

MURPHY CITY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING  
JANUARY 20, 2015 AT 6:00 P.M.  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094



Eric Barna  
Mayor

Scott Bradley  
Mayor Pro Tem

Owais Siddiqui  
Deputy Mayor Pro Tem

Ben St. Clair  
Councilmember

Betty Spraggins  
Councilmember

Sarah Fincanon  
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 January 20, 2015 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. PRESENTATIONS**

- A. Presentation of Keep Murphy Beautiful 2<sup>nd</sup> Annual Mascot and Poster Contest Winners.
- B. Presentation of financial report and investment report as of December 31, 2014.

**6. EXECUTIVE SESSION**

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

**7. RECONVENTE INTO REGULAR SESSION**

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- B. Take Action on any Executive Session Items.

## 8. 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 approval and/or corrections to the minutes of the January 6, 2015 Regular City Council Meeting.

## 9. INDIVIDUAL CONSIDERATION

- A. Consider and/or act on the application of Saritha Yeddula, Charlotte Dye, Kelly Smith/Orange-Birmingham, LLC requesting to amend by ordinance, PD Ordinance No. 12-06-914 including a change in zoning of approximately 6.3 acres from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses and amending the Concept Plan, Landscape Plan and Planned Development Conditions. This property is located at SWC FM 544 and McCreary Road.
- B. Consider and/or act on awarding the bid for the construction of the South Maxwell Creek Parallel Trunk Sewer Line Project and authorizing the City Manager to execute contract documents.

## 10. CITY MANAGER/STAFF REPORTS

- A. North Murphy Road Construction Update
- B. Boards and Commission Training to be held Saturday, February 7, 2015
- C. City Council Planning Session
- D. Collin County Days, March 2-3, 2015

## 11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on January 16, 2015 by 4:30 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Susie Quinn, TRMC  
City Secretary

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

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

COUNCIL MINUTES  
JANUARY 6, 2015 CITY COUNCIL MEETING

**1. CALL TO ORDER**

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

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Barna gave the invocation and led the Pledge of Allegiance to the United States flag.

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

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

Mayor Eric Barna  
Mayor Pro Tem Scott Bradley  
Deputy Mayor Pro Tem Owais Siddiqui  
Councilmember Ben St. Clair  
Councilmember Betty Nichols Spraggins  
Councilmember Sarah Fincanon  
Councilmember Rob Thomas

**4. PUBLIC COMMENTS**

John Daugherty, resident spoke during the Public Hearing on Agenda Item 6.C.

**5. 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 approval and/or corrections to the minutes of the November 18, 2014 Regular City Council Meeting.
- B. Consider approval and/or corrections to the minutes of the December 2, 2014 Regular City Council Meeting.
- C. Consider approval and/or corrections to the minutes of the December 9, 2014 Special City Council Meeting ratifying the terms of office for each appointment as stated in the minutes.

***COUNCIL ACTION (5.A, 5.B, and 5.C.):******APPROVED***

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

**6. INDIVIDUAL CONSIDERATION**

- A. Consider and/or act on the application of Eric Langford, on behalf of the property owner, Champion Langford Partners, for approval of a site plan, building elevations, landscape plan and construction plat, on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923. This property is located at 313 E FM 544.

Staff made a brief presentation, stating this item has been before Council previously and that the confirmed tenants will be Dunkin Donuts and Nothing Bundt Cake. Mayor asked for discussion and then called for a vote

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve the application of Eric Langford, on behalf of the property owner, Champion Langford Partners, for approval of a site plan, building elevations, landscape plan and construction plat, on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) No. 12-10-923. This property is located at 313 E FM 544. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Consider and/or act on the application of property owner David Howard requesting approval of a site plan, landscape plan, building elevations and construction plat for an Assured Self Storage at the southwest corner of Murphy Road and Betsy Lane.

Staff gave a brief back ground to Council. The applicant has been working with the City for about eighteen months. Staff mentioned that the applicant understands they are financially responsible for installation of the sewer line and the underground detention as well as maintenance. All the requirements of the PD have been met.

Council discussed the fencing exchange to take place with the property owners. A masonry fence is required and the wooden fences for the residents will need to be removed as the City of Murphy does not allow back to back fences. The maintenance of the masonry fence will be the responsibility of Assured Self Storage.

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve the application of property owner David Howard requesting approval of a site plan, landscape plan, building elevations and construction plat as submitted with the following considerations: The City is not responsible for sewer lines to the flag lot; the City is not responsible for maintenance for the underground detention; the agreements with residents for the replacement of their wood fences with lock stone fencing provided by Assured Self Storage will be made prior to the issuing of construction permits; the masonry fence will replace all wood fencing from Murphy Road to Wellington Lane with none of the original wood fencing to remain. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- C. Hold a public hearing and consider and/or act on the application of Saritha Yeddula, Charlotte Dye, Kelly Smith/Orange-Birmingham, LLC requesting to amend PD Ordinance No. 12-06-914 including a change in zoning of approximately 6.3 acres from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses and amending the Concept Plan, Landscape Plan and Planned Development Conditions. This property is located at SWC FM 544 and McCreary Road.

Because of the complexity of this item, the staff report is included verbatim; including possible changes (noted in red) to Exhibit B, no other exhibits referenced are included in these minutes. Applicant is requesting this item to be forwarded to the January 20, 2015 meeting for a vote. In June 2012, the City Council approved Planned Development District Ordinance No. 12-06-914. This ordinance includes Planned Development District Conditions and a concept plan depicting three retail buildings on approximately 11 acres at the SWC corner of McCreary and FM 544. However, at the time, there were no immediate plans to develop the property as such with the exception of FM 544 frontage/southwest corner which is now a CVS.

**Staff report from agenda packet:**

**Summary**

The property owners involved have submitted an application in order to make the necessary edits to the existing Planned Development District to accommodate various amendments.

The proposed use for the property is intended to provide for Retail uses and the Planned Development District Ordinance already in place is the zoning that governs the property.

The applicants are requesting to amend the PD Ordinance No. 12-06-914:

- To now include an additional approximately 6.3 acres into the Planned Development District, re-zoning the 6.3 acres from Single Family Residential (SF-20) and incorporating these acres into the Planned Development District.
- Amending the Concept Plan exhibit to include the additional approximately 6.3 acres and identify an amended site layout
- Amending the Landscape Plan exhibit to accommodate the additional acreage and amended Concept Plan layout
- Amending the Planned Development Conditions

**Considerations**

**Planned Development District Conditions**

The applicant has requested modifications to the existing Planned Development Conditions in PD Ordinance No. 12-06-914 as attached and shown in Exhibit B.

The items that are shown in the following sections (and noted in red in Exhibit B) are the requested amendments as underlined and inclusive of the revisions by the Planning & Zoning Commission, applicant and staff on December 29, 2014 as *italicized*. Additionally, any verbiage shown as a strikethrough is to be deleted from the PD.

Staff recommends going through each item to allow for discussion with the applicant, staff and City Council.

1. V. Development Plans: C. Exterior Elevations

- a. Exterior Elevation Plan: ~~Development shall be in general conformance with the approved exterior elevations as set forth in Exhibit E; or as shown on the exterior color elevations submitted during site plan approval process. However, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.~~ *Development shall conform to City of Murphy code and Planned Development District requirements as noted herein subject to site plan approval.*

- i. Note: Exhibit E and references to Exhibit E are deleted from the Planned Development District.
- ii. Note: The elevations shown in Exhibit E were done with no particular development in mind. The applicant does not have elevations at this stage of the zoning change request. The verbiage above requires any submittal to adhere to the City's exterior construction code requirements.

2. V. Development Plans: D. Signage Plan

- a. Signage Plan: Development shall be in general conformance with the approved signage plan as set forth in Exhibit F; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail. The Signage Plan may be amended and altered to include additional signage at the time of Site Plan approval to accommodate the anchor and pad sites.

3. V. Development Plans: E.

- a. Concept Plan, Landscape Plan, Exterior Elevation Plan, and Signage Plan approval shall be for a period of one year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted and approved for a portion of the development, then the Concept Plan shall be deemed to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan. This period shall be extended for a maximum of two (2) additional one (1) year periods with a request in writing to the City Manager subject to his approval.
  - i. Note: Staff had initially requested this extension be limited to one year. After detailed discussion with the applicant and Commission, consideration was given to possible delays working with state and federal agencies and was extended by one additional year.

4. VI. Specific Regulations: A. Permitted Uses:

- a. Modify the Food or Grocery Store (SUP) requirement to be an allowed use by right. SUP requirement removed.
- b. Add Fuel Center as an accessory use to a Grocery Store
- c. Add Car Wash as an accessory use to a Fuel Center
- d. Add Dry Cleaners (SUP)
  - i. Dry cleaners to be added as use with SUP requirement

- e. Add Drive Thru (SUP) to Restaurant Use (not allowed to face residential property)
    - i. Drive Thru to be added as use with SUP requirement
5. VI. Specific Regulations: B. Area and Yard Regulations.
- a. (2) Minimum Lot/Tract Width: Minimum frontage requirements for lots adjacent to either FM 544 or McCreary Road shall be 90'. This was 100'.
  - b. (4) Pad Sites: The maximum number of pad sites allowed along FM 544 shall be three (3). This was two (2).
    - i. Note: The boundary size and configuration of the overall property has increased.
6. VI. Specific Regulations: E. Building Height
- a. All structures shall have a maximum building height of thirty-five (35) feet except that the maximum height may be increased to forty-five (45) feet ~~for the anchor building or~~ to allow for architectural elements.
    - i. Note: The applicant is requesting the maximum building height be increased and has requested further discussion with City Council on this item.
7. VI. Specific Regulations: F. Minimum Exterior Construction Standards, Building Materials and Design
- a. All structures, including all building elevations, shall be constructed utilizing a complimentary unified design that is ~~substantially~~ consistent with the ~~approved Exterior Elevation Plan (Exhibit E). City code and Planned Development District requirements noted herein.~~
  - b. ~~All exterior elevations shall utilize a complimentary unified design as shown on the approved Exterior Elevation Plan (Exhibit E). At least two masonry materials shall be used in addition to glass on any single building. The following masonry materials shall be allowed:~~
    - i. Add Split Face CMU with integral color and painted CMU
    - ii. Note: Exhibit E and references to Exhibit E are deleted from the Planned Development District.
    - iii. Note: The elevations shown in Exhibit E were done with no particular development in mind. The applicant does not have elevations at this stage of the zoning change request. The verbiage above to be included

requires any submittal to adhere to the City's exterior construction code requirements.

8. VI. Specific Regulations: H. Screening:

- a. All truck docks/loading areas for anchor stores with a footprint greater than 30,000 square feet shall be screened from view through the use of 12-foot all masonry walls (which are the same colors and materials as main building). A masonry look precast concrete fence and wall system such as Fencecrete®, or approved, may be utilized, provided it matches building exterior finishes. There should be a 12-foot masonry screening wall along the southern boundary with a 10-foot living screen landscape buffer. Additionally, there shall be an 8-foot masonry screening wall along the western boundary with a 10-foot living screen landscape buffer. All other screening of the rear of the site shall be living screens (eight foot height and at least 75 percent density within four years of planting unless such areas are screened from public views by a building.

- i. See Fencecrete® sample attachment

9. VI. Specific Regulations: J. Signage and Graphics

- a. (b) Shared Tenant Monument Signs-*Two (2) monument signs on FM 544 shall be allowed located on Lot 2 and shall be limited to a maximum sign area of 40 square feet per sign. One monument sign on McCreary shall be allowed with a maximum height of seven (7) feet and maximum size of forty (40) square feet per sign.*

- b. 2. Shared Tenant Monument Signs (a): Monument signs shall identify individual tenants or uses within the shopping center. Monument Signs shall be a maximum of ~~eight (8)~~ *seven (7)* feet tall.

10. VI. Specific Regulations: K. Open Space:

- a. Remove the line in (1) All open space amenities shall use a unified design as shown on the approved Amenities Plan.
- b. However, the applicant does understand the intent and expectations for amenity type areas and they have agreed to establish amenity areas in more suitable areas such as along or near the public sidewalks. This will be furthered detailed at time of site plan review.

**Concept Plan and Landscape Plan amendments**

- 1. The applicant has submitted a revised concept plan for the SWC of McCreary and FM 544.

2. The proposed Concept Plan enlarges the building located south of the property. The Concept Plan also includes a fuel station and car wash on the north lot. Additionally, the Concept Plan shows a building with a drive through on the far west lot.
  - a. As stated in the Code of Ordinances, the Concept Plan is an aid to show anticipated layout of proposed development.
  - b. It should also be noted that majority of the western portion of the Concept Plan is within the floodplain. A flood study at the developer's expense will be completed before any grading improvements within the floodplain.
    - i. The applicant has also visited in person with Mr. Loftice, neighboring property to the west, about any concerns he might have.
  - c. Prior to development, the applicant would be required to submit full site plan and construction plat details for review and consideration.
3. The applicant has submitted an amended Landscape Plan that follows the revised layout of the Concept Plan.
4. A public hearing notification for this proposed zoning change was published in the newspaper as well as notification mailed to the property owners included in the required 200 feet notification radius prior to the December 29, 2014 and January 6, 2015 Public Hearings on this item.

**EXHIBIT B**  
**AS AMENDED shown in red**

**McCreary Marketplace**  
**SW Corner of FM 544 and McCreary Road PLANNED DEVELOPMENT CONDITIONS**

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality retail development that is generally consistent with the Comprehensive Plan.
- II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage the following uses.
  - Larger anchor uses
  - Grocery Store
  - Family, sit-down restaurants
  - Upscale retail shops
  - Individual pad site uses
  - Other retail uses as outlined herein
- III. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 04-05-610, as amended, except as specifically provided herein.

**IV. General Regulations:** All regulations of the R (Retail) District set forth in Section 29 of the Comprehensive Zoning Ordinance are included by reference and shall apply except as otherwise specified by this ordinance.

**V. Development Plans:**

- A. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
- B. Landscape Plan: Development shall be in general conformance with the approved landscape plan set forth in Exhibit D; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
- C. Exterior Elevation Plan: **Development shall conform to City of Murphy code and Planned Development District requirements as noted herein subject to site plan approval.**
- D. Signage Plan: Development shall be in general conformance with the approved signage plan as set forth in Exhibit F; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail. **The Signage Plan may be amended and altered to include additional signage at the time of Site Plan approval to accommodate the anchor and pad sites.**
- E. Concept Plan, Landscape Plan, Exterior Elevation Plan, and Signage Plan approval shall be for a period of one year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted and approved for a portion of the development, then the Concept Plan shall be deemed to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan. **This period shall be extended for a maximum of two (2) additional one (1) year periods with a request in writing to the City Manager subject to his approval.**
- F. Site Plan: A Site Plan shall be submitted in accordance with the Requirements set forth in Chapter 86, Article II, and Division 7 of the City of Murphy Code of Ordinances. The Site Plan may be for all or any part of the land within the Planned Development District.

