



**AGENDA - JOINT MEETING
MURPHY PLANNING AND ZONING COMMISSION AND
MURPHY CITY COUNCIL
APRIL 22, 2014 AT 6:30 PM, CITY HALL, COMMUNITY ROOM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094**

NOTICE is hereby given of a joint meeting of the Planning and Zoning Commission and the City Council of the City of Murphy, Collin County, State of Texas, to be held on April 22, 2014 at Murphy City Hall for the purpose of considering the following items. The Planning and Zoning Commission and the City Council of the City of Murphy, Texas, reserve 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.

CALL TO ORDER

**ROLL CALL & CERTIFICATION OF A QUORUM
PLANNING & ZONING COMMISSION and CITY COUNCIL**

SEAT PLANNING & ZONING COMMISSION ALTERNATES AS NEEDED

INDIVIDUAL CONSIDERATION

1. Hold a public hearing on the request to amend Ord. No. 09-02-785 to consider additional uses and revised development standards on approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785 located on FM 544 approximately 800' west of Heritage Parkway.
2. Hold a public hearing on the request to approve a Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.
3. Planning & Zoning Commission consider and/or act on the request to amend Ord. No. 09-02-785 to consider additional uses and revised development standards on approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785 located on FM 544 approximately 800' west of Heritage Parkway.
4. Planning & Zoning Commission consider and/or act on the request to approve a Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.
5. Planning & Zoning Commission consider and/or act on the application of **Lloyd M. Nelson** requesting approval of a site plan, landscape plan, and building elevations for Carbonell Veterinary Hospital on property zoned PD (Planned Development) District No. 09-02-785 on property located on the proposed Lot 1, Block 1, Nelson Addition, approximately 800' west of Heritage Parkway. *This item was tabled at the January 27, 2014 Planning & Zoning meeting.*

City Council
Eric Barna
Mayor

Owais Siddiqui
Mayor Pro Tem

Ben St. Clair
Deputy Mayor Pro Tem

Scott Bradley
Councilmember

Betty Spraggins
Councilmember

Bernard Grant
Councilmember

Rob Thomas
Councilmember

James Fisher
City Manager

Planning & Zoning
Steve Levy
Chair

Jon King
Vice Chair

Ty Holcomb
Secretary

Camille Hooper
Commissioner

John Johnson
Commissioner

Eric Hemphill
Commissioner

Matthew Thekkil
Commissioner

Greg Mersch
Alternate

Lloyd Jones
Alternate

Kristen Roberts
Director of Community
Development

6. Planning & Zoning Commission consider and/or act on the application of **Lloyd M. Nelson** requesting approval of a construction plat for Carbonell Veterinary Hospital on property zoned PD (Planned Development) District No. 09-02-785 on property located on the proposed Lot 1, Block 1, Nelson Addition, approximately 800' west of Heritage Parkway. *This item was tabled at the January 27, 2014 Planning & Zoning meeting.*
7. City Council consider and/or act on the request to amend Ord. No. 09-02-785 to consider additional uses and revised development standards on approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785 located on FM 544 approximately 800' west of Heritage Parkway.
8. City Council consider and/or act on the request to approve a Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.
9. City Council consider and/or act on the application of **Lloyd M. Nelson** requesting approval of a site plan, landscape plan, and building elevations for Carbonell Veterinary Hospital on property zoned PD (Planned Development) District No. 09-02-785 on property located on the proposed Lot 1, Block 1, Nelson Addition, approximately 800' west of Heritage Parkway.
10. City Council consider and/or act on the application of **Lloyd M. Nelson** requesting approval of a construction plat for Carbonell Veterinary Hospital on property zoned PD (Planned Development) District No. 09-02-785 on property located on the proposed Lot 1, Block 1, Nelson Addition, approximately 800' west of Heritage Parkway.

ADJOURNMENT
PLANNING & ZONING COMMISSION and CITY COUNCIL

I certify that this is a true and correct copy of the Murphy Planning and Zoning Commission and City Council Joint 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 April 17, 2014 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Kristen Roberts
Director of Community Development

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at (972) 468-4011 or kgilbert@murphytx.org.

To help clarify the process of the agenda items for Planning & Zoning Commission and City Council:

- *Agenda Item 1 is a public hearing*
 - o *Agenda Items 3 and 7 support this item and are the respective consideration items for Planning & Zoning Commission and City Council.*
- *Agenda Item 2 is a public hearing*
 - o *Agenda Items 4 and 8 support this item and are the respective consideration items for Planning & Zoning Commission and City Council.*

Issue

Hold a public hearing on the request to amend Ord. No. 09-02-785 to consider additional uses and revised development standards on approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785 located on FM 544 approximately 800' west of Heritage Parkway.

Background

The Planned Development (PD) District Ordinance No. 09-02-785 (Exhibit A) was City of Murphy initiated and approved for this property by City Council on February 16, 2009. This property's zoning was amended in 2009 following public input and public hearings. Planned Development District No. 09-02-785 was created in order to provide consistent zoning that is compatible with the surrounding property including residential neighborhoods. This Planned Development District does not allow for retail development. The minutes from the City Council meeting on February 16, 2009 specific to the Planned Development District Ordinance approval are included as Exhibit B.

Summary

This agenda item is for consideration of amendments to PD No. 09-02-785 including allowing the list of Permitted Uses to include *Veterinary Clinic (no outdoor kennels)* and including verbiage regarding creek setback as approved and stated in the minutes but not noted in the Ordinance.

Considerations regarding amending Permitted Uses (V. Specific Regulations, A. Permitted Uses)

Currently, the Planned Development District lists as Allowed Uses:

1. Credit Agency
2. Insurance Agency Offices
3. Offices (Brokerage Services)
4. Offices (Health Services)
5. Offices (Legal Services)
6. Offices (Medical Services)
7. Offices (Professional Services)
8. Real Estate Offices

It is recommended to include on this list of Allowed Uses *Veterinary Clinic (no outside kennels)*. As the Code currently reads, none of the above uses are inclusive of Veterinary Clinic and therefore the proposed use must be amended as an Allowed Use within the Planned Development District Ordinance. No other use with the exception of Veterinary Clinic (no outside kennels) is being recommended.

Considerations regarding amendment of Setback from Creek (V. Specific Regulations)

After reviewing the meeting minutes from the City Council meeting in 2009, it was confirmed that in addition to the items as noted in the Planned Development District Ordinance ‘and provide a 100 foot setback from the creek’ was also read into the motion and approved. This component was not, however, included in the Ordinance.

It is recommended to add to V. Specific Regulations:

J. Setback from Creek

All development must be a minimum of 100 feet setback from the creek.

Action

Hold a public hearing on the request to amend Ord. No. 09-02-785 to consider additional uses and revised development standards on approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785 located on FM 544 approximately 800’ west of Heritage Parkway.

Attachments

Exhibit A – Planned Development District Ordinance No. 09-02-785

Exhibit B – February 16, 2009 City Council meeting minutes (PD - Item 6 highlighted)

Exhibit C – Map location of property

Exhibit D– All reply Forms to date (whether use and standards revisions or concept plan)

Exhibit E – Public Notice mailing list

Exhibit A

Planned Development District Ordinance No. 09-02-785

ORDINANCE 09-02-785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 6.43 ACRES OUT OF THE MARY SCOTT SURVEY, ABSTRACT NO. 859, 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 SF-20 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO PD (PLANNED DEVELOPMENT) DISTRICT FOR OFFICE USES WITH CONDITIONS HERETO DESCRIBED AS EXHIBIT "B"; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Murphy 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 a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Murphy is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended;

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

Section 1. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to grant a Planned Development District for Office Uses for the property described as 6.43 acres, more or less, in the Mary Scott Survey, Abstract No. 859, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

Section 2. That the development standards for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Section 86-603, of the City of Murphy, Texas Code of Ordinances.

Section 3. 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.

Section 4. 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 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 5. 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 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED, APPROVED AND ADOPTED this the 16th day of February 2009.

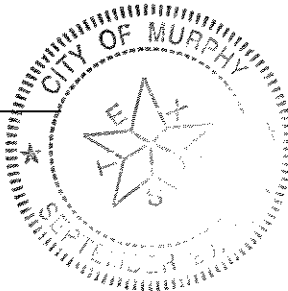


Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy



[illegible]

EXHIBIT A

Legal Description

Being a acre tract of land situated in the Mary Scott Survey, Abstract No. 859, City of Murphy, Collin County, Texas and containing 6.43 acres of land.

EXHIBIT B

ZONING FILE NO. 2009-02

FM 544

Between Dublin Road and Heritage Parkway

PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose and intent of this Planned Development District is to permit the development of medical and office uses.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the O (Office) District set forth in Article III, Division 12 of the City of Murphy Code of Ordinances (Ordinance No. 06-12-708), as amended, are included by reference, except as otherwise specified by this ordinance.
- IV. **Development Plans:**
 - A. A Concept Plan shall be approved as outlined in Article II, Division 5 of the Code of Ordinances prior to the acceptance of a site plan for any part or all of this Planned Development District. The concept plan shall include proposed landscape areas and proposed building elevations and design elements. Approval of the Concept Plan shall be based on general conformance with the approved Planned Development District conditions and regulations set forth in this ordinance. Approval of a Concept Plan through the zoning public hearing process (as outlined in Article II, Division 5) is required. In addition, the Concept Plan shall have the following elements.
 - Traffic circulation;
 - Cross access;
 - Driveway location;
 - Conceptual design elevations;
 - Development construction schedule;
 - Elements used to buffer nonresidential and residential development;
 - Pedestrian circulation;
 - Landscape buffer areas;
 - Building orientation.
 - B. Concept 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 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 six (6) months from the date of City Council action on the plan.
- V. **Specific Regulations:**
 - A. Permitted Uses: Only the following uses shall be permitted.
 1. Credit Agency
 2. Insurance Agency Offices
 3. Offices (Brokerage Services)

4. Offices (Health Services)
 5. Offices (Legal Services)
 6. Offices (Medical Office)
 7. Offices (Professional)
 8. Real Estate Offices
- B. Height Regulations: The maximum height shall be one (1) story or twenty-five (25) feet.
- C. Tree Preservation/Mitigation: All existing trees on the subject property shall comply with Section 86-740 of the Code of Ordinances. In addition, a tree preservation/mitigation plan shall be required to be submitted at the time of application. For any tree removed between 15.1 caliper inches and 24 caliper inches, a negative credit of (-6) shall be applied. For any tree removed larger than 24 caliper inches, a negative credit of (-8) shall be applied.
- D. Landscaping: All landscaping shall comply with Section 86-736 of the Code of Ordinances. In addition, a landscape plan shall be required to be submitted at the time of application.
- E. Screening: Screening between the north property line and the single family subdivision to the north shall be accomplished via the construction of an eight (8) foot high board-on-board fence at grade. This fence shall be required behind 120 Collin Court; 121 Sarah Drive; 628 John Close Drive and 632 John Close Drive.
- F. Exterior Building Materials: All exterior building materials shall comply with Section 86-802(3) of the Code of Ordinances. In addition, building elevations (indicating percentage of material per elevation) shall be required to be submitted at the time of application. A minimum of two masonry materials shall be required.
- G. Lighting: No exterior lighting shall be allowed to be placed on the outside perimeter on office buildings facing adjacent residential properties to the north. No light standards shall be placed in parking areas adjacent to residentially zoned property that are higher than four (4) feet. All light standards shall have shielding to prevent light pollution.
- H. Rooftop Mechanical Equipment: Rooftop mechanical equipment shall not be permitted.
- I. Outside Storage: No outside/outdoor storage shall be permitted.

Exhibit B

February 16, 2009 City Council
meeting minutes

(PD - Item 6 highlighted)

Please note that several items were taken out of order. For purposes of the Minutes, Items are recorded in the order they appeared on the agenda with a notation on the correct order.

**MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas
February 16, 2009
6:00 P.M.**

CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:01 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Baldwin gave the invocation and led the Pledge of Allegiance.

ROLL CALL AND CERTIFICATION OF A QUORUM

Secretary Nemer certified a quorum with all Councilmembers present.

PUBLIC COMMENTS

Public comments were submitted by Mr. Gus Delaloye and Ms. Rhonda Hodge. Mr. Delaloye stated that Murphy should distinguish itself by making the City a pedestrian friendly community. He expressed concerns for lack of sidewalks and requested the City to pay for sidewalks along a portion of North Murphy Road. Ms. Hodge expressed concerns with the traffic light at Hawthorne and FM 544 not being operational.

APPROVAL OF THE MINUTES

A. Approval of the Minutes from the Regular City Council Meeting of February 2, 2009 and the City Council Retreat of February 4-6, 2009.

Council Action

Councilmember Bradley made a motion to approve the Minutes as presented. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

PRESENTATION AND DISCUSSION

1. Presentation and discussion of the monthly financial report.

Staff/Consultant Presentation

Finance Director Linda Truitt presented the monthly financial report to Council. Financial consultant Jason Hughes, First Southwest, presented a report to Council regarding the issuance of bonds.

Public Comments

Public Comments were submitted by Mr. Roger St. Martin who expressed concern with building up the City's reserve funds.

Mayor Baldwin skipped to Agenda Item No. 3 as listed.

2. Presentation and discussion of the annual 2008 Racial Profiling Report for the Murphy Police Department.

Staff Presentation

City Manager Fisher presented the 2008 Racial Profiling Report to the City Council and Council acknowledged acceptance of the report.

Mayor Baldwin addressed this item after Agenda Item 9 as listed.

3. Presentation and discussion of the utility rate study prepared by Water Resources Management, LP.

Consultant Presentation

Ms. Nelisa Heddin, Water Resources Management, L.P., presented information regarding the utility rate study prepared by their company.

Council Discussion

There was discussion regarding specifically identifying capital projects and whether or not wireless meter reading was included, charging and funding City meters, and thoroughly explaining the proposed rate changes and structure to citizens.

Mayor Baldwin skipped to Agenda Item No. 6 as listed.

4. Presentation and discussion of the Community Events Proposal to the Murphy Community Development Corporation (4B) for event funding.

Staff Presentation

City Secretary Aimee Nemer and Community Recreation Coordinator Keri Kirkwood presented information to Council regarding a request to the 4B Board for funding of community events.

Mayor Baldwin skipped to Agenda Item 8 as listed.

PUBLIC HEARINGS

5. Hold a public hearing and consider and/or act upon approval of an ordinance amending the zoning on property located on East FM 544, between North Murphy Road and Maxwell Creek.

Council Discussion

Council discussed amending the permitted uses and the type of building materials allowed.

Council Action

Mayor Baldwin opened the Public Hearing at 9:29 p.m. With no public comments submitted, Mayor Baldwin closed the Public Hearing at 9:29 p.m. Councilmember Bogdan made a motion to approve the ordinance as amended; delete split-face CMU from the list of approved building materials, and delete the following from the permitted use list: Bed and Breakfast Inn, Civic Club, Community Center, Extended Stay Hotel/Motel, Hotel/Motel, Library, Museum, Public Garage/Parking Structure, Savings and Loan, and Vocational School. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

Mayor Baldwin addressed this item after Agenda Item 2 as listed.

6. Hold a public hearing and consider and/or act upon approval of an ordinance amending the zoning on property located on the north side of West FM 544, between Dublin Road and Heritage Parkway.

Council Discussion

Council discussed the priority of protecting the creek area by requiring a 100 ft. setback. Mayor Baldwin and Councilmember Bogdan expressed support for allowing retail by Specific Use Permit (SUP).

Council Action

Mayor Baldwin opened the Public Hearing at 8:01 p.m. Public Comments were submitted by Mr. Les Tuttle, Mr. Dennis Richmond, Mr. Thomas Schmidt, Mr. Jay Shannon, Mr. Steve Dundershine, Ms. Tammy Maxey, Mr. Mark Dalglish, and Mr. Chuck Dern. Those speaking were in favor of 100 ft. setback from creek, removing retail zoning, and preserving the creek and wildlife area. Mayor Baldwin closed the Public Hearing at 8:29 p.m. Councilmember Halbert made a motion to approve the ordinance with the following amendments: remove the positive tree credits; require brick and stone; provide an 8 foot board on board fence on properties located at 121 Sarah Way, 628 John Close, and 632 John Close; and provide a 100 foot setback from the creek. Councilmember Daugherty seconded the motion. Mayor Baldwin made a motion to amend the main motion to include a Specific Use Permit (SUP) for retail uses. Councilmember Bogdan seconded the motion to amend the main motion. A vote was taken and the motion to amend the main motion failed, 2-5, with Councilmembers Halbert, Daugherty, Bradley, Daniel, and Barna voting in opposition. A vote on the main motion was taken and passed, 7-0.

Mayor Baldwin went back to Agenda Item 4 as listed.

INDIVIDUAL CONSIDERATION

7. Consider and/or act upon approval of an ordinance repealing Chapter 14, Sections 14-1 to 14-52, entitled "Animal Control Code" in its entirety and replacing it with a new Chapter 14, Sections 14-1 to 14-99, entitled, "Animals."

Council Action

Councilmember Halbert made a motion to approve the ordinance with the following amendment; change Section 14.3 (b) to read "...15,000 square feet or less..." Councilmember Bradley seconded the motion. A vote was taken and passed, 7-0.

Mayor Baldwin addressed this item after Agenda Item 5 as listed.

8. Consider and/or act upon approval of a resolution authorizing a sign agreement between Ms. Barbara Edmonson and the City of Murphy.

Council Action

Councilmember Bradley made a motion to approve the agreement. Councilmember Bogdan seconded the motion. A vote was taken and passed, 5-2 with Mayor Baldwin and Councilmember Daugherty voting in opposition.

Mayor Baldwin skipped to Agenda Item 10 as listed.

9. Consider and/or act upon approval of a request by Mr. Pat Brownd for an exception to Section 86-802(5)(b) of the City of Murphy Code of Ordinances to allow an alternative exterior building material for an accessory building located at 807 Horizon Drive.

Council Action

Councilmember Halbert made a motion to approve the request. Councilmember Bogdan seconded the motion. A vote was taken and passed, 7-0.

Mayor Baldwin went back to Agenda Item 2 as listed.

- 10. Consider and/or act upon approval of a resolution authorizing the City Manager to sign an agreement with National Sign Plazas, Inc. regarding the implementation of a sign kiosk program.**

Council Action

Councilmember Bradley made a motion to approve. Councilmember Daniel seconded the motion. A vote was taken and passed, 7-0.

Mayor Baldwin went back to Agenda Item 9 as listed.

- 11. Consider and/or act upon approval of a resolution directing the City of Murphy's Planning Department to prepare a service plan for the proposed annexation of land totaling approximately 5.27 acres of land generally located on FM 544, between Heritage Parkway and Dublin Road.**

Council Action

Councilmember Daugherty made a motion to approve. Councilmember Halbert seconded the motion. A vote was taken and passed, 7-0.

