces behind the front building line on the same lot/tract as the main structure, plus two additional parking spaces on a paved driveway (all concrete or a similar paved surface such as turf pavers, brick pavers).
  - (2) Other: See article VII, division 2 of this chapter regarding off-street parking and for the SF-20 district loading regulations.
- (e) *Minimum floor area per dwelling unit.* The minimum floor area per dwelling unit in the SF-20 district shall be 2,400 square feet.
- (f) *Minimum exterior construction standards.* See [chapter 28](#), article V for exterior construction standards in the SF-20 district.

(Ord. No. 04-05-610, § 16.4, 5-17-2004)

### **Sec. 86-295. Special requirements.**

- (a) *Recreational vehicles, travel trailers, mobile homes or motor homes.* Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes in the SF-20 district.
- (b) *Fencing.* Aboveground electrical fencing (does not include underground "virtual fencing," which is allowed), wire mesh (such as hog wire, chicken wire) and barbed wire are prohibited as perimeter fencing in the SF-20 district except for containment of farm animals on parcels of five or more acres.
- (c) *Open storage.* Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
- (d) *Setbacks from garages or carports.* Single-family homes with side-entry garages in the SF-20 district where lot/tract frontage is only to one street (not a corner lot/tract) shall have a minimum of 24 feet from the door face of the garage or carport to the side property line with a paved six-foot hammerhead turnaround provided for on-site maneuvering of vehicles. The minimum setback from any garage door to a street or alley right-of-way line in the SF-20 district shall also be 24 feet (24 feet or build line).
- (e) *Enclosure or conversion of garage space.* The elimination of a garage space by enclosing or converting any portion of the garage space with a stationary building wall shall be prohibited in the SF-20 district unless another garage of the same size is built on the lot/tract within the proper setbacks, not exceeding the maximum lot/tract coverage, etc.
- (f) *Swimming pools.* For swimming pools in the SF-20 district see [chapter 18](#), article VI.
- (g) *Site plan approval for nonresidential use; service standards.* Site plan approval shall be required for any authorized nonresidential use in the SF-20 district. Any nonresidential land use which may be permitted in the SF-20 district shall conform to the NS neighborhood service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.
- (h) *Other regulations.* Other regulations for the SF-20 district shall be established by articles VI and VII of this chapter.

(Ord. No. 04-05-610, § 16.5, 5-17-2004)

**Secs. 86-296—86-310. Reserved.**

# Exhibit I

## Public Notice Mailing List for Magnolia Park Zoning Request

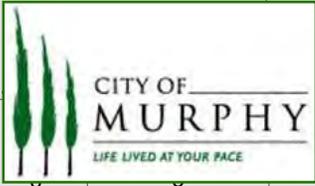
## 200 foot Public Notice Required for Zoning Change

### Mailing List for proposed Magnolia Park

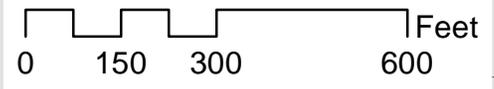
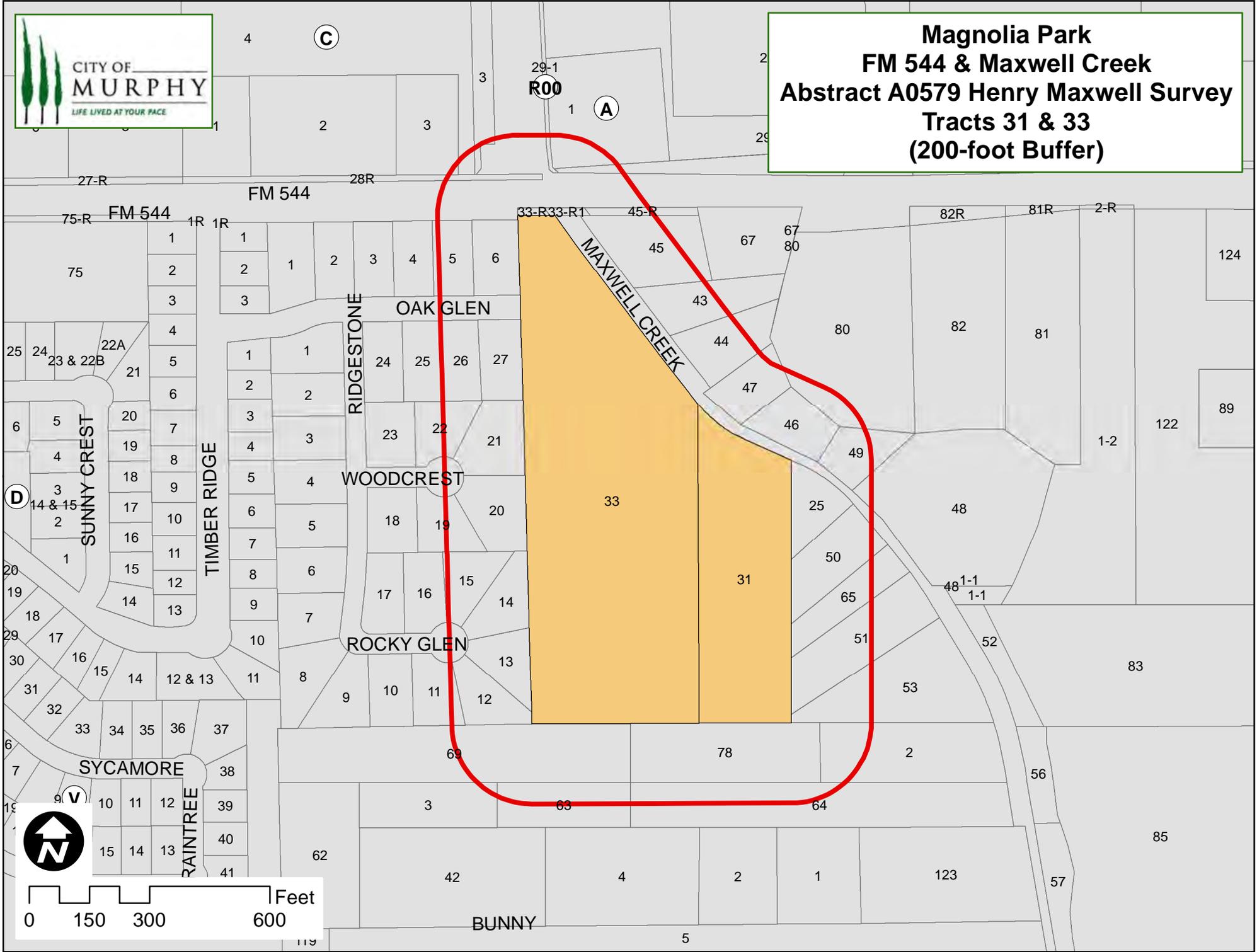
Andalusia Properties Inc, Racetrac
Ann Pierce
Bonita Menard
Champion Langford Properties
Charles & Clara Gallion
Darrell & Margie McClanahan
David & Tracy Cole
Dennis Baack
Diane Waller
Etta Fisher
Gregory & Elizabeth Blanock
Gwen & Kevin Durrant
James Brumit
James Collins
Jennifer Ann Berthiaume
Keith & Carol Huyck
Kevin McAllister
Kiros Gabriel & Abraha Tiruwork
Margaret Francis
Mark & Cynthia Bates
Maxwell Huffman
Michael Goggins
Raymond & Elizabeth Stelchek
Renee Huffman & Eddie Collins
Reza Alerasoul
Ronald & Patricia Williford
Roy Wayne Bentle
State of Texas c/o Ruben Delgado
Stephanie & Marcus Head
Syed Afsar
Teodulo Hernandez
Warren & Martha Gallion
William & Angela Burns

## Exhibit J

Required Notice Buffer Map  
(Within 200 feet of proposed location,  
as required)



**Magnolia Park  
FM 544 & Maxwell Creek  
Abstract A0579 Henry Maxwell Survey  
Tracts 31 & 33  
(200-foot Buffer)**

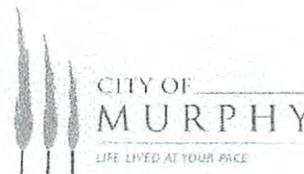


## Exhibit K

Public Notice Reply Forms received

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

         I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

  X   I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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 purchased in Murphy specifically due to the SF-20 zoning, plus Murphy's reputation for holding high zoning standards. Now, if the zoning were to change, our financial investment and quality of life would be impacted in an unacceptable way.

OCT 25 2013

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

W.N. Burns

Name (Please Print)

424 Rockyglan Cir

Address

W.N. Burns

Signature

10-25-2013

Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

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I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

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Is Maxwell creek still going to be moved?  
Is ~~there~~ there going to be any acreage donated to the city?  
If 14 acres equals 609K sq ft, SF20 equals 30 lots. If you want 35 ~~lots~~ houses on the property, lower it to SF-17. Why SF-9?

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

William F. Loh  
Name (Please Print)

William F. Loh  
Signature

2, Bunny Run  
Address

10-20-13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

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I am opposed to change that would make the lot sizes smaller than all of the surrounding lot sizes.