**VI. Specific Regulations:**

- A. Permitted Uses
  - 1. Amusement Services (Indoors) (SUP)
  - 2. Antique Shop
  - 3. Art Dealer/Gallery
  - 4. Artist Studio (SUP)
  - 5. Bakery (Retail)
  - 6. Book Store
  - 7. Cafeteria
  - 8. Computer Sales
  - 9. Confectionery Store (Retail)
  - 10. Department Store
  - 11. Dinner Theatre (SUP Only)
  - 12. Electronics (Retail)
  - 13. Florist

14. Food or Grocery Store with Fuel Center as accessory use
15. Furniture Sales (Indoor)
16. Hardware Store
17. Home Improvement Center (SUP)
18. Motion Picture Theatre
19. Pet Shop/Supplies
20. Pharmacy(with Drive-thru)
21. Photo Studio
22. Photocopying/Duplicating
23. Restaurant (with drive-thru (SUP); drive thru not allowed to face residential properties)
24. Retail Store
25. Tailor Shop
26. Theatre (Live Drama) (SUP)
27. Sporting Goods
28. Clothing / Home Goods
29. Car Wash as accessory use to Fuel Center
30. Dry Cleaners (SUP)

B. Area and Yard Regulations

1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract area required.
2. Minimum Lot/Tract Width: Minimum frontage requirements for lots adjacent to either FM 544 or McCreary Road shall be 90'.
3. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.
4. Pad Sites: The maximum number of pad sites allowed along FM 544 shall be three (3).

C. Parking, Driveways and Sidewalks:

1. Parking areas shall not be permitted within any landscape buffer strip.
2. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
3. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Comprehensive Zoning Ordinance.
4. No required parking space may be occupied by signs, merchandise, or display items at any time except by specific 30 day permit.
5. A special "signature" paving treatment shall be established as shown on the approved concept plan (Exhibit C). Appropriate locations for the special paving treatment shall include street intersections, pedestrian crosswalks and driveway openings.
6. Sidewalks along FM 544 and McCreary Road shall be 8 feet in width.

D. Loading and Unloading

1. Truck loading berths and apron space shall only be required for space that totals 30,000 square feet or more and shall not be located on the street side of any building or facing another building without adequate screening.
2. Truck loading berths shall not be located within any required setback or landscape buffer strip.
3. Landscaping is required in front of any loading dock facing public right of way, including the loading dock shown on Phase One development facing FM544.

E. Building Height

***Consideration requested by City Council, applicant to address***

1. All structures shall have a maximum building height of thirty-five (35) feet except that the maximum height may be increased to forty-five (45) feet to allow for architectural elements.

F. Minimum Exterior Construction Standards, Building Materials and Design-

Exterior Construction and Design Requirements shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. All structures, including all building elevations, shall be constructed utilizing a design that is consistent with **City code and Planned Development District requirements noted herein.**
2. The use of primary or garish colors shall not be predominately used on the exterior façade of any structure. Corporate identities shall be allowed with owner review and approval.
3. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any immediately adjacent public dedicated street by an architecturally sound method.
4. Each commercial building, complex of buildings or separate commercial business enterprise shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired there on by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
5. In all cases, mechanical equipment on roofs and outcroppings shall be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.

G. Landscape Standards

Landscaping shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. Landscaping shall generally be as shown on the approved Landscape Plan (Exhibit D). Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy for the specific development. An automatic underground irrigation system including freeze and rainwater sensor shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
2. A landscape buffer shall be provided twenty-five (25) feet in depth adjacent to the right-of-way of FM 544, twenty-five (25) feet in depth adjacent to McCreary Road. No parking may be placed within any landscape buffer. Pedestrian easements and sidewalks may be located within a landscape buffer.
3. Parking Lots
  - a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than six (6) feet by six (6) feet shall be provided surrounding each tree located in a surface parking area. Landscape islands within the parking lot shall be a minimum of 64 square feet.
    1. The traffic island shown on Phase One development shall be landscaped.
    2. Phase One construction is to include Open Space as noted in Phase Two.
    3. A total of seven (7) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the seven (7) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed twenty (20) spaces in length.
    4. An additional 8% open space shall be provided. This 8% will be for the entire development and not necessarily on a lot by lot basis. The 8% area will consist of two or more of the following amenities:
      - a. Pedestrian walkways
      - b. Benches
      - c. Gazebo
      - d. Constant level pool
      - e. Landscape material
      - f. Hardscape
      - g. Pedestrian lighting

H. Screening

Screening shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. All screening at the rear (South & West) of the property will be a live screen where required. Plant materials shall conform to the standards of the approved plant list in Section 50 and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen.
2. All truck docks/loading areas for anchor stores with a footprint greater than 30,000 square feet shall be screened from view through the use of 12-foot all masonry walls (which are the same colors and materials as main building). A masonry look precast concrete fence and wall system such as Fenccrete®, or approved, may be utilized provided it matches building exterior finishes. There should be a 12-foot masonry screening wall along the southern boundary with a 10-foot living screen landscape buffer. Additionally, there shall be an 8-foot masonry screening wall along the western boundary with a 10-foot living screen landscape buffer.
3. Outside seasonal displays shall be permitted within the Planned Development District for no more than 30 days. Outside storage shall not be permitted with the Planned Development District.

I. Site Lighting:

Lighting shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. Site lighting fixtures used along entrance driveways and parking areas shall be uniform and a consistent design within the development. Lighting standards for illuminating these areas shall be no taller than 30 ft. high. However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.

J. Signage and Graphics

Signage will comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below. No electronic signs are allowed in Planned Development District.

Signature Sign: Developer shall construct a signature sign depicting "City of Murphy" at the intersection of McCreary Road and FM 544 immediately adjacent (behind) the 50x50 visibility triangle. The signature entrance/ development sign must be 2 or 3 dimensional and conceptually similar to the signature sign located on the north west corner of FM 544 and North Murphy Road in Murphy. The developer shall submit the signature signage plans to the City for approval prior to construction.

1. General

- a. All signage for the Planned Development District shall be allowed as shown on the approved Signage Plan (Exhibit F).

- b. Shared Tenant Monument Signs- **Two (2)** monument signs shall be allowed located on Lot 2 and shall be limited to a maximum sign area of 40 square feet **per sign. One monument sign on McCreary shall be allowed with a maximum height of seven (7) feet and maximum size of forty (40) square feet per sign.**
  - c. Shopping center signs-One (1) shopping center sign shall be permitted as shown on the approved Signage Plan (Exhibit F). The shopping center sign shall be limited to a maximum sign area of 240 square feet.
  - d. All signs must be surrounded by landscaping.
  - e. No signs shall be phased.
2. Shared Tenant Monument Signs
- a. Monument signs shall identify individual tenants or uses within the shopping center. Monument signs shall be a maximum of **seven (7)** feet tall.
  - b. All shared tenant monument signs shall be double-sided, internally illuminated sign panels within a masonry structure. Shared tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
  - c. Monument signs shall be located at a setback distance of not less than five (5) feet from the right-of-way line of any adjacent street and maybe incorporated within the landscaping area or buffer.
  - d. Construction of monument signs shall include a base of material similar to the material used for buildings.
3. Shopping Center Sign
- a. The shopping center sign shall be constructed at a height not to exceed thirty-five (35) feet upon approval of a building permit of an anchor tenant.
  - b. The base of the shopping center sign shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.
  - c. The shopping center sign shall be double-sided, internally illuminated sign panels within a masonry structure. Pylon signs may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
  - d. Construction of shopping center signs shall include a base of material similar to the material used for buildings.
4. Temporary Marketing Signage
- a. One (1) quality temporary marketing sign shall be permitted on the development on McCreary Road and on FM 544. Temporary signs must be approved by the City Manager or designee and are valid for 180 days.

- b. The maximum signage area will be 64 square feet. The maximum height shall be 8 feet.
- c. All other temporary signage specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.
- d. Temporary signs are not required to be constructed of the material used for buildings.

K. Open Space

- 1. Development with the Planned Development District should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Tract at the pedestrian level. All pedestrian areas and open space must be located away from vehicular traffic areas as reflected on the concept plan attached.
  - a. Outdoor Seating. Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and shall be approved with the site plan.
  - b. An additional 8% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 8% may be located adjacent to the required setbacks or landscaping at the ROW and property lines or in front or in some cases to the side of the structure. The additional open space percentage may not include the building footprint or vehicular parking lot. This area and associated amenities shall be approved on the site plan. At least one of the following amenities shall be located within the additional 5% open space area and count towards the required percentage.
    - 1. Water feature, such as a fountain or detention pond with constant water level.
    - 2. Plaza or courtyard with art sculpture piece.
    - 3. Outdoor patio or gazebo with seating area.
    - 4. Other areas for pedestrian congregation, and may be approved on the site plan.

VII. Special Regulations:

- A. Right Turn Deceleration Lanes: A right turn deceleration lane shall be required for the driveway on FM 544 at the time construction begins on any pad site along FM 544 and paid for by the developer and/or property owner. A right turn deceleration lane shall be required for the middle driveway on McCreary Road at the time construction begins on the anchor tenant.
- B. Utility Power Lines: Utility distribution and service lines for individual business establishments, buildings, and signs and for any other site development features shall be placed underground.

- C. Cross-Access Requirement: A joint access (i.e.-ingress, egress) easement shall be provided to minimize the number of driveway openings along FM 544 and McCreary Road. The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards. Access shall be provided for property to the West of this site for future connectivity.
  
- D. Outside storage shall not be permitted with the Planned Development District.
  
- E. Outside display of merchandise and temporary seasonal items: Outside display of merchandise and temporary seasonal items, such as Christmas trees, pumpkins, etc., shall be limited to the following:
  - 1. Shall not be placed/located more than 30 feet from the main building.
  - 2. Shall not occupy any of the parking spaces that are required by this chapter for the primary use of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
  - 3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on site or off site, in any way.
  - 4. Shall not extend into public right-of-way or onto adjacent property.
  - 5. All outside display items shall be removed at the end of business each day, except for large seasonal items such as Christmas trees.
  - 6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
  
- F. Maintenance: The developer and/or property owner of any part of the Planned Development District shall maintain the property in terms of quality landscape maintenance, trash removal, interior and exterior sign conditions, trash receptacles and other amenities to ensure a consistent high quality development.

Following staff's presentation, Council asked the applicant to make his presentation.

John Rose of Dallas, representing the applicants, stated the business that will be built on the site has been in business for over 107 years. No two buildings are the same. Since each city is unique, so are the buildings that are built in each city. The reason for requesting the vote to be delayed until January 20, 2015 is to protect the property owners who have not finalized the sale of their properties.

Council discussed the fuel center and/or car wash with its location at the entry of the city. The applicant is very willing to work with the city on the aesthetic looks of the fuel center and car wash. The applicant stated that they do not intend to have any sit down restaurants and without the fuel center and car wash, they would not develop the project.

Council expressed appreciation to Planning and Zoning for the three and half hour meeting to work on this project. Questions regarding the two to three year extensions were addressed. Engineering will be consulted to address all flood plain issues.

Fencecrete was discussed and is a concern of Council. It was further stated that the fencing will have a landscape buffer for the entire length of the fence.

Lot 3 could be retail only without specified restaurant or drive through fast food since that area would require an SUP. Council reviews the SUP requests for building out the other lots in the development, and an SUP is the only way a drive through could be approved.

Mayor Barna opened the Public Hearing at 7:08 pm.

John Daugherty, resident, also complemented Planning and Zoning for their work on this proposal. Mr. Daugherty is in favor of the proposal but he wanted to address the Fencecrete issue, as he says it is not pleasing to the eye. He asked Council to require masonry in place of the Fencecrete.

Mayor Barna complimented Kristen Roberts for all her efforts on sorting out the discussions from the Planning and Zoning meeting to make the presentation for this meeting.

Mayor Barna closed the Public Hearing at 7:13 pm.

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

***APPROVED***

**Mayor Pro Tem Bradley moved to postpone action on this agenda item until the January 20<sup>th</sup>, 2015 regularly scheduled Council meeting. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

- D. Consider and/or act on a request for a waiver from Section 70-132(a) of the Murphy Code of Ordinances requiring that monuments be set at the corner of each lot and block within the Windy Hill Farms subdivision.

Staff explained the need for the variance for this item.

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

***APPROVED***

**Mayor Pro Tem Bradley moved to approve the requested waiver from Section 70-132(a) of the Murphy Code of Ordinances requiring that monuments be set at the corner of each lot and block within the Windy Hill Farms subdivision. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

- E. Discuss the opportunity of providing dispatch services via an Inter Local Agreement (ILA) with the City of Parker.

Police Chief Cox briefed the Council regarding the history on this item and to bring the proposal to Council to see if the Council is interested in both cities entering into this type of agreement.

Council asked several questions including if this was going to cost the city additional money and if our citizens would have to wait for service if we are answering calls for Parker. Chief explained that the call volume would be about 15,000 calls annually which the majority of the calls will be officers checking in and out and/or running plates and/or making driver's license inquiries. The calls would be for police only and not the City of Parker's fire calls. The cost to Parker is \$25,000 annually plus

Parker will have to change out their radios. The amount was questioned as to how it was derived. Liability issues were discussed. A consensus of Council supports the plan. It was also mentioned that currently the city provides animal control services for Parker.

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

**NO ACTION**

- F. Consider and/or act upon authorizing the purchase of a 2015 Horton Type I ambulance through BuyBoard in an amount of \$213,346.00 as budgeted in FY2015 capital budget.

Fire Chief Lee briefed Council regarding the history of this item. Recently, an ambulance had to be borrowed from another community as one of the City's two ambulances was in the shop and the other one broke down. Council did approve the expenditure in the FY2015 capital budget. The replacement program for ambulances is four years. The new ambulance will be the primary ambulance. The 2011 ambulance will be the support or reserve ambulance and the 2007 ambulance will be a stripped down reserve to be used if the other two ambulances are out of operation only. The 2007 will be maintained until it reaches its 12<sup>th</sup> year in 2019 at which time it will be auctioned. Both vehicles have similar mileage on them (approximately 45,000 to 46,000 miles). Hours are tracked as well as mileage. Idle hours are harder on the ambulances than running hours. Community based medical care is the direction that emergency medical care will be going in the future.

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

**APPROVED**

**Mayor Pro Tem Bradley moved to enter into a purchase agreement with BuyBoard and Professional Ambulance Sales & Service of Alvarado, Texas for a new Type I Horton Ambulance in the amount of \$213,346. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

- G. Discussion and update on the Safe Routes to School funding program and the Collin County Park Grants for Central Park and the Timbers Nature Preserve.

Staff updated Council regarding the history of these items. The challenge of the Safe Route program is the fact that these are reimbursement type programs and it is not really a grant. Training is essential and several personnel are being trained to complete the massive amount of documentation that has to be filed. It is a very paper intensive, time consuming project which is one reason cities do not apply for these monies but if done properly can be a win-win for the citizens of Murphy as the two awards total \$1,036,815. The authorization to proceed was issued in December with a completion date anticipated in June 2015. The project begins in the Rolling Ridge subdivision and works its way south.