- 12. Consider and/or act upon authorizing the City Manager in conjunction with the Police and Fire Chiefs, to negotiate an agreement for Murphy's Public Safety Communication System, including the installation of infrastructure to support the system.**

Council Action

Councilmember Halbert made a motion to authorize negotiations for an agreement regarding the Public Safety Communication System, including the installation of infrastructure to support the system. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0. Once the agreement is negotiated, it will come back before Council for approval.

- 13. Consider and/or act upon approval of an Administrative Services Agreement between the City of Murphy and the Murphy Community Development Corporation.**

Council Action

Items 13 and 14 were considered together. Councilmember Halbert made a motion to approve the Administrative Services Agreements between the City of Murphy and the Murphy Community Development Corporation and the Murphy Economic Development Corporation. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

- 14. Consider and/or act upon approval of an Administrative Services Agreement between the City of Murphy and the Murphy Economic Development Corporation.**

Council Action

Items 13 and 14 were considered together. Councilmember Halbert made a motion to approve the Administrative Services Agreements between the City of Murphy and the Murphy Community Development Corporation and the Murphy Economic Development Corporation. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

CITY MANAGER/STAFF REPORTS

City Manager James Fisher reported on the following:

- Update on South Murphy Road Lighting Project –lights are on order and should be here by the end of the month for installation.
- Review of Calendar and Pending Agenda List –Joint meeting with 4A and 4B on Monday, Joint meeting with Park Board on March 30, Social event on Thursday at Murphy Marketplace.

EXECUTIVE SESSION

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

Section 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving:

- Sara Lee Goff d/b/a Sara's Secret/Condoms to Go vs. Jeffrey Bickerstaff et. al. Cause No. 3:08-cv-1660, U.S. District Court, Northern District of Texas
- Maurice L. Williams vs. City of Murphy, Cause No. 006-761-07, Collin County
- Obaida Hitto v. City of Murphy and Kevin McGee, individually and in his official capacity; Cause No. 4:08CV221, United States District Court, Eastern District, Sherman Division

Council Action

Council convened into Executive Session at 9:55 p.m.

RECONVENE INTO REGULAR SESSION

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

Section 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving:

- Sara Lee Goff d/b/a Sara's Secret/Condoms to Go vs. Jeffrey Bickerstaff et. al. Cause No. 3:08-cv-1660, U.S. District Court, Northern District of Texas
- Maurice L. Williams vs. City of Murphy, Cause No. 006-761-07, Collin County
- Obaida Hitto v. City of Murphy and Kevin McGee, individually and in his official capacity; Cause No. 4:08CV221, United States District Court, Eastern District, Sherman Division

Council Action

Council reconvened into Regular Session at 10:15 p.m. No action was taken as a result of the Executive Session.

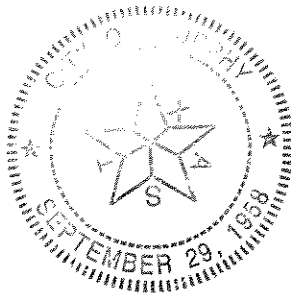
ADJOURNMENT

With no further business, the meeting was adjourned at 10:15 p.m.

ATTEST:



Aimee Nemer, City Secretary



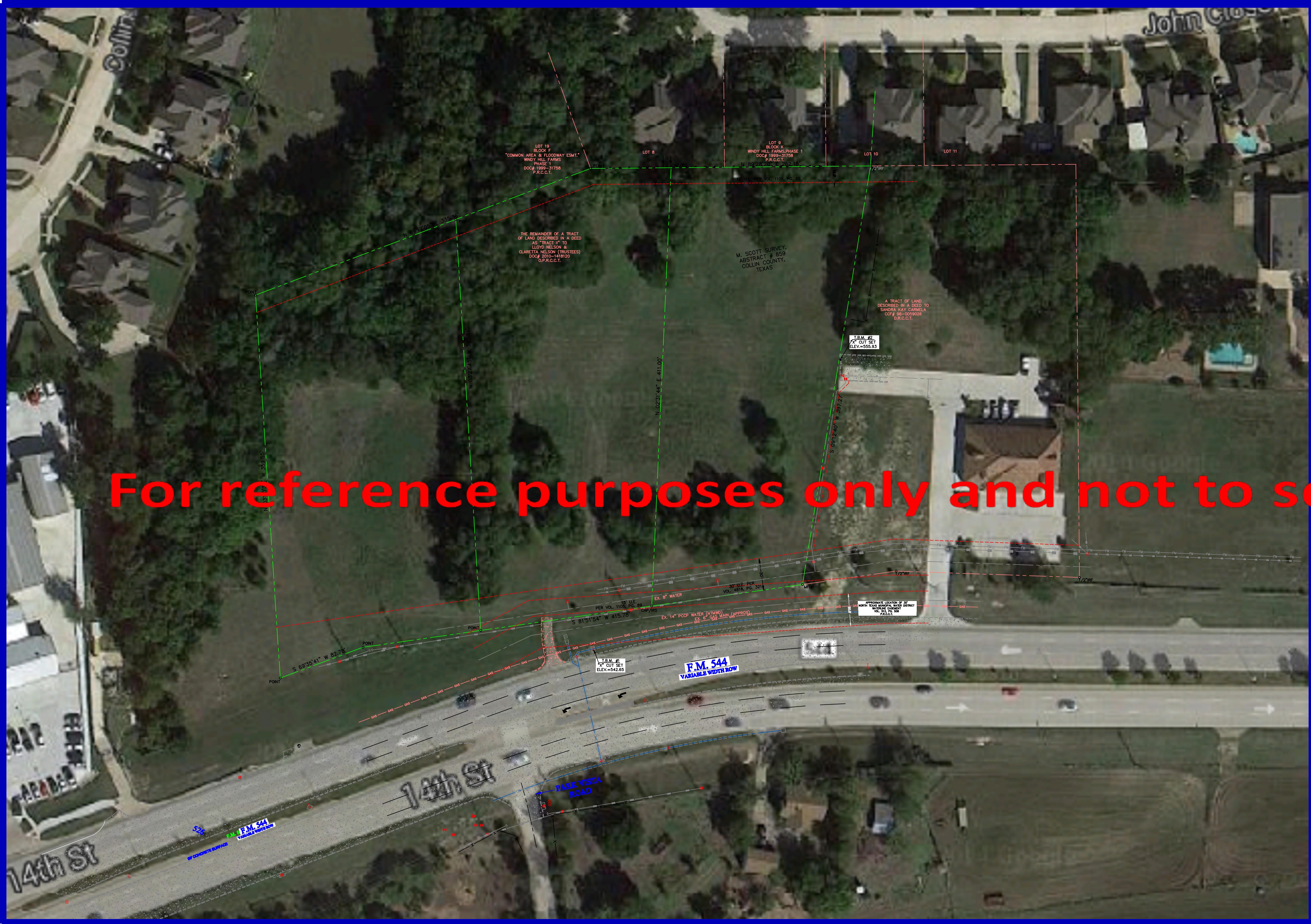
APPROVED BY:



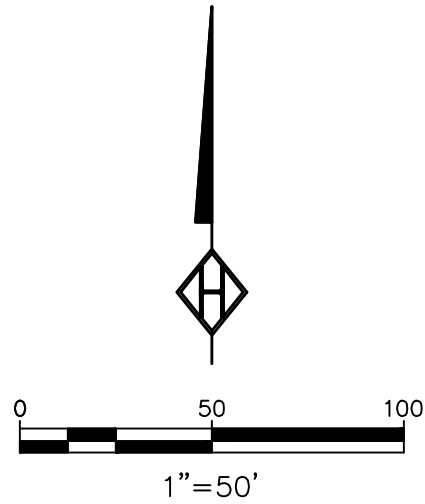
Bret M. Baldwin, Mayor

Exhibit C

Map location of property



For reference purposes only and not to scale



PRELIMINARY PLANS

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
STEVEN R. HOMEYER, PE # 86942
DATE: 03/19/2014

LOTS 1 - 3, BLOCK A
NELSON ADDITION
M. SCOTT SURVEY, ABSTRACT 859
CITY OF MURPHY
COLLIN COUNTY, TEXAS

DRAWN: SRH

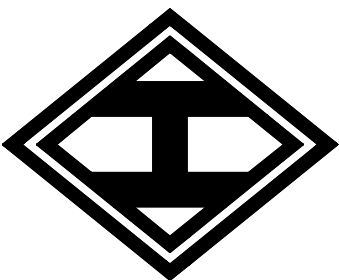
DATE: 06/20/13

HEI #: 13-147 CP

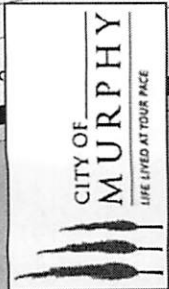
SHEET NO:
EXHIBIT 1

AERIAL EXHIBIT

LOTS 1 - 3, BLOCK A
NELSON ADDITION
M. SCOTT SURVEY, ABSTRACT 859
CITY OF MURPHY
COLLIN COUNTY, TEXAS



HOMEYER
ENGINEERING, INC.
TYPE FIRM REGISTRATION NO. F-84440
P.O. BOX 284527 • LEWISVILLE, TEXAS 75029
972-906-9985 • PHONE • 972-906-9987 FAX
WWW.HEI.US.COM



Nelson Living Trust
Tracts 35 & 36/FM 544
(200-foot Buffer)

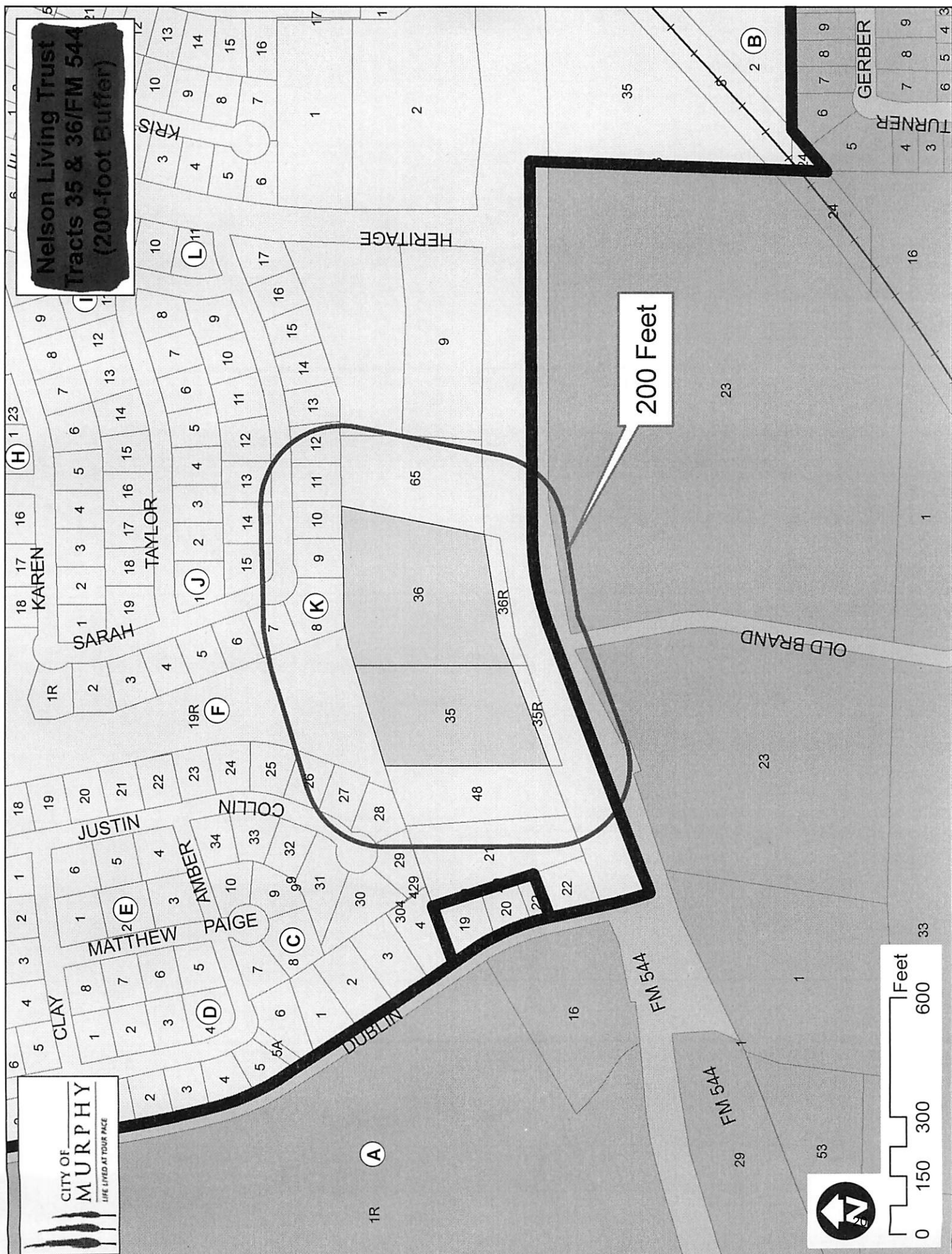


Exhibit D

All reply Forms to date
(whether use and standards
revisions or concept plan)

From: [Jeffrey S. Hansen](#)
To: [Kristen Roberts](#)
Subject: Concerns Regarding Lloyd Nelson property plan
Date: Monday, March 31, 2014 7:36:49 AM
Attachments: [Windy Hill Letter to Plan Zone Commission.pdf](#)

Ms. Roberts, on behalf of about a dozen neighbors in the Windy Hill Farms subdivision we wanted to provide a detailed document listing our concerns about the Lloyd Nelson property. Please review the attached and share with the committee our concerns and request for further deliberation. We will be planning on attending the next public hearing and will be asking response to the attached. Please let us know if additional documentation or discussion is needed.

Thanks,
Miriam and Jeff Hansen
502-821-7570

To: Murphy Planning and Zoning Commission
From: Windy Hills Farm Residents
Subject: Lloyd M. Nelson Concept Plan and Site Plan for Carbonell Veterinary Clinic

Dear Ms. Roberts and Members of the Zoning Committee,

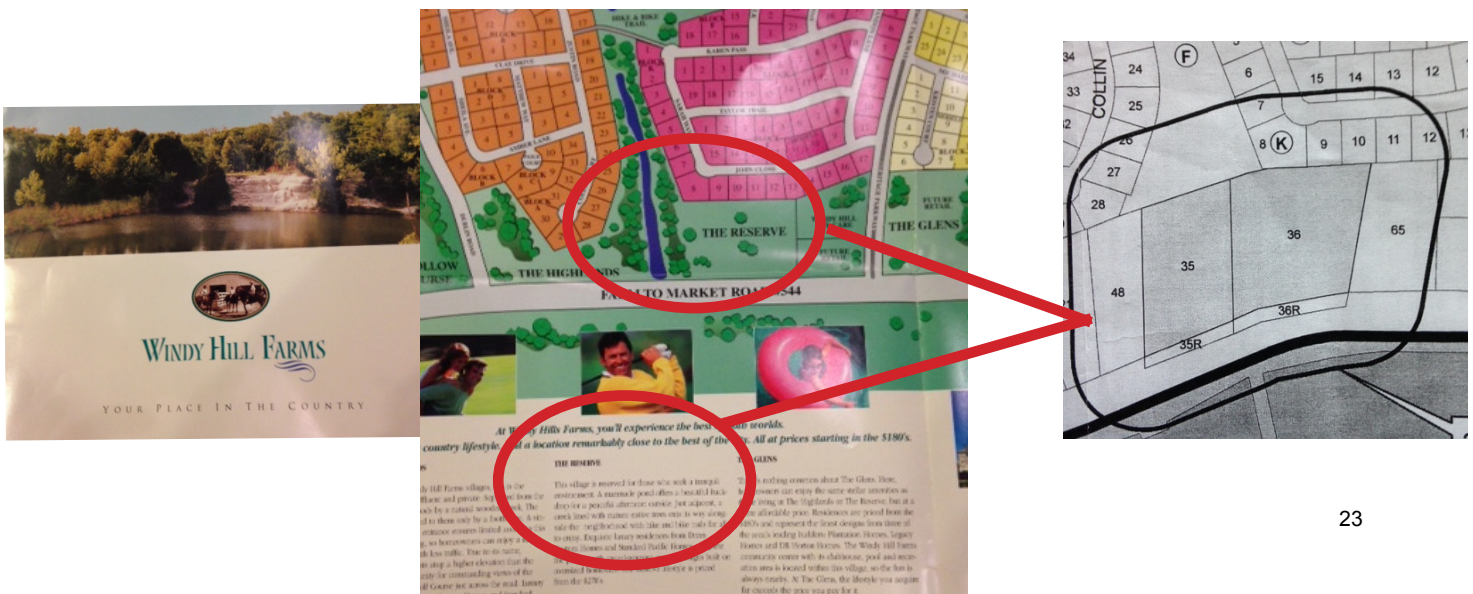
We appreciate the due diligence of members of the Zoning Committee informing and engaging the residents of Windy Hill Farms. We respect the difficulties of being fair and inclusive as the process unfolds. Now that we have had an opportunity to review a concept document, although still incomplete, of the Lloyd Nelson property, we continue to have more questions and concerns. As you are working together to evaluate the proposal, we thought it might be important to share our view as a collective.