OCT 22 2013

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

C. Warren Gallion Jr  
Name (Please Print)

C. Warren Gallion Jr.  
Signature

423 Oak Glen Dr  
Address

10-22-2013  
Date



**Reply Form**

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094

Dear Commissioner / Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

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

Tim McClanahan  
Name (Please Print)

[Signature]  
Signature

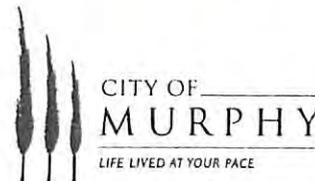
1475 Maxwell Creek Rd  
Address

10/24/13  
Date

10-23-13A10:32 RCVD

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

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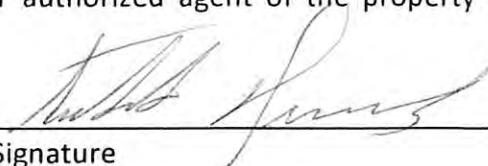
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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

TEROU HEINANDIZ  
Name (Please Print)

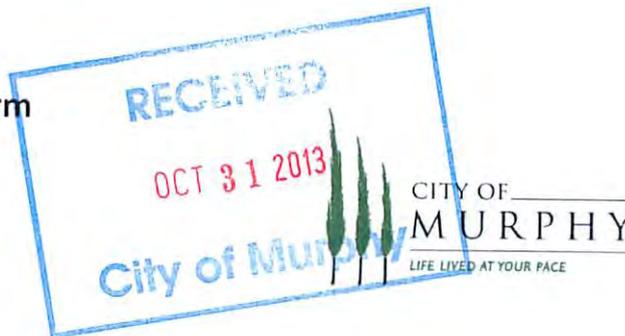
  
Signature

145 S-MAXWELL CREEK  
Address

10-22-13  
Date

Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

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*I moved to Murphy in 1986 because of the pride of being a community with large lots and country living. This is the last large area that we can pride ourselves by keeping this vision. I know Mrs. Pierce wants to sell her land but the developer needs to remember the community.*

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

Susan Baack

Name (Please Print)

Susan Baack

Signature

415 Woodcrest Ct.  
Address Murphy, TX 75094

10-26-13

Date

## Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

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The proposed zoning change would not be a "good fit for the existing neighborhood. This would allow twice as many homes as current zoning. Such development would eliminate our "country feel" by allowing a high number of homes in close proximity to one another. Please do Not approve this request

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  
Address Murphy TX 75094

10/28/13  
Date

RECEIVED

OCT 30 2013

Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



City Manager's Office  
CITY OF  
MURPHY  
LIFE LIVED AT YOUR PACE

Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

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

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

Stephanie Head  
Name (Please Print)

[Handwritten Signature]  
Signature

143 South Maxwell Creek  
Address

October 27, 2013  
Date

## Lori C. Knight

---

**From:** sbaack1@aol.com  
**Sent:** Sunday, October 27, 2013 9:07 PM  
**To:** Lori C. Knight  
**Subject:** planning &zoning pierce

I live at 415 Woodcrest Cr in Murphy. I want to let your office know that I do not want the area be rezoned from sf-20 to sf-9. I enjoy the larger lot area & would not appreciate having to look at smaller lots and two story homes. I moved here in 1986 to a community that pride itself as country living with large lots. We have lost that concept many years ago especially with the commercial businesses we have.

Please let us keep some of the last areas in Murphy with large lots or even park land. I have nothing against Mrs. Pierce selling her land, it is just the rezoning. Susan Baack

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

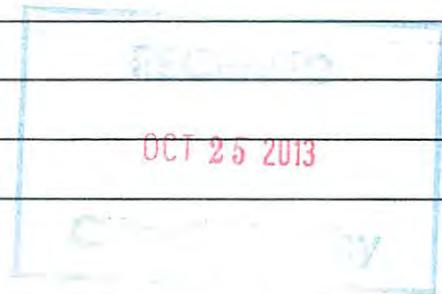
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USE IT FOR A PARK OR "SENIORS ONLY" GATED COMMUNITY



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

RAYMOND J STELCHER  
Name (Please Print)

Raymond J Stelcher  
Signature

116 S. MAXWELL CREEK RD  
Address

10-24-13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

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*We have enough businesses in Murphy already.*

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

PHIL RANFROW  
Name (Please Print)

Phil Ranfrow  
Signature

304 CAVE RIVER DR. MURPHY TX  
Address  
75094

10/23/13  
Date

### Reply Form

10-22-13A10:49 RCVD

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



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

Dear Commissioner /Councilmember:

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

Patricia Williford  
Name (Please Print)

Patricia Williford  
Signature

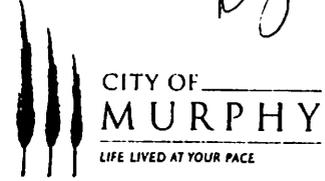
104 S. Maxwell Cr Rd  
Address

10-21-13  
Date

### Reply Form

10-23-13 AT 10:32 AM CVD

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

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

MICHAEL GOGGINS  
Name (Please Print)

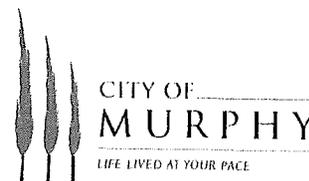
Michael Goggins  
Signature

112 S MAXWELL CREEK RD  
Address

10-22-13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



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This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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.

SF 20 RESIDENTIAL  
A single family home with Green areas  
not over one story would be an asset for  
the city; making a feeling of healthy community -  
Less Roof and concrete for water run off and  
possible flooding down stream.  
Maxwell Huffman  
10/21/13

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

MAXWELL HUFFMAN  
Name (Please Print)

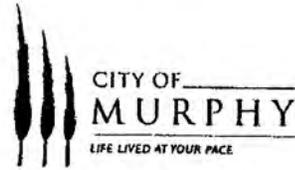
Maxwell Huffman  
Signature

4 BUNNY RUN  
Address

10/19/13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

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

MARY RENFROW  
Name (Please Print)

Mary Renfrow  
Signature

304 CAVE RIVER DR. MURPHY TX  
Address 75094

10-23-13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

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*The current zoning does not need to be changed. I am against a dense zoning change that does not meet with the comprehensive land use plan... our country feel in the city.*

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

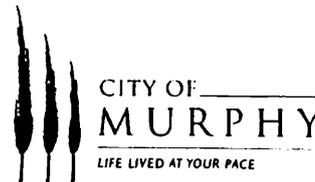
Martha Gallion  
Name (Please Print)

Martha Gallion  
Signature  
Oct. 20, 2013  
Date  
OCT 22 2013  
City of Murphy

423 Oak Glen Dr.  
Address  
Murphy, Tx 75094

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

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MARGARET OCTAVE  
Name (Please Print)

*M. Octave*  
Signature

141 S. Maxwell Creek Rd  
Address

10/19/13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094

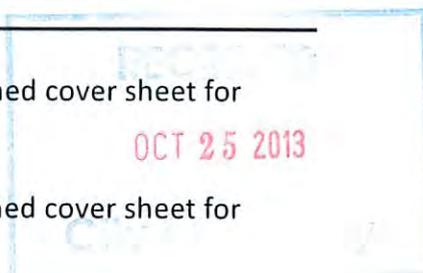


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This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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 would be interested in seeing if the City could/would acquire these 1 parcels (33+31) and zone for a public use area - parks, dog park, community area, etc. Is this possible? Realistically affordable??*

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

Liz Stelchek  
Name (Please Print)

*Liz Stelchek*  
Signature

116 S. Maxwell Creek Rd  
Lot #47  
Address

10/21/13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

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OCT 25 2013

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*I would be interested in seeing if the City could/would acquire these parcels (33+31) and zone for a public use area - parks, dog parks, community area, etc. Is this possible? Realistically affordable??*

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Liz Stelchek  
Name (Please Print)

*Liz Stelchek*  
Signature

116 S. Maxwell Creek Rd  
Lot #47  
Address

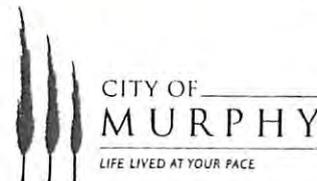
10/21/13  
Date

10-22-13 10:49 RCV

*ky*

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

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Keep it At SF-20 Single Family  
20 Residential

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

*Kenneth McAllister*  
Name (Please Print)

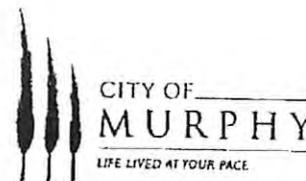
*K McAllister*  
Signature

108 S. MAXWELL CK  
Address

10-21-13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



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*I hope this change occurs for the city of Murphy. I think this is a great change and will help all of our values in the community. I have reviewed the changes for the new zoning and think it looks great. It will be an improvement for the area.*

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

Katina Stinson  
Name (Please Print)

Katina Stinson  
Signature

301 Royal Oak, Murphy, TX  
Address  
75094

10/22/13  
Date

Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



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

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

BRANDON KOVACH

Name (Please Print)

Brandon Kovach

Signature

332 LOVE BIRD LANE

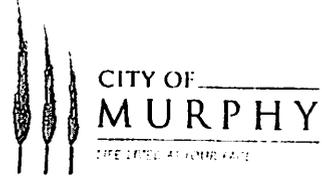
Address

10.22.13

Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



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I am in support of the Magnolia Park Development  
Murphy residents are interested in increasing their  
homes' value through quality single family  
residential housing.

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

Dawn Redmond

Name (Please Print)

309 Brookmeade Lane

Address Murphy, TX 75094

Dawn Redmond

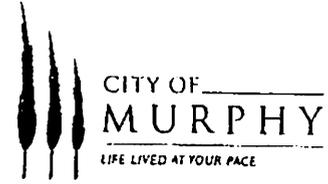
Signature

10/22/13

Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



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

Todd Brunskill  
Name (Please Print)

[Signature]  
Signature

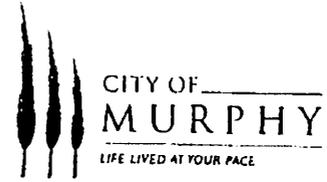
106 Love Bird  
Address

10/22/13  
Date



### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



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Marc C. Andriel  
Name (Please Print)

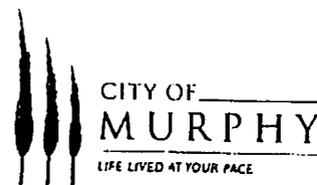
[Signature]  
Signature

120 Love Bird Ln. Murphy, TX 75094  
Address

10/22/2013  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

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

Erin Becker  
Name (Please Print)

Signature

116 Love Bird Ln Murphy, TX  
Address

10.22.13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



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

Ashtley Jones  
Name (Please Print)

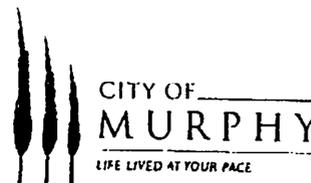
Ashtley Jones  
Signature

1010 Quail Hollow Ct.  
Address

10-27-13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



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

Ngoc Vo  
Name (Please Print)

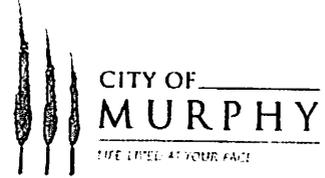
Ngoc Vo  
Signature

520 Smoke Tree Dr.  
Address Murphy TX 75094

10-22-13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



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*I am the seller's real estate agent and we are excited about the proposed development for Magnolia Park! We have had many potential buyers over the last four years, and this plan is the best by far! With over 17 years in real estate, I can honestly say, this change will be good for the area, the neighbors, and the City of Murphy. Thank you for your consideration.*

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

Vonda Bailey  
Name (Please Print)

Vonda Bailey  
Signature

2172 Beaver Creek Rd., Wylie  
Address

10/21/13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

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This project will be a great boost for property values.  
It will also be a welcome site to all the commercial  
building developing in Murphy to see a different  
development going on other than commercial.