The grants for Murphy Central Park which was completed in April 2014 had financial assistance from the City, Community Development, Murphy Development District, Texas Parks and Wildlife, and Collin County Park Grants. The City was awarded \$400,000 by Collin County for concrete trails and trail connections, south and west pedestrian bridges. The City submitted requests for reimbursement but only received \$233,305.60. We were told that construction work-site prep, erosion control, earthwork, testing, survey, flatwork, etc. – was not eligible. Article IV of the Interlocal Agreement states that "costs related expenses" shall be paid on a dollar for dollar basis. Staff is reviewing, but plan to file an appeal with Collin County Keith Self and the Commissioner's Court. The Mayor has met with Commissioner Cheryl Williams but she claimed that the County

only pays for the “pretty stuff”. I reading the agreement, nothing can be found stating or implying that.

The City also applied for \$600,000 from Collin County Parks and Open Space Project Funding Assistance Program for a Regional Trail Connector Project. We received \$500,000 from Collin County Parks and Open Space Project Funding Assistance Program for the construction of a pedestrian bridge and a 10 foot wide concrete trail. Similar concerns that arose with Central Park may arise, so staff is trying to get in front of this now.

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

**NO ACTION**

**7. CITY MANAGER/STAFF REPORTS**

- A. North Murphy Road Construction Update  
The pouring of concrete is on hold due to colder weather temperatures.
- B. Chamber of Commerce Annual Banquet on Friday, January 16, 2015  
Reminded Council to let staff know if Councilmembers and their spouses will be attending the Chamber of Commerce Annual Banquet, as the City has purchased tables.
- C. Boards and Commission Training to be held Saturday, February 7, 2015  
All Board members are encouraged to attend, as it is a great time to have them all together. Council is encouraged to attend. Boards like to hear Council’s perspectives as to what the Council expects from the various boards.
- D. City Council Planning Session  
Requested Council to send available dates for March to schedule a meeting to develop a three to five year plan, dates should be sent to City Manager Fisher by Friday, January 16, 2014. A Community Survey would be helpful in developing a long range plan. A Wednesday evening event was suggested followed by an all-day Thursday session.

**8. ADJOURNMENT**

With no further business, the meeting was adjourned at 8:03 pm.

APPROVED BY:

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

ATTEST:

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

City Council  
January 20, 2015

**Issue**

Consider and/or act on the application of Saritha Yeddula, Charlotte Dye, Kelly Smith and Orange-Birmingham, LLC requesting to amend by ordinance, PD Ordinance No. 12-06-914 including a change in zoning of approximately 6.3 acres from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses and amending the Concept Plan, Landscape Plan and Planned Development Conditions. This property is located at SWC FM 544 and McCreary Road.

*NOTE: Staff has revised this agenda item to include details specific to edits to the Concept Plan, Landscape Plan and Planned Development Conditions following discussion at the January 6, 2015 City Council meeting. (See Considerations section)*

**Background**

On January 6, 2015, City Council held a public hearing and discussed the request to amend PD Ordinance No. 12-06-914 including a change in zoning of approximately 6.3 acres from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses and amending the Concept Plan, Landscape Plan and Planned Development Conditions. At that meeting, the applicant requested that action on the item be deferred to the January 20, 2015 City Council meeting.

**Summary**

The applicants are requesting to amend the PD Ordinance No. 12-06-914:

- Include an additional approximately 6.3 acres into the Planned Development District, rezoning the 6.3 acres from Single Family Residential (SF-20) and incorporating these acres into the Planned Development District.
- Amending the Concept Plan exhibit to include the additional approximately 6.3 acres and identify an amended site layout.
- Amending the Landscape Plan exhibit to accommodate the additional acreage and amended Concept Plan layout .
- Amending the Planned Development Conditions

## Considerations

### **Planned Development District Conditions and Concept Plan**

The applicant has requested modifications to the existing Planned Development Conditions and Concept Plan in PD Ordinance No. 12-06-914 as attached and shown in Exhibit B and Exhibit C.

Based on discussion and comments received from City Council on January 6, 2015, staff and the applicant have revised the Planned Development District Conditions slightly.

These items are noted in **green** in the Planned Development District Conditions Exhibit (Exhibit B). The items in **red** remain as discussed on January 6, 2015.

Modifications to the Planned Development District Conditions include:

- Adding the verbiage to Exterior Elevations: *Any Fuel Center and/or Car Wash shall be Masonry clad to match the proposed anchor building. The Fuel Center canopy will include a mansard roof and all columns will be masonry clad.*
- Adding the verbiage to Area and Yard Regulations: *Front, side and rear building setbacks shall be twenty-five (25) feet.*
- Modifying the maximum building height: *forty (40) feet* except that the maximum height may be increased to forty-five (45) feet to allow for architectural elements.
- Adding the verbiage to Landscape Standards; landscape buffer adjacent to FM 544: *Any Fuel Center and/or Car Wash will include a landscape screening within this buffer to include ornamental trees (i.e. Crepe Myrtles) and shrubs.*
- Removing the verbiage allowing Fencecrete®.

Modifications to the Concept Plan include:

- Shifting the site layout to the east to accommodate for challenges that could arise due to the flood plain.
- Creating a landscape/amenity area on the eastern center of the property to allow for the visual enhancement of the creek.
- The buildings as shown on the January 6, 2015 Concept Plan remains as presented.
  - o While Lot 3 conceptually shows retail, the developer has no plans at this time for a proposed use on that one site; additional parking if necessary for the anchor building may go here.
  - o The anchor building layout includes a fuel center and car wash on site. The anchor building will not develop without the fuel center and car wash.

**Staff Recommendation**

Staff recommends approval of the proposed amendments to Planned Development District No. 12-06-914 including removal of Exhibit E, the amended Planned Development District Conditions, amended Concept Plan and amended Landscape Plan as presented.

**Attachments**

Planned Development District Conditions 1/20/2015 – Exhibit B

Concept Site Plan amended 1/20/2015 – Exhibit C

Landscape Plan amended 1/20/2015 – Exhibit D

Current Ordinance No. 12-06-914

Reply Forms received to date

## Exhibit B

# McCreary Marketplace Planned Development District Conditions 1/20/2015

## Planned Development Conditions

### EXHIBIT B

**AS AMENDED shown in red**

**As of 1/6/2015 shown in green**

**McCreary Marketplace**

**SW Corner of FM 544 and McCreary Road**

### PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality retail development that is generally consistent with the Comprehensive Plan.
- II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage the following uses.
  - Larger anchor uses
  - Grocery Store
  - Family, sit-down restaurants
  - Upscale retail shops
  - Individual pad site uses
  - Other retail uses as outlined herein
- III. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 04-05-610, as amended, except as specifically provided herein.
- IV. **General Regulations:** All regulations of the R (Retail) District set forth in Section 29 of the Comprehensive Zoning Ordinance are included by reference and shall apply except as otherwise specified by this ordinance.
- V. **Development Plans:**
  - A. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
  - B. Landscape Plan: Development shall be in general conformance with the approved landscape plan set forth in Exhibit D; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
  - C. Exterior Elevation Plan: **Development shall conform to City of Murphy code and Planned Development District requirements as noted herein subject to site plan approval. Any Fuel Center and/or Car Wash shall be Masonry clad to match the proposed anchor building. The Fuel Center canopy will include a mansard roof and all columns will be masonry clad.**
  - D. Signage Plan: Development shall be in general conformance with the approved signage plan as set forth in Exhibit F; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail. **The Signage Plan may be amended and altered to include additional signage at the time of Site Plan approval to accommodate the anchor and pad sites.**
  - E. Concept Plan, Landscape Plan, Exterior Elevation Plan, and Signage Plan approval shall be for a period of one year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted and approved for a portion of the development, then the Concept Plan shall be deemed

**Planned Development Conditions****Page 2**

to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan. **This period shall be extended for a maximum of two (2) additional one (1) year periods with a request in writing to the City Manager subject to his approval.**

- F. Site Plan: A Site Plan shall be submitted in accordance with the Requirements set forth in Chapter 86, Article II, and Division 7 of the City of Murphy Code of Ordinances. The Site Plan may be for all or any part of the land within the Planned Development District.

**VI. Specific Regulations:**A. Permitted Uses

1. Amusement Services (Indoors) (SUP)
2. Antique Shop
3. Art Dealer/Gallery
4. Artist Studio (SUP)
5. Bakery (Retail)
6. Book Store
7. Cafeteria
8. Computer Sales
9. Confectionery Store (Retail)
10. Department Store
11. Dinner Theatre (SUP Only)
12. Electronics (Retail)
13. Florist
14. Food or Grocery Store **with Fuel Center as accessory use**
15. Furniture Sales (Indoor)
16. Hardware Store
17. Home Improvement Center (SUP)
18. Motion Picture Theatre
19. Pet Shop/Supplies
20. Pharmacy(with Drive-thru)
21. Photo Studio
22. Photocopying /Duplicating
23. Restaurant **(with drive-thru (SUP); drive thru not allowed to face residential properties)**
24. Retail Store
25. Tailor Shop
26. Theatre (Live Drama) (SUP)
27. Sporting Goods
28. Clothing / Home Goods
29. **Car Wash as accessory use to Fuel Center**
30. **Dry Cleaners (SUP)**

B. Area and Yard Regulations

1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract area required.
2. Minimum Lot/Tract Width: Minimum frontage requirements for lots adjacent to either FM 544 or McCreary Road shall be **90'**.
3. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.

**EXHIBIT B**

**Planned Development Conditions****Page 3**

4. Pad Sites: The maximum number of pad sites allowed along FM 544 shall be **three (3)**.

5. **Front, side and rear building setbacks shall be twenty-five (25) feet.**

C. Parking, Driveways and Sidewalks:

1. Parking areas shall not be permitted within any landscape buffer strip.
2. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
3. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Comprehensive Zoning Ordinance.
4. No required parking space may be occupied by signs, merchandise, or display items at any time except by specific 30 day permit.
5. A special "signature" paving treatment shall be established as shown on the approved concept plan (Exhibit C). Appropriate locations for the special paving treatment shall include street intersections, pedestrian crosswalks and driveway openings.
6. Sidewalks along FM 544 and McCreary Road shall be 8 feet in width.

D. Loading and Unloading

1. Truck loading berths and apron space shall only be required for space that totals 30,000 square feet or more and shall not be located on the street side of any building or facing another building without adequate screening.
2. Truck loading berths shall not be located within any required setback or landscape buffer strip.
3. Landscaping is required in front of any loading dock facing public right of way, including the loading dock show on Phase One development facing FM544.

E. Building Height

1. All structures shall have a maximum building height of **forty (40)** feet except that the maximum height may be increased to forty-five (45) feet to allow for architectural elements.

F. Minimum Exterior Construction Standards, Building Materials and Design-

Exterior Construction and Design Requirements shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

**EXHIBIT B**

## Planned Development Conditions

### Page 4

1. All structures, including all building elevations, shall be constructed utilizing a design that is consistent with **City code and Planned Development District requirements noted herein.**
2. The use of primary or garish colors shall not be predominately used on the exterior façade of any structure. Corporate identities shall be allowed with owner review and approval.
3. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any immediately adjacent public dedicated street by an architecturally sound method.
4. Each commercial building, complex of buildings or separate commercial business enterprise shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired there on by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
5. In all cases, mechanical equipment on roofs and outcroppings shall be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.

#### G. Landscape Standards

Landscaping shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. Landscaping shall generally be as shown on the approved Landscape Plan (Exhibit D). Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy for the specific development. An automatic underground irrigation system including freeze and rainwater sensor shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
2. A landscape buffer shall be provided twenty-five (25) feet in depth adjacent to the right-of-way of FM 544, twenty-five (25) feet in depth adjacent to McCreary Road. No parking may be placed within any landscape buffer. Pedestrian easements and sidewalks may be located within a landscape buffer. **Any Fuel Center and/or Car Wash will include a landscape screening within this buffer to include ornamental trees (i.e. Crepe Myrtles) and shrubs.**

## EXHIBIT B

## Planned Development Conditions

### Page 5

3. Parking Lots
  - a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than six (6) feet by six (6) feet shall be provided surrounding each tree located in a surface parking area. Landscape islands within the parking lot shall be a minimum of 64 square feet.
    1. The traffic island shown on Phase One development shall be landscaped.
    2. Phase One construction is to include Open Space as noted in Phase Two.
    3. A total of seven (7) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the seven (7) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed twenty (20) spaces in length.
    4. An additional 8% open space shall be provided. This 8% will be for the entire development and not necessarily on a lot by lot basis. The 8% area will consist of two or more of the following amenities:
      - a. Pedestrian walkways
      - b. Benches
      - c. Gazebo
      - d. Constant level pool
      - e. Landscape material
      - f. Hardscape
      - g. Pedestrian lighting

#### H. Screening

Screening shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. All screening at the rear (South & West) of the property will be a live screen where required. Plant materials shall conform to the standards of the approved plant list in Section 50 and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen.
2. All truck docks/loading areas for anchor stores with a footprint greater than 30,000 square feet shall be screened from view through the use of 12-foot all masonry walls (which are the same colors and materials as main building). **There should be a 12-foot masonry screening wall along the southern boundary to the flood plain with a 10-foot living screen landscape buffer. Additionally, there shall be an 8-foot masonry screening wall along the western boundary of lot 3 with a 10-foot living screen landscape buffer.**

## Planned Development Conditions

### Page 6

3. Outside seasonal displays shall be permitted within the Planned Development District for no more than 30 days. Outside storage shall not be permitted with the Planned Development District.

#### I. Site Lighting:

Lighting shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. Site lighting fixtures used along entrance driveways and parking areas shall be uniform and a consistent design within the development. Lighting standards for illuminating these areas shall be no taller than 30 ft. high. However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.

#### J. Signage and Graphics

Signage will comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below. No electronic signs are allowed in Planned Development District.

Signature Sign: Developer shall construct a signature sign depicting “City of Murphy” at the intersection of McCreary Road and FM 544 immediately adjacent (behind) the 50x50 visibility triangle. The signature entrance/ development sign must be 2 or 3 dimensional and conceptually similar to the signature sign located on the north west corner of FM 544 and North Murphy Road in Murphy. The developer shall submit the signature signage plans to the City for approval prior to construction.

##### 1. General

- a. All signage for the Planned Development District shall be allowed as shown on the approved Signage Plan (Exhibit F).
- b. Shared Tenant Monument Signs- **Two (2)** monument signs shall be allowed located on Lot 2 and shall be limited to a maximum sign area of 40 square feet **per sign. One monument sign on McCreary shall be allowed with a maximum height of seven (7) feet and maximum size of forty (40) square feet per sign.**
- c. Shopping center signs-One (1) shopping center sign shall be permitted as shown on the approved Signage Plan (Exhibit F). The shopping center sign shall be limited to a maximum sign area of 240 square feet.
- d. All signs must be surrounded by landscaping.
- e. No signs shall be phased.

##### 2. Shared Tenant Monument Signs

- a. Monument signs shall identify individual tenants or uses within the shopping center. Monument signs shall be a maximum of **seven (7)** feet tall.