Our Concerns:

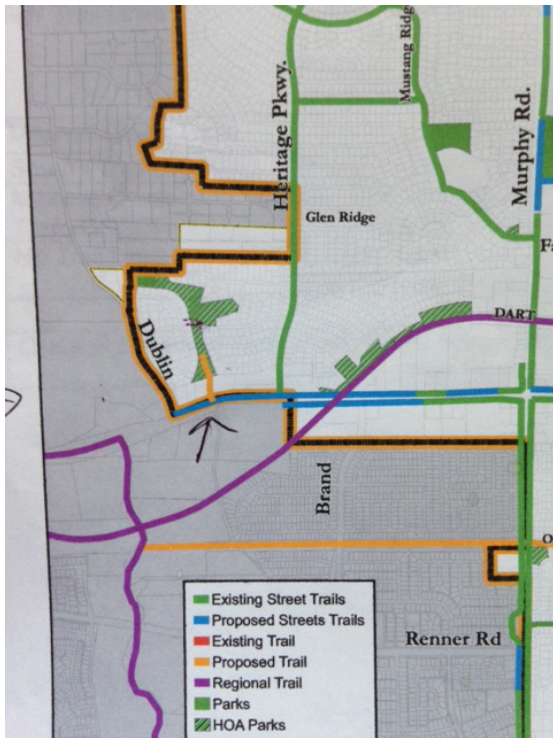
- **Property between Dublin and Heritage (as indicated on zoning map #48, #35 and #36 below) are NOT being used as originally proposed and pitched to the residents and investors of Windy Hill Farms.**
- **New development concept plans proposed for the Lloyd Nelson property will set a precedent for future developments and negatively impact traffic in the area. It will create an even more cluttered appearance to the most traveled thoroughfares entering our City.**
- **These proposals put one of the largest collection of naturally growing, mature trees, (many of which are Pecans) wildlife and a partially protected creek at risk.**
- **Uncontrolled and inadequate restrictions for development near residential or nature areas can impact property value for nearby neighborhoods, as well as diminishing the quality of life for those living there.**
- **All those businesses and individuals (i.e., Contractors, Property Owners and Veterinarians) who DO NOT reside in Murphy, are making requests and recommendations that affect only their own monetary concerns with no regard to the needs of the community.**

In order to seek out the appropriate action which enhances the quality of life here in the City of Murphy, the residents representing the northern boundaries are asking the Zoning Commission to review and respond to the following:

1. **Review historical documents (2000-current) that preceded the current zoning of the property mentioned above. Residence purchased, built and invested in property that was sold as having "green space" in the southern perimeters. See exhibit below:**



2. Provide a plan for integrating the Trail Master Plan and Beautification Project into future proposals and development. *See below:*

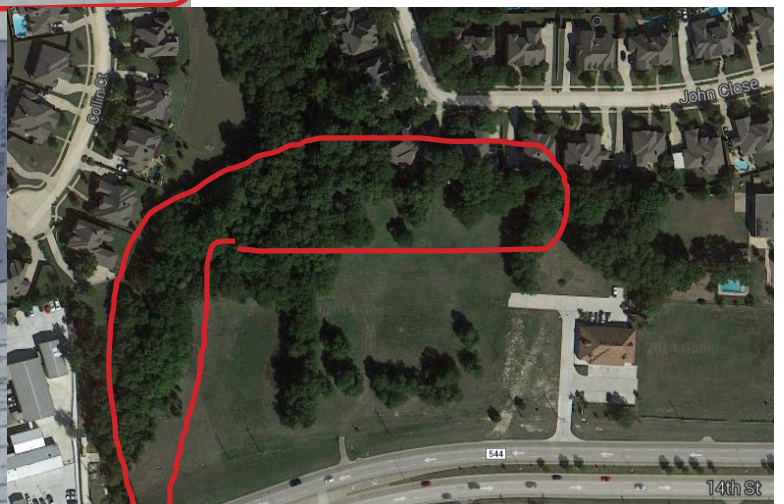


MURPHY PARKS, TRAILS, & BEAUTIFICATION FOR 2014 – 2019			
Parkland Acquisition	Need	Funding Source	Priority
Maxwell Creek Trails	Under creek bridge at FM 544 to Wylie/Sachse and Plano	50/50 match Collin County Grant	1
Maxwell Creek Trails	McMillen to Betsy Lane Connection	50/50 match Collin County Grant	1
NW Trail Links	Dublin to Heritage and/or FM 544 and / or widen Heritage Parkway trail at brick wall; link Windy Hills/DART to MCC	?	3
Maxwell Creek Trails	Lonesome Dove to Parker	?	4
South - Trail Link	Moonlight/Sachse to Travis Farm	?	5
Maxwell Creek Trails/ONCOR	ONCOR Trail – S. Maxwell Creek Road to McCreary	Lease agreement	6
NE Trail Links	E Betsy Lane – happening with road widening project	Road Funds	N/A
ONCOR Easement Trail	Plano/South Murphy Road to S. Maxwell Creek Road	Lease agreement	June 4 - CC

3. Consider an opportunity to protect green space and put on high-priority the importance of making our City one that blends thoughtful growth with natural conservation. *See below:*

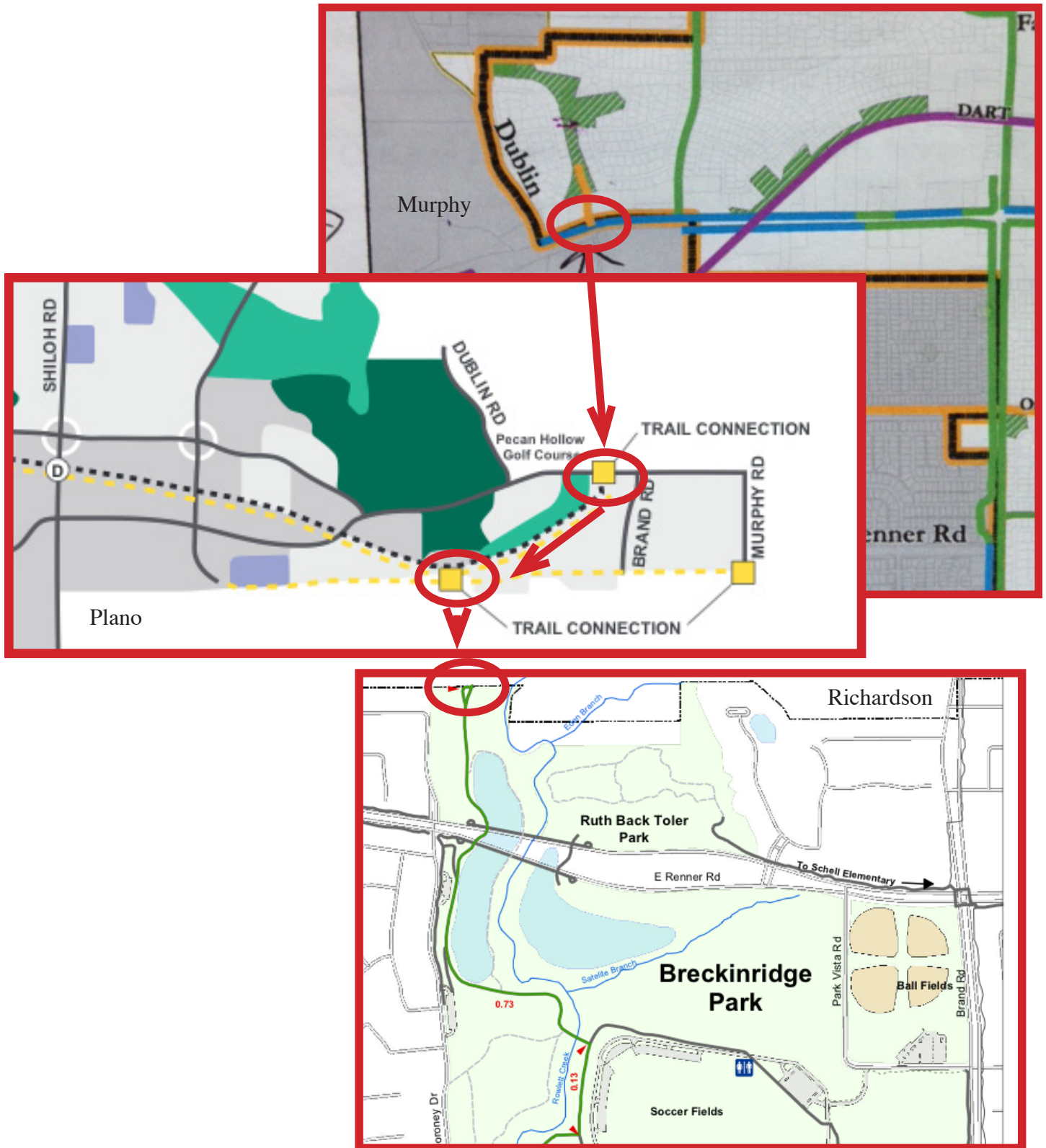


Preserve Green Space and enhance use by including solution as part of trail, park and beautification project as originally intended for City of Murphy and residence of Windy Hill Farms.



Protect travelers commuting to and from city.

4. Update residence on Master plan trail/park extensions in partnership with neighboring City Connections. *See below:*



5. Confirm that a Veterinary Clinic is applicable for office use based on ordinance.

Reply Form

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



This request is to consider the application of **Lloyd Nelson**, requesting approval of a Concept Plan for approximately 6.43 acres on the property zoned PD (Planned Development) District No. 09-02-785 located on FM 544 approximately 800' west of Heritage Parkway and a request to amend Ord. No. 09-02-785 to consider additional uses and revised development standards

☐ I am **IN FAVOR** of the requested Concept Plan for the property zoned PD District No. 09-02-785 and to amend Ordinance No. 09-02-785, for additional uses and revised development standards.

☒ I am **OPPOSED** to the requested Concept Plan for the property zoned PD District No. 09-02-785 and to amend Ordinance No. 09-02-785, for additional uses and revised development standards.

This item will be heard at the joint meeting of the City of Murphy City Council and Planning & Zoning Commission on **Tuesday, April 22, 2014 at 6:30 p.m.** at City Hall at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

As we have indicated in the past. We feel that this proposal lacks the details necessary to be acceptable. The development itself has not included any plans for the continuation of the Murphy Public Trails System. The plan is open ended allowing for further invasive development and the resulting traffic to the area will crowd our thoroughfares and cause potential driving hazards.

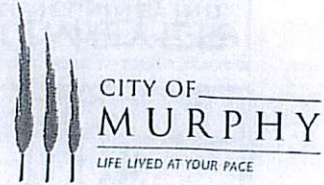
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Jeffrey S. Hansen
632 John Close
Murphy, TX 75094

4/4/14

Reply Form

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



This request is to consider the application of **Lloyd Nelson**, requesting approval of a Concept Plan for approximately 6.43 acres on the property zoned PD (Planned Development) District No. 09-02-785 located approximately 800' west of Heritage Parkway.

☒ I am **IN FAVOR** of the requested Concept Plan for the property zoned PD District No. 09-02-785.

☐ I am **OPPOSED** to the requested Concept Plan for the property zoned PD District No. 09-02-785.

This item will be heard at the Planning & Zoning Commission on **Monday, March 24, 2014 at 6:00 p.m.** and by the **City Council on Tuesday, April 1, 2014 at 6:00 p.m.** in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

Plan is consistant with neighborhood usage and provides service for adjacent homes.

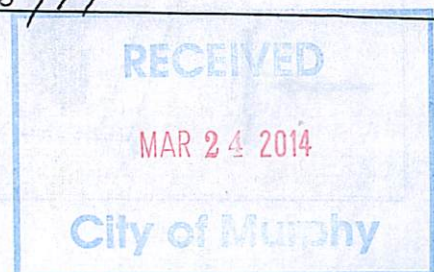
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Harvey Baker Higdon
Name (Please Print)

Nancy BAKER HIGDON
Signature

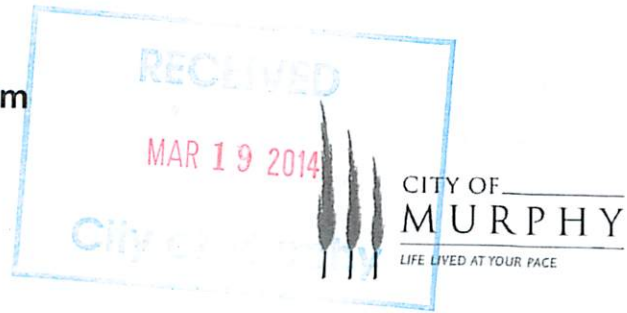
5500 14th Street
Address *Plano, TX*

3/18/14
Date



Reply Form

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



This request is to consider the application of **Lloyd Nelson**, requesting approval of a Concept Plan for approximately 6.43 acres on the property zoned PD (Planned Development) District No. 09-02-785 located approximately 800' west of Heritage Parkway.

☒ I am **IN FAVOR** of the requested Concept Plan for the property zoned PD District No. 09-02-785.

☐ I am **OPPOSED** to the requested Concept Plan for the property zoned PD District No. 09-02-785.

This item will be heard at the Planning & Zoning Commission on **Monday, March 24, 2014 at 6:00 p.m.** and by the **City Council on Tuesday, April 1, 2014 at 6:00 p.m.** in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

This is a well laid out concept plan and this area will be a plus to the city of Murphy.

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

Lloyd Nelson
Name (Please Print)

Lloyd M Nelson
Signature

7087 Shire Lane
Address Murkinney, Tx, 75071

March 17, 2014
Date

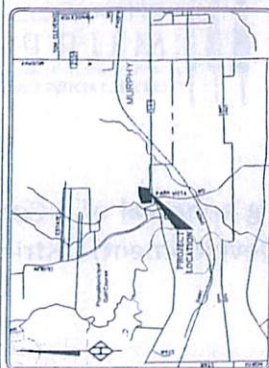
HOMER
ENGINEERING, INC.
923-906-9983 PHONE / 923-906-9987 FAX
7806 17TH STREET, SUITE 100
DALLAS, TEXAS 75244



LOTS 1 - 3, BLOCK A
NELSON ADDITION
M. SCOTT SURVEY, ABSTRACT 859
CITY OF MURPHY
COLLIN COUNTY, TEXAS

OVERALL
CONCEPT PLAN

DATE: 06/20/13
ME # 13-147 CP
SHEET NO.:
C1



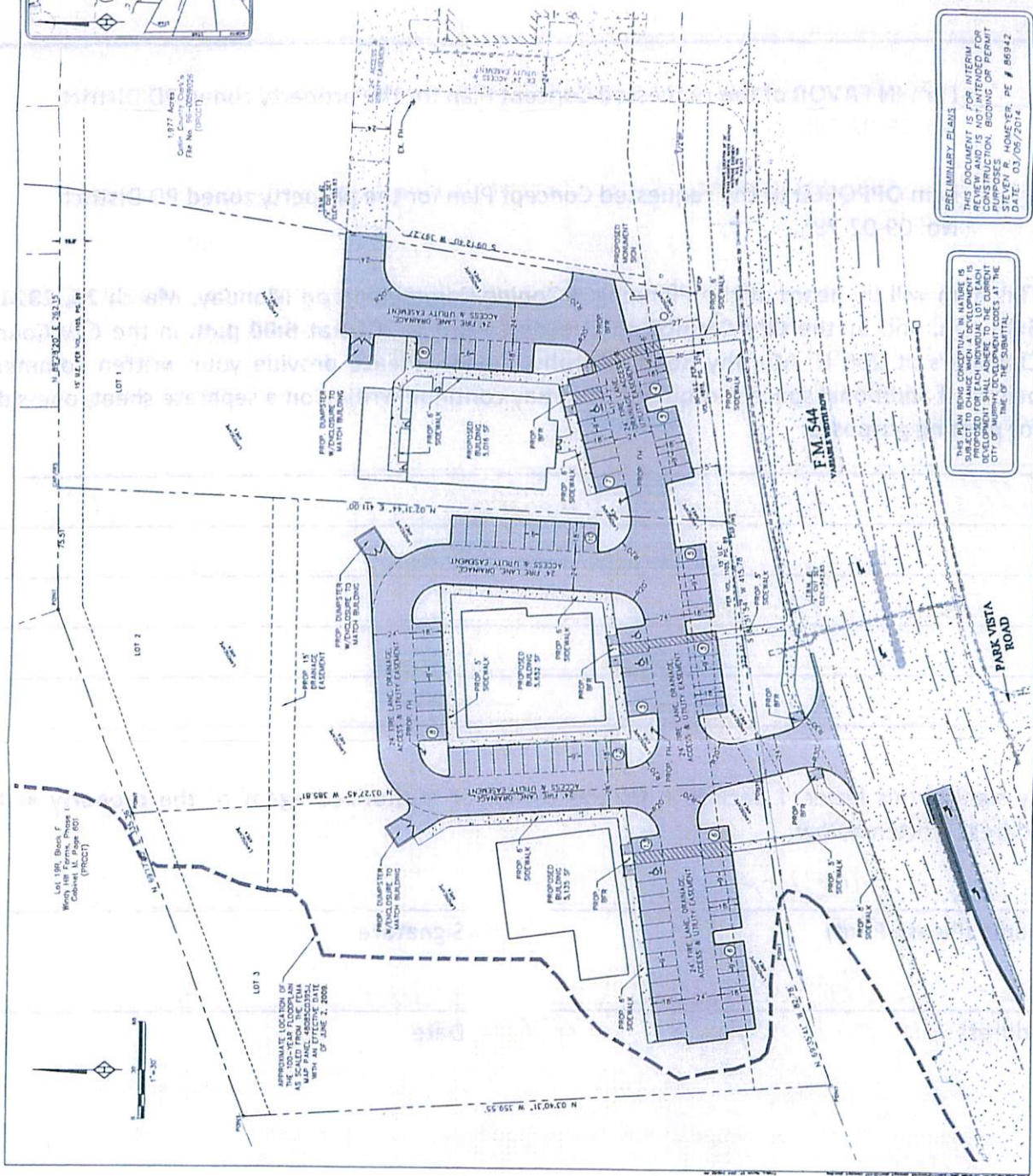
LEGEND

1/4"	IRON ROD FOUND
1/8"	IRON ROD SET
3"	CUT X IN CONCRETE
1/4"	FENCE CORNER POST
1/4"	ASPHALT
1/4"	TELEPHONE MANHOLE
1/4"	POWER POLE
1/4"	LIGHT POLE
1/4"	WATER VALVE
1/4"	SANITARY SEWER MANHOLE
1/4"	FIRE HYDRANT
1/4"	WATER METER

SITE INFORMATION

LOT 1	PROPOSED BUILDING AREA = 5,016 S.F.
	PARKING REQUIRED: MEDICAL OFFICE
	1 SPACE PER 300 S.F. = 17 SPACES
	PARKING PROVIDED: 24 SPACES
	HANDICAP PARKING REQUIRED: 1 SPACE
	HANDICAP PARKING PROVIDED: 1 SPACE
LOT 2	PROPOSED BUILDING AREA = 5,652 S.F.
	PARKING REQUIRED: MEDICAL OFFICE
	1 SPACE PER 300 S.F. = 19 SPACES
	PARKING PROVIDED: 45 SPACES
	HANDICAP PARKING REQUIRED: 2 SPACES
	HANDICAP PARKING PROVIDED: 2 SPACES
LOT 3	PROPOSED BUILDING AREA = 5,135 S.F.
	PARKING REQUIRED: MEDICAL OFFICE
	1 SPACE PER 300 S.F. = 18 SPACES
	PARKING PROVIDED: 25 SPACES
	HANDICAP PARKING REQUIRED: 1 SPACE
	HANDICAP PARKING PROVIDED: 1 SPACE

LOTS 1 - 3, BLOCK A
NELSON ADDITION
M. SCOTT SURVEY, ABSTRACT 859
CITY OF MURPHY
COLLIN COUNTY, TEXAS



PRELIMINARY PLANS
THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT. IT IS THE RESPONSIBILITY OF THE SUBMITTER TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS. DATE: 03/06/2014

THIS PLAN BEING CONCEPTUAL IN NATURE IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE SUBMITTER TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS. DATE: 03/06/2014

Reply Form

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



This request is to consider the application of Lloyd Nelson, requesting approval of a Concept Plan for approximately 6.43 acres on the property zoned PD (Planned Development) District No. 09-02-785 located approximately 800' west of Heritage Parkway.

I am **IN FAVOR** of the requested Concept Plan for the property zoned PD District No. 09-02-785.

X

I am **OPPOSED** to the requested Concept Plan for the property zoned PD District No. 09-02-785.