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

Bronwyn Scarborough  
Name (Please Print)

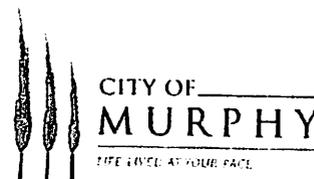
Bronwyn Scarborough  
Signature

521 waters Edge Way  
Address

10/23/13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

  X   I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

       I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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.

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

Margaret Beoussard  
Name (Please Print)

Margaret Beoussard  
Signature

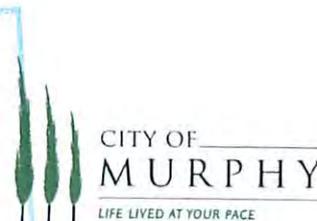
127 Creekside Rd Murphy  
Address

10/22/13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094

OCT 24 2013



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

\_\_\_\_\_ I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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 BOUGHT THIS PROPERTY BECAUSE OF ZONING SF-20. LIKE FOOLS WE THOUGHT WE & OUR NEIGHBORHOOD WAS PROTECTED. BECAUSE A FEW FOLKS WANT TO TURN A FAST BUCK & THE CITY CAN INCREASE IT'S TAX BASE, THE P&Z BOARD IS WILLING TO REZONE, AND THAT IS SAD. WHY HAVE ZONING IF YOU CAN'T TRUST YOUR P&Z FOLKS?

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

JIM DeMASTERS  
Name (Please Print)

Jim DeMasters  
Signature

416 ROCKYGLEN CIRCLE  
Address

10/22/13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

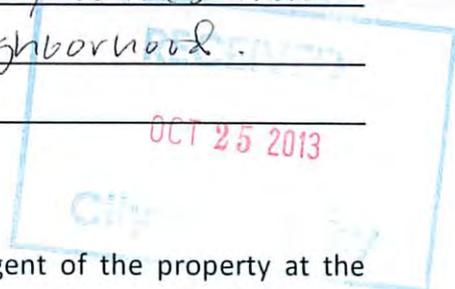
This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

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  X   I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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.

*This request does not conform to the City's Comprehensive Land Use Plan. SF-9 lots with two-story homes would not fit into the aesthetic of the neighborhood.*



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

Jennifer Berthiaume  
Name (Please Print)

Jay But  
Signature

416 WOODCREST CIR  
Address

10/23/2013  
Date



### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

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This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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 are opposed to the rezoning of less than SF-20.  
SF-9 is completely out of character from existing  
housing on both sides, and would greatly change  
the character of the <sup>surrounding</sup> neighborhoods.  
Development of the land at current zoning would  
sell, and we are not opposed to that.  
is feasible,

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

Gwen & Kevin Durrant  
Name (Please Print)

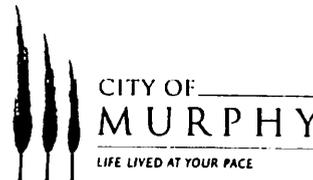
Signature

4116 Oak Glen Dr  
Address

10-22-13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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.

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

KIROS GABRIEL  
Name (Please Print)

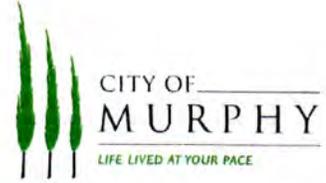
Carl Wip  
Signature

117 S. MAXWELL CREEK  
Address MURPHY TX 75094.

10 | 22 | 2013  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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.

on behalf of Murphy 4, Champion Langford +  
Allen + Leuchs  
TAX

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

Eric Langford  
Name (Please Print)  
5924 Twin Coves  
Address Dallas TX 75248

[Signature]  
Signature  
10/22/13  
Date



Steve Levy  
Chairman

Jon King  
Vice-Chairman

Ty Holcomb  
Secretary

Erik Hemphill  
Commissioner

John Johnson  
Commissioner

Camille Hooper  
Commissioner

Matthew Thekkil  
Commissioner

Greg Mersch  
Alternate

Kristen Roberts  
Director of Economic and  
Community Development

Lori C Knight  
Administrative Assistant

October 16, 2013

RE: ZF 2013-05, Magnolia Park; Zoning Change Request

Dear Property Owner:

Section 86-144. of the Murphy Texas Code of Ordinances requires that written notice of the public hearing be sent to all owners of property, as indicated by the most recently approved city tax roll, that is located within the area of the application, and within 200 feet of any property affected, said written notice.

This is to advise you that a public hearing will be held by the **Planning and Zoning Commission** on **Monday, October 28, 2013 at 6:00 p.m.** to consider the application of **Ann B Pierce, Gabriel Kiros and Tiruwork Abraha**. The applicant is requesting a change in zoning from SF-20 (Single Family-20 Residential) Development to PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on approximately 14 acres on property located southwest of FM 544 and Maxwell Creek.

If you would like to inform us of your opinion, a reply form is enclosed which can be mailed to the Community Development Department. Mail the reply form to: City of Murphy, Attn: Lori Knight, Community Development Department, 206 North Murphy Road, Murphy, Texas 75094 or [lknight@murphytx.org](mailto:lknight@murphytx.org).

The Planning and Zoning Commission agenda and City Council agenda are available 72 hours prior to the meeting at City Hall and on the City's website at [www.murphytx.org](http://www.murphytx.org). The **City Council** will conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013 at City Hall**. All interested parties are encouraged to attend.

To learn more about this application and details of the request or if you have any questions, please contact Kristen Roberts at (972) 468-4006 or [kroberts@murphytx.org](mailto:kroberts@murphytx.org) and/or Lori Knight at (972) 468-4014 or [lknight@murphytx.org](mailto:lknight@murphytx.org).

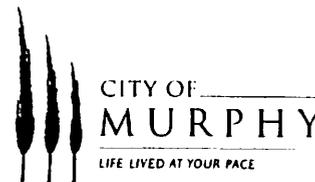
Sincerely,

Kristen Roberts  
Director of Economic and Community Development

Enclosures

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

         I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

  X   I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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 strongly oppose any change to the original zoning of SF-20. Any change will not keep the integrity of the surrounding houses which are SF-20, SINGLE STORY!!*

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

Elizabeth Blanock  
Name (Please Print)

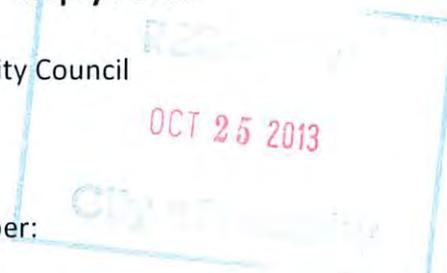
Elizabeth F. Blanock  
Signature

419 Woodcrest Circle  
Address

10/21/13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

         I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

  X   I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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 oppose changing the current zoning of this property from SF20. I bought my house in Murphy because the property was zoned SF20. I do not want the property to be re-zoned.*

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

Eddie Collins  
Name (Please Print)

*Eddie Collins*  
Signature

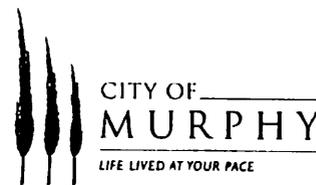
419 Rockyglan Circle  
Address

10/23/2013  
Date

rec'd 10-30-13 @ 12:50 pm

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

\_\_\_\_\_ I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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.

Much of the 14 acres will be used for streets so the homes will not be on lots comparable in size to homes surrounding the development. Too much traffic in this area. We need to keep a desirable part of Murphy natural!

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

Diane R. Waller  
Name (Please Print)

Diane Waller  
Signature

133 S. Maxwell ch  
Address  
75094

10-28-13  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

\_\_\_\_\_ I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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 remain opposed to the zoning request for the property located southwest of FM 544 and ~~Maxwell~~<sup>CPB</sup> Maxwell Creek, I believe it would cause significantly increased traffic and noise, and would detract from the environment currently enjoyed in the Timbers subdivision. Please continue to uphold the city's appeal of enjoying country life with bigger city amenities. Thank you!*

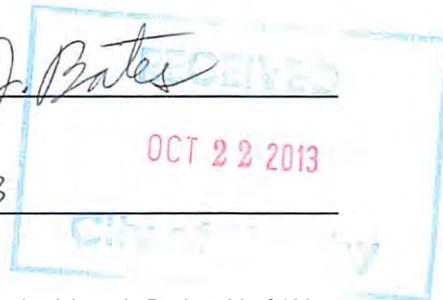
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Cynthia J. Bates  
Name (Please Print)

419 Oak Glen Drive  
Address

Cynthia J. Bates  
Signature

10/20/2013  
Date



### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

       I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

  X   I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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.

Five horizontal lines for writing comments. A blue rectangular stamp on the right side contains the date **OCT 22 2013** and the text **City of Murphy**.

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

CLARA BALLION  
Name (Please Print)

Clara Ballion  
Signature

424 Oak Glen Dr.  
Address

10-22-2013  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



OCT 25 2013

Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

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I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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.

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

Chris Grothe  
Name (Please Print)

[Signature]  
Signature

537 Axis Dr  
Address

10-23-13  
Date

Reply Form

Planning & Zoning Commission City Council  
100 North Main Street  
City of Dallas, Texas 75202

Dear Commission Members:

This letter is regarding 371018-05. This request is to consider the application of zone S-1 (Single-Family Residential) Development District to a PD (Planned Development) District for 371018-05 (Single-Family Residential) Development and single-family Residential Development District. The applicant is requesting a change in zoning to S-1 (Single-Family Residential) Development District for 371018-05. The applicant is requesting a change in zoning to S-1 (Single-Family Residential) Development District for 371018-05.

I am in FAVOR of the zoning request as explained on the attached cover sheet for 371018-05.

I am OPPOSED to the zoning request as explained on the attached cover sheet for 371018-05.