## EXHIBIT B

**Planned Development Conditions****Page 7**

- b. All shared tenant monument signs shall be double-sided, internally illuminated sign panels within a masonry structure. Shared tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
- c. Monument signs shall be located at a setback distance of not less than five (5) feet from the right-of-way line of any adjacent street and maybe incorporated within the landscaping area or buffer.
- d. Construction of monument signs shall include a base of material similar to the material used for buildings.

3. Shopping Center Sign

- a. The shopping center sign shall be constructed at a height not to exceed thirty-five (35) feet upon approval of a building permit of an anchor tenant.
- b. The base of the shopping center sign shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.
- c. The shopping center sign shall be double-sided, internally illuminated sign panels within a masonry structure. Pylon signs may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
- d. Construction of shopping center signs shall include a base of material similar to the material used for buildings.

4. Temporary Marketing Signage

- a. One (1) quality temporary marketing sign shall be permitted on the development on McCreary Road and on FM 544. Temporary signs must be approved by the City Manager or designee and are valid for 180 days.
- b. The maximum signage area will be 64 square feet. The maximum height shall be 8 feet.
- c. All other temporary signage specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.
- d. Temporary signs are not required to be constructed of the material used for buildings.

K. Open Space

- 1. Development with the Planned Development District should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged

**EXHIBIT B**

## Planned Development Conditions

### Page 8

within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Tract at the pedestrian level. All pedestrian areas and open space must be located away from vehicular traffic areas as reflected on the concept plan attached.

- a. Outdoor Seating. Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and shall be approved with the site plan.
- b. An additional 8% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 8% may be located adjacent to the required setbacks or landscaping at the ROW and property lines or in front or in some cases to the side of the structure. The additional open space percentage may not include the building footprint or vehicular parking lot. This area and associated amenities shall be approved on the site plan. At least one of the following amenities shall be located within the additional 5% open space area and count towards the required percentage.
  1. Water feature, such as a fountain or detention pond with constant water level.
  2. Plaza or courtyard with art sculpture piece.
  3. Outdoor patio or gazebo with seating area.
  4. Other areas for pedestrian congregation, and may be approved on the site plan.

#### VII. Special Regulations:

- A. Right Turn Deceleration Lanes: A right turn deceleration lane shall be required for the driveway on FM 544 at the time construction begins on any pad site along FM 544 and paid for by the developer and/or property owner. A right turn deceleration lane shall be required for the middle driveway on McCreary Road at the time construction begins on the anchor tenant.
- B. Utility Power Lines: Utility distribution and service lines for individual business establishments, buildings, and signs and for any other site development features shall be placed underground.
- C. Cross-Access Requirement: A joint access (i.e.-ingress, egress) easement shall be provided to minimize the number of driveway openings along FM 544 and McCreary Road. The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards. Access shall be provided for property to the West of this site for future connectivity.
- D. Outside storage shall not be permitted with the Planned Development District.

## EXHIBIT B

**Planned Development Conditions****Page 9**

- E. Outside display of merchandise and temporary seasonal items: Outside display of merchandise and temporary seasonal items, such as Christmas trees, pumpkins, etc., shall be limited to the following:
1. Shall not be placed/located more than 30 feet from the main building.
  2. Shall not occupy any of the parking spaces that are required by this chapter for the primary use of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
  3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on site or off site, in any way.
  4. Shall not extend into public right-of-way or onto adjacent property.
  5. All outside display items shall be removed at the end of business each day, except for large seasonal items such as Christmas trees.
  6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- F. Maintenance: The developer and/or property owner of any part of the Planned Development District shall maintain the property in terms of quality landscape maintenance, trash removal, interior and exterior sign conditions, trash receptacles and other amenities to ensure a consistent high quality development.

# Exhibit C

McCreary Marketplace

Concept Plan

1/20/2015

**FRANCHISE UTILITY NOTES:**  
 1. ONCOR ELECTRIC - (803) 868-8242 - MR. MARK BAILEY  
 2. AT&T TELEPHONE - (972) 569-4760 - MR. KEITH HELM  
 3. TIME WARNER CABLE - (972) 742-5892  
 4. AT&T TELEPHONE - (972) 569-4760 - MR. KEITH HELM

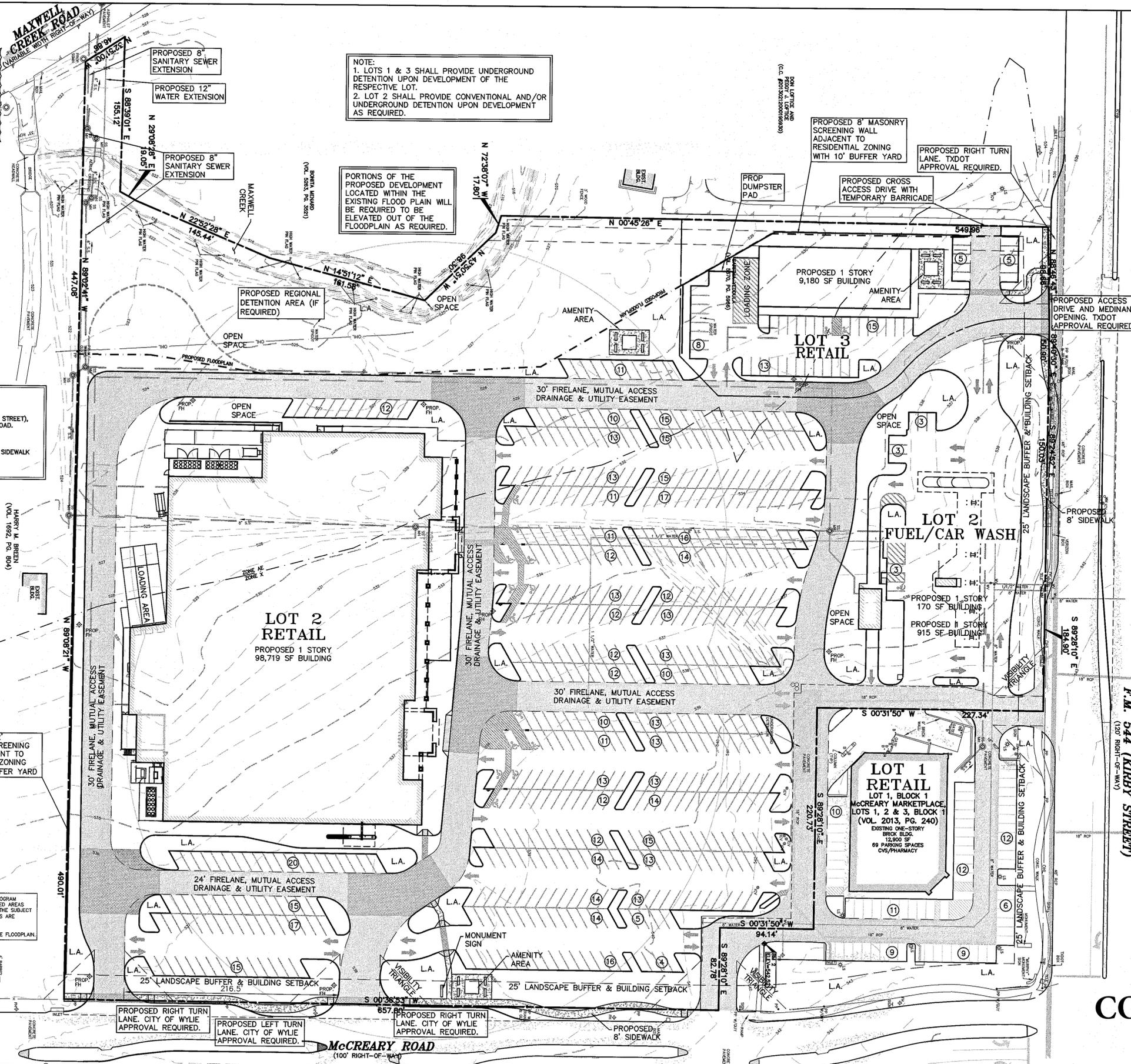
**CAUTION!!!**  
 UNDERGROUND UTILITIES ARE LOCATED IN THIS AREA. 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTACT LINE LOCATES FOR FRANCHISE UTILITY INFO. CALL BEFORE YOU DIG!  
 TEXAS EXCAVATION SAFETY SYSTEM (TESS) 1-800-344-3377  
 TEXAS ONE CALL SYSTEMS 1-800-245-4545  
 LONE STAR NOTIFICATION CENTER 1-800-669-8344 EXT. 5



BEFORE YOU DIG...

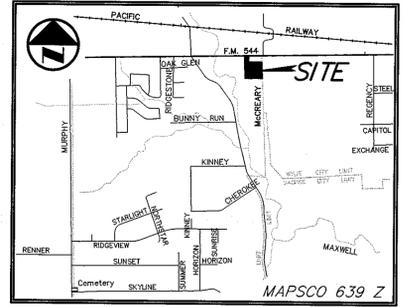
**BENCHMARK LIST:**  
 BENCHMARK #1  
 SQUARE CUT ON CURB INLET SOUTH SIDE OF FM 544 (KIRBY STREET), 100.54 FEET EAST OF THE EAST CURB LINE OF MCCREARY ROAD. ELEVATION = 545.13  
 BENCHMARK #2  
 SQUARE CUT ON TOP OF CURB LOCATED ON NORTH SIDE OF SIDEWALK RAMP NEAR THE SOUTH ENTRANCE TO CVS LOT. ELEVATION = 542.52

THE SUBJECT PROPERTY IS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR COLLIN COUNTY, TEXAS AND INCORPORATED AREAS COMMUNITY PANEL NUMBER 480800045, DATED JUNE 02, 2009. ALL OF THE SUBJECT PROPERTY IS INDICATED TO BE IN ZONE "X" ON SAID MAP. RELEVANT ZONES ARE DEFINED ON SAID MAP AS FOLLOWS:  
 ZONE "AE" - BASE FLOOD ELEVATIONS DETERMINED.  
 ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.



**NOTE:**  
 1. LOTS 1 & 3 SHALL PROVIDE UNDERGROUND DETENTION UPON DEVELOPMENT OF THE RESPECTIVE LOT.  
 2. LOT 2 SHALL PROVIDE CONVENTIONAL AND/OR UNDERGROUND DETENTION UPON DEVELOPMENT AS REQUIRED.

PORTIONS OF THE PROPOSED DEVELOPMENT LOCATED WITHIN THE EXISTING FLOOD PLAIN WILL BE REQUIRED TO BE ELEVATED OUT OF THE FLOODPLAIN AS REQUIRED.



VICINITY MAP NOT TO SCALE



GRAPHIC SCALE IN FEET  
 SCALE: 1" = 50'

**LEGEND**

- B1 BOLLARD
- EM ELECTRIC METER
- PP POWER POLE
- LS LIGHT STANDARD
- WM WATER METER
- WV WATER VALVE
- ICV IRRIGATION CONTROL VALVE
- FDH FIRE HYDRANT
- FDCC FIRE DEPARTMENT CONNECTION
- CO CLEAN OUT
- MH MANHOLE
- GM GAS METER
- TSC TRAFFIC SIGNAL CONTROL
- TSP TRAFFIC SIGNAL POLE
- TSN TRAFFIC SIGN
- TELE TELEPHONE BOX
- TV TV BOX
- FP FLAG POLE
- L.A. LANDSCAPE AREA
- PROPERTY LINE
- O.H. O.H. POWER LINES
- U/G TELE U/G TELEPHONE LINES
- WATER U/G WATER LINE
- GAS U/G GAS LINE
- FENCE
- (C.M.) CONTROLLING MONUMENT
- SIR 5/8-INCH IRON ROD WITH "ROQUE ENG & DEV" CAP SET

**PAVEMENT LEGEND**

- FIRE LANE PAVEMENT
- SIDEWALK PAVEMENT
- ENHANCED PAVEMENT

**SITE DATA SUMMARY TABLE**

EXISTING ZONING: PD ORDINANCE NO. 12-06-914 (PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES) & SF-1

PROPOSED ZONING: PD (PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES) WITH MODIFICATIONS

LOT NO.	1	2	3	TOTAL
SITE AREA (SF)	72,157	635,995	48,029	756,191
SITE AREA (ACRES)	1.6557	14.6004	1.1026	17.3598
USE	RETAIL	RETAIL	RETAIL	RETAIL
BUILDING AREA (SF)	12,900	99,804	9,300	122,004
COVERAGE (%)	18%	16%	19%	53%
PARKING REQUIREMENT (SPEC)	1 SPACE/200 SF	1 SPACE/200 SF	1 SPACE/200 SF	1 SPACE/200 SF
PARKING REQUIREMENT (SPACES)	65	500	47	612
PARKING PROVIDED (SPACES)	69	632	47	748
MAXIMUM BUILDING HEIGHT (FEET)	45	45	45	45
MAXIMUM FLOOR AREA RATIO (F.A.R.)	0.18	0.16	0.19	0.19
IMPERVIOUS SURFACE (SF)	52,751	513,614	36,781	603,146
INTERIOR LANDSCAPE REQUIRED, 7% (SF)	2,790	28,967	1,924	33,680
INTERIOR LANDSCAPE PROVIDED (SF)	19,418	55,776	7,474	82,668
OPEN SPACE REQUIRED, 8% (SF)	5,773	50,880	3,842	60,495
OPEN SPACE PROVIDED (SF)	0	62,872	2,490	65,361

**NOTE:**  
 LOT 2 IMPERVIOUS AREA INCLUDES 9,816 S.F. OF TRUCK TURN AROUND AREA.

**CONCEPT PLAN EXHIBIT C**

NO.	DATE	REVISION / DESCRIPTION
DESIGN	DRAWN	DATE
RPP	WTW	12-11-2014

**PROJECT INFORMATION**  
 MCCREARY MARKETPLACE  
 BLOCK A, LOTS 1, 2, 3 & 4  
 CITY OF MURPHY, TEXAS  
 HENRY MAXWELL SURVEY, ABSTRAT NO. 579  
 PROPOSED USE: RETAIL (GROCER & PAD SITES)  
 ZONING: PD (RETAIL)

**DEVELOPER**  
 POGUE ENGINEERING & DEVELOPMENT COMPANY, INC.  
 1512 BRAY CENTRAL DRIVE, SUITE 100  
 MCKINNEY, TEXAS 75069  
 RANDALL P. POGUE, P.E.  
 (214) 544-8880 PHONE  
 (214) 544-8882 FAX

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF RANDALL P. POGUE, P.E. 04/18/20 ON 12-11-2014. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

**PRELIMINARY**  
 FOR INTERIM REVIEW ONLY  
 NOT TO BE USED FOR CONSTRUCTION OR BIDDING PURPOSES.  
 Engineer: RANDALL P. POGUE, P.E.  
 P.E. No.: 041782  
 Date: 12-11-2014  
 www.PogueEngineering.com

**POGUE**  
 ENGINEERING & DEVELOPMENT COMPANY, INC.  
 1512 BRAY CENTRAL DRIVE SUITE 100 MCKINNEY, TEXAS 75069  
 (214) 544-8880 PHONE (214) 544-8882 FAX  
 www.PogueEngineering.com  
 TX BOARD PROF. ENGINEERS, CERT. #000481; TX BOARD PROF. LAND SURVEYING, CERT. 100421-00