This item will be heard at the Planning & Zoning Commission on Monday, March 24, 2014 at 6:00 p.m. and by the City Council on Tuesday, April 1, 2014 at 6:00 p.m. in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

Having attended the meeting which reviewed the proposed Carbonell Veterinary Clinic, and learned that; 1) the proposal was tabled because of issues meeting the City ordinances on appropriate egress onto the property 2) issues existed involving an east-bound, cross traffic entrance. Given the lack of resolution on the situation, we are voting against the attached proposal.

The proposal does not address or solve the aforementioned issues and frankly only offers a future look at what could be a particularly bad traffic situation for that section of FM 544. As was mentioned in the meeting, without an adequate solution for the future traffic issues, no proposal should be accepted by the Zoning Committee.

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

Jeffrey & Miriam Hansen

Name (Please Print)

632 John Close

Address

Signature

3/18/2014

Date

Reply Form

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



This request is to consider the application of **Lloyd Nelson**, requesting approval of a Concept Plan for approximately 6.43 acres on the property zoned PD (Planned Development) District No. 09-02-785 located approximately 800' west of Heritage Parkway.

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- 1) Traffic problems on FM 544 that will be increased by allowing this development.
- 2) The property values of the houses behind which this development is planned will go down resulting in a devaluation of property values in the entire Windy Hill farms.

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

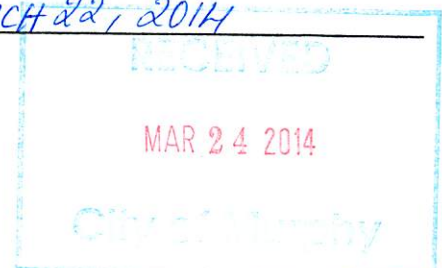
GOVIND HARIHARAN & ARUNA GOVIND
Name (Please Print)

[Signature]
Signature

[Signature]

624 JOHN CLOSE, MURPHY, TX 75094
Address

MARCH 22, 2014
Date



To: Murphy Planning and Zoning Commission
From: Windy Hills Farm Residents
Subject: Lloyd M. Nelson Concept Plan and Site Plan for Carbonell Veterinary Clinic

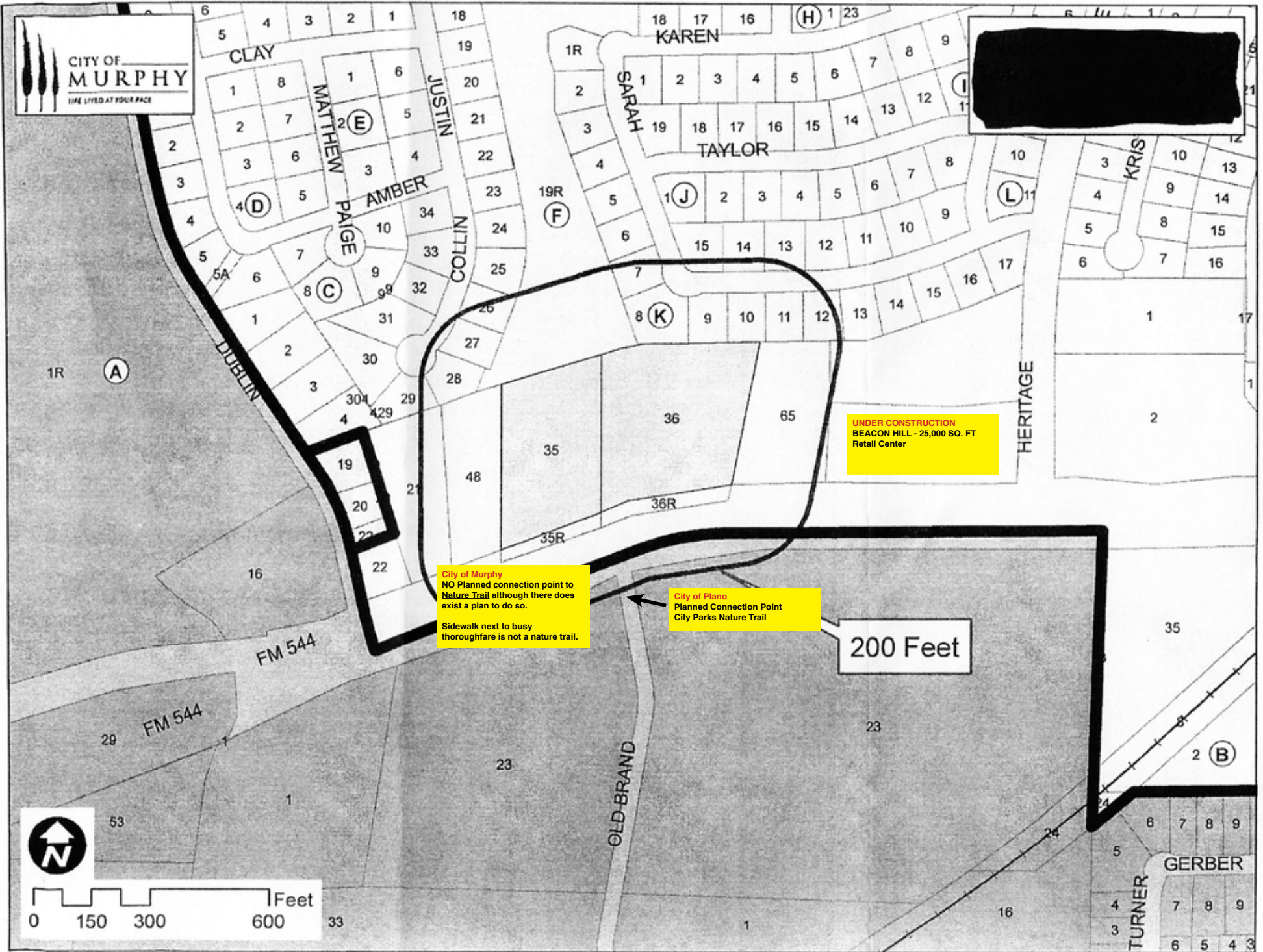
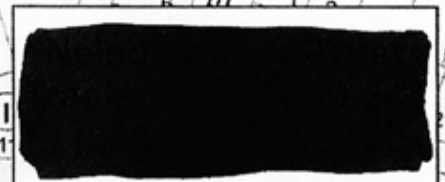
Dear Ms. Roberts and Members of the Zoning Committee,

We appreciate the opportunity to join the City and Council and Planning & Zoning Committee on April 22nd to discuss the proposed concept plans for the property located on FM 544 and adjacent to the Windy Hills Subdivision.

Many of us have attended several prior meetings regarding this property because we feel strongly about the short and long term ramifications the development could have both on us as residents and the City of Murphy.

Our concerns are as follows:

- **Property between Dublin and Heritage (as indicated on zoning map #48, #35 and #36 attached) are NOT being used as originally proposed to the residents and investors of Windy Hill Farms.**
- **New development concept plans proposed for the Lloyd Nelson property will set a precedent for future developments and negatively impact traffic in the area. It will create an even more cluttered appearance to the most traveled thoroughfares entering our City.**
- **These proposals put one of the largest collection of naturally growing, mature trees, wildlife, and a partially protected creek at risk.**
- **Uncontrolled and inadequate restrictions for development near residential or natural areas can impact property value for nearby neighborhoods, as well as diminishing the quality of life for those living there.**
- **All those businesses and individuals involved in this development (i.e., Contractors, Property Owners and Future Owners) DO NOT reside in Murphy. Therefore, we suggest that the plans, requests and recommendations are more self-serving and don't truly reflect an involved and accommodating body in these discussions.**
- **The City Council and Planning & Zoning Committee should consider the information/exhibits attached as a way of understanding our concerns about the future use of this property, the impact it's development will have on the community, and the need to review the City Development Plans for a rapidly growing community.**

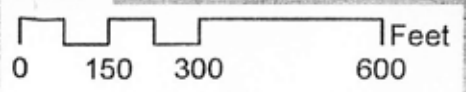


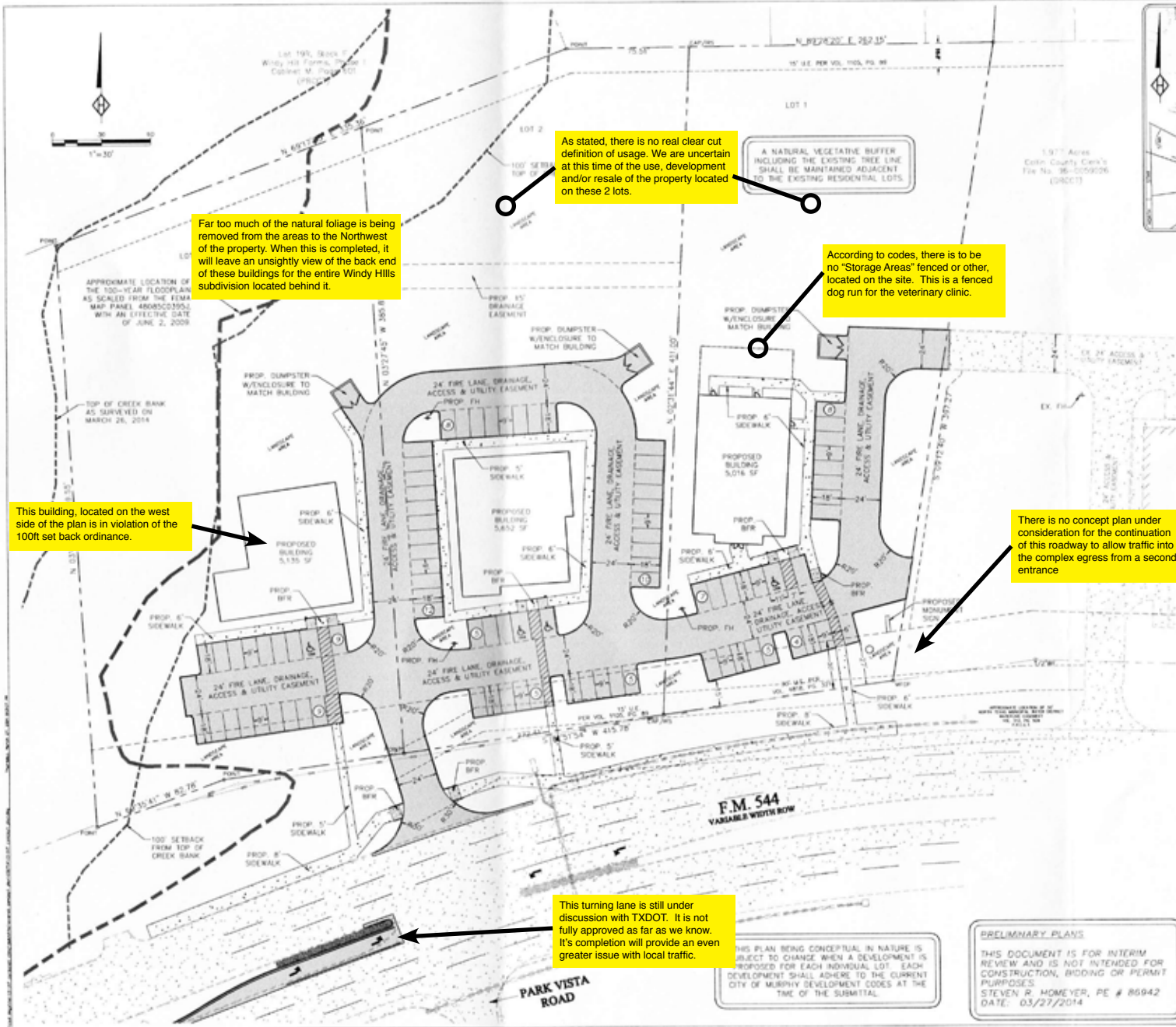
UNDER CONSTRUCTION
BEACON HILL - 25,000 SQ. FT
Retail Center

City of Murphy
NO Planned connection point to
Nature Trail although there does
exist a plan to do so.
Sidewalk next to busy
thoroughfare is not a nature trail.

City of Plano
Planned Connection Point
City Parks Nature Trail

200 Feet





LEGEND

IRC	IRON ROD ROUND
IRC	IRON ROD SET
2"	CUT X IN CONCRETE
FCA	FENCE CORNER POST
ASPH	ASPHALT
TM	TELEPHONE MANHOLE
PO	POWER POLE
LP	LIGHT POLE
WV	WATER VALVE
SSM	SANITARY SEWER MANHOLE
FI	FIRE HYDRANT
WM	WATER METER

SITE INFORMATION

LOT 1
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PARKING PROVIDED: 45 SPACES
HANDICAP PARKING REQUIRED: 2 SPACES
HANDICAP PARKING PROVIDED: 2 SPACES
LOT 3
PROPOSED BUILDING AREA = 5,135 S.F.
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1 SPACE PER 300 S.F. = 18 SPACES
PARKING PROVIDED: 18 SPACES
HANDICAP PARKING REQUIRED: 1 SPACE
HANDICAP PARKING PROVIDED: 1 SPACE

PRELIMINARY PLANS

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

STEVEN R. HOMEYER, PE # 86942

DATE: 03/27/2014

**LOTS 1 - 3, BLOCK A
NELSON ADDITION
M. SCOTT SURVEY, ABSTRACT 859
CITY OF MURPHY
COLLIN COUNTY, TEXAS**

HOMEYER ENGINEERING, INC.
 TEXAS FIRM REGISTRATION NO. F18440
 P.O. BOX 294537 • AUSTIN, TEXAS 78759
 972-906-9888 • FAX 972-906-9887
 WWW.HET-INC.COM

**LOTS 1 - 3, BLOCK A
NELSON ADDITION
M. SCOTT SURVEY, ABSTRACT 859
CITY OF MURPHY
COLLIN COUNTY, TEXAS**

**OVERALL
CONCEPT PLAN**

**DRAWN: SRH
DATE: 06/20/13
HEI # 13-147 CP**

**SHEET NO:
C1**

Exhibit 1:

A review historical documents (2000-current) that preceded the current zoning of the property being reviewed uncovered that the property was sold based on “natural green areas” backing the Windy Hills Subdivision. Residence purchased, built and invested in property that is now no longer protected from the re-zoning of it for commercial use

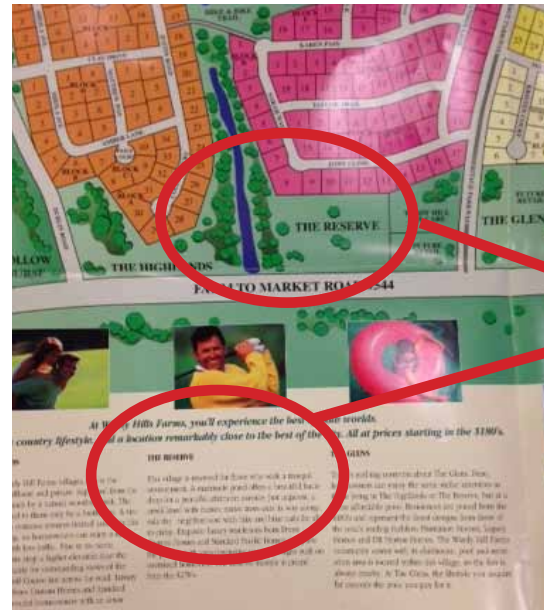


Exhibit 2:

There is an inherent need to revisit the City of Murphy Trail & Beautification Plan 2014 - 2019. As stated, there was supposed to be a plan in place to link both areas of the city and link to other city nature trails.

Note: In **orange** are the Proposed Trail connections. The **arrow** shows that connection, located on the property in question.



Parkland Acquisition	Need	Funding Source	Priority
Maxwell Creek Trails	Under creek bridge at FM 544 to Wylie/Sachse and Plano	50/50 match Collin County Grant	1
Maxwell Creek Trails	McMillen to Betsy Lane Connection	50/50 match Collin County Grant	1
NW Trail Links	Dublin to Heritage and/or FM 544 and / or widen Heritage Parkway trail at brick wall; link Windy Hills/DART to MCC	?	3
Maxwell Creek Trails	Lonesome Dove to Parker	?	4
South - Trail Link	Moonlight/Sachse to Travis Farm	?	5
Maxwell Creek Trails/ONCOR	ONCOR Trail - S. Maxwell Creek Road to McCreary	Lease agreement	6
NE Trail Links	E Betsy Lane - happening with road widening project	Road Funds	N/A
ONCOR Easement Trail	Plano/South Murphy Road to S. Maxwell Creek Road	Lease agreement	June 4 - CC

Exhibit 3:

Consider an opportunity to protect green space and put on high-priority the importance of making our City one that blends thoughtful growth with natural conservation.

Preserve **Green Space** and enhance it's use by proposing a solution that addresses this property as a part of the trail, park and beautification project originally intended for City of Murphy and residence of Windy Hill Farms.

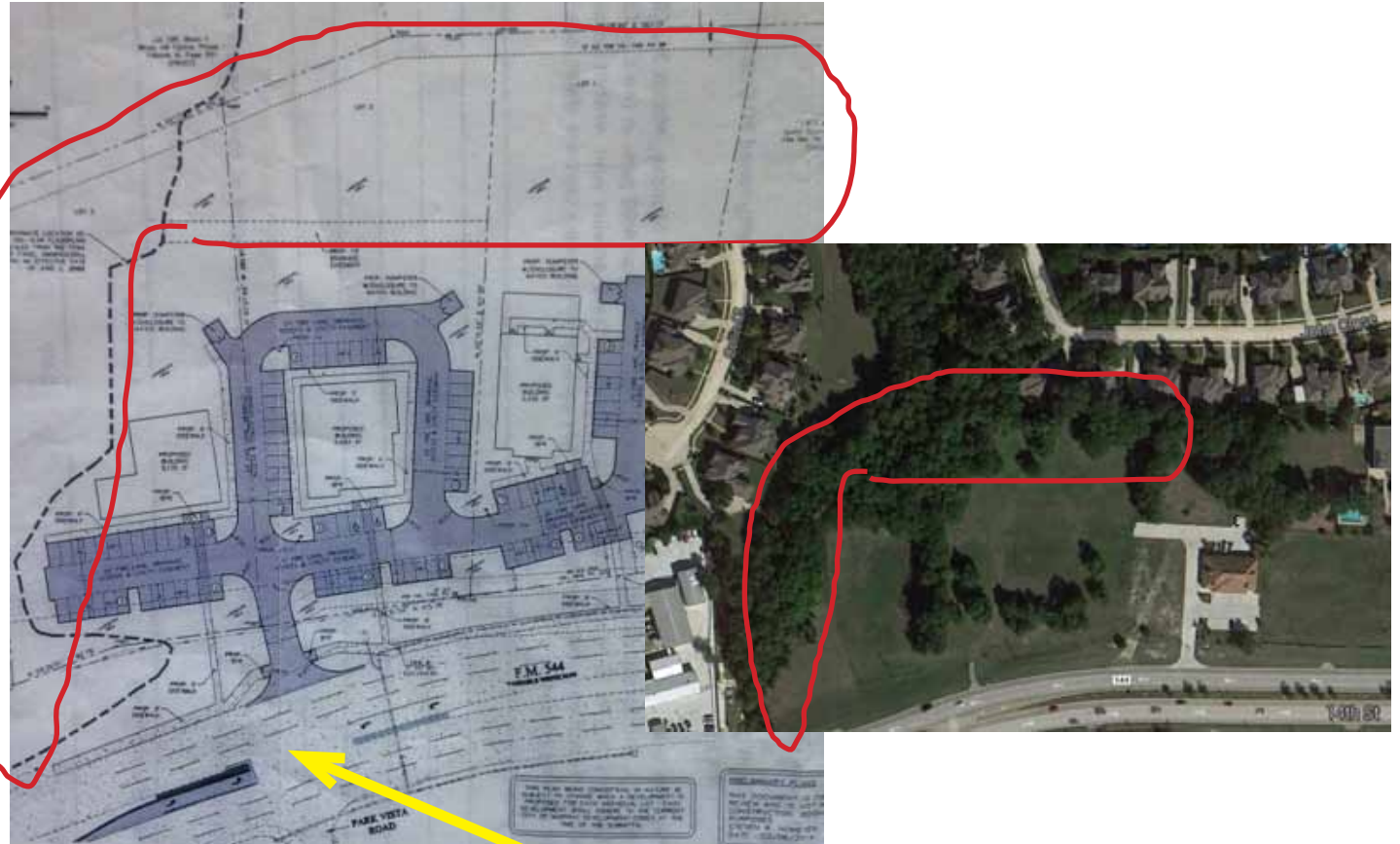


Exhibit 4:

Consider the ramifications of providing inadequate traffic solutions for an already congested area of FM 544. It is a fact that Beacon Hill Center will already have a traffic issue for travelers coming eastbound on FM 344.