The item will be heard at the Planning & Zoning Commission on Monday, October 28 at 6:00 p.m. in the City Hall, 500 Marilla Street, Dallas, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at 6:00 p.m. on Tuesday, November 19, 2013. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, and attach for filing purposes.

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

\_\_\_\_\_  
Signature

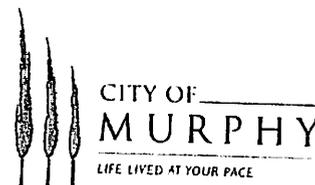
\_\_\_\_\_  
(Print Name Here)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

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  X   I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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.

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

Charles W. Gallion  
Name (Please Print)

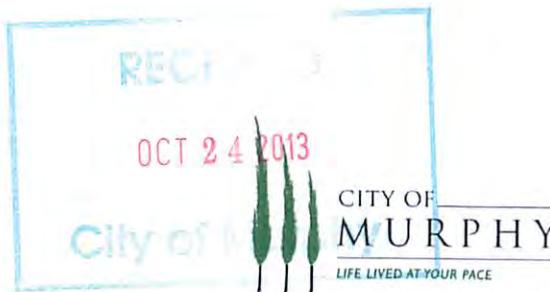
Charles W. Gallion  
Signature

4314 Oak Glen Dr. 75094  
Address

22 Oct 013  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

\_\_\_\_\_ I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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.

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

*Bonita Menard*  
Name (Please Print)

*Bonita Menard*  
Signature

*128 S. MAXWELL Creek Rd*  
Address

*10-22-2013*  
Date

### Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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.

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

Beth Grothe  
Name (Please Print)

Beth Grothe  
Signature

537 Axis Dr, Murphy  
Address

10/23/13  
Date

Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



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

Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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.

Four horizontal lines for writing comments.

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

ANN PIERCE  
Name (Please Print)

Ann Pierce  
Signature

2110 DEWBURY, WYLLIE  
Address

10/22/2013  
Date

Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094



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

Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

\_\_\_\_\_ I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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 leave the zoning the way that it is. Before we bought our home, we checked how the property behind us was zoned. We would not have purchased our home if we knew that a dis-similar zoning was behind our home. a higher density housing area behind us, would change our life style + home value we have today. Thankyou. Angela + Nate Burns*

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

Angela Burns  
Name (Please Print)

Angela Burns  
Signature

424 Rocky Glen Cir  
Address

10/23/13  
Date

\*came in after public meeting

Reply Form

Planning & Zoning Commission / City Council  
206 North Murphy Road  
Murphy, Texas 75094

OCT 24 2013



Dear Commissioner /Councilmember:

This letter is regarding ZF2013-05. This request is to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

         I am **IN FAVOR** of the zoning request as explained on the attached cover sheet for ZF2013-05.

I am **OPPOSED** to the zoning request as explained on the attached cover sheet for ZF2013-05.

This item will be heard at the Planning & Zoning Commission on **Monday, October 28 at 6:00 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. The City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission at **6:00 p.m. on Tuesday, November 19, 2013.** 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 BOUGHT THIS PROPERTY BECAUSE OF ZONING SF-20. LIKE FOOLS WE THOUGHT WE & OUR NEIGHBORHOOD WAS PROTECTED. BECAUSE A FEW FOLKS WANT TO TURN A FAST BUCK & THE CITY CAN INCREASE IT'S TAX BASE, THE PZ BOARD IS WILLING TO REZONE, AND THAT IS SAD. WHY HAVE ZONING IF YOU CAN'T TRUST YOUR PZ FOLKS?

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

JIM DEMASTERS  
Name (Please Print)

Jim DeMasters  
Signature

416 ROCKYGLEN CIRCLE  
Address

10/22/13  
Date

**Dear Planning & Zoning Commissioners:**

This letter regards ZF2013-05, a request to consider the application of **Ann B. Pierce, Gabriel Kiros and Tiruwork Abraha** requesting a change in zoning of approximately 14 acres from SF-20 (Single Family-20 Residential) to a PD (Planned Development) District for a SF-9 (Single Family-9 Residential) development and single family Planned Development District requirements on property located southwest of FM 544 and Maxwell Creek.

Neighbors within the 200-foot buffer zone have been appropriately notified, and many of us oppose the zoning request. Below, you will find signatures of many property owners who are against the zoning request. In addition to our individual comment response forms, please take this information into consideration.

If the zoning request is not recommended to be denied by the Planning & Zoning Commission, we do intend to appeal to the City Council per the "20 percent rule", which stipulates that if 20 percent or more of the affected land owners within the 200-foot buffer of the subject property are opposed, then Council must have a supermajority to vote in favor of the zoning request.

**We would like you to agree with the residents, as you have in the past, that this zoning request is not in the interest of the citizens of Murphy nor in the spirit dictated by the Comprehensive Land Use Plan.**

---

**— 20 PERCENT RULE —**


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**Protests.** For zoning and rezoning requests involving real property, a favorable vote of three-fourths of all members of the city council shall be required to approve any change in zoning when written objections are received from 20 percent or more of the land area covered by the proposed change, or of the land area within 200 feet of the subject property, in accordance with the provisions of V.T.C.A., Local Government Code §211.006, commonly referred to as the "20 percent rule." If a protest against such proposed zoning change has been filed with the city secretary, duly signed and acknowledged by the owners of 20 percent or more, either of the area of the land included in such a proposed change or those owners of property immediately adjacent to the subject property and extending 200 feet therefrom, such zoning change shall not become effective except by a three-fourths vote of the full city council.

---

**— RESIDENT SIGNATURES —**


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Based on GIS analysis using Collin County Parcel data, 42 properties adjacent to the subject property are directly affected by the zoning request. Of these, five (5) parcels are owned by the State of Texas as slivers along FM 544, and two (2) parcels are owned by the City of Murphy along Maxwell Creek Drive to the north of FM 544.

Regardless of ownership, **8.4 properties are needed to object in order for the 20 percent rule to take effect.**

Please see the attached signatures, addresses, and map of property owners who urge the Commission to deny the zoning request. Note that not all property owners were able to be contacted, so there may be more affected properties that submit individual notices against the zoning request.

OCT 25 2013

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

Printed Name	Address (all in Murphy, TX 75094)	Signature
1 Jennifer Burthiaume	416 Woodcrest Cir	Jennifer Burthiaume
2 MAY HUFFMAN	<del>#1</del> #4 BUNNY RUN	MAY HUFFMAN
3 Greg Blainock	419 Woodcrest Cir	Greg Blainock
4 Tracey Cole	420 Oak Glen Dr	Tracey Cole
5 C. Warren Gallion Jr.	423 Oak Glen Dr	C. Warren Gallion Jr.
6 Kevin M. Allister	108 S. Maxwell St	Kevin M. Allister
7 <del>Chris Burrell Bates</del> Burrell Bates	419 OAK GLEN DR	Burrell Bates
8 Charles W. Gallion	424 Oak Glen Dr	Charles W. Gallion
9 Eddie W Collins JR	419 Rocky Glen Circle	Eddie W Collins

From this point forward, we have reached above and beyond the 20 percent rule (in our case, 8.4 affected properties).

10 Chris Koleber	411 Woodcrest Cir.	Chris Koleber
11 Diane Weipandt	#12 Oak Glen	Diane Weipandt
12 Angela Burns	424 Rocky Glen Cir	Angela Burns
13 W. N. Burns	424 Rocky Glen Cir	W. N. Burns

14

15

16

17

RECEIVED

OCT 25 2013

City of Murphy

# FRIENDS

OF PIERCE FARMS AND  
COMMUNITY GARDEN

Dear Friend and Neighbor:

We have a unique opportunity to help determine what will be created in Murphy's last undeveloped parcels along FM 544 and Maxwell Creek Drive. We invite you to become part of the solution to keep Murphy beautiful and energize it with community spirit. Corporate forces have influenced City Council for new development, but citizens of Murphy have matured into a cohesive community and now want something different.

## — I S S U E —

Along FM 544, Murphy was developed into a drive-through, pass-through thoroughfare. Strip centers and fast food chains do not provide our residents, extended families or neighboring Texans with any motivation or a clear destination to stop and enjoy the City.

Murphy is already being recognized as a retirement community, a place where people of higher income and professional status want to retire. Traditionally, that has meant residents becoming isolated from the community, living in downsized houses or retirement homes. But Murphy residents are worth so much more than that. With the transfer from intense daily working life to retirement, and the fact that many people want or need to work later in their years, Murphy should be pursuing the creation of a micro-economy for people who want to have a "retirement career". Instead of empty-nesting and downsizing, let's work on upsizing their lives.

Our older generations have a lot to offer but no real place to offer it. The way to harness our residents' experience and knowledge is not to create single family housing units but instead to create a community district where that knowledge can be shared and enjoyed.

## — A V I S I O N F O R M U R P H Y —

Instead of waiting for the next corporation to stipulate the types of development, while having no living interest for the atmosphere surrounding our quiet neighborhoods, we need to step up and make our voices heard. Don't look at this as the chance to deny a plan that we don't agree with – look at this as an opportunity to create a vision of what we want.

We can start with the undeveloped land at FM 544 and Maxwell Creek Drive. This area is a prime location to create a "historic" downtown and boulevard district. Let's work on creating a vision for Murphy that will attract residents and visitors of all ages.

Imagine – holiday season. A boulevard with hanging lights, patios full of life and laughter, a horse-drawn carriage rolls by. On the south side of the intersection, families visit the local tree farm and community garden that have become anchors of daily activity for the community. Residents and their families walk along the City's planned bicycle/pedestrian trail that travels underneath FM 544 at Maxwell Creek. What was 60 mph has been slowed to pedestrian pace.