**DEVELOPMENT SITE PLAN**  
 MCCREARY MARKETPLACE  
 BLOCK A, LOTS 2, 3 & 4  
 HENRY MAXWELL SURVEY, ABSTRAT NO. 579  
 CITY OF MURPHY, TEXAS

SHEET NO.  
**C1.01**

# Exhibit D

McCreary Marketplace

Landscape Plan

1/20/2015

CITY OF MURPHY - LANDSCAPE REQUIREMENTS			
LOT NO.	1	2	3
SITE AREA (SF)	72,167	630,495	53,529
SITE AREA (ACRES)	1.65	1.65	1.65
MINIMUM LANDSCAPE AREA REQUIRED (20%)	14,433	120,099	10,706
LANDSCAPE AREA PROVIDED (SF)	18,877	156,309	15,171
LANDSCAPE SETBACKS			
BUFFERYARD ALONG TYPE 'B' ARTERIAL	25 FT	25 FT	25 FT
SIDE YARD SETBACK WITH EVERGREEN HEDGE	5 FT	5 FT	5 FT
STREET TREE REQUIREMENT (FRONTAGE)	1 TREE / 50 L.F.	1 TREE / 50 L.F.	1 TREE / 50 L.F.
STREET FRONTAGE (L.F.)	277	392	92
STREET TREES REQUIRED	6	8	2
STREET TREES PROVIDED	6	20	7
INTERIOR PARKING LANDSCAPE REQUIRED	1 TREE / 10 SPCS.	1 TREE / 10 SPCS.	1 TREE / 10 SPCS.
SPACES PROVIDED	69	577	46
INTERIOR PARKING TREES REQUIRED	7	58	5
INTERIOR PARKING TREES PROVIDED	7	58	6
ADDITIONAL LANDSCAPE REQUIREMENTS MET			
LANDSCAPE AREA W/ TREE NOT MORE THAN 80 LF FROM EVERY PARKING SPACE			
PARKING SPACES SHALL NOT EXCEED 20 SPACES WITHOUT A TREE			
5% INTERIOR LANDSCAPING REQUIRED			
ADDITIONAL 7% OPEN SPACE FOR ENTIRE DEVELOPMENT			
BAY DOORS MUST BE SCREENED FROM PUBLIC R.O.W.			

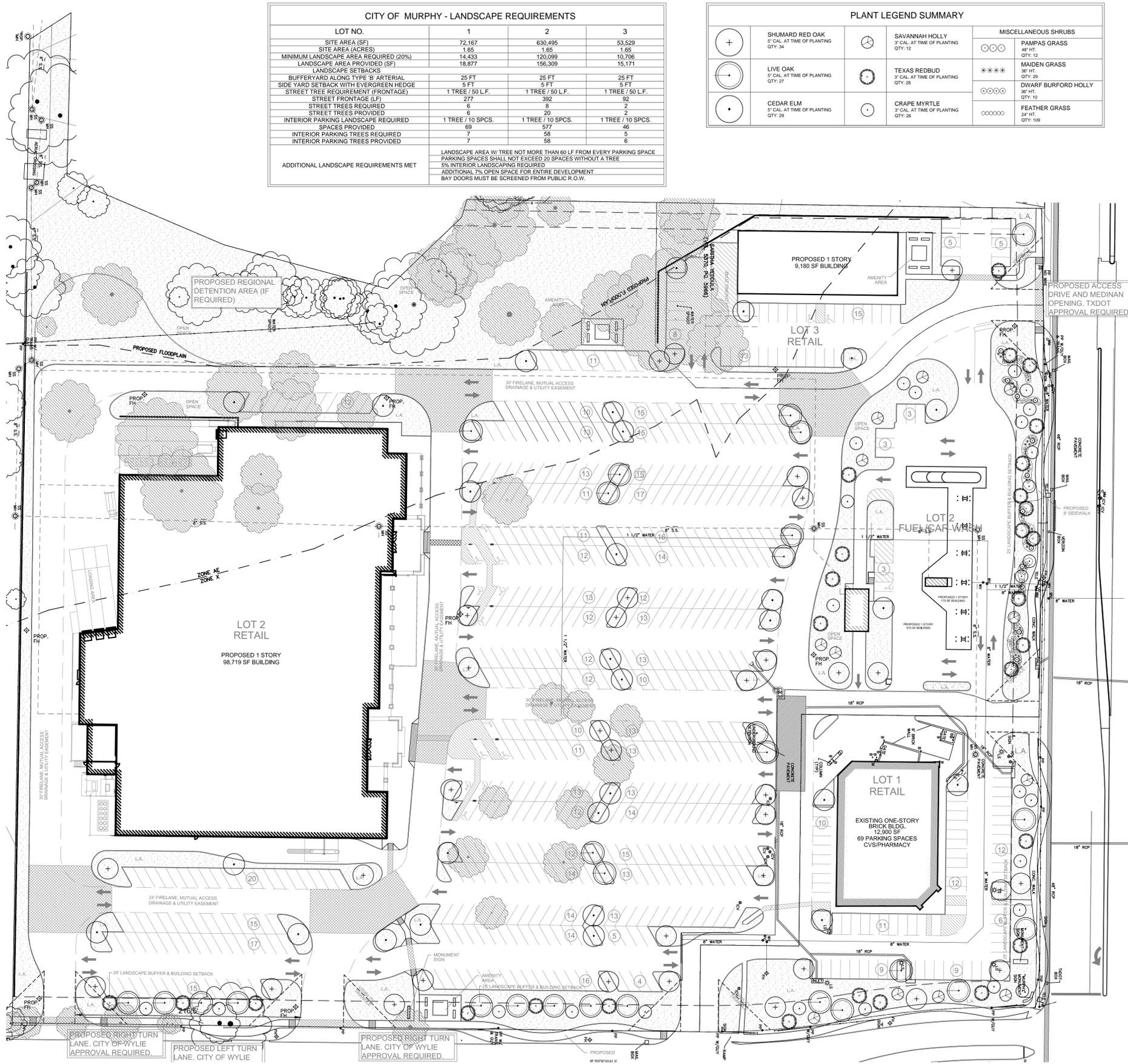
PLANT LEGEND SUMMARY			
	SHUMARD RED OAK 3" CAL. AT TIME OF PLANTING QTY: 34		SAVANNAH HOLLY 3" CAL. AT TIME OF PLANTING QTY: 12
	LIVE OAK 5" CAL. AT TIME OF PLANTING QTY: 27		TEXAS REDBUD 3" CAL. AT TIME OF PLANTING QTY: 26
	CEDAR ELM 5" CAL. AT TIME OF PLANTING QTY: 29		CRAPE MYRTLE 3" CAL. AT TIME OF PLANTING QTY: 26
		MISCELLANEOUS SHRUBS	
			PAMPAS GRASS 48" HT. QTY: 12
			MAIDEN GRASS 36" HT. QTY: 29
			DWARF BURFORD HOLLY 36" HT. QTY: 10
			FEATHER GRASS 24" HT. QTY: 109

- LANDSCAPE NOTES**
- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY ARCHITECT / ENGINEER OF ANY DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
  - CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY ARCHITECT / ENGINEER OF ANY CONFLICTS. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
  - CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.
  - CONTRACTOR TO PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
  - ALL PLANTING BEDS AND LAWN AREAS TO BE SEPARATED BY STEEL EDGING. NO STEEL TO BE INSTALLED ADJACENT TO SIDEWALKS OR CURBS.
  - ALL LANDSCAPE AREAS TO BE 100% IRRIGATED WITH AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM.
  - ALL LAWN AREAS TO BE HYDROMULCHED BERMUDA GRASS, UNLESS OTHERWISE NOTED ON DRAWINGS.

- MAINTENANCE NOTES**
- THE OWNER, TENANT AND THEIR AGENT, IF ANY, SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE.
  - ALL LANDSCAPE SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, WATERING, WEEDING AND OTHER SUCH ACTIVITIES COMMON TO LANDSCAPE MAINTENANCE.
  - ALL LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS AND OTHER SUCH MATERIAL OR PLANTS NOT PART OF THIS PLAN.
  - ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF YEAR.
  - ALL PLANT MATERIAL WHICH DIES SHALL BE REPLACED WITH PLANT MATERIAL OF EQUAL OR BETTER VALUE.
  - CONTRACTOR SHALL PROVIDE SEPARATE BID PROPOSALS FOR ONE YEAR'S MAINTENANCE TO BEGIN AFTER FINAL ACCEPTANCE.

- HYDROMULCH NOTES**
- ALL LAWN AREAS TO BE HYDROMULCHED BERMUDA GRASS, UNLESS OTHERWISE NOTED ON DRAWINGS.
  - CONTRACTOR SHALL SCARIFY, RIP, AND LOOSEN ALL AREAS TO BE HYDROMULCHED TO A MINIMUM DEPTH OF 4" PRIOR TO TOPSOIL AND HYDROMULCH INSTALLATION.
  - BERMUDA GRASS SEED SHALL BE EXTRA HULLED AND TREATED LAWN TYPE AND SHALL BE DELIVERED TO THE SITE IN ITS ORIGINAL UNOPENED CONTAINER, AND SHALL MEET TEXAS STATE LAW REQUIREMENTS.
  - FIBER: SHALL BE ONE HUNDRED (100) PERCENT WOOD CELLULOSE FIBER, DELIVERED TO THE SITE IN ITS ORIGINAL UNOPENED CONTAINER. 'CONWEB' OR EQUAL.
  - FIBER TACK: SHALL BE DELIVERED TO THE SITE IN ITS ORIGINAL UNOPENED CONTAINER, AND SHALL BE TERRO-TACK ONE, AS MANUFACTURED BY GROVERS, INC. OR EQUAL.
  - HYDROMULCH WITH BERMUDA GRASS SEED AT A RATE OF TWO (2) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.
  - USE 4" X 8" BATTER BOARD AGAINST ALL BED AREAS.
  - IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND APRIL 1, ALL HYDROMULCH AREAS TO BE WINTER RYE GRASS AT A RATE OF FOUR (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET. CONTRACTOR SHALL BE REQUIRED TO RE-HYDROMULCH WITH BERMUDA GRASS THE FOLLOWING GROWING SEASON.
  - ALL LAWN AREAS TO BE HYDROMULCHED, SHALL HAVE ONE HUNDRED (100) PERCENT COVERAGE PRIOR TO FINAL ACCEPTANCE.
  - CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE. THIS SHALL INCLUDE BUT NOT BE LIMITED TO: MOWING, WATERING, WEEDING, CULTIVATING, CLEANING, AND REPLACING DEAD OR BARE AREAS TO EEP PLANTS IN A VIGOROUS, HEALTHY CONDITION.
  - CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF AN ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY AS NECESSARY.

TREE TABLE		
TREE #	SIZE	TREE SPECIES
317	18"	MAPLE
318	24"	BRADFORD PEAR
319	24"	MAPLE
320	32"	MAPLE
321	18"	MAPLE
322	16"	MAPLE
323	32"	BRADFORD PEAR
324	18"	LIVE OAK
325	24"	BRADFORD PEAR
507	36"	MAPLE
517	10"	HACKBERRY
518	8"	HACKBERRY
519	8"	HACKBERRY
520	12"	OAK
521	12"	OAK
522	24"	OAK
524	8"	HACKBERRY
525	8"	HACKBERRY
528	10"	HACKBERRY
527	10"	HACKBERRY
541	32"	OAK
543	24"	OAK
573	24"	HACKBERRY
575	24"	HACKBERRY
576	24"	HACKBERRY
577	24"	HACKBERRY
579	24"	HACKBERRY
580	24"	HACKBERRY
1153	3-48"	HACKBERRY
1155	60"	BOIS D'ARC
1156	48"	BOIS D'ARC
1158	20"	HACKBERRY
1159	20"	HACKBERRY
1160	36"	HACKBERRY
1161	24"	HACKBERRY
1162	24"	HACKBERRY
1164	10"	HACKBERRY
1165	2-12"	HACKBERRY
1723	36"	HACKBERRY
1748	36"	HACKBERRY
1831	36"	PECAN
1832	36"	PECAN
1833	36"	PECAN
1834	20"	BOIS D'ARC
1835	20"	BOIS D'ARC
1836	42"	PECAN
1837	36"	BOIS D'ARC
1873	36"	OAK
1919	6"	HACKBERRY
1920	4-2"	PECAN
1981	12"	OAK
1982	12"	OAK
2158	10"	OAK
2199	36"	PECAN
2200	36"	PECAN
2667	2-48"	OAK
2667	2-48"	OAK
3023	18"	PECAN
3024	20"	HACKBERRY
3023	2-18"	LIVE OAK
3034	18"	HACKBERRY
3092	10"	HACKBERRY
3093	10"	HACKBERRY
3094	10"	HACKBERRY
3095	24"	PECAN
3096	24"	PECAN
3098	12"	OAK
3099	12"	OAK
3102	3-42"	COTTONWOOD
3152	30"	OAK
3156	48"	PECAN
3158	20"	LIVE OAK
3158	10"	HACKBERRY
3160	20"	LIVE OAK
3161	20"	LIVE OAK
3162	24"	LIVE OAK
3163	36"	HACKBERRY
3903	8"	HACKBERRY
3904	12"	HACKBERRY
3905	10"	HACKBERRY
3906	2-18"	HACKBERRY
3907	8"	HACKBERRY
3908	10"	HACKBERRY
3909	8"	HACKBERRY
3910	24"	HACKBERRY
3911	18"	HACKBERRY
3912	10"	HACKBERRY
3913	2-18"	HACKBERRY
3917	3-20"	HACKBERRY
3918	2-12"	HACKBERRY
3919	18"	HACKBERRY
3920	4-36"	HACKBERRY
3921	6"	HACKBERRY
3922	6"	HACKBERRY
3923	6"	HACKBERRY
3924	8"	HACKBERRY
3925	12"	HACKBERRY
3926	8"	HACKBERRY
3927	6"	HACKBERRY
3928	3-24"	HACKBERRY
3929	18"	HACKBERRY
3931	12"	HACKBERRY
3932	5-26"	BRADFORD PEAR
3933	8"	HACKBERRY



<table border="1"> <thead> <tr> <th>no.</th> <th>date</th> <th>revision / description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>01-16-15</td> <td></td> </tr> </tbody> </table>	no.	date	revision / description	1	01-16-15		<p>project information</p> <p>McCREARY MARKETPLACE BLOCK A, LOTS 1, 2, 3 &amp; 4 CITY OF MURPHY, TEXAS PROPOSED USE: RETAIL (GROCER &amp; PAD SITES) ZONING: PD (RETAIL)</p>	<p>developer</p> <p>HEB GROCERY COMPANY 3890 NORTHWEST HIGHWAY, SUITE 300 DALLAS, TEXAS CONTACT: JOHN E. ROSE III, P.E. (214) 680-7600 rose.john@heb.com</p>			<p>Meeks Design Group, Inc. 1755 n. collins blvd. #300 richardson, tx 75080 p. (972) 690-7474 c. (214) 354-6934 hmeeks@mdgland.com</p>	<p><b>LANDSCAPE PLAN</b></p> <p>McCREARY MARKETPLACE BLOCK A, LOTS 1, 2, 3 &amp; 4 CITY OF MURPHY, TEXAS PROPOSED USE: RETAIL (GROCER &amp; PAD SITES) ZONING: PD (RETAIL)</p>	<p>SHEET NO.</p> <p><b>LP0.01</b></p>
no.	date	revision / description											
1	01-16-15												