There is no easy egress unto the property and drivers will be making U-Turns at the intersection of Heritage Parkway.

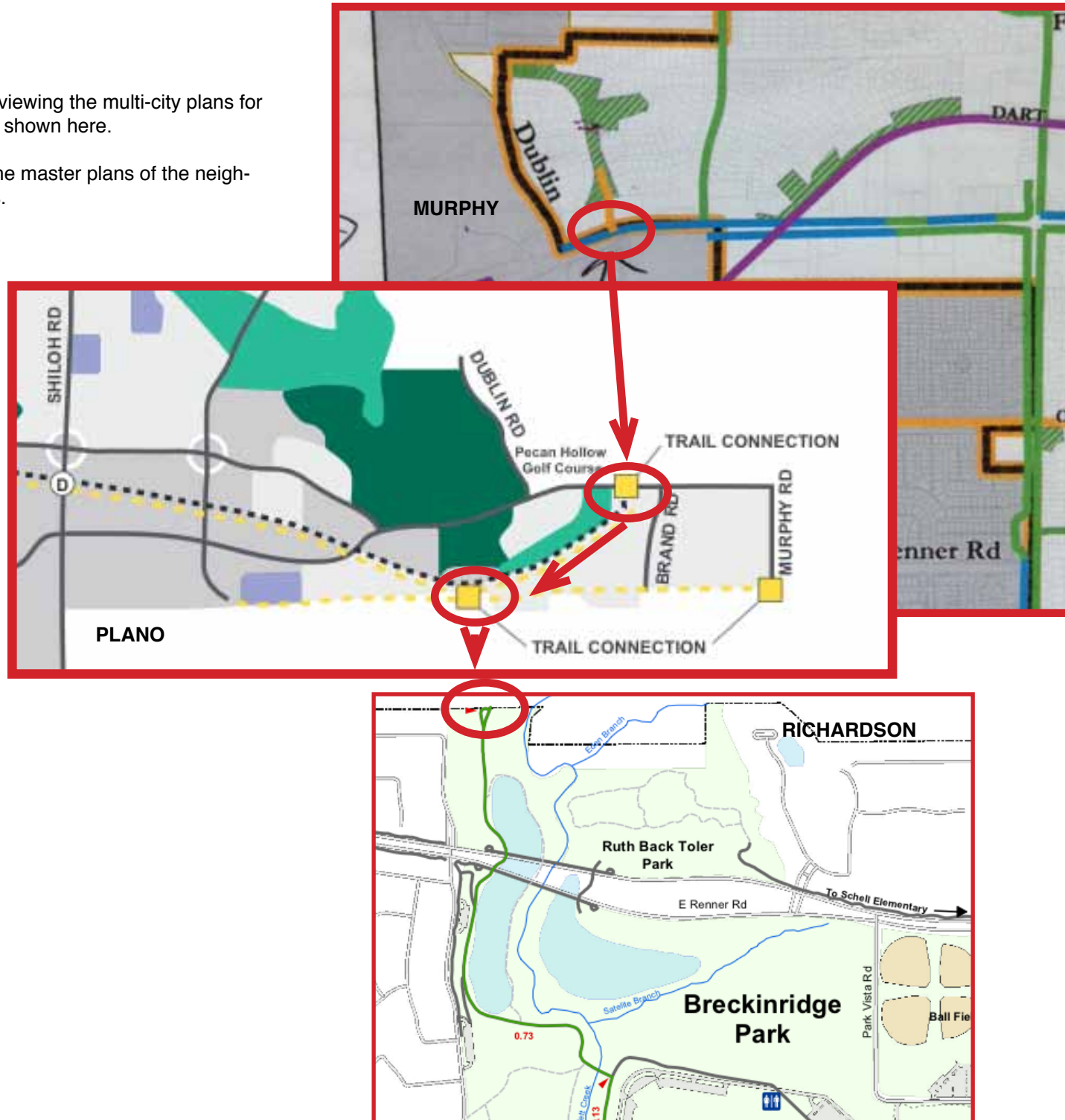
That in combination with the proposed Center Turning Lane adjacent to the proposed property will make traffic at the main entrance to Murphy both crowded and dangerous.

We are responsible for making decisions that are right for the community. This is the most serious decision we can make for everyone.

EXHIBIT 5:

Time to consider reviewing the multi-city plans for trail connections as shown here.

All of these are in the master plans of the neighboring communities.



From: [Kristen Roberts](#)
To: ["Miriam Hansen"](#)
Cc: [Lori C. Knight](#)
Subject: RE: Concerns Regarding Lloyd Nelson property plan
Date: Thursday, March 20, 2014 9:02:40 AM
Attachments: [09-02-785 between Dublin and Heritage.pdf](#)

Mrs. Hansen,

Thank you for your email.

I will include this email in the packet in addition to the reply form received from Mr. Hansen.

A few points of clarification:

- No. 48, as referenced, and as identified on the boundary map is zoned Public/Semi Public and is the site of the City of Murphy's lift station.
 - o It is in inside the boundary circle document sent as that circle identifies for staff the addresses that need to be included per notification distance requirements for the zoning request.
- The overall Nelson property is within a Planned Development district that was created by the City Council in 2009. This was created through the zoning process as well as public notification/public hearing. I have attached it although I believe you all might have a copy.
 - o A requirement of that Planned Development district is that a Concept Plan for the property must be approved prior to any site plan for the property.
- This Concept Plan is for the entire site as required by the Planned Development District Ordinance and is separate item than the Veterinary Clinic you reference.
- The agenda packet for Monday's meeting will be posted on the city's website no later than this Friday at 5pm.
 - o Staff has worked for months with the owner and possible developer and since the last meeting, have worked hard to identify solutions to the concerns of the site discussed by the Planning & Zoning Commission and neighbors.

Thank you again for your email. Please let me know if you have any other questions and I look forward to seeing you at Monday's meeting.



Kristen M. Roberts, Director of Community and Economic Development

The City of Murphy is in Stage 3 Water Restrictions. Please make sure you know your watering day, time, and all Stage 3 watering restrictions. Stage 3 restrictions can be found at www.murphytx.org ***

(972) 468-4006: direct

kroberts@murphytx.org

206 N Murphy Rd

Murphy, TX 75094

murphytx.org

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

From: Miriam Hansen [mailto:miriamhansen@verizon.net]
Sent: Wednesday, March 19, 2014 7:16 PM
To: Kristen Roberts
Subject: Concerns Regarding Lloyd Nelson property plan

Ms. Roberts, I am reaching out to you in regards to the request we received in the mail to approve/oppose a concept for 3 commercial structures at the site of the 6.43 acres off FM544 (zoning Map numbers 48, 35 and 36 ... see attached). My husband has already responded once to oppose this request due to the fact that there are many unresolved issues with the submission of the Veterinary Clinic proposal for this property and the traffic issues with the entrance off FM544 Not to mention we already have Beacon Hill going in on the corner of FM544 and Heritage that will create additional congestion for this area. This is of course a 'real' concern and one I'm sure the council will examine and take very seriously. I have additional reasons for opposition. At the January meeting the plans were presented for the Veterinary Clinic. There were problems as mentioned on the traffic as well as the plan exceeding the height maximum of 25 feet. The contractor was to return with solutions, however we are instead being asked to approve a plan for 3 additional buildings on this concept. This is unacceptable.

I now have additional concerns and confusion:

- Current Zoning map as well as zoning maps from prior years show zoning for #48, BLUE-plubic & Semi-public use. However the concept plan says this building is proposed for Medical office.
- I also have questions about a longterm park/trail plan for the city with regards to the Lloyd Nelson property. See attached documents Park Trail 2014-19 plan and Park Trail 2014-19 plan Map. This longterm plan for city beautification and park trail connection is one reason we bought the property we did. When and why have these plans changed???? I would think in the best interest of the City of Murphy and the residence in the surrounding communities we would benefit from the completion of the longterm plan. As a growing city, the happiness of the families and members are most important.

Please take this as OPPOSED to the concept plan being presented at Mondays zoning meeting. I also look forward to any additional explanation on above questions/changes. My husband and I will be attending in person. Thanks for your time and consideration.

Miriam Hansen
632 John Close

Exhibit E

Public Notice mailing list

HIGDON NANCY BAKER
PO BOX 22153
SANTA FE, NM 87502-2153

MAGINLEY RONALD J & DONNA L
621 JOHN CLOSE
MURPHY, TX 75094-3755

VANEK FRANK L
620 JOHN CLOSE
MURPHY, TX 75094-3754

RICHMOND DENNIS & SUSAN
120 COLLIN CT
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WINDY HILL FARMS HOMEOWNERS ASSOC
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NEVAREZ JOHN P & KERI
1800 LEANDER CT
ALLEN, TX 75002-4861

NAJARI MASOUD E & NGUYEN
JACQUELINE T
6346 SHADY OAKS DR
FRISCO, TX 75034-7235

NELSON LIVING TRUST LLOYD M OR
CLARETTA NELSON TRUSTEES
7087 SHIRE LN
MCKINNEY, TX 75071-8000

THOMAS PRAMOD K & ELEZABETH P
THOMAS
121 SARAH WAY
MURPHY, TX 75094-3771

MURPHY MEDICAL CENTER LLC
TOTS AND TEENS PEDIATRICS/ COLLIN CTY
CARDIOLOGY
615 W FM 544
MURPHY, TX 75094-4587

KONDURU MADHUSUDANRAJU &
JYOTHIRMAYI GADHIRAJU
116 COLLIN CT
MURPHY, TX 75094-3792

GOVIND ARUNA & GOVIND
HARIHARAN
624 JOHN CLOSE
MURPHY, TX 75094-3754

GROFF CATHERINE A & GREGORY A
632 JOHN CLOSE
MURPHY, TX 75094-3754

FROST TODD W & FROST COLLEEN M
125 SARAH WAY
MURPHY, TX 75094-3771

MAXEY MARK & TAMMY
132 COLLIN CT
MURPHY, TX 75094-3792

TINGLE LESLIE E & DIANE J
124 COLLIN CT
MURPHY, TX 75094-3792

TARI AHMAD VAHID & JILA R KARI
729 W FM 544
MURPHY, TX 75094-4602

COLLIN COUNTY
825 N MCDONALD ST STE 145
MC KINNEY, TX 75069-2178

SUN ERIC & WENDY WANG
PO BOX 799045
DALLAS, TX 75379-9045

BOYD DEREK W & HEATHER H
628 JOHN CLOSE
MURPHY, TX 75094-3754

WALLACE COURTNEY & MADELYN
625 JOHN CLOSE
MURPHY, TX 75094-3755

To help clarify the process of the agenda items for Planning & Zoning Commission and City Council:

- *Agenda Item 1 is a public hearing*
 - o *Agenda Items 3 and 7 support this item and are the respective consideration items for Planning & Zoning Commission and City Council.*
- *Agenda Item 2 is a public hearing*
 - o *Agenda Items 4 and 8 support this item and are the respective consideration items for Planning & Zoning Commission and City Council.*

Issue

Hold a public hearing on the request to approve a Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.

Background

The Planned Development (PD) District Ordinance No. 09-02-785 (Exhibit A) was City of Murphy initiated and approved for this property by City Council on February 16, 2009.

This property's zoning was amended in 2009 following public input and public hearings. Planned Development District No. 09-02-785 was created in order to provide consistent zoning that is compatible with the surrounding property including residential neighborhoods. This Planned Development District does not allow for retail development. The minutes from the City Council meeting on February 16, 2009 specific to the Planned Development District Ordinance approval are included as Exhibit B.

The PD states that a Concept Plan for the property shall be approved prior to the acceptance of a site plan for any part of the Planned Development District.

Summary

This agenda item is for consideration of a Concept Plan for approximately 6.43 acres of the property.

Considerations regarding Concept Plan (Exhibit C)

The proposed Concept Plan identifies and includes:

- Proposed building orientation
- Traffic circulation including a left turn lane within TXDOT right of way turning north towards property driveway as requested by the Commission (pending TXDOT approval)
- Conceptual building elevations (Exhibit D)

The proposed Concept Plan is recommended as a guide for future and unknown development for the site.

Note: If any proposed future development deviates from the proposed Concept Plan, prior to acceptance of a site plan prompting the difference, a new Concept Plan would have to be approved through the zoning public hearing process.

Other Concept Plan Considerations

SIDEWALKS

The concept plan does show sidewalks along FM 544 as per requirement by the City. For any future development on this site, funds will go to a sidewalk escrow fund to allow time for further study and appropriate tie in to the city's trail system.

However, this would be done in conjunction with the developer and the City Manager in the form of an agreement and has not been finalized.

LANDSCAPING, TREES AND FENCING

Currently, there is no plan for development on the northern portion of the property. As such, the concept plan denotes that area with the text: *A natural vegetative buffer including the existing tree line shall be maintained adjacent to the existing residential lots.*

Note: If at such time the owner chose to develop the northern portion, prior to any site plan submittal, a revised Concept Plan must be submitted for public hearing. At that time, the submittal would be inclusive of fencing if needed adjacent to the residential lots.

Any future site plans proposed within this Concept Plan will be held accountable to the City's landscape and Tree Preservation Ordinance requirements.

Action

Hold a public hearing on the request to approve a Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.

Attachments

Exhibit A – Planned Development District Ordinance No. 09-02-785

Exhibit B – February 16, 2009 City Council meeting minutes (PD - Item 6 highlighted)

Exhibit C – Proposed Concept Plan

Exhibit D – Conceptual Building Elevations

Exhibit E – Map location of property

Exhibit F – All reply Forms to date (included in Agenda Item 1)

Exhibit G – Public Notice mailing list

Exhibit A

Planned Development District Ordinance No. 09-02-785

ORDINANCE 09-02-785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 6.43 ACRES OUT OF THE MARY SCOTT SURVEY, ABSTRACT NO. 859, 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 SF-20 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO PD (PLANNED DEVELOPMENT) DISTRICT FOR OFFICE USES WITH CONDITIONS HERETO DESCRIBED AS EXHIBIT "B"; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Murphy 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 a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Murphy is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended;

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

Section 1. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to grant a Planned Development District for Office Uses for the property described as 6.43 acres, more or less, in the Mary Scott Survey, Abstract No. 859, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

Section 2. That the development standards for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Section 86-603, of the City of Murphy, Texas Code of Ordinances.

Section 3. 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.

Section 4. 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 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 5. 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 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED, APPROVED AND ADOPTED this the 16th day of February 2009.

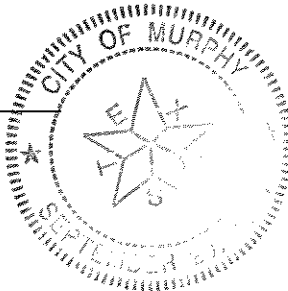


Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy



[illegible]

EXHIBIT A

Legal Description

Being a acre tract of land situated in the Mary Scott Survey, Abstract No. 859, City of Murphy, Collin County, Texas and containing 6.43 acres of land.

EXHIBIT B

ZONING FILE NO. 2009-02

FM 544

Between Dublin Road and Heritage Parkway

PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose and intent of this Planned Development District is to permit the development of medical and office uses.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the O (Office) District set forth in Article III, Division 12 of the City of Murphy Code of Ordinances (Ordinance No. 06-12-708), as amended, are included by reference, except as otherwise specified by this ordinance.
- IV. **Development Plans:**
 - A. A Concept Plan shall be approved as outlined in Article II, Division 5 of the Code of Ordinances prior to the acceptance of a site plan for any part or all of this Planned Development District. The concept plan shall include proposed landscape areas and proposed building elevations and design elements. Approval of the Concept Plan shall be based on general conformance with the approved Planned Development District conditions and regulations set forth in this ordinance. Approval of a Concept Plan through the zoning public hearing process (as outlined in Article II, Division 5) is required. In addition, the Concept Plan shall have the following elements.
 - Traffic circulation;
 - Cross access;
 - Driveway location;
 - Conceptual design elevations;
 - Development construction schedule;
 - Elements used to buffer nonresidential and residential development;
 - Pedestrian circulation;
 - Landscape buffer areas;
 - Building orientation.
 - B. Concept 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 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 six (6) months from the date of City Council action on the plan.
- V. **Specific Regulations:**
 - A. Permitted Uses: Only the following uses shall be permitted.
 1. Credit Agency
 2. Insurance Agency Offices
 3. Offices (Brokerage Services)

4. Offices (Health Services)
 5. Offices (Legal Services)
 6. Offices (Medical Office)
 7. Offices (Professional)
 8. Real Estate Offices
- B. Height Regulations: The maximum height shall be one (1) story or twenty-five (25) feet.
- C. Tree Preservation/Mitigation: All existing trees on the subject property shall comply with Section 86-740 of the Code of Ordinances. In addition, a tree preservation/mitigation plan shall be required to be submitted at the time of application. For any tree removed between 15.1 caliper inches and 24 caliper inches, a negative credit of (-6) shall be applied. For any tree removed larger than 24 caliper inches, a negative credit of (-8) shall be applied.
- D. Landscaping: All landscaping shall comply with Section 86-736 of the Code of Ordinances. In addition, a landscape plan shall be required to be submitted at the time of application.
- E. Screening: Screening between the north property line and the single family subdivision to the north shall be accomplished via the construction of an eight (8) foot high board-on-board fence at grade. This fence shall be required behind 120 Collin Court; 121 Sarah Drive; 628 John Close Drive and 632 John Close Drive.
- F. Exterior Building Materials: All exterior building materials shall comply with Section 86-802(3) of the Code of Ordinances. In addition, building elevations (indicating percentage of material per elevation) shall be required to be submitted at the time of application. A minimum of two masonry materials shall be required.
- G. Lighting: No exterior lighting shall be allowed to be placed on the outside perimeter on office buildings facing adjacent residential properties to the north. No light standards shall be placed in parking areas adjacent to residentially zoned property that are higher than four (4) feet. All light standards shall have shielding to prevent light pollution.
- H. Rooftop Mechanical Equipment: Rooftop mechanical equipment shall not be permitted.
- I. Outside Storage: No outside/outdoor storage shall be permitted.