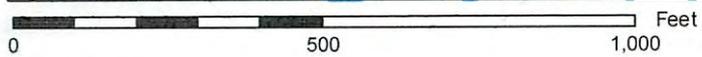
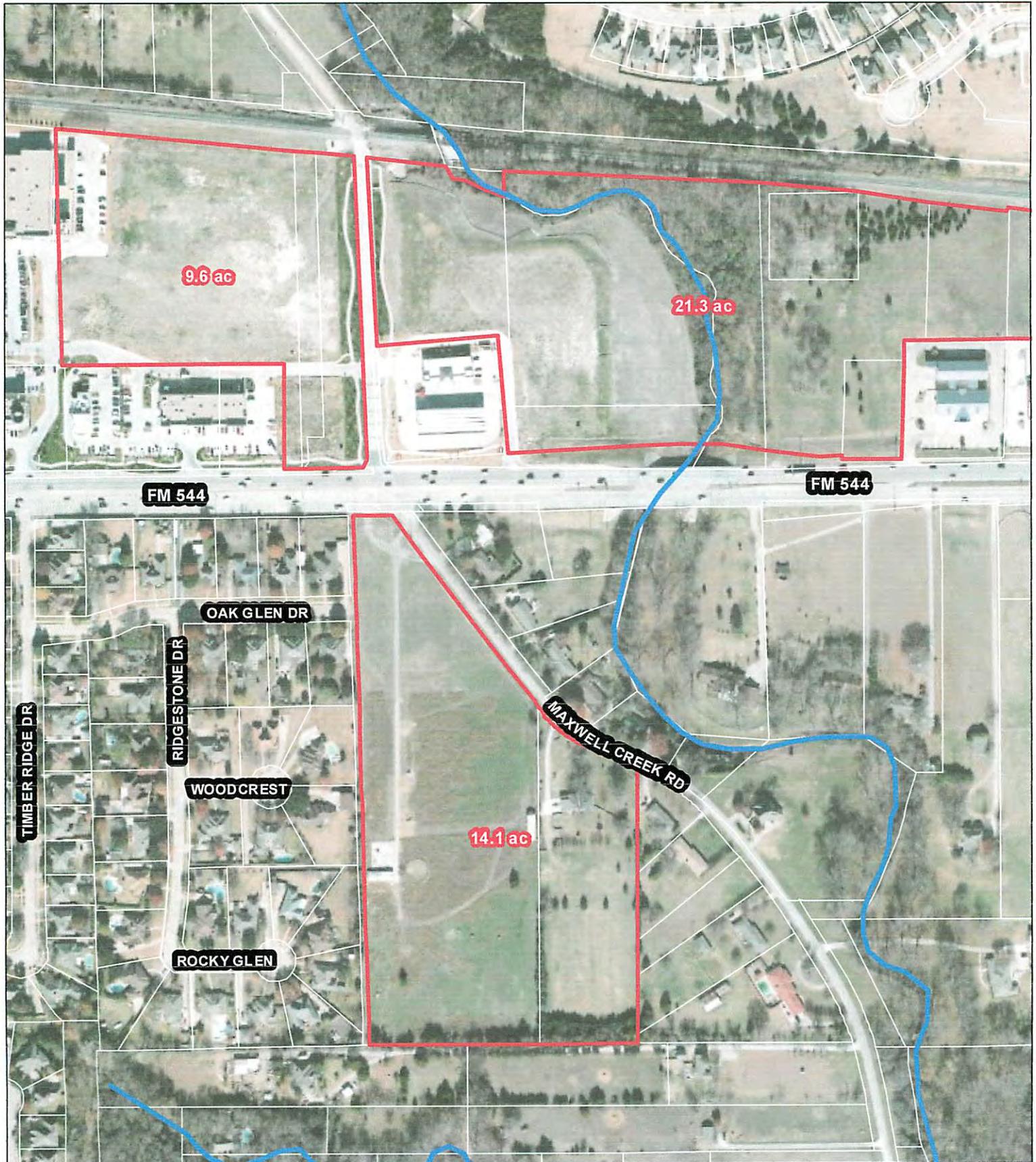
## — A C A L L T O A C T I O N —

The time to act is now. Developers have already begun to approach the City with short-sighted plans to develop 14 acres at FM 544 and S Maxwell Creek Rd (currently zoned residential with an agricultural exemption). But the City can do better than another residential development, and certainly better than a medium-to-high density one.

We can make a difference and an improvement in the community – all we need is a little help from our Friends. Join us!

# FRIENDS

OF PIERCE FARMS AND  
COMMUNITY GARDEN



REFERENCE  
Esri Imagery Basemap

# Exhibit L

## Magnolia Park City Council Appeal Letter



November 5, 2013

Ms. Kristin Roberts  
Director of Community and Economic Development  
City of Murphy  
206 North Murphy Road  
Murphy, Texas 75094

Dear Ms. Roberts:

On behalf of my client, let this correspondence serve as an appeal to the recommendation of denial by the Murphy Planning & Zoning Commission of my client's request to rezone approximately 14 acres of property located southwest of FM 544 and west of an adjacent to South Maxwell Creek Road. The Commission recommended denial of the request at their October 28, 2013 meeting.

If you have any questions, please contact me.

Sincerely,

JBI Partners, Inc.

Jerry Sylo, AICP

A handwritten signature in black ink, appearing to read "Jerry Sylo", written over the typed name.

**City Council**  
**November 19, 2013**

---

**Issue**

Hold a public hearing and consider and/or act on amending Murphy Code of Ordinances: Chapter 28 Development Standards, Article II Fencing, Walls and Screening; and Chapter 70 Subdivisions, Article II Procedures, Section 70-35 to amend the requirements for final plat approval.

**Staff Resource/Department**

Kristen Roberts, Director of Community and Economic Development

**Background**

In February 2013, the Section 28-53. Fences Residential Areas, was amended, however, after implementation, it was realized that the section should be further amended with additional details and clarifications.

On May 7, 2013, City Council considered and approved amendments and clarifications to Chapter 28 Development Standards, Chapter 70 Subdivisions, Article II Procedures, and Section 70-35 to amend final plat procedures.

On September 23, 2013, the Planning & Zoning Commission held a Joint Worksession with the City Council to discuss various proposed Code of Ordinance Amendments.

**Considerations**

1. Section 28-53. Fences in residential areas
  - a. Current section (t) reads as follows: (t) Fence applications will not be accepted without prior written and confirmed approval from respective homeowners association, if applicable. Exceptions may be allowed In the case of emergency repair of fences when approved by the city manager or his designee.
  - b. It is recommended to replace the entire section (t) as follows: *City of Murphy approval of a fence application pursuant to this Article does NOT constitute or supersede approval by the applicant's homeowners' association.*
2. Section 70-35. Procedures and submission requirements for final plat approval.
  - a. On May 7, 2013, the City Council approved the amendment which allowed that the Final Plat for a development is considered by City Council only, following staff review.
  - b. The amendment for consideration removes the Planning & Zoning Commission Chairperson's signature from the Final Plat signature block.
3. The required public notice was published on October 10, 2013. No comments have been received to date.

**City Council**  
**November 19, 2013**

---

**Board Discussion/Action**

On October 28, 2013, the Planning & Zoning Commission unanimously approved this item.

**Staff Recommendation**

Staff recommends approval of the proposed amendments to Section 28-53 - Fences in residential areas and amendments to Section 70-35 - Procedures and submission requirements for final plat approval.

**Attachments**

Amendment recommendation comparisons  
Ordinance

<b>ARTICLE II. FENCING, WALLS AND SCREENING</b>		
<b>Section 28-53. Fences Residential Areas.</b>	<p>Current section reads as follows:                      (t) Fence applications will not be accepted without prior written and confirmed approval from respective homeowners association, if applicable. Exceptions may be allowed in the case of emergency repair of fences when approved by the city manager or his designee.</p>	<p>It is recommended to edit this section as follows:                      (t) Approval of a fence application does NOT constitute or supersede approval by the applicant's homeowner's association.</p>
<b>ARTICLE II. PROCEDURES</b>		
<b>Sec. 70-35. - Procedures and submission requirements for final plat approval</b>	<p>Current section reads as follows:                      (c) Required information. Information required on a final plat shall be as follows:                      (3) Approval block (required). The approval block used on the previously approved construction plat shall be modified and shown on the final plat, as follows:                      FINAL PLAT                      Approved by the City of Murphy for filing at the office of the County Clerk of Collin County, Texas.                      RECOMMENDED BY: planning and zoning commission                      City of Murphy, Texas                      Signature of chairperson Date of recommendation                      APPROVED BY: City Council                      City of Murphy, Texas                      Signature of Mayor Date of approval                      ATTEST:                      City Secretary Date</p>	<p>It is recommended to edit this section as follows:                      (c) Required information. Information required on a final plat shall be as follows:                      (3) Approval block (required). The approval block used on the previously approved construction plat shall be modified and shown on the final plat, as follows:                      FINAL PLAT                      Approved by the City of Murphy for filing at the office of the County Clerk of Collin County, Texas.  <del>RECOMMENDED BY: planning and zoning commission                      City of Murphy, Texas                      Signature of chairperson Date of recommendation</del>                      APPROVED BY: City Council                      City of Murphy, Texas                      Signature of Mayor Date of approval                      ATTEST:                      City Secretary Date</p>

**ORDINANCE NO. 13-11-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS BY AMENDING CHAPTER 28 DEVELOPMENT STANDARDS, ARTICLE II FENCING, WALLS AND SCREENING, SECTION 28-53 FENCES IN RESIDENTIAL AREAS; AND BY AMENDING CHAPTER 70, SUBDIVISIONS, ARTICLE II PROCEDURES, SECTION 70-35 RELATING TO REQUIREMENTS FOR FINAL PLAT APPROVAL PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.**

**WHEREAS**, the City Council adopted an ordinance on May 18, 2009, revising existing development standards that were previously located in the Comprehensive Zoning Ordinance and creating a new chapter (Chapter 28) in the Code of Ordinances.

**WHEREAS**, the City Council adopted Ordinance 02-09-549 on September 3, 2002, adopting subdivision standards for the City of Murphy and codified as Chapter 70 in the City of Murphy Code of Ordinances.

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on October 28, 2013 to hear public comments for and against the proposed regulations and made recommendations to the City Council.

**WHEREAS**, the City Council conducted a public hearing on November 19, 2013 to hear public comments for and against the proposed regulations.

**WHEREAS**, the City Council of the City of Murphy finds and determines that modification of Chapter 28 – Development Standards and Chapter 70 - Subdivisions is in the best interests of the citizens of the City of Murphy.

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

**Section 1. FINDINGS INCORPORATED**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2.** That Section 28-53. Fences in Residential Areas of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

**“Section 28-53. Fences in Residential Areas**

.....

- (t) Approval of a fence application does NOT constitute or supersede approval by the applicant’s homeowner’s association.”

**Section 3.** That Section 70-35 – Procedures and submission requirements for final plat approval of Chapter 70 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

**Section 70-35. Procedures and submission requirements for final plat approval.**

.....

- (c) Required information. Information required on a final plat shall be as follows:

...