**ORDINANCE NO. 12-06-914**

**AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86, OF THE CITY OF MURPHY CODE OF ORDINANCES, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 11 ACRES OF LAND SITUATED IN THE HENRY MAXWELL SURVEY, ABSTRACT NO. 579, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, FROM ITS PRESENT CLASSIFICATION BEING SINGLE FAMILY RESIDENTIAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES; APPROVING PLANNED DEVELOPMENT CONDITIONS AND STANDARDS ATTACHED HERETO AS EXHIBIT "B", APPROVING A CONCEPT PLAN ATTACHED HERETO AS EXHIBIT "C", APPROVING A LANDSCAPE PLAN ATTACHED HERETO AS EXHIBIT "D", APPROVING AN EXTERIOR ELEVATION PLAN ATTACHED HERETO AS EXHIBIT "E", AND APPROVING A SIGNAGE PLAN ATTACHED HERETO AS EXHIBIT "F"; PROVIDING A CUMULATIVE/ REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the landowners of approximately 11 acres of land situated in the Henry Maxwell Survey, Abstract No. 579, located in the City of Murphy, Collin County, Texas, have requested a change in the zoning for the property described in this ordinance from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses with the intent to provide high quality retail development consistent with the Comprehensive Plan and for the purpose of developing the property for retail uses as outlined in the Development Conditions and Standards for this planned development district; and

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

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City of Murphy, in considering the application for a change in zoning of the property to a planned development district, have determined that the proposed use and development is consistent and compatible with the goals and objectives of the City of Murphy and is in the best interest of the health, safety, morals and general welfare of the City of Murphy, and, accordingly, the City Council of the City of Murphy is of the opinion and finds that said zoning change is in the public interest and should be granted and that the Comprehensive Zoning Ordinance should be amended accordingly as set forth herein.

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

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

**Section 2.** That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby amended so as to change the zoning (designation) from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses for the property, being an approximately 11 acre tract of land situated in the Henry Maxwell Survey, Abstract No. 579, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A", attached hereto and incorporated herein by reference.

**Section 3.** That the Development Conditions and Standards for this planned development district are attached hereto as Exhibit "B" and incorporated herein by reference, and the same are hereby approved by the City Council for said planned development district as required by Section 86-603, of the City of Murphy, Texas, Code of Ordinances.

**Section 4.** That the Concept Plan, Landscape Plan, Exterior Elevation Plan, and Signage Plan for this planned development district are attached hereto as Exhibits "C", "D", "E", and "F"

respectively, and the same are hereby incorporated herein by reference and approved for said planned development district as required by Section 86-604, of the City of Murphy, Texas, Code of Ordinances.

**Section 5.** That Chapter 86 of the City of Murphy Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this ordinance, and that said property shall in all other respects be subject to all applicable regulations of the City of Murphy.

**Section 6. Cumulative/Repealer Clause.** This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

**Section 7. Severability Clause.** If any word, section, article, phrase, paragraph, sentence, clause or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining portions of this ordinance or the Comprehensive Zoning Ordinance, Chapter 86 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

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

**Section 9. Savings Clause.** That an offence committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offise was committed and the foremer law is continued in effect for this purpose.

**Section 10. Effective Date.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas, on this 7th day of June, 2012.



Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:



Aimee Nemer, City Secretary  
City of Murphy



APPROVED AS TO FORM:

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

**Exhibit A**  
**Legal Description**

Current Ordinance as approved 2012

**OWNERS CERTIFICATE**

STATE OF TEXAS §  
 COUNTY OF COLLIN §

WHEREAS, We, CVS Pharmacy, Inc. and Hellen R. Pickard, are the sole owners of a tract of land situated in the HENRY MAXWELL SURVEY, ABSTRACT No. 579, City of Murphy, Collin County, Texas, and being a portion of the tract of land described in deed to Hellen Pickard as recorded in County Clerk's file No. 96-0043722, Land Records, Collin County, Texas, and also being all of a tract of land described in deed to CVS Pharmacy, Inc. as recorded in County Clerk's Instrument No. 20111227001390000, Real Property Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner, at the intersection of the south line of a right-of-way dedication, as described under Cause No. 001-1218-99, styled Collin County VS. Helen Pickard, Percy L. Pickard and Great Western Mortgage Corporation and the west line of a right-of-way dedication as described in Document No. 20080801000933770, Real Property Records, Collin County, Texas, said 1/2 inch iron rod also being the intersection of the south right-of-way line of F.M. 544 (Kirby Street, 120' right-of-way at this point) and the west right-of-way line of McCreary Road (100' right-of-way);

THENCE South 00 deg 38 min 00 sec West, departing the south right-of-way line of said F.M. 544 and along the west right-of-way line of McCreary Road (as described in Document No. 20080801000933770), a distance of 19.97 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner and the beginning of a curve to the left having a radius of 878.00 feet, a central angle of 10 deg 21 min 08 sec and a chord bearing and distance of South 04 deg 34 min 47 sec East, 158.42 feet;

THENCE continuing along said right-of-way line and said curve to the left, an arc distance of 158.64 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner and the beginning of a curve to the right, having a radius of 790.00 feet, a central angle of 10 deg 22 min 15 sec and a chord bearing and distance of South 04 deg 34 min 14 sec East, 142.79 feet;

THENCE continuing along said right-of-way line and said curve to the right, an arc distance of 142.99 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner at the end of the aforementioned right-of-way dedication;

THENCE South 00 deg 36 min 53 sec West, along the west right-of-way line of said McCreary Road, a distance of 659.28 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner;

THENCE North 89 deg 08 min 21 sec West, departing the west right-of-way line of said McCreary Road, a distance of 490.01 feet to a 3/8 inch iron rod found for corner, and being the southwest corner of said Hellen Pickard tract;

THENCE North 01 deg 12 min 36 sec East, a distance of 342.63 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner;

THENCE North 00 deg 23 min 41 sec East, a distance of 633.85 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner in the south right-of-way line of FM Highway 544 (120' right-of-way at this point);

THENCE South 89 deg 28 min 10 sec East, along the south right-of-way line of said FM Highway 544, a distance of 461.64 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 472,365 square feet or 10.844 acres of land, more or less. Bearings contained herein are based upon an on the ground survey performed in the field on the 5th day of July, 2011 utilizing a GPS (WGS 84) bearing of North 89 deg 08 min 21 sec West (Deed South 89 deg 45 min 14 sec East) along the south line of a tract of land described in deed to Hellen Pickard recorded in Document No. 96-0043722, Real Property Records, Collin County, Texas.

**Exhibit B**

**Development Conditions and Standards**

Current Ordinance as approved 2012

Planned Development Conditions  
 Zoning File 2012-01  
 Page 1

EXHIBIT B

ZONING FILE NO. 2012-01

McCreary Marketplace  
 SW Corner of FM 544 and McCreary Road

PLANNED DEVELOPMENT CONDITIONS

I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality retail development that is generally consistent with the Comprehensive Plan.

II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage the following uses.

- Larger anchor uses
- Grocery Store
- Family, sit-down restaurants
- Upscale retail shops
- Individual parcel site uses
- Other retail uses as outlined herein

III. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 04-05-610, as amended, except as specifically provided herein.

IV. **General Regulations:** All regulations of the R (Retail) District set forth in Section 29 of the Comprehensive Zoning Ordinance are included by reference and shall apply except as otherwise specified by this ordinance.

V. **Development Plans:**

- A. **Concept Plan:** Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
- B. **Landscape Plan:** Development shall be in general conformance with the approved landscape plan set forth in Exhibit D; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
- C. **Exterior Elevation Plan:** Development shall be in general conformance with the approved exterior elevations as set forth in Exhibit E; however, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.
- D. **Signage Plan:** Development shall be in general conformance with the approved signage plan as set forth in Exhibit F; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail.
- E. Concept Plan, Landscape Plan, Exterior Elevation Plan, and Signage Plan approval shall be for a period of one year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted and approved for a portion of the development, then the Concept Plan shall be deemed

EXHIBIT B

**Planned Development Conditions**  
**Zoning File 2012-01**  
**Page 2**

to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan.

- F. Site Plan: A Site Plan shall be submitted in accordance with the Requirements set forth in Chapter 86, Article II, and Division 7 of the City of Murphy Code of Ordinances. The Site Plan may be for all or any part of the land within the Planned Development District.

**VI. Specific Regulations:**

A. Permitted Uses

1. Amusement Services (Indoors) (SUP)
2. Antique Shop
3. Art Dealer/Gallery
4. Artist Studio (SUP)
5. Bakery (Retail)
6. Book Store
7. Cafeteria
8. Computer Sales
9. Confectionery Store (Retail)
10. Department Store
11. Dinner Theatre (SUP Only)
12. Electronics (Retail)
13. Florist
14. Food or Grocery Store (SUP)
15. Furniture Sales (Indoor)
16. Hardware Store
17. Home Improvement Center (SUP)
18. Motion Picture Theatre
19. Pet Shop/Supplies
20. Pharmacy (with Drive-thru)
21. Photo Studio
22. Photocopying /Duplicating
23. Restaurant
24. Retail Store
25. Tailor Shop
26. Theatre (Live Drama) (SUP)
27. Sporting Goods
28. Clothing / Home Goods

B. Area and Yard Regulations

1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract area required.
2. Minimum Lot/Tract Width: Minimum frontage requirements for lots adjacent to either FM 544 or McCreary Road shall be 100'.
3. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.

Current Ordinances as approved 2012

**EXHIBIT B**

**Planned Development Conditions**  
**Zoning File 2012-01**  
**Page 3**

4. Pad Sites: The maximum number of pad sites allowed along FM 544 shall be two (2).

**C. Parking, Driveways and Sidewalks:**

1. Parking areas shall not be permitted within any landscape buffer strip.
2. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
3. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Comprehensive Zoning Ordinance.
4. No required parking space may be occupied by signs, merchandise, or display items at any time except by specific 30 day permit.
5. A special "signature" paving treatment shall be established as shown on the approved concept plan (Exhibit C). Appropriate locations for the special paving treatment shall include street intersections, pedestrian crosswalks and driveway openings.
6. Sidewalks along FM 544 and McCreary Road shall be 8 feet in width.

**D. Loading and Unloading**

1. Truck loading berths and an open space shall only be required for space that totals 30,000 square feet or more and shall not be located on the street side of any building or facing another building without adequate screening.
2. Truck loading berths shall not be located within any required setback or landscape buffer strip.
3. Landscaping is required in front of any loading dock facing public right of way, including the loading dock shown on Phase One development facing FM544.

**E. Building Height**

1. All structures shall have a maximum building height of thirty-five (35) feet except that the maximum height may be increased to forty-five (45) feet to allow for architectural elements.

**F. Minimum Exterior Construction Standards, Building Materials and Design-**

Exterior Construction and Design Requirements shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

**EXHIBIT B**

**Planned Development Conditions**

**Zoning File 2012-01**

**Page 4**

1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with the approved Exterior Elevation Plan (Exhibit E).
2. All exterior elevations shall utilize a unified design as shown on the approved Exterior Elevation Plan (Exhibit E). At least two masonry materials shall be used in addition to glass on any single building. The following masonry materials shall be allowed:
  - a. Brick
  - b. Cast Stone
  - c. Scored & Textured concrete tilt wall
  - d. EIFS and Stucco (limited to no more than 12% total)
  - e. Stone/simulated stone – per elevation
3. The use of primary or garish colors shall not be predominately used on the exterior façade of any structure. Corporate identities shall be allowed with owner review and approval.
4. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any immediately adjacent public dedicated street by an architecturally sound method.
5. Each commercial building, complex of buildings or separate commercial business enterprise shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired there on by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
6. In all cases, mechanical equipment on roofs and outcroppings shall be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.

**G. Landscape Standards**

Landscaping shall comply with the standards set forth in Chapter 2, Code of Ordinances, except as provided below.

1. Landscaping shall generally be as shown on the approved Landscape Plan (Exhibit D). Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy for the specific development. An automatic underground irrigation system including freeze and rainwater sensor shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
2. A landscape buffer shall be provided twenty-five (25) feet in depth adjacent to the right-of-way of FM 544, twenty-five (25) feet in depth adjacent to McCreary Road. No parking may be placed within any landscape buffer. Pedestrian easements and sidewalks may be located within a landscape buffer.

**EXHIBIT B**

**Planned Development Conditions**  
**Zoning File 2012-01**  
**Page 5**

**3. Parking Lots**

a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than six (6) feet by six (6) feet shall be provided surrounding each tree located in a surface parking area. Landscape islands within the parking lot shall be a minimum of 64 square feet.

1. The traffic island shown on Phase One development shall be landscaped.
2. Phase One construction is to include Open Space as noted in Phase Two.
3. A total of seven (7) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the seven (7) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed twenty (20) spaces in length.
4. An additional 8% open space shall be provided. This 8% will be for the entire development and not necessarily on a lot by lot basis. The 8% area will consist of two or more of the following amenities:
  - a. Pedestrian walkways
  - b. Benches
  - c. Gazebo
  - d. Constant level pool
  - e. Landscape material
  - f. Hardscape
  - g. Pedestrian lighting

**H. Screening**

Screening shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. All screening at the rear (South & West) of the property will be a live screen where required. Plant materials shall conform to the standards of the approved plant list in Section 50 and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen.
2. All truck docks/loading areas for anchor stores with a footprint greater than 30,000 square feet shall be screened from view through the use of 12-foot all masonry walls (which are the same colors and materials as main building). All other screening of the rear of the site shall be living screens (eight foot height and at least 75 percent density within four years of planting unless such areas are screened from public views by a building).

**EXHIBIT B**

**Planned Development Conditions**  
**Zoning File 2012-01**  
**Page 6**

3. Outside seasonal displays shall be permitted within the Planned Development District for no more than 30 days. Outside storage shall not be permitted with the Planned Development District.

I. Site Lighting:

Lighting shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. Site lighting fixtures used along entrance driveways and parking areas shall be uniform and a consistent design within the development. Lighting standards for illuminating these areas shall be no taller than 30 ft. high. However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.

J. Signage and Graphics

Signage will comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below. No electronic signs are allowed in Planned Development District.

Signature Sign: Developer shall construct a signature sign depicting "City of Murphy" at the intersection of McCreary Road and FM 544 immediately adjacent (behind) the 50x50 visibility triangle. The signature entrance/ development sign must be 2 or 3 dimensional and conceptually similar to the signature sign located on the north west corner of Fm 544 and North Murphy Road in Murphy. The developer shall submit the signature signage plans to the City for approval prior to construction.