Exhibit B

February 16, 2009 City Council
meeting minutes

(PD - Item 6 highlighted)

Please note that several items were taken out of order. For purposes of the Minutes, Items are recorded in the order they appeared on the agenda with a notation on the correct order.

**MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas
February 16, 2009
6:00 P.M.**

CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:01 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Baldwin gave the invocation and led the Pledge of Allegiance.

ROLL CALL AND CERTIFICATION OF A QUORUM

Secretary Nemer certified a quorum with all Councilmembers present.

PUBLIC COMMENTS

Public comments were submitted by Mr. Gus Delaloye and Ms. Rhonda Hodge. Mr. Delaloye stated that Murphy should distinguish itself by making the City a pedestrian friendly community. He expressed concerns for lack of sidewalks and requested the City to pay for sidewalks along a portion of North Murphy Road. Ms. Hodge expressed concerns with the traffic light at Hawthorne and FM 544 not being operational.

APPROVAL OF THE MINUTES

A. Approval of the Minutes from the Regular City Council Meeting of February 2, 2009 and the City Council Retreat of February 4-6, 2009.

Council Action

Councilmember Bradley made a motion to approve the Minutes as presented. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

PRESENTATION AND DISCUSSION

1. Presentation and discussion of the monthly financial report.

Staff/Consultant Presentation

Finance Director Linda Truitt presented the monthly financial report to Council. Financial consultant Jason Hughes, First Southwest, presented a report to Council regarding the issuance of bonds.

Public Comments

Public Comments were submitted by Mr. Roger St. Martin who expressed concern with building up the City's reserve funds.

Mayor Baldwin skipped to Agenda Item No. 3 as listed.

2. Presentation and discussion of the annual 2008 Racial Profiling Report for the Murphy Police Department.

Staff Presentation

City Manager Fisher presented the 2008 Racial Profiling Report to the City Council and Council acknowledged acceptance of the report.

Mayor Baldwin addressed this item after Agenda Item 9 as listed.

3. Presentation and discussion of the utility rate study prepared by Water Resources Management, LP.

Consultant Presentation

Ms. Nelisa Heddin, Water Resources Management, L.P., presented information regarding the utility rate study prepared by their company.

Council Discussion

There was discussion regarding specifically identifying capital projects and whether or not wireless meter reading was included, charging and funding City meters, and thoroughly explaining the proposed rate changes and structure to citizens.

Mayor Baldwin skipped to Agenda Item No. 6 as listed.

4. Presentation and discussion of the Community Events Proposal to the Murphy Community Development Corporation (4B) for event funding.

Staff Presentation

City Secretary Aimee Nemer and Community Recreation Coordinator Keri Kirkwood presented information to Council regarding a request to the 4B Board for funding of community events.

Mayor Baldwin skipped to Agenda Item 8 as listed.

PUBLIC HEARINGS

5. Hold a public hearing and consider and/or act upon approval of an ordinance amending the zoning on property located on East FM 544, between North Murphy Road and Maxwell Creek.

Council Discussion

Council discussed amending the permitted uses and the type of building materials allowed.

Council Action

Mayor Baldwin opened the Public Hearing at 9:29 p.m. With no public comments submitted, Mayor Baldwin closed the Public Hearing at 9:29 p.m. Councilmember Bogdan made a motion to approve the ordinance as amended; delete split-face CMU from the list of approved building materials, and delete the following from the permitted use list: Bed and Breakfast Inn, Civic Club, Community Center, Extended Stay Hotel/Motel, Hotel/Motel, Library, Museum, Public Garage/Parking Structure, Savings and Loan, and Vocational School. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

Mayor Baldwin addressed this item after Agenda Item 2 as listed.

6. Hold a public hearing and consider and/or act upon approval of an ordinance amending the zoning on property located on the north side of West FM 544, between Dublin Road and Heritage Parkway.

Council Discussion

Council discussed the priority of protecting the creek area by requiring a 100 ft. setback. Mayor Baldwin and Councilmember Bogdan expressed support for allowing retail by Specific Use Permit (SUP).

Council Action

Mayor Baldwin opened the Public Hearing at 8:01 p.m. Public Comments were submitted by Mr. Les Tuttle, Mr. Dennis Richmond, Mr. Thomas Schmidt, Mr. Jay Shannon, Mr. Steve Dundershine, Ms. Tammy Maxey, Mr. Mark Dalglish, and Mr. Chuck Dern. Those speaking were in favor of 100 ft. setback from creek, removing retail zoning, and preserving the creek and wildlife area. Mayor Baldwin closed the Public Hearing at 8:29 p.m. Councilmember Halbert made a motion to approve the ordinance with the following amendments: remove the positive tree credits; require brick and stone; provide an 8 foot board on board fence on properties located at 121 Sarah Way, 628 John Close, and 632 John Close; and provide a 100 foot setback from the creek. Councilmember Daugherty seconded the motion. Mayor Baldwin made a motion to amend the main motion to include a Specific Use Permit (SUP) for retail uses. Councilmember Bogdan seconded the motion to amend the main motion. A vote was taken and the motion to amend the main motion failed, 2-5, with Councilmembers Halbert, Daugherty, Bradley, Daniel, and Barna voting in opposition. A vote on the main motion was taken and passed, 7-0.

Mayor Baldwin went back to Agenda Item 4 as listed.

INDIVIDUAL CONSIDERATION

7. Consider and/or act upon approval of an ordinance repealing Chapter 14, Sections 14-1 to 14-52, entitled "Animal Control Code" in its entirety and replacing it with a new Chapter 14, Sections 14-1 to 14-99, entitled, "Animals."

Council Action

Councilmember Halbert made a motion to approve the ordinance with the following amendment; change Section 14.3 (b) to read "...15,000 square feet or less..." Councilmember Bradley seconded the motion. A vote was taken and passed, 7-0.

Mayor Baldwin addressed this item after Agenda Item 5 as listed.

8. Consider and/or act upon approval of a resolution authorizing a sign agreement between Ms. Barbara Edmonson and the City of Murphy.

Council Action

Councilmember Bradley made a motion to approve the agreement. Councilmember Bogdan seconded the motion. A vote was taken and passed, 5-2 with Mayor Baldwin and Councilmember Daugherty voting in opposition.

Mayor Baldwin skipped to Agenda Item 10 as listed.

9. Consider and/or act upon approval of a request by Mr. Pat Brownd for an exception to Section 86-802(5)(b) of the City of Murphy Code of Ordinances to allow an alternative exterior building material for an accessory building located at 807 Horizon Drive.

Council Action

Councilmember Halbert made a motion to approve the request. Councilmember Bogdan seconded the motion. A vote was taken and passed, 7-0.

Mayor Baldwin went back to Agenda Item 2 as listed.

- 10. Consider and/or act upon approval of a resolution authorizing the City Manager to sign an agreement with National Sign Plazas, Inc. regarding the implementation of a sign kiosk program.**

Council Action

Councilmember Bradley made a motion to approve. Councilmember Daniel seconded the motion. A vote was taken and passed, 7-0.

Mayor Baldwin went back to Agenda Item 9 as listed.

- 11. Consider and/or act upon approval of a resolution directing the City of Murphy's Planning Department to prepare a service plan for the proposed annexation of land totaling approximately 5.27 acres of land generally located on FM 544, between Heritage Parkway and Dublin Road.**

Council Action

Councilmember Daugherty made a motion to approve. Councilmember Halbert seconded the motion. A vote was taken and passed, 7-0.

- 12. Consider and/or act upon authorizing the City Manager in conjunction with the Police and Fire Chiefs, to negotiate an agreement for Murphy's Public Safety Communication System, including the installation of infrastructure to support the system.**

Council Action

Councilmember Halbert made a motion to authorize negotiations for an agreement regarding the Public Safety Communication System, including the installation of infrastructure to support the system. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0. Once the agreement is negotiated, it will come back before Council for approval.

- 13. Consider and/or act upon approval of an Administrative Services Agreement between the City of Murphy and the Murphy Community Development Corporation.**

Council Action

Items 13 and 14 were considered together. Councilmember Halbert made a motion to approve the Administrative Services Agreements between the City of Murphy and the Murphy Community Development Corporation and the Murphy Economic Development Corporation. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

- 14. Consider and/or act upon approval of an Administrative Services Agreement between the City of Murphy and the Murphy Economic Development Corporation.**

Council Action

Items 13 and 14 were considered together. Councilmember Halbert made a motion to approve the Administrative Services Agreements between the City of Murphy and the Murphy Community Development Corporation and the Murphy Economic Development Corporation. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

CITY MANAGER/STAFF REPORTS

City Manager James Fisher reported on the following:

- Update on South Murphy Road Lighting Project –lights are on order and should be here by the end of the month for installation.
- Review of Calendar and Pending Agenda List –Joint meeting with 4A and 4B on Monday, Joint meeting with Park Board on March 30, Social event on Thursday at Murphy Marketplace.

EXECUTIVE SESSION

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

Section 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving:

- Sara Lee Goff d/b/a Sara's Secret/Condoms to Go vs. Jeffrey Bickerstaff et. al. Cause No. 3:08-cv-1660, U.S. District Court, Northern District of Texas
- Maurice L. Williams vs. City of Murphy, Cause No. 006-761-07, Collin County
- Obaida Hitto v. City of Murphy and Kevin McGee, individually and in his official capacity; Cause No. 4:08CV221, United States District Court, Eastern District, Sherman Division

Council Action

Council convened into Executive Session at 9:55 p.m.

RECONVENE INTO REGULAR SESSION

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

Section 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving:

- Sara Lee Goff d/b/a Sara's Secret/Condoms to Go vs. Jeffrey Bickerstaff et. al. Cause No. 3:08-cv-1660, U.S. District Court, Northern District of Texas
- Maurice L. Williams vs. City of Murphy, Cause No. 006-761-07, Collin County
- Obaida Hitto v. City of Murphy and Kevin McGee, individually and in his official capacity; Cause No. 4:08CV221, United States District Court, Eastern District, Sherman Division

Council Action

Council reconvened into Regular Session at 10:15 p.m. No action was taken as a result of the Executive Session.

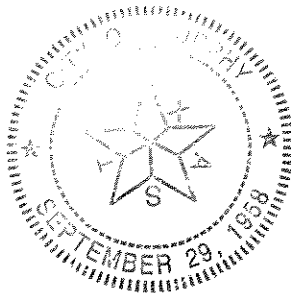
ADJOURNMENT

With no further business, the meeting was adjourned at 10:15 p.m.

ATTEST:



Aimee Nemer, City Secretary



APPROVED BY:



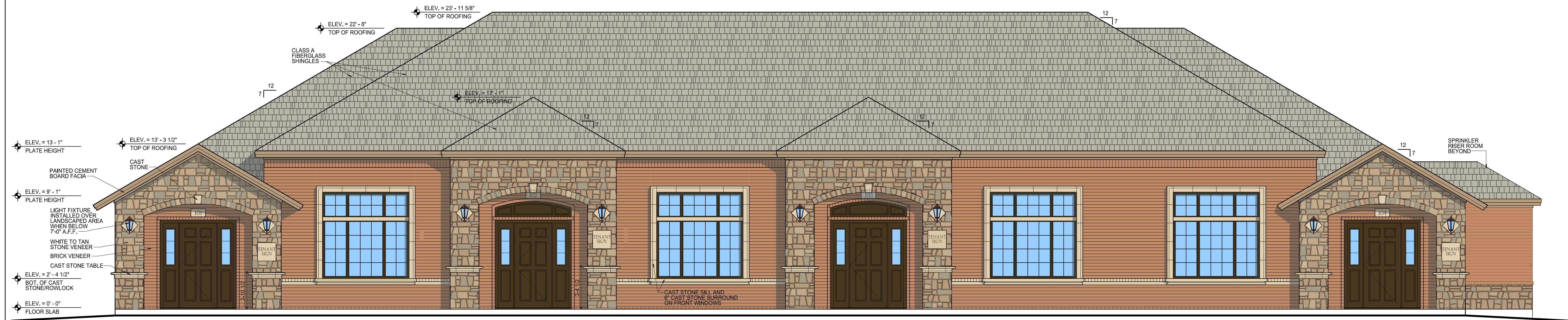
Bret M. Baldwin, Mayor

Exhibit C

Proposed Concept Plan

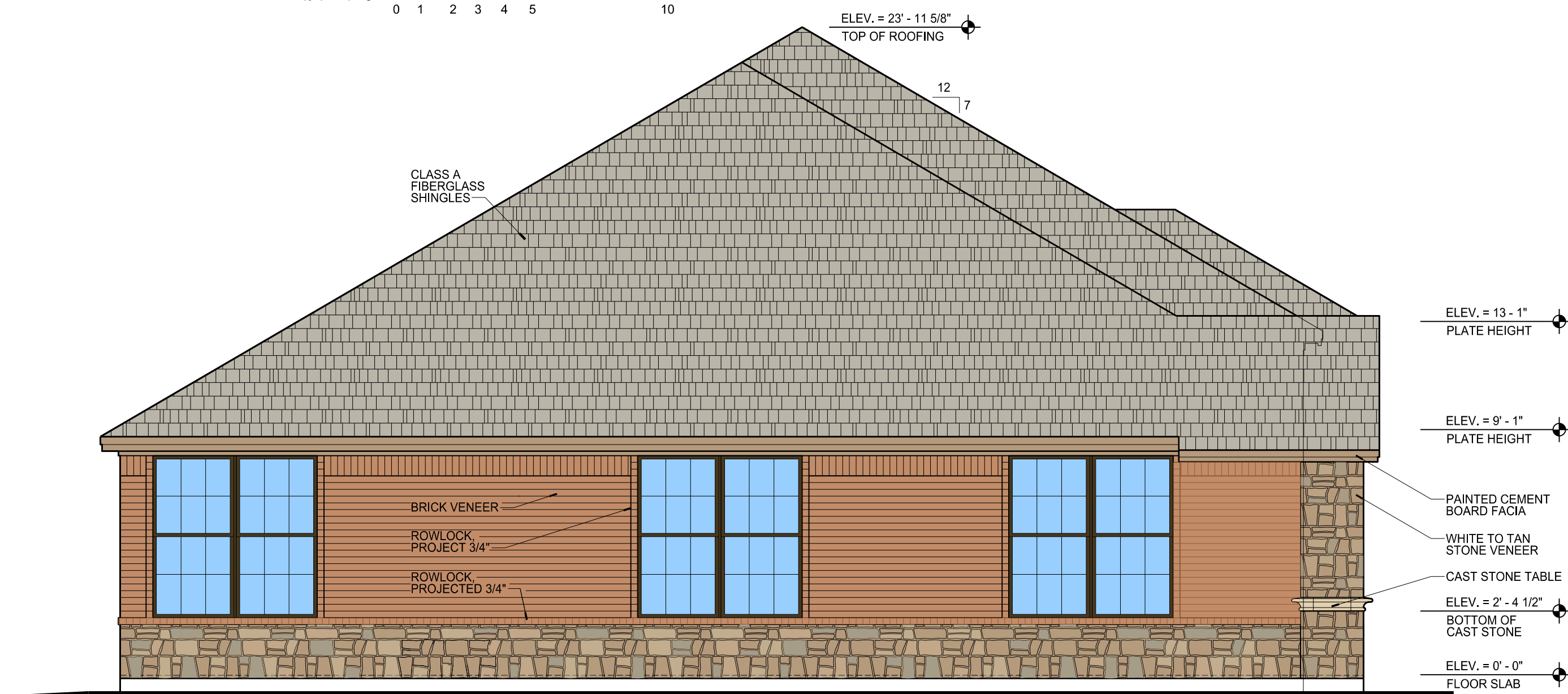
Exhibit D

Conceptual Building Elevations



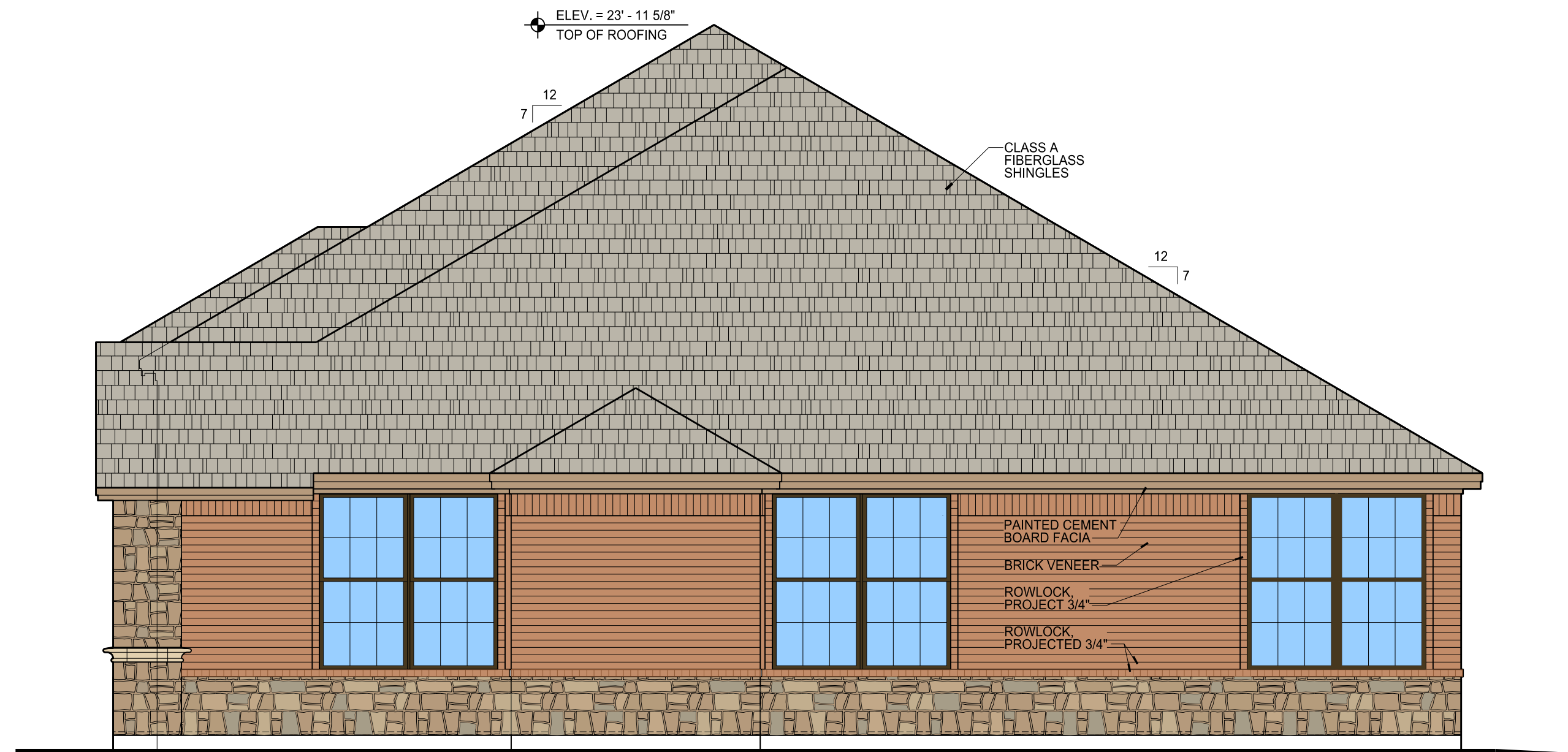
01 Front Elevation - 4-plex Unit

1/4"=1'-0"