- (3) Approval block (required). The approval block used on the previously approved construction plat shall be modified and shown on the final plat, as follows:

FINAL PLAT

Approved by the City of Murphy for filing at the office of the County Clerk of Collin County, Texas.

APPROVED BY: City Council

City of Murphy, Texas

Signature of Mayor Date of Approval

ATTEST:

City Secretary Date

.....”

**Section 4. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 5. REPEALER CLAUSE**

Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded,

which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 6. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas, on this the 19<sup>th</sup> day of November, 2013.

---

Eric Barna  
City of Murphy

ATTEST:

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Kristi Gilbert, City Secretary  
City of Murphy

**City Council**  
**November 19, 2013**

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**Issue**

Consider and/or act on amending Chapter 30, Code of Ordinances, to regulate the sale and possession of *e-cigarette products*.

**Staff Resource/Department**

Kristen Roberts, Director of Community and Economic Development

**Background**

There has been a dramatic increase in the sale of e-cigarette products in the North Texas area. E-cigarettes are battery powered devices that use an atomizer system that allows users to inhale nicotine vapor or other vapor without fire, smoke, ash or carbon monoxide. The health risks associated with the use of e-cigarettes are still unknown; however they are primarily used to deliver nicotine, an addictive drug, into the user's system.

**Considerations**

- Consider regulating the purchase and possession of e-cigarette items by minors in the same way that Murphy currently regulates the possession and purchase of tobacco products by minors.
  1. Add e-cigarettes to the definitions contained in Chapter 30 so that it can be regulated under provision regarding the sale of products to minors and the possession of products by minors.
  2. Make it illegal for minors to purchase or possess e-cigarette products except in limited circumstances.
- Consider regulating the sale of e-cigarette products in the same way that Murphy currently regulates the sale of tobacco products.
  1. Make it illegal to have vending machines with e-cigarette products in areas accessible by minors.
  2. Require e-cigarette stores to be located in a standalone building as defined by the Building Code.

**Staff Recommendation**

Staff recommends approval of the proposed amendments to Section 30 as included in this item.

**Attachments**

Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 30, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS, BY INCLUDING THE REGULATION OF E-CIGARETTES WITHIN CITY LIMITS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Murphy (“City Council”) enacted Ordinance 99-4-453 on May 3, 1999 regulating smoking within City limits, which was codified at Chapter 30, Article II of the Code of Ordinances of the City of Murphy; and

**WHEREAS**, the City Council enacted Ordinance Nos. 10-04-835 on April 5, 2010 and 11-10-896 on October 4, 2011, which amended Chapter 30, Article II., in the Code of Ordinances of the City of Murphy, Texas; and

**WHEREAS**, the City Council desires to further amend Chapter 30, Article II., to include regulation of the use and sale of e-cigarettes in the City; and

**WHEREAS**, the City Council finds that this amendment is in the best interests of the City of Murphy and will promote the health, safety and welfare of the citizens of the City of Murphy and the general public.

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

**Section 1. Findings Incorporated.**

The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

**Section 2. Amendment to Section 30-21**

That Section 30-21. Definitions of Chapter 30 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended to add a definition for electronic cigarette or e-cigarette, which shall now read as follows:

**“Section 30-21. Definitions**

.....

*Electronic Cigarette or E-Cigarette* means a battery-powered product that uses an atomizer or similar device that allows users to inhale nicotine vapor or other vapor without fire, smoke, ash, or carbon monoxide. The definition of e-cigarette includes any of its component parts.

.....”

**Section 3. Amendment to Section 30-29**

That Section 30-29 of Chapter 30 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended in its entirety, which shall now read as follows:

**“Section 30-29. Possession or Purchase of Tobacco or E-Cigarette Products by a Minor**

- (a) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:  
*E-Cigarette* is defined as set forth in Section 30-21.  
*Minor* means a person younger than 18 years of age.  
*Possession* means actual care, custody, control or management.  
*Tobacco product* means:
- (1) A cigarette;
  - (2) A cigar;
  - (3) Smoking tobacco, including granulated, plug-cut, crimp-cut, ready rubbed and any form of tobacco suitable for smoking in a pipe or as a cigarette;
  - (4) Chewing tobacco, including plug, scrap, and any kind of tobacco suitable for chewing;
  - (5) Snuff or other preparations of pulverized tobacco; or
  - (6) Any other article or product that is made of tobacco.
- (b) *Prohibition of possession of a tobacco product or e-cigarette by a minor.* A minor commits an offense if the minor possesses a tobacco product, and the minor was not:
- (1) In the course and scope of the minor's employment by a person or entity holding a permit issued by the state authorizing the person to engage in the business of being a distributor, wholesaler, bonded agent or retailer of tobacco products or e-cigarettes; or
  - (2) In the presence of an adult, parent, guardian, spouse or other adult to whom the minor had been committed by a court.
- (c) *Purchase of a tobacco product or e-cigarette by a minor utilizing false information.* A minor commits an offense if, in order to acquire a tobacco product or an e-cigarette, the minor states to any person engaged in the business of selling tobacco products or e-cigarettes that such minor is 18 years of age or older, or presents to any such person a document or writing that purports to establish that such minor is 18 years of age or older.”

**Section 4. Amendment to Section 30-30.**

That Section 30-30 of Chapter 30 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended in its entirety, which shall now read as follows:

**“Section 30-30. Tobacco product and e-cigarette vending machines**

After June 1, 1999, it shall be unlawful for any business owner, manager, or employee in control of the premises where a tobacco product or e-cigarette vending machine is located to have the tobacco product or e-cigarette vending machine located in an area accessible to minors.”

**Section 5. Amendment to Section 30-31.**

That Section 30-31 of Chapter 30 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended in its entirety, which shall now read as follows:

**“Section 30-31. Retail Tobacco or E-Cigarette Stores.**

Retail tobacco or e-cigarette stores are required to be located in a standalone building (as defined by the adopted Building Code).”

**Section 6. Severability Clause.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 7. Cumulative/Repealer Clause.**

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, whether codified or uncodified, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict..

**Section 8. Penalty Clause.**

Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to a fine in the amount provided in Section 38-32.

**Section 9. Savings Clause.**

All rights and remedies of the City of Murphy, Texas, are expressly saved as to any and all violations of the provisions of this ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**Section 10. Effective Date.**

This ordinance shall become effective immediately upon its passage and publication as required by law.

**DULY PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

---

Eric Barna, Mayor  
City of Murphy

ATTEST:

---

Kristi Gilbert, City Secretary  
City of Murphy

APPROVED AS TO FORM:

---

Wm. Andrew Messer, City Attorney

**Issue**

Consider and/or act upon a resolution casting votes for the position of Board of Director for the Central Appraisal District of Collin County.

**Staff Resource/Department**

James Fisher, City Manager

**Summary**

The City of Murphy is a taxing entity covered by the Central Appraisal District of Collin County. The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units, the county tax assessor-collector also serves as a nonvoting member of the board. Directors serve two-year terms beginning January 1 of even numbered years. The number of votes that a taxing entity can cast is weighted by the total dollar amount of property taxes imposed by each entity. The City of Murphy has 26 votes to cast for the 2014-2015 Board of Directors. The Council may vote for one candidate or distribute the votes among any number of candidates.

Attached is a letter from the appraisal district along with a list of nominees.

**Action Requested**

Motion to approve a resolution casting votes for nominees to the Central Appraisal District of Collin County as follows:

- \_(# of votes)\_\_\_ for Tiffany Burleson
- \_(# of votes)\_\_\_ for Ronald Carlisle
- \_(# of votes)\_\_\_ for Dr. Leo Fitzgerald
- \_(# of votes)\_\_\_ for Wayne Mayo
- \_(# of votes)\_\_\_ for Michael A. Pirek
- \_(# of votes)\_\_\_ for Gary Rodenbaugh
- \_(# of votes)\_\_\_ for Roy Wilshire.

**Attachments**

Board of Director Nominees  
Resolution Casting Votes for Board of Directors



# Collin Central Appraisal District

October 30, 2013

**RECEIVED**

OCT 31 2013

**City Manager's Office**

Eric Barna, Mayor  
City of Murphy  
206 N. Murphy Road  
Murphy, TX 75094

Dear Mayor Barna:

Enclosed you will find the ballot listing the nominees for the Board of Director positions for the Central Appraisal District of Collin County. The candidates are listed alphabetically by their last name.

Each voting unit must vote in open meeting, report its vote by written resolution, and submit it to the chief appraiser before December 15, 2013. Each unit may cast all its votes for one candidate or distribute the votes among any number of the candidates listed. Since there is no provision for write-in candidates, the Chief Appraiser may not count votes for someone not listed on the official ballot.

Sincerely,

Bo Daffin  
Chief Appraiser

EID/mlr

Enclosure

2014-2015  
CENTRAL APPRAISAL DISTRICT  
BOARD OF DIRECTOR'S NOMINATIONS

TIFFANY BURLESON	Nominated by the City of Anna. Resides in Anna, TX.
RONALD CARLISLE	Is a current board member and has served since 1/94. Nominated by the City of Frisco, Frisco ISD and McKinney ISD. Resides in Frisco, TX.
DR. LEO FITZGERALD	Is a current board member and has served since the beginning of the Appraisal District, 1/80. Nominated by McKinney ISD and Plano ISD. Resides in Plano, TX.
WAYNE MAYO	Is a current board member and has served since 1/98. Nominated by the City of Richardson, and McKinney ISD. Resides in Richardson, TX.
MICHAEL A. PIREK	Nominated by the City of Plano. Resides in Plano, TX.
GARY RODENBAUGH	Is a current board member and has served since 1/01. Nominated by the City of Allen, Allen ISD, and McKinney ISD. Resides in Allen, TX.
ROY WILSHIRE	Is a current board member and has served since 01/03. Nominated by McKinney ISD. Resides in Plano, TX.