1. General

- a. All signage for the Planned Development District shall be allowed as shown on the approved Signage Plan. (Exhibit F).
- b. Shared Tenant Monument Signs-Two (2) monument signs shall be allowed located on Lot 2 and Lot 3 (One per Lot) and shall be limited to a maximum sign area of 40 square feet.
- c. Shopping center signs-One (1) shopping center sign shall be permitted as shown on the approved Signage Plan (Exhibit F). The shopping center sign shall be limited to a maximum sign area of 240 square feet.
- d. All signs must be surrounded by landscaping.
- e. No signs shall be phased.

2. Shared Tenant Monument Signs

- a. Monument signs shall identify individual tenants or uses within the shopping center. Monument signs shall be a maximum of eight (8) feet tall.

**EXHIBIT B**

**Planned Development Conditions**  
**Zoning File 2012-01**  
**Page 7**

- b. All shared tenant monument signs shall be double-sided, internally illuminated sign panels within a masonry structure. Shared tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
- c. Monument signs shall be located at a setback distance of not less than five (5) feet from the right-of-way line of any adjacent street and maybe incorporated within the landscaping area or buffer.
- d. Construction of monument signs shall include a base of material similar to the material used for buildings.

3. Shopping Center Sign

- a. The shopping center sign shall be constructed at a height not to exceed thirty-five (35) feet upon approval of a building permit of an anchor tenant.
- b. The base of the shopping center sign shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of an adjacent street and may be incorporated within the landscaping area or buffer.
- c. The shopping center sign shall be double-sided, internally illuminated sign panels within a masonry structure. Pylon signs may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
- d. Construction of shopping center signs shall include a base of material similar to the material used for buildings.

4. Temporary Marketing Signage

- a. One (1) quality temporary marketing sign shall be permitted on the development on McCreary Road and on FM 544. Temporary signs must be approved by the City Manager or designee and are valid for 180 days.
- b. The maximum signage area will be 64 square feet. The maximum height shall be 8 feet.
- c. All other temporary signage specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.
- d. Temporary signs are not required to be constructed of the material used for buildings.

K. Open Space

- 1. All open space amenities shall use a unified design as shown on the approved Amenities Plan. Development within the Planned Development District should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged

**EXHIBIT B**

**Planned Development Conditions**  
**Zoning File 2012-01**  
**Page 8**

within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Tract at the pedestrian level. All pedestrian areas and open space must be located away from vehicular traffic areas as reflected on the concept plan attached.

- a. Outdoor Seating. Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and shall be approved with the site plan.
- b. An additional 8% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 8% may be located adjacent to the required setbacks or landscaping at the ROW and property lines or in front or in some cases to the side of the structure. The additional open space percentage may not include the building footprint or vehicular parking lot. This area and associated amenities shall be approved on the site plan. At least one of the following amenities shall be located within the additional 5% open space area and count towards the required percentage.
  - 1. Water feature, such as a fountain or detention pond with constant water level.
  - 2. Plaza or courtyard with art sculpture piece.
  - 3. Outdoor patio or gazebo with seating area.
  - 4. Other areas for pedestrian congregation, and may be approved on the site plan.

**VII. Special Regulations:**

- A. Right Turn Deceleration Lanes: A right turn deceleration lane shall be required for the driveway on FM 544 at the time construction begins on any pad site along FM 544 and paid for by the developer and/or property owner. A right turn deceleration lane shall be required for the middle driveway on McCreary Road at the time construction begins on the anchor tenant.
- B. Utility Power Lines: Utility distribution and service lines for individual business establishments, buildings, and signs and for any other site development features shall be placed underground.
- C. Cross-Access Requirement: A joint access (i.e. -ingress, egress) easement shall be provided to minimize the number of driveway openings along FM 544 and McCreary Road. The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards. Access shall be provided for property to the West of this site for future connectivity.
- D. Outside storage shall not be permitted with the Planned Development District.

**EXHIBIT B**

**Planned Development Conditions**

**Zoning File 2012-01**

**Page 9**

E. Outside display of merchandise and temporary seasonal items: Outside display of merchandise and temporary seasonal items, such as Christmas trees, pumpkins, etc., shall be limited to the following:

1. Shall not be placed/located more than 30 feet from the main building.
2. Shall not occupy any of the parking spaces that are required by this chapter for the primary use of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on site or off site, in any way.
4. Shall not extend into public right-of-way or onto adjacent property.
5. All outside display items shall be removed at the end of business each day, except for large seasonal items such as Christmas trees.
6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

F. Maintenance: The developer and/or property owner of any part of the Planned Development District shall maintain the property in terms of quality landscape maintenance, trash removal, interior and exterior sign conditions, trash receptacles and other amenities to ensure a consistent high quality development.

Current Ordinance as approved 2012

**EXHIBIT B**

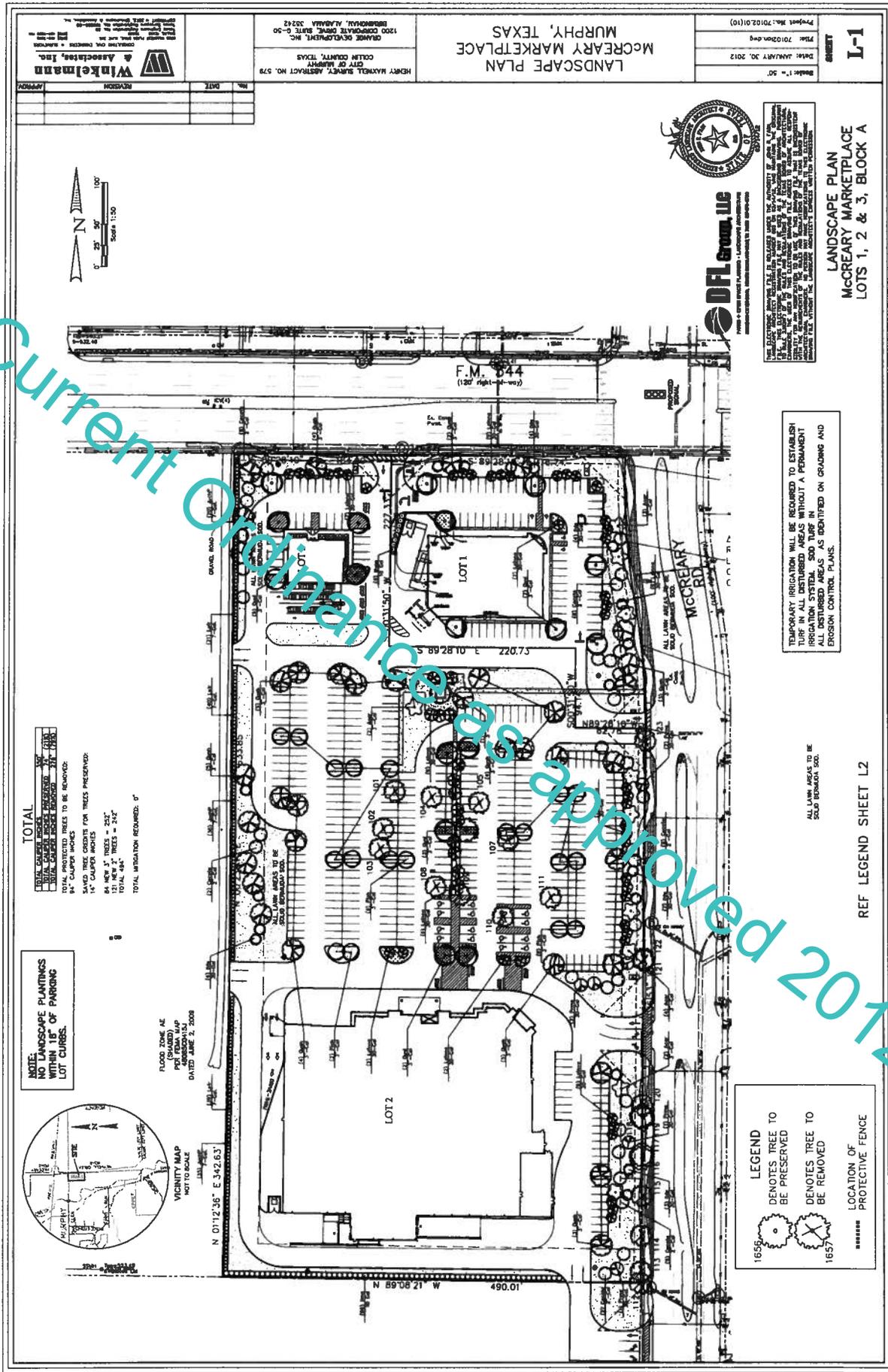
**Exhibit C**  
**Concept Plan**

Current Ordinance as approved 2012



**Exhibit D**  
**Landscape Plan**

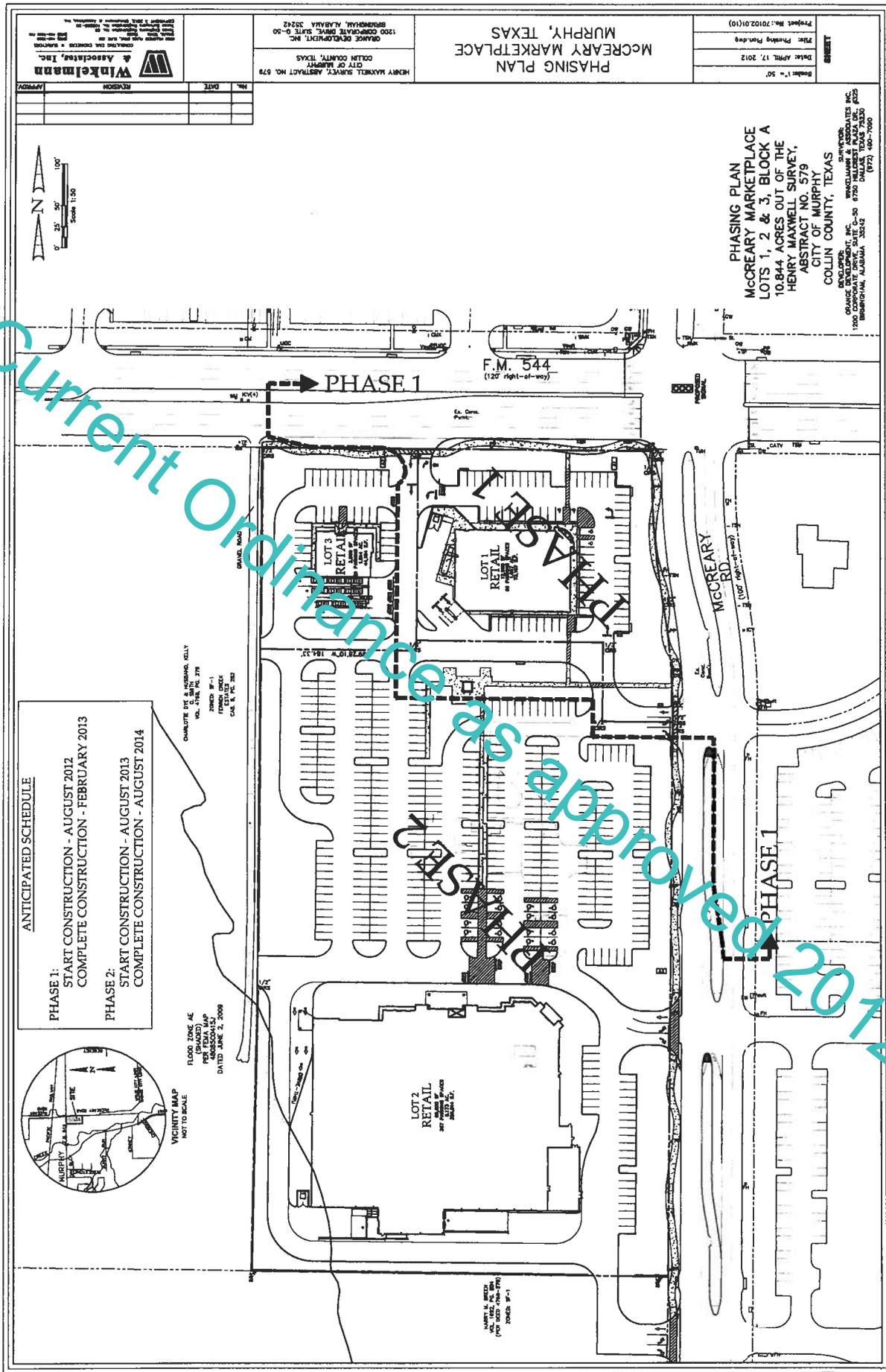
Current Ordinance as approved 2012



Current Originals Approved 2012

**Exhibit E**  
**Exterior Elevation Plan**

Current Ordinance as approved 2012



# McCreary Marketplace



Ozaga Development, Inc.  
1206 Corporate Drive  
Suite C-50  
BIRMINGHAM, AL 35242  
TEL: (205) 408-3443  
FAX: (205) 408-1850



777 Main St.  
Fort Worth, TX 76102



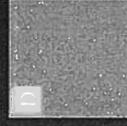
LUEDEKS  
LIMESTONE



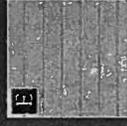
ACME BRICK  
"Crimson"



CLASSIC  
CAST STONE



ANODIZED  
ALUMINUM



ACME BRICK  
"Rockefeller Plaza"

## Proposed Conceptual Retail 1

West Elevation		South Elevation	
Material	Sq. Ft.	Material	Sq. Ft.
Stone	148	Stone	177
Cast Stone	27	Cast Stone	213
Aluminum	22	Aluminum	115
Brick	143	Brick	115
Windows	12	Windows	12
Doors	1	Doors	1
<b>Total</b>	<b>222</b>	<b>Total</b>	<b>533</b>