02 Left Elevation

1/4"=1'-0"



03 Right Elevation

1/4"=1'-0"

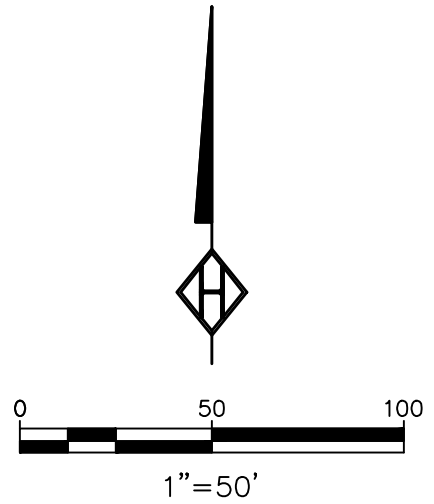
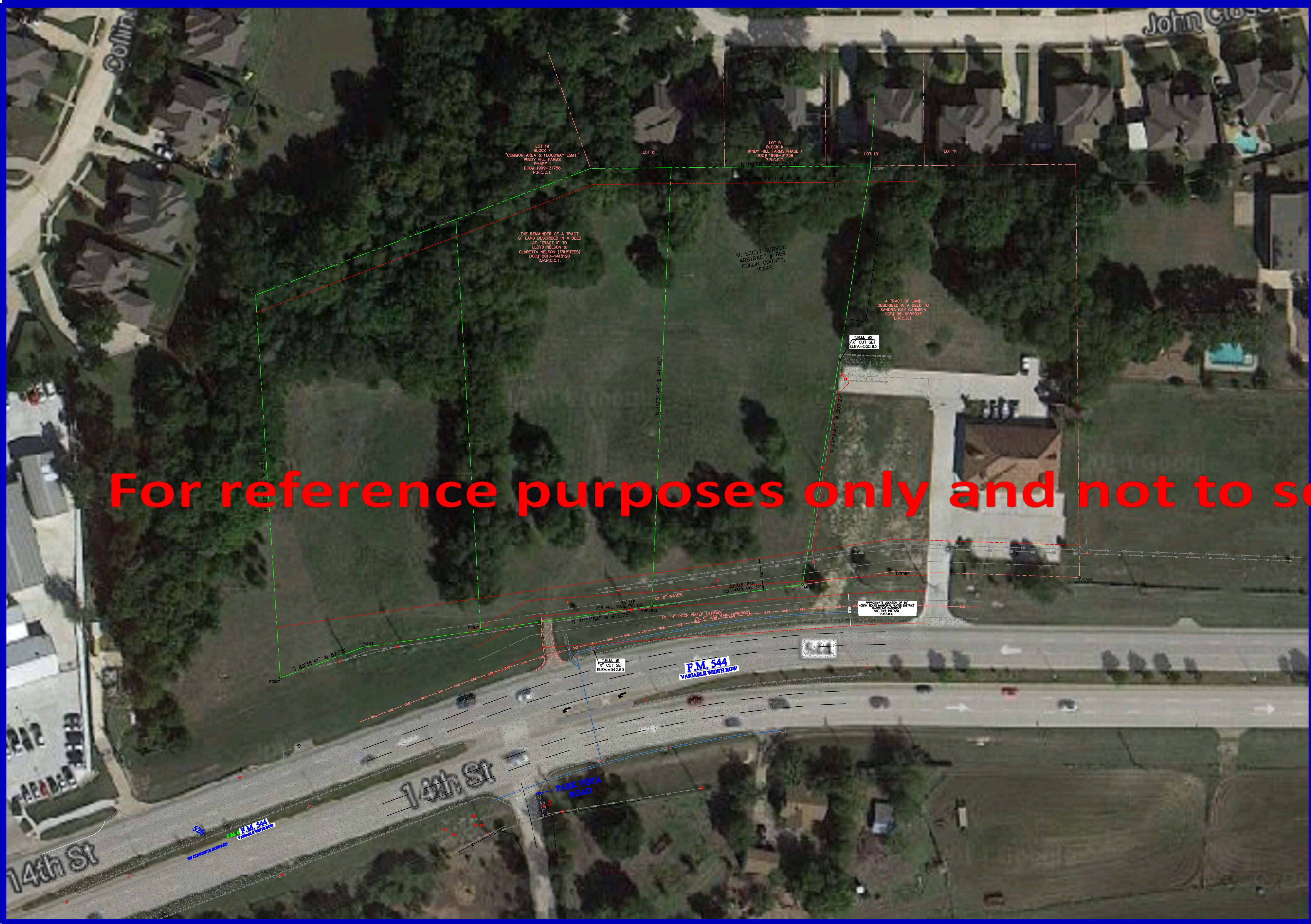


04 Back Elevation

1/4"=1'-0"

Exhibit E

Map location of property



PRELIMINARY PLANS

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
STEVEN R. HOMEYER, PE # 86942
DATE: 03/19/2014

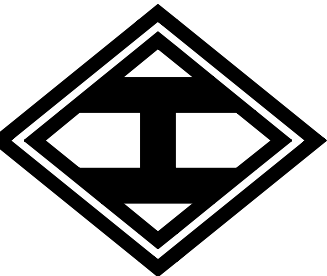
LOTS 1 - 3, BLOCK A
NELSON ADDITION
M. SCOTT SURVEY, ABSTRACT 859
CITY OF MURPHY
COLLIN COUNTY, TEXAS

DRAWN: SRH
DATE: 06/20/13
HEI #: 13-147 CP

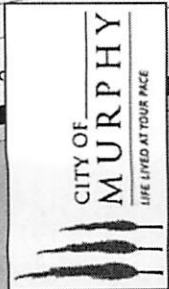
SHEET NO:
EXHIBIT 1

AERIAL EXHIBIT

LOTS 1 - 3, BLOCK A
NELSON ADDITION
M. SCOTT SURVEY, ABSTRACT 859
CITY OF MURPHY
COLLIN COUNTY, TEXAS



HOMEYER
ENGINEERING, INC.
TYPE FIRM REGISTRATION NO. F-84440
P.O. BOX 284527 • LEWISVILLE, TEXAS 75029
972-906-9985 PHONE • 972-906-9987 FAX
WWW.HEI.US.COM



Nelson Living Trust
Tracts 35 & 36/FM 544
(200-foot Buffer)

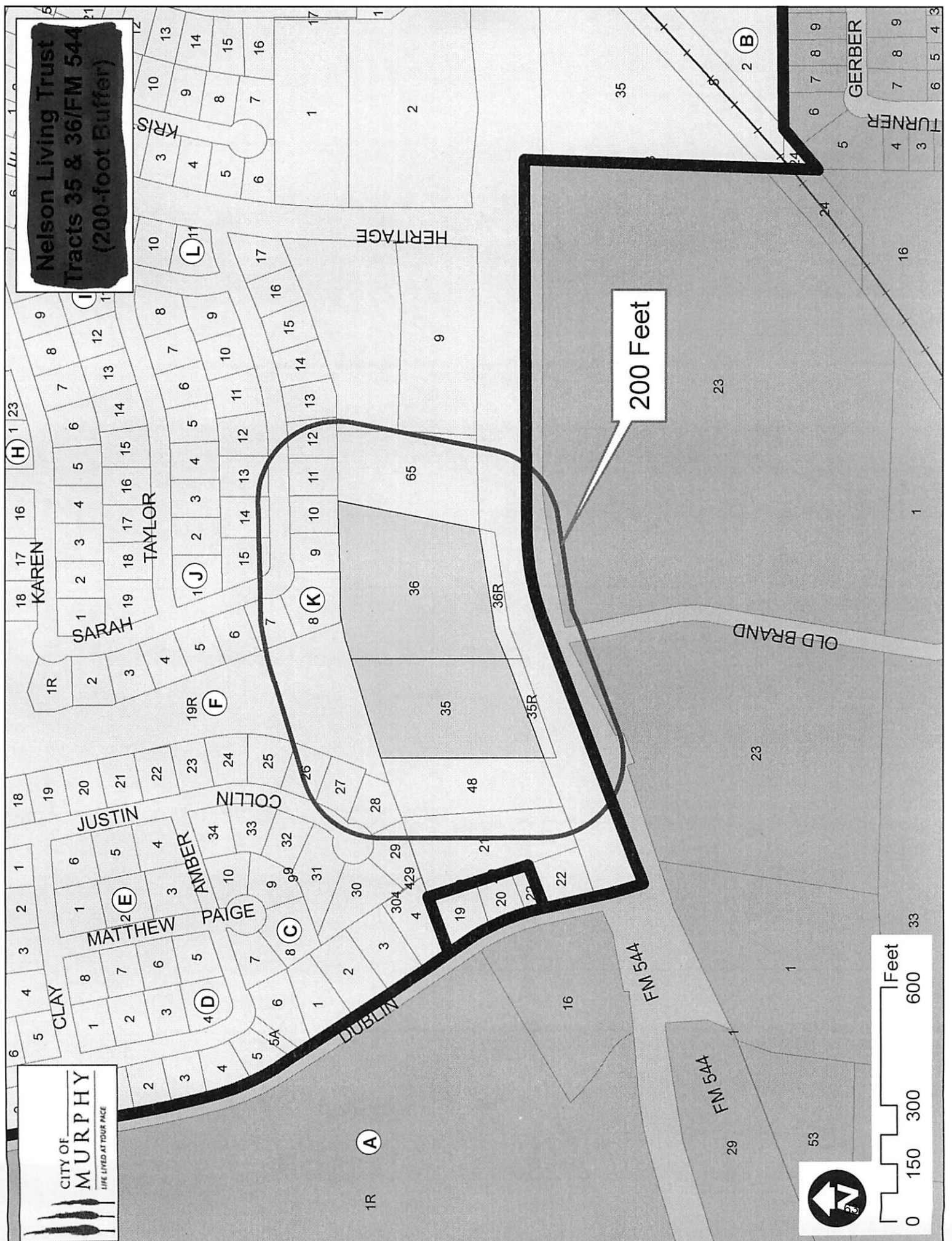


Exhibit F

Reply Forms to date
(included in Agenda Item 1)

Exhibit G

Public Notice mailing list

HIGDON NANCY BAKER
PO BOX 22153
SANTA FE, NM 87502-2153

MAGINLEY RONALD J & DONNA L
621 JOHN CLOSE
MURPHY, TX 75094-3755

VANEK FRANK L
620 JOHN CLOSE
MURPHY, TX 75094-3754

RICHMOND DENNIS & SUSAN
120 COLLIN CT
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INC C/O PRINCIPAL MGMT GROUP
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CLARETTA NELSON TRUSTEES
7087 SHIRE LN
MCKINNEY, TX 75071-8000

THOMAS PRAMOD K & ELEZABETH P
THOMAS
121 SARAH WAY
MURPHY, TX 75094-3771

MURPHY MEDICAL CENTER LLC
TOTS AND TEENS PEDIATRICS/ COLLIN CTY
CARDIOLOGY
615 W FM 544
MURPHY, TX 75094-4587

KONDURU MADHUSUDANRAJU &
JYOTHIRMAYI GADHIRAJU
116 COLLIN CT
MURPHY, TX 75094-3792

GOVIND ARUNA & GOVIND
HARIHARAN
624 JOHN CLOSE
MURPHY, TX 75094-3754

GROFF CATHERINE A & GREGORY A
632 JOHN CLOSE
MURPHY, TX 75094-3754

FROST TODD W & FROST COLLEEN M
125 SARAH WAY
MURPHY, TX 75094-3771

MAXEY MARK & TAMMY
132 COLLIN CT
MURPHY, TX 75094-3792

TINGLE LESLIE E & DIANE J
124 COLLIN CT
MURPHY, TX 75094-3792

TARI AHMAD VAHID & JILA R KARI
729 W FM 544
MURPHY, TX 75094-4602

COLLIN COUNTY
825 N MCDONALD ST STE 145
MC KINNEY, TX 75069-2178

SUN ERIC & WENDY WANG
PO BOX 799045
DALLAS, TX 75379-9045

BOYD DEREK W & HEATHER H
628 JOHN CLOSE
MURPHY, TX 75094-3754

WALLACE COURTNEY & MADELYN
625 JOHN CLOSE
MURPHY, TX 75094-3755

To help clarify the process of the agenda items for Planning & Zoning Commission and City Council:

- *Agenda Item 1 is a public hearing*
 - o *Agenda Items 3 and 7 support this item and are the respective consideration items for Planning & Zoning Commission and City Council.*
- *Agenda Item 2 is a public hearing*
 - o *Agenda Items 4 and 8 support this item and are the respective consideration items for Planning & Zoning Commission and City Council.*

Issue

Planning & Zoning Commission consider and/or act on the request to amend Ord. No. 09-02-785 to consider additional uses and revised development standards on approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785 located on FM 544 approximately 800' west of Heritage Parkway.

Summary

This agenda item is for consideration of amendments to PD No. 09-02-785 including allowing the list of Permitted Uses to include *Veterinary Clinic (no outdoor kennels)* and including verbiage regarding creek setback as approved and stated in the minutes but not noted in the Ordinance.

Considerations

All items details are included and per Public Hearing Agenda Item 1.

Staff Recommendation

Staff recommends approval of the amendments to PD No. 09-02-785:

- Add to the list of Permitted Uses "*Veterinary Clinic (no outdoor kennels)*"
- Provide verbiage of *100 foot setback from the creek.*

Attachments

All items details are included and per Public Hearing Agenda Item 1 (linked here).

To help clarify the process of the agenda items for Planning & Zoning Commission and City Council:

- *Agenda Item 1 is a public hearing*
 - o *Agenda Items 3 and 7 support this item and are the respective consideration items for Planning & Zoning Commission and City Council.*
- *Agenda Item 2 is a public hearing*
 - o *Agenda Items 4 and 8 support this item and are the respective consideration items for Planning & Zoning Commission and City Council.*

Issue

Planning & Zoning Commission consider and/or act on the request to approve a Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.

Summary

This agenda item is for consideration of a Concept Plan for approximately 6.43 acres of the property.

Considerations

All items details are included and per Public Hearing Agenda Item 2.

Staff Recommendation

Staff recommends approval of a Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.

Attachments

All items details are included and per Public Hearing Agenda Item 2. (linked here)

Issue

Planning & Zoning Commission consider and/or act on the application of **Lloyd M. Nelson** requesting approval of a site plan, landscape plan, and building elevations for Carbonell Veterinary Hospital on property zoned PD (Planned Development) District No. 09-02-785 on property located on the proposed Lot 1, Block 1, Nelson Addition, approximately 800' west of Heritage Parkway. *This item was tabled at the January 27, 2014 Planning & Zoning meeting.*

Background

The applicant submitted a site plan, building elevation plans and landscape plans for approval that would allow for development of Carbonell Veterinary Hospital, an approximately 5,000 square foot veterinary hospital with the required parking and landscaping.

No action was taken on the item at the February 24, 2014 or March 24, 2014 Planning & Zoning Commission Meeting.

Additional agenda item information since January 27, 2014 Planning & Zoning Commission Meeting

At the January 27, 2014 meeting, the Planning & Zoning Commission discussed their concerns with the entrance to the overall property that included a driveway off of TXDOT's FM544 and a median cut for access but no left turn lane at that TXDOT median cut.

- As discussed at the January meeting, the addition of a slip road and entrance location was required as such by city staff, including Fire, Engineering and Planning.
- The driveway location and slip road not only provide access for future development beyond what this particular site plan at minimum would need, but access for emergency personnel coming from the west. It also lines up with a median cut already in place in TXDOT right of way.
- Following that meeting, staff continued discussions internally and with the applicant.
- The proposed left turn lane is in TXDOT jurisdiction and still requires their approval.
- At the time of this packet, a proposed left turn lane plan was submitted by the developer and is under review by staff and TXDOT.
- With the continued reasoning as stated above, staff has re-submitted the site plan as considered on January 27, 2014 with the inclusion of the left turn lane.
- The left turn lane is under review and its approval must come from TXDOT however is shown on the site plan for consideration.

Considerations

Site Plan (Exhibit A)

The proposed site plan has met required standards; including parking requirements.

Building Elevations (Exhibit B)

The proposed building elevations, height and materials used have met requirement standards.

Landscape Plan (Exhibit C)

The proposed landscape and materials used have met requirement standards.

Tree Preservation / Replacement (Exhibit D)

- NOTE: The site is dense with mature trees and staff worked very closely with the developer's landscape architect to ensure the requirements of the Tree Preservation Ordinance was met.
- Based on Tree Preservation Ordinance requirements and the number (per species) of trees being removed, they were required to replace 96 caliper inches of trees.
- In order to meet this requirement, the developer upsized the majority of the replacement trees to either 4" or 5" caliper.
- On the document TP1 (within Exhibit D), it lists and shows calculations of all trees on site and denotes which ones are to be removed and which ones are to remain.
- On the document LP1 (within Exhibit D), details are noted as to how they achieved their required caliper inches.
- The developer has also committed to allowing the 30" Pecan tree on site to remain; it was originally set for removal. (tree no. 1092)

Staff Recommendation

Staff recommends approval of the proposed Site Plan, Landscape and Tree Replacement Plans, and Building Elevation Plan as submitted with the understanding that approval for the left turn lane as shown must come from TXDOT.