# Collin Central Appraisal District

## OFFICIAL BALLOT

ISSUED TO: **City of Murphy**

NUMBER OF VOTES: **26**

FOR: **BOARD OF DIRECTORS, CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY.**

TIFFANY BURLESON \_\_\_\_\_ VOTES

RONALD CARLISLE \_\_\_\_\_ VOTES

DR. LEO FITZGERALD \_\_\_\_\_ VOTES

WAYNE MAYO \_\_\_\_\_ VOTES

MICHAEL A. PIREK \_\_\_\_\_ VOTES

GARY RODENBAUGH \_\_\_\_\_ VOTES

ROY WILSHIRE \_\_\_\_\_ VOTES

October 30, 2013

\_\_\_\_\_  
Bo Daffin, Chief Appraiser

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Section 6.03 (g) of the State Property Tax Code requires the above action be taken by resolution, therefore, please attach a copy of the resolution to this ballot and return to the Chief Appraiser, at 250 Eldorado Pkwy., McKinney, Texas 75069, before December 15, 2013.

**Issue**

Discuss and provide an update on traffic control devices used in the closure of Grant Road at the Murphy city limit.

**Staff Resource / Department**

James Fisher, City Manager

**Summary**

At the August 20, 2013 meeting, Council adopted Ordinance 13-08-956 providing for the closure of Grant Drive at the Murphy city limits. The closure is currently being accomplished through the use of a metal guard rail attached to metal barrels with orange construction cones (see attached picture). Many residents have inquired as to what the City is considering in terms of a more permanent closure.

Staff is seeking direction as to additional closure devices that Council may want installed.



**Issue**

Consider and/or act on an Alcohol Policy for the Murphy Community Center and Murphy Activity Center.

**Staff Resource/Department**

Kristi Gilbert, City Secretary

**Summary**

Following City Council approval of alcohol use at the Murphy Community Center (MCC) and Murphy Activity Center (MAC), staff is recommending an Alcohol Policy to administer this use.

**Background**

On April 3, 2012, City Council approved an alcohol policy entitled *Alcohol Use Liability Agreement* that sets forth requirements that lessees must adhere to when serving and/or consuming alcoholic beverages at the Murphy Community Center and/or the Murphy Activity Center. The agreement limits the service and/or consumption of alcoholic beverages to Saturday only. Additionally, the agreement requires that alcoholic beverage service terminate at least one hour prior to the scheduled end of the event.

The Board and Commission Appreciation Dinner is scheduled for Thursday, December 12, 2013 from 6:30 pm to 9:30 pm. Progressive Waste Solutions will be sponsoring a beer and wine bar at the event. Staff is requesting that Council grant an exception to the policy to allow for service of beer and wine at the event until 8:30 pm

**Action Requested**

Motion to grant an exception to the Alcohol Use Liability Agreement to allow for the service of beer and wine at the Murphy Community Center on Thursday, December 12<sup>th</sup> from 6:30 pm to 8:30 pm for the Board and Commission Appreciation Dinner.

**Attachments**

Alcohol Use Liability Agreement

## Saturday Night Only

### Alcohol Use Liability Agreement City of Murphy

If alcoholic beverages are to be sold, served and/or consumed at \_\_\_\_\_ (the "Facility") during the period of this rental agreement or facility use permit, the lessee agrees to the following:

1. The Lessee shall pay a fee of \$50.00 for an alcohol use permit to serve alcoholic beverages at the event. If alcoholic beverages are to be sold at the event, Lessee must pay a fee of \$100.00 in advance for an alcohol use permit to sell alcoholic beverages at the event. Alcoholic beverages shall be considered to be sold under the following circumstances: a) if a fee is charged for the serving of an alcoholic beverage; and/or b) if the Lessee charges a cover charge or other admission fee or donation for the event and alcoholic beverages are then provided to patrons at no additional cost.

2. Alcoholic beverages may only be consumed inside the authorized portions of the Facility (Murphy Community Center and/or Murphy Activity Center) and only during the permitted event. Permitted events will only be allowed on Saturday evenings.

3. All sale and service of alcoholic beverages must cease no less than one (1) hour prior to the scheduled end of the event.

4. Lessee fully guarantees, represents and shall be totally responsible, that the sale, serving and/or consuming of alcoholic beverages at the event shall comply with the laws of the State of Texas and the rules and regulations of the Texas Alcoholic Beverage Commission ("TABC"), including, without limitation, ensuring that no alcoholic beverages are dispensed to children, minors or any persons under the age of 21. The Lessee also fully guarantees that the responsible party providing, selling and/or serving alcoholic beverages is licensed by the TABC.

5. At events where alcohol is being served or sold, the Lessee shall be responsible, at its sole cost and expense, for providing uniformed, off-duty Murphy Police Department ("MPD") officers or other police officers as approved by the Chief of Police, to ensure safety and security.

**6. LESSEE UNDERTAKES AND AGREES TO SAVE AND KEEP THE CITY OF MURPHY, ITS EMPLOYEES, AGENTS, OFFICERS, OFFICIALS, MAYOR AND CITY COUNCIL MEMBERS, CITY BOARD, COMMISSION AND COMMITTEE MEMBERS, OF AND FROM ANY AND ALL LOSSES, COSTS, EXPENSES AND DAMAGES (INCLUDING WITHOUT LIMITATION ATTORNEY'S FEES AND COSTS), AND FROM ANY AND ALL CLAIMS, ACTIONS, DEMANDS, DAMAGES OR LIABILITY BY OR TO THE PUBLIC, EMPLOYEES OF LESSEE, OR OTHERS, ON ACCOUNT OF OR OCCASIONED BY, NEGLIGENTLY OR OTHERWISE, ANY ACTIVITY PERTAINING TO THE LEASE OF THE FACILITY (INCLUDING THE SALE, SERVING OR CONSUMPTION OF ALCOHOL), OR BY ANY ACT OR OMISSION, NEGLIGENTLY OR OTHERWISE, OF LESSEE OR OF ANY PATRONS OF LESSEE WHEN ON, OR WHEN ABOUT TO ENTER, OR WHEN JUST LEAVING THE FACILITY, HEREIN LEASED TO LESSEE ON THE FOLLOWING DATES:**

\_\_\_\_\_.

7. If the event is expected to involve more than 250 patrons, the Lessee must provide the City of Murphy with a Commercial General Liability insurance policy written on an occurrence basis and with a



## City Council Meeting November 19, 2013

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### **Issue**

Consider and take action, if any, on a request for the institution of an Over 65 Tax Freeze.

### **Staff Resource / Department**

James Fisher, City Manager

### **Summary**

Resident James Tuskan submitted a written request for the Council to consider a tax freeze on homesteaded property owned by citizens age 65 and older in April of this year. The Council held discussions at their April 16, 2013 meeting and postponed consideration of the item to a future date. Recently, Mr. Tuskan has met with some members of the City Council and it is at their request this item is before the Council.

### **Background/History**

The first year cities could institute the tax freeze was in 2004. Since that time, the following Collin County municipalities have instituted the tax freeze: Josephine, Lucas, Plano, Prosper, Sacshe, Weston and Wylie.

### **Financial Considerations**

Attached is a worksheet provided by Bo Daffin, Chief Appraiser of Collin Central Appraisal District, outlining the projected impact to Murphy's tax base if a tax freeze were put in place. The City could potentially lose approximately a penny off of the tax rate.

### **Action Requested / Staff Recommendation**

Staff is seeking direction from Council on how to proceed with Mr. Tuskan's request.

### **Attachments:**

Worksheet From Collin Central Appraisal District  
Request Letter from Mr. Tuskan

<u>Entity</u>	<u>2012 Taxable Before Freeze</u>	<u>Freeze Loss</u>	<u>% Loss to Freeze</u>	<u>Actual Tax on frozen accounts</u>	<u>Calculated Tax If NO freeze</u>	<u>Calculated 2012 Tax Dollar Loss due to Freeze</u>	<u>Grand Total 2012 Tax Levy</u>	<u>% of Tax Levy Lost (see note # 2)</u>	<u>total # Accounts</u>	<u>65&amp; Over Accounts</u>	<u>% of account with 65 &amp; Over</u>
City of Murphy	\$ 1,543,467,028	\$ -	0.00%	no freeze	no freeze	see calculation below notes	\$ 8,797,762	n/a	6,505	528	8.12%
City of Wylie	\$ 2,331,393,808	\$ 112,118,352	4.81%	\$ 901,940	\$ 996,620	\$ (94,680)	\$ 20,629,079	-0.459%	15,990	1,141	7.14%
Town of Prosper	\$ 1,295,255,604	\$ 90,623,802	7.00%	\$ 446,912	\$ 471,243	\$ (24,331)	\$ 6,710,997	-0.363%	5,464	340	6.22%
City of Princeton	\$ 278,100,680	\$ 17,852,397	6.42%	\$ 132,581	\$ 135,130	\$ (2,549)	\$ 2,102,483	-0.121%	3,676	277	7.54%
Wylie ISD	\$ 3,307,649,515	\$ 222,399,664	6.72%	\$ 3,060,173	\$ 3,669,594	\$ (609,421)	\$ 53,658,270	-1.136%	23,229	1,823	7.85%
Plano ISD	\$ 34,805,058,378	\$ 3,022,385,351	8.68%	\$ 35,337,732	\$ 41,509,440	\$ (6,171,708)	\$ 466,375,315	-1.323%	108,694	15,781	14.52%
Collin County	\$ 74,510,591,291	\$ 5,359,622,103	7.19%	\$ 12,615,243	\$ 12,863,093	\$ (247,850)	\$ 178,577,569	-0.139%	315,848	33,495	10.60%

**NOTE 1** ISD % LEVY LOSS GREATEST BECAUSE THEY HAVE BEEN REQUIRED TO GRANT 65&OVER FREEZE CEILING FOR MANY YEARS. CITIES AND COUNTY ARE OPTION 65&OVER FREEZE

**NOTE 2** THE % LEVY LOSS IS SOMEWHAT MISLEADING BASED SOLEY ON 2012 NUMBERS, THE MARKET HAS BEEN GENERALLY FLAT OR DECLINING FOR THE PAST 4 TO 5 YEARS. WITH ACTUAL TAXABLE VALUES AT, OR BELOW, THE TAXABLE VALUE AT THE TIME OF FREEZE THERE IS VERY LITTLE LOSS ON EXEMPTIONS FILED IN THE PAST FEW YEARS. THAT WILL CHANGE RAPIDLY AS THE MARKET IMPROVES, WITH THE GAP BETWEEN 'FREEZE TAXABLE' AND 'TAXABLE WITHOUT FREEZE' GROWS.