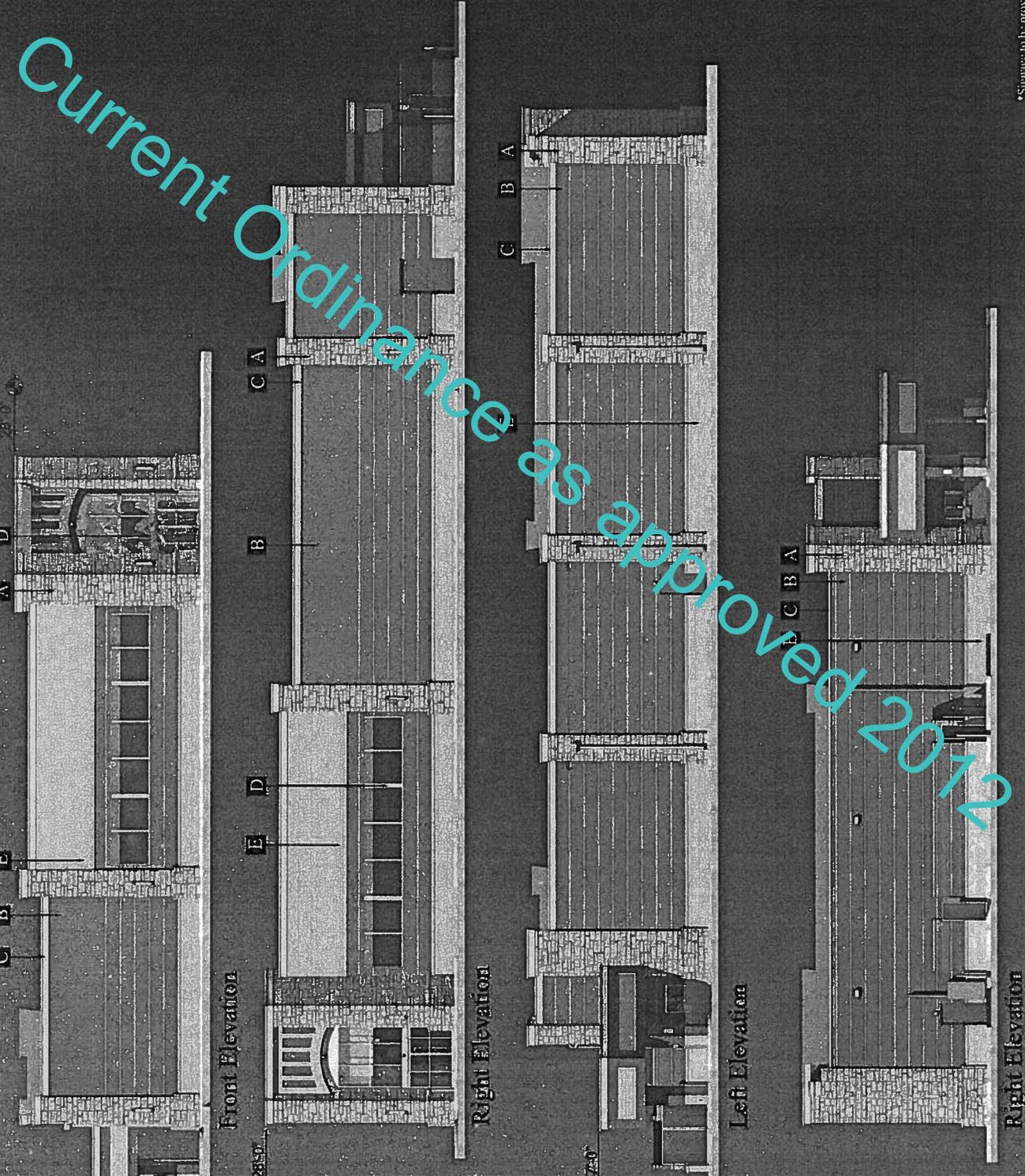
  

East Elevation		North Elevation	
Material	Sq. Ft.	Material	Sq. Ft.
Stone	153	Stone	153
Cast Stone	33	Cast Stone	33
Aluminum	86	Aluminum	133
Brick	143	Brick	115
Windows	12	Windows	12
Doors	1	Doors	1
<b>Total</b>	<b>328</b>	<b>Total</b>	<b>342</b>

Notes:  
1. All elevations are shown in perspective.  
2. All elevations are shown in perspective.  
3. All elevations are shown in perspective.  
4. All elevations are shown in perspective.  
5. All elevations are shown in perspective.



Scale: 1/8" = 1'-0"  
McCreary Marketplace  
Sheet No. 1  
Date: March 06, 2012



\*Signages to be provided separately by sign vendor



**Exhibit F**  
**Signage Plan**

Current Ordinance as approved 2012

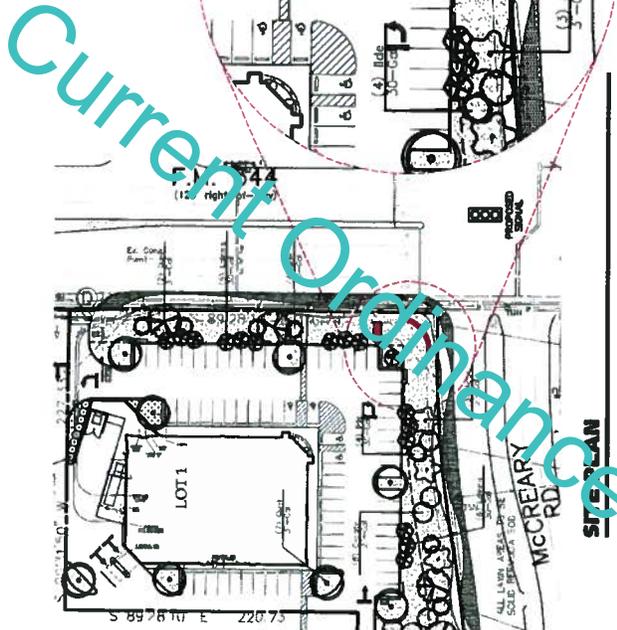
Client	
Site	
Location	
By	
Checked	
Approved	

1. 106 9/11/12
2. 106 12/14/12
3. 106 12/14/12
4. 106 12/14/12
5. 106 12/14/12

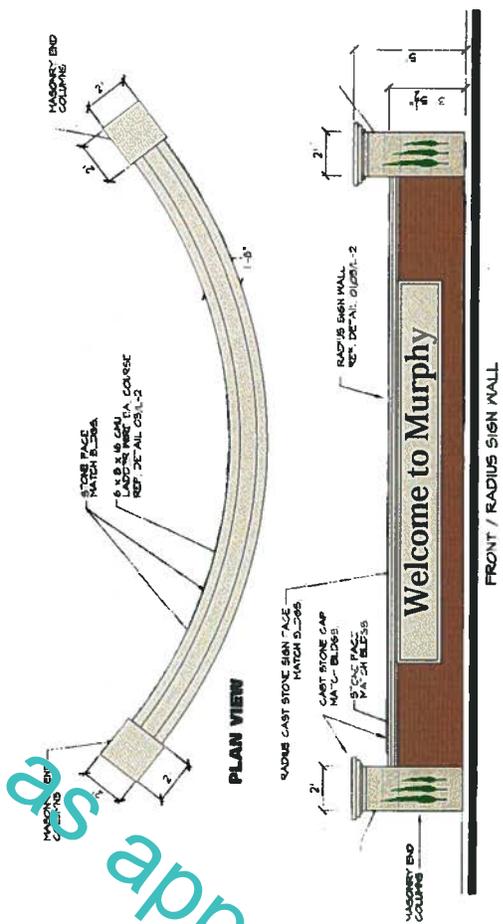


2201 West Hwy. Suite 201, TX 75159  
14-002-2000 Fax 14-002-2004  
12000 Dallas, Lubbock TX 79316  
281-344-2881 Fax 281-344-0271  
2408 West Hwy. Suite 200  
14000 Dallas, TX 75244  
754 E. Hwy. 34, Suite 201, Box 100  
14000 Dallas, TX 75244  
17740-2100 Fax 177-401-2006  
1800-454-4444 Fax 180-454-4444

UL  
FINAL ELECTRICAL CONNECTION BY CUSTOMER



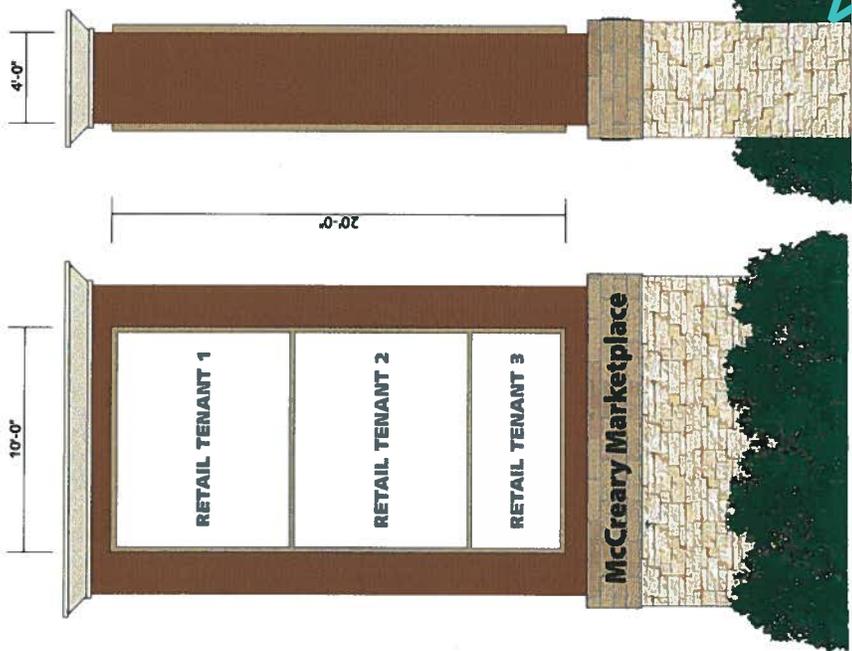
**SITE PLAN**



**PLAN VIEW**

**FRONT / RADIUS SIGN WALL**

**PROJECT IDENTIFICATION SIGN** 3/16"=1'-0"



**A1 D/F MONUMENT SIGN** 3/16"=1'-0"  
(1) REQUIRED

### Reply Form

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



Dear Commissioner:

This request is to consider the application of **Saritha Yeddula, Charlotte Dye, Kelly Smith/Orange-Birmingham, LLC** requesting to amend PD Ordinance No. 12-06-914 including a change in zoning of approximately 6.3 acres from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses and amending the Concept Plan, Landscape Plan and Planned Development Conditions. This property is located at SWC FM 544 and McCreary Road.

I am **IN FAVOR** of the zoning request amendments.

I am **OPPOSED** to the zoning request amendments.

This item will be heard at the Planning & Zoning Commission on **Monday, December 29, 2014 at 6:00 p.m.** at Murphy City Hall, in the City Council Chambers and a public hearing will be held by the **City Council on Tuesday, January 6, 2015 at 6:00 p.m.** in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

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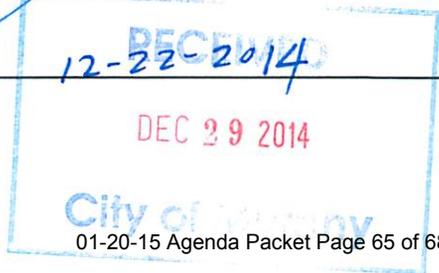
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

JASON PRICE  
Name (Please Print)

[Signature]  
Signature

1200 Corporate Dr., Bhm, AL  
Address  
35242

12-22-2014  
Date  
DEC 29 2014



### Reply Form

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



Dear Commissioner:

This request is to consider the application of **Saritha Yeddula, Charlotte Dye, Kelly Smith/Orange-Birmingham, LLC** requesting to amend PD Ordinance No. 12-06-914 including a change in zoning of approximately 6.3 acres from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses and amending the Concept Plan, Landscape Plan and Planned Development Conditions. This property is located at SWC FM 544 and McCreary Road.

\_\_\_\_\_ I am **IN FAVOR** of the zoning request amendments.

I am **OPPOSED** to the zoning request amendments, *with option that I CAN CHANGE MY BALLOT up OR before 1-10-15. @*

This item will be heard at the Planning & Zoning Commission on **Monday, December 29, 2014 at 6:00 p.m.** at Murphy City Hall, in the City Council Chambers and a public hearing will be held by the **City Council on Tuesday, January 6, 2015 at 6:00 p.m.** in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

*I need to know if the change in zoning will affect the flood zoning on my property.*

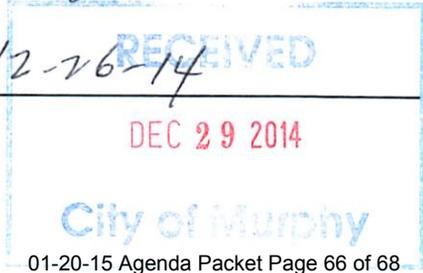
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

*Don Loftice*  
Name (Please Print)

*Don Loftice*  
Signature

*600 E. FM 544, Murphy, Tx. 75094*  
Address

*12-26-14*  
Date



**City Council Meeting  
January 20, 2015**

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**Issue**

Consider and take action, if any, on the construction bid award for the South Maxwell Creek Parallel Trunk Sewer line project and authorize the City Manager to execute the necessary documents.

**Staff Resource/Department**

James Fisher, City Manager  
Gary Hendricks, P.E., City Engineer

**Summary**

The City Council approved funding for this project last fall and authorized the city engineer to solicit bids for the project.

**Background/History**

The City began preparing for this project in 2012. The purpose of this line is to provide additional capacity for the main sewer line that runs to the Regional Wastewater Treatment Plant.

**Financial Considerations**

The lowest responsible bid received for this project was \$2,068,007.71 submitted by P.C. Contractors, LLC of Fort Worth. The City Council authorized the sale of \$3 million in Utility Bonds to finance this project.

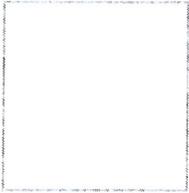
The estimated \$900,000 remaining in the authorized Utility Bonds will be used for utility fund projects. These projects will be reviewed by the City Staff and Engineer and brought before the City Council for authorization to proceed.

**Action Requested**

Accept the construction bid award of \$2,068,007.71, submitted by P.C. Contractors, LLC of Fort Worth, for the South Maxwell Creek Parallel Trunk Sewer line project and authorize the City Manager to execute the necessary documents.

**Attachments**

- January 13, 2015 Bid Recommendation Letter from the City Engineer



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

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

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

January 13, 2015

Mr. James Fisher  
City Manager  
City of Murphy  
206 N. Murphy Road  
Murphy, Texas 75094

Re: South Maxwell Creek Parallel Trunk Sewer  
**Recommendation for Council Award**

Dear Mr. Fisher:

We have checked the bids received at 3:00 p.m., Thursday, January 8, 2015, for the South Maxwell Creek Parallel Trunk Sewer project. In the six bids received, errors were found and corrected. However, they did not cause any change in the lowest apparent bidder. We are enclosing three (3) copies of the Bid Summary and itemized Bid Tabulation for your reference and files.

P.C. Contractors, LLC of Fort Worth, Texas, submitted the lowest base bid and base bid plus additive alternative bid. A summary of their bid is as follows:

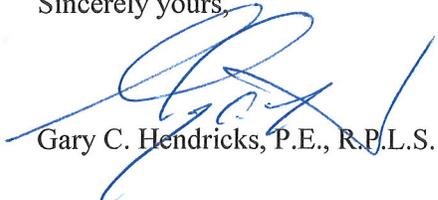
- Total Base Bid ..... \$2,028,807.71
- Additive Alternate Bid ..... \$39,200
- Total Amount (Base Bid + Additive Alternate Bid)      \$2,068,007.71**

We are familiar with P.C. Contractors from their work in other North Texas communities. They have recently completed a trunk sewer project designed by our firm in the City of Royse City. In our opinion, P.C. Contractors has the experience and capability to construct the South Maxwell Creek Parallel Trunk Sewer.

Accordingly, we recommend the City award a construction contract to PC Contractors in the amount of \$2,028,807.71 for the construction of the South Maxwell Creek Parallel Trunk Sewer project.

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

Sincerely yours,

  
Gary C. Hendricks, P.E., R.P.L.S.

✓ Enclosures

cc: Mr. Bernie Parker