**NOTE 3** IF YOU LOOK AT THE HISTORY OF LOSS FOR THE SCHOOL DISTRICTS, THEN GROW THAT NUMBER BY 3% TO 5% ANNUALLY GOING FORWARD FOR MARKET APPRECIATION, YOU MIGHT HAVE A REASONABLE ESTIMATE. HOWEVER, IN REALITY THERE IS NO WAY TO KNOW HOW MUCH THE FREEZE LOSS WILL BE IN FUTURE YEARS. WE DON'T KNOW HOW THE "FROZEN TAXABLE" THE FIRST YEAR A PROPERTY QUALIFIES WILL COMPARE TO THE POTENTIAL TAXABLE VALUE IN 3, 5, 10 OR 20 YEARS. WE ALSO DON'T KNOW WHAT THE TAX RATE WILL BE IN FUTURE YEARS. REALLY ANY "PROJECTION" IS A GUESS.

	2013 (using 2012 tax levy, times 1.32% base @ 1.32% loss	2014 (2013 times 3% Mkt & 3% tax rate increases)	2020 (+3% per year mkt + 3% per year tax rate)	2030 (+3% per year mkt + 3% per year tax rate)
Murphy Estimate (guess) using PISD at base @ 1.32% loss	\$ 116,130	\$ 123,097	\$ 174,615	\$ 312,708

RECEIVED

APR 01 2013

April 1, 2013

City Manager's Office

City of Murphy

206 Murphy

Murphy, Texas 75094

04-01-13 A10:29 RCVD 

Attention: James Fisher – City Manager

Dear Mr. Fisher

After my request to Linda Truitt regarding that a "Senior Citizen Property Tax Freeze" be adopted, I am now asking that such a "Freeze" be acted upon.

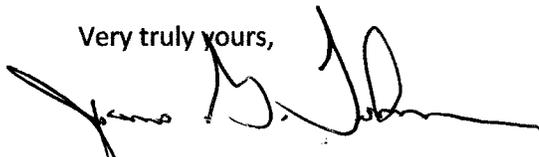
I received an e mail (you were also copied) outlining what line of action was required. I have attached my letter to the City Council along with a copy of the "Texas property Tax Code, Section 11.261" as she (Linda Truitt) referred to me in her e mail.

On behalf of the Senior Citizens of Murphy and Myself I am requesting that you present the required document to the City Council for them to pass a City Ordinance creating a "Senior Citizen Property Tax Freeze".

To my knowledge this letter and my attachments is all that is required on my part; however should anything else be required please let me know and I will be glad to comply.

Thank you for your immediate action in this matter.

Very truly yours,



James G. Tuskan

536 Chalk Hill Lane

Murphy, Texas

Phone # 214-549-6664

E mail: jtomni@verizon.net

April 1, 2013

City of Murphy

206 Murphy Road

Murphy , Texas 75094

Subject: Senior Citizen Property Tax Freeze

City Council Members,

After consulting with Linda Truitt(City Finance Director for the City of Murphy) regarding the above subject matter Ms Truitt informed me that an "Ordinance granting this tax limitation" would have to be passed by the City Council.

I am requesting that like most if not all of the neighboring cities have adopted the same tax limitation for 65 and over citizens and that the City of Murphy Texas should act in favor of the senior citizens of Murphy.

I have attached a copy of the "Texas Property Tax Code, Section 11.261" pertaining to this subject matter for the City Council to at upon.

Thank you for your immediate attention regarding this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "James G. Tuskan", is written over a horizontal line.

James G. Tuskan

536 Chalk Hill Lane

Murphy, Texas 75094

Phone # 214-549-6664

E mail: jtomni@verizon.net

## **TEX TX. CODE ANN. § 11.261 : Texas Statutes - Section 11.261: LIMITATION OF COUNTY, MUNICIPAL, OR JUNIOR COLLEGE DISTRICT TAX ON HOMESTEADS OF DISABLED AND ELDERLY**

### **Search TEX TX. CODE ANN. § 11.261 : Texas Statutes - Section 11.261: LIMITATION OF COUNTY, MUNICIPAL, OR JUNIOR COLLEGE DISTRICT TAX ON HOMESTEADS OF DISABLED AND ELDERLY**

- [Search by Keyword or Citation](#)



(a) This section applies only to a county, municipality, or junior college district that has established a limitation on the total amount of taxes that may be imposed by the county, municipality, or junior college district on the residence homestead of a disabled individual or an individual 65 years of age or older under Section 1-b(h), Article VIII, Texas Constitution.

(b) The tax officials shall appraise the property to which the limitation applies and calculate taxes as on other property, but if the tax so calculated exceeds the limitation provided by this section, the tax imposed is the amount of the tax as limited by this section, except as otherwise provided by this section. The county, municipality, or junior college district may not increase the total annual amount of ad valorem taxes the county, municipality, or junior college district imposes on the residence homestead of a disabled individual or an individual 65 years of age or older above the amount of the taxes the county, municipality, or junior college district imposed on the residence homestead in the first tax year, other than a tax year preceding the tax year in which the county, municipality, or junior college district established the limitation described by Subsection (a), in which the individual qualified that residence homestead for the exemption provided by Section 11.13(c) for a disabled individual or an individual 65 years of age or older. If the individual qualified that residence homestead for the exemption after the beginning of that first year and the residence homestead remains eligible for the exemption for the next year, and if the county, municipal, or junior college district taxes imposed on the residence homestead in the next year are less than the amount of taxes imposed in that first year, a county, municipality, or junior college district may not subsequently increase the total annual amount of ad valorem taxes it imposes on the residence homestead above the amount it imposed on the residence homestead in the year immediately following the first year, other than a tax year preceding the tax year in which the county, municipality, or junior college district established the limitation described by Subsection (a), for which the individual qualified that residence homestead for the exemption.

(c) If an individual makes improvements to the individual's residence homestead, other than repairs and other than improvements required to comply with governmental requirements, the county, municipality, or junior college district may increase the amount of taxes on the homestead in the first year the value of the homestead is increased on the appraisal roll because

of the enhancement of value by the improvements. The amount of the tax increase is determined by applying the current tax rate to the difference between the appraised value of the homestead with the improvements and the appraised value it would have had without the improvements. A limitation provided by this section then applies to the increased amount of county, municipal, or junior college district taxes on the residence homestead until more improvements, if any, are made.

(d) A limitation on county, municipal, or junior college district tax increases provided by this section expires if on January 1:

(1) none of the owners of the structure who qualify for the exemption provided by Section 11.13(c) for a disabled individual or an individual 65 years of age or older and who owned the structure when the limitation provided by this section first took effect is using the structure as a residence homestead; or

(2) none of the owners of the structure qualifies for the exemption provided by Section 11.13(c) for a disabled individual or an individual 65 years of age or older.

(e) If the appraisal roll provides for taxation of appraised value for a prior year because a residence homestead exemption for disabled individuals or individuals 65 years of age or older was erroneously allowed, the tax assessor for the applicable county, municipality, or junior college district shall add, as back taxes due as provided by Section 26.09(d), the positive difference, if any, between the tax that should have been imposed for that year and the tax that was imposed because of the provisions of this section.

(f) A limitation on tax increases provided by this section does not expire because the owner of an interest in the structure conveys the interest to a qualifying trust as defined by Section 11.13(j) if the owner or the owner's spouse is a trustor of the trust and is entitled to occupy the structure.

(g) Except as provided by Subsection (c), if an individual who receives a limitation on county, municipal, or junior college district tax increases provided by this section subsequently qualifies a different residence homestead in the same county, municipality, or junior college district for an exemption under Section 11.13, the county, municipality, or junior college district may not impose ad valorem taxes on the subsequently qualified homestead in a year in an amount that exceeds the amount of taxes the county, municipality, or junior college district would have imposed on the subsequently qualified homestead in the first year in which the individual receives that exemption for the subsequently qualified homestead had the limitation on tax increases provided by this section not been in effect, multiplied by a fraction the numerator of which is the total amount of taxes the county, municipality, or junior college district imposed on the former homestead in the last year in which the individual received that exemption for the former homestead and the denominator of which is the total amount of taxes the county, municipality, or junior college district would have imposed on the former homestead in the last year in which the individual received that exemption for the former homestead had the limitation on tax increases provided by this section not been in effect.

(h) An individual who receives a limitation on county, municipal, or junior college district tax increases under this section and who subsequently qualifies a different residence homestead in the same county, municipality, or junior college district for an exemption under Section 11.13, or an agent of the individual, is entitled to receive from the chief appraiser of the appraisal district in which the former homestead was located a written certificate providing the information necessary to determine whether the individual may qualify for a limitation on the subsequently qualified homestead under Subsection (g) and to calculate the amount of taxes the county, municipality, or junior college district may impose on the subsequently qualified homestead.

(i) If an individual who qualifies for a limitation on county, municipal, or junior college district tax increases under this section dies, the surviving spouse of the individual is entitled to the limitation on taxes imposed by the county, municipality, or junior college district on the residence homestead of the individual if:

(1) the surviving spouse is disabled or is 55 years of age or older when the individual dies; and

(2) the residence homestead of the individual:

(A) is the residence homestead of the surviving spouse on the date that the individual dies; and

(B) remains the residence homestead of the surviving spouse.

(j) If an individual who is 65 years of age or older and qualifies for a limitation on county, municipal, or junior college district tax increases for the elderly under this section dies in the first year in which the individual qualified for the limitation and the individual first qualified for the limitation after the beginning of that year, except as provided by Subsection (k), the amount to which the surviving spouse's county, municipal, or junior college district taxes are limited under Subsection (i) is the amount of taxes imposed by the county, municipality, or junior college district, as applicable, on the residence homestead in that year determined as if the individual qualifying for the exemption had lived for the entire year.

(k) If in the first tax year after the year in which an individual who is 65 years of age or older dies under the circumstances described by Subsection (j) the amount of taxes imposed by a county, municipality, or junior college district on the residence homestead of the surviving spouse is less than the amount of taxes imposed by the county, municipality, or junior college district in the preceding year as limited by Subsection (j), in a subsequent tax year the surviving spouse's taxes imposed by the county, municipality, or junior college district on that residence homestead are limited to the amount of taxes imposed by the county, municipality, or junior college district in that first tax year after the year in which the individual dies.

Added by Acts 2003, 78th Leg., ch. 396, Sec. 1, eff. Jan. 1, 2004.

**LIMITATION OF SCHOOL TAX ON HOMESTEADS OF ELDERLY OR DISABLED**