Attachments

Exhibit A – Site Plan

Exhibit B – Building Elevations and Material Board

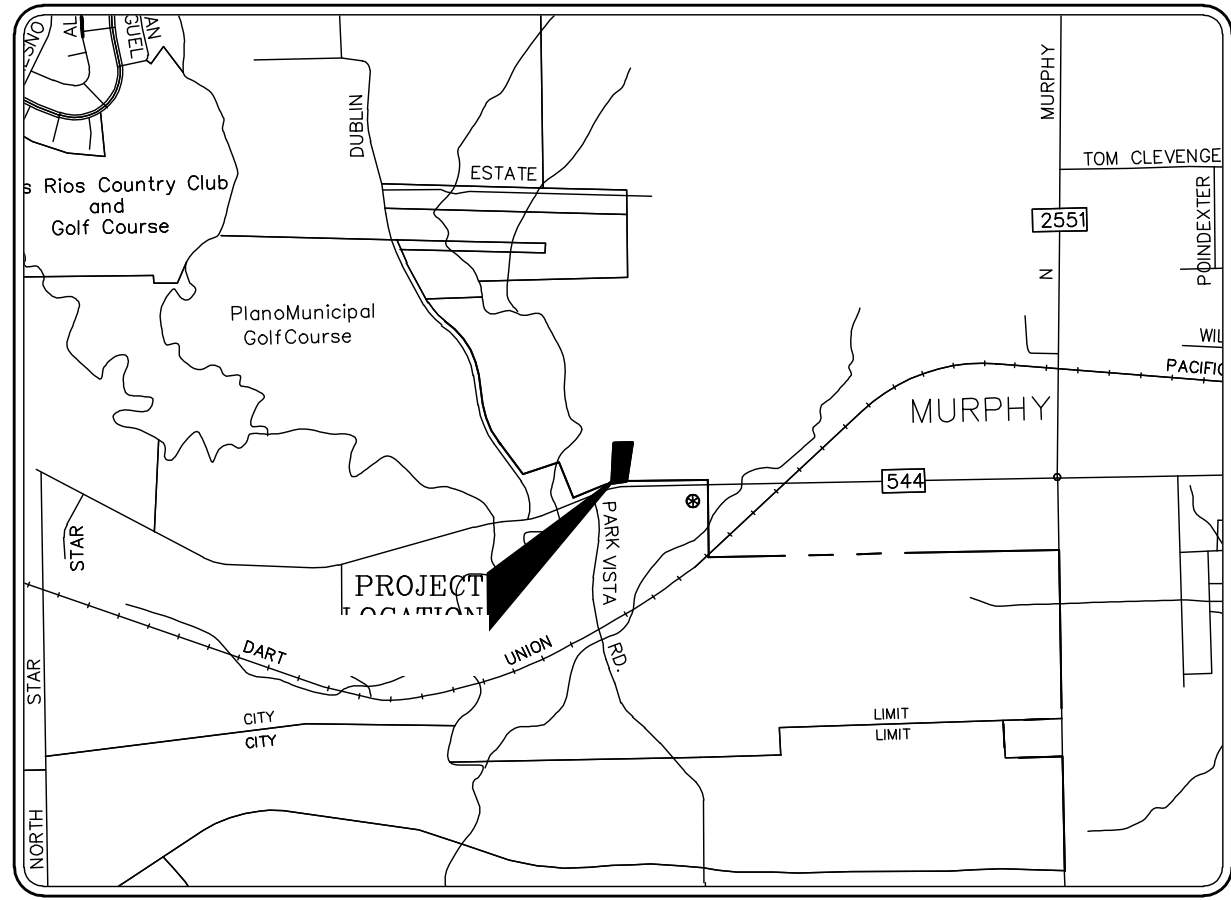
Exhibit C – Landscape Plan

Exhibit D – Tree Survey and Replacement Plan

Exhibit E – Planned Development District 09-02-785

Exhibit A

Site Plan



Vicinity Map 1"=2000'

PAVEMENT LEGEND

- DUMPSTER PAD PAVEMENT
PROPOSED 8" 4,000 PSI CONC. @ 28 DAYS WITH #3 BARS @ 18" O.C.E.W.
- HEAVY DUTY PAVEMENT (FIRE LANE)
PROPOSED 7" 3,600 PSI CONC. @ 28 DAYS WITH #3 BARS @ 18" O.C.E.W.
- LIGHT DUTY PAVEMENT (PARKING)
PROPOSED 6" 3,600 PSI CONC. @ 28 DAYS WITH #3 BARS @ 18" O.C.E.W.
- SIDEWALK PAVEMENT
PROPOSED 4" 3,500 PSI CONC. @ 28 DAYS WITH #3 BARS @ 18" O.C.E.W.

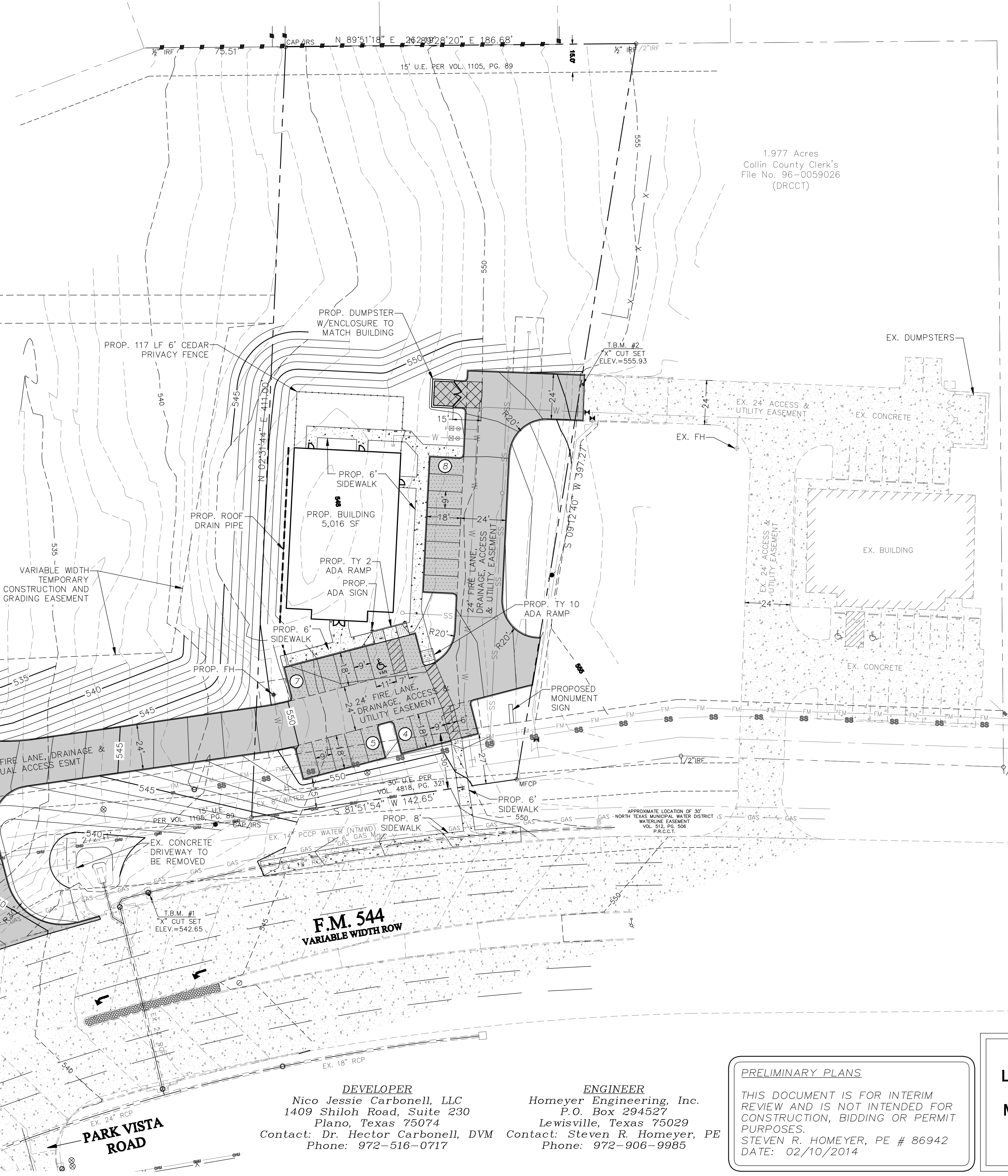
PAVEMENT NOTES:

- ALL PAVEMENT SUBGRADE SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 6" AND COMPACTED TO A MINIMUM 95% STANDARD PROCTOR DENSITY AT OR ABOVE OPTIMUM MOISTURE.
- THE CONTRACTOR SHALL DOWEL & EPOXY #4 X 24" SMOOTH BARS @ 24" CENTERS ALONG ALL PROPOSED TO EXISTING CONCRETE EDGES W/ 3/4" EXPANSION JOINT & SELF LEVELING JOINT SEALING COMPOUND.
- THE CONTRACTOR SHALL PROVIDE A 1/2" EXPANSION JOINT W/ SELF LEVELING JOINT SEALING COMPOUND BETWEEN THE PROPOSED CONCRETE PAVEMENT AND THE PROPOSED BUILDING.

THE PROPOSED RETAINING WALL SHALL BE DESIGNED BY A STRUCTURAL ENGINEER. DETAILED PLANS SHALL BE APPROVED BY THE CITY PRIOR TO THE PRE-CONSTRUCTION MEETING.

VARIABLE WIDTH DRAINAGE EASEMENT

PROP. 24 LF TY III BARRICADE PER TMTCD STANDARDS



F.M. 544
VARIABLE WIDTH ROW

DEVELOPER
Nico Jessie Carbonell, LLC
1409 Shiloh Road, Suite 230
Plano, Texas 75074
Contact: Dr. Hector Carbonell, DVM
Phone: 972-516-0717

ENGINEER
Homeyer Engineering, Inc.
P.O. Box 294527
Lewisville, Texas 75029
Contact: Steven R. Homeyer, PE
Phone: 972-906-9985

PRELIMINARY PLANS

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
STEVEN R. HOMEYER, PE # 86942
DATE: 02/10/2014

**CARBONELL VETERINARY CLINIC
LOT 1, BLOCK 1, NELSON ADDITION
1.50 ACRES
M. SCOTT SURVEY, ABSTRACT 859
CITY OF MURPHY
COLLIN COUNTY, TEXAS**

LEGEND

- I.R.F. IRON ROD FOUND
- I.R.S. IRON ROD SET
- "X" CUT X IN CONCRETE
- F.C.P. FENCE CORNER POST
- ASPHALT
- TELEPHONE MANHOLE
- POWER POLE
- LIGHT POLE
- WATER VALVE
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER METER

SITE INFORMATION

OVERALL LAND AREA = 1.50 AC (65,393 S.F.)
PROPOSED BUILDING AREA = 5,016 S.F.
PARKING REQUIRED: MEDICAL OFFICE
1 SPACE PER 300 S.F. = 17 SPACES
PARKING PROVIDED: 24 SPACES
HANDICAP PARKING REQUIRED: 1 SPACES
HANDICAP PARKING PROVIDED: 1 SPACES

**CARBONELL VETERINARY CLINIC
LOT 1, BLOCK 1, NELSON ADDITION
1.50 ACRES
CITY OF MURPHY
COLLIN COUNTY, TEXAS**

SITE PLAN

**DRAWN: JPK
DATE: 06/20/13
HEI #: 13-147**

**SHEET NO:
C2**

**HOMEYER
ENGINEERING, INC.**
TBE FIRM REGISTRATION NO. F-84440
P.O. BOX 294527 LEWISVILLE, TEXAS 75029
972-906-9985 PHONE 972-906-9987 FAX
WWW.HEI.US.COM

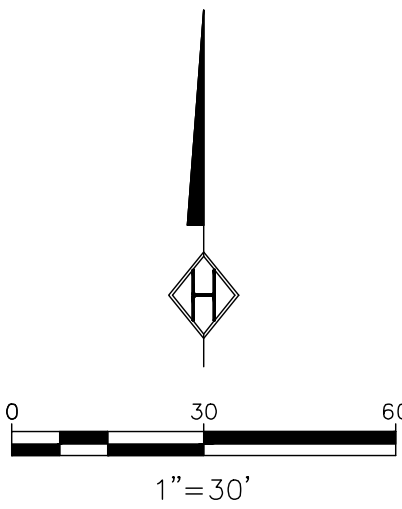
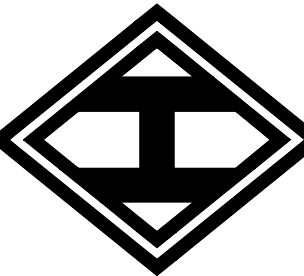
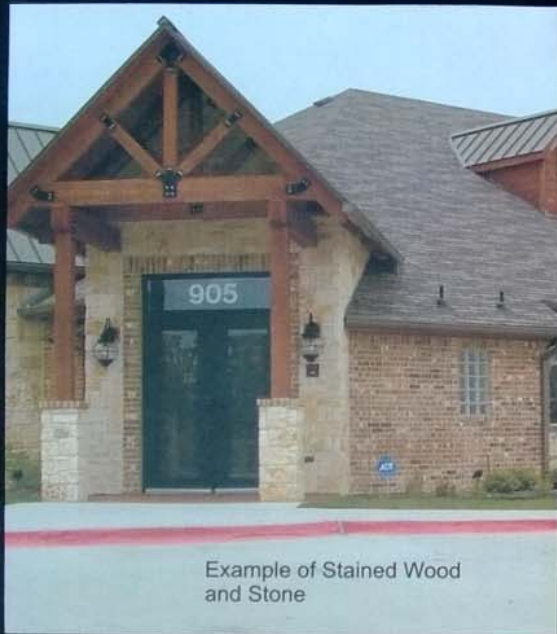


Exhibit B

Building Elevations and Material Board

MATERIALS LIST		
B-1	BRICK VENEER	ACME BRICK, 137 BURGUNDY
B-2	BRICK VENEER	ACME BRICK, 138 RED
S-1	STONE VENEER	STONE TO MATCH HILLSIDE COUNTRY CHALK
R-1	ROOFING SHINGLES	ARCHITECTURAL PROFILE, CERTAINEED LANDMARK SERIES, WEATHERED WOOD



Example of Stained Wood and Stone



Veterinary Clinic for:
DR. HECTOR CARBONELL
NEAR MURPHY ROAD AND FM 544
MURPHY, TEXAS



COLOR/MATERIAL VARIATION EAST ELEVATION-SIDE OF BUILDING	
1. BRICK B-1	
2. BRICK B-2	
3. STONE S-1	
4. STAINED CEDAR	
5. WINDOW GLASS	
6. CAST STONE CAP ON COLUMN	

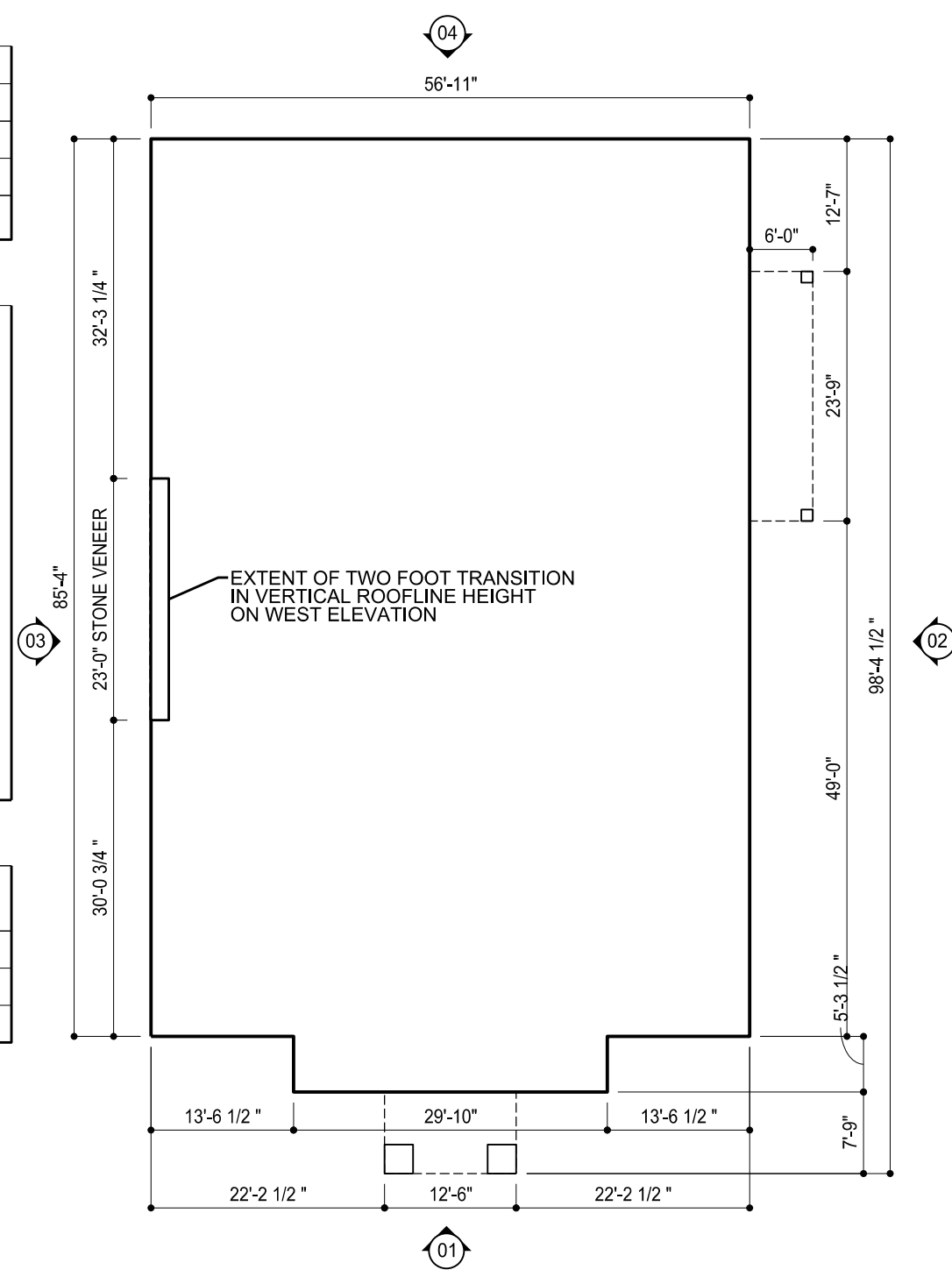
GENERAL NOTES:

1. THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL OF THE BUILDING INSPECTION DEPARTMENT.
2. ALL MECHANICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW
3. WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONSULTS SHALL BE PAINTED TO MATCH THE BUILDING.
4. ROOFS AND LOCOATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTION DEPARTMENT.
5. ROOF ACCESS SHALL BE PROVIDED INTERNALLY, UNLESS OTHERWISE PERMITTED BY THE BUILDING OFFICIAL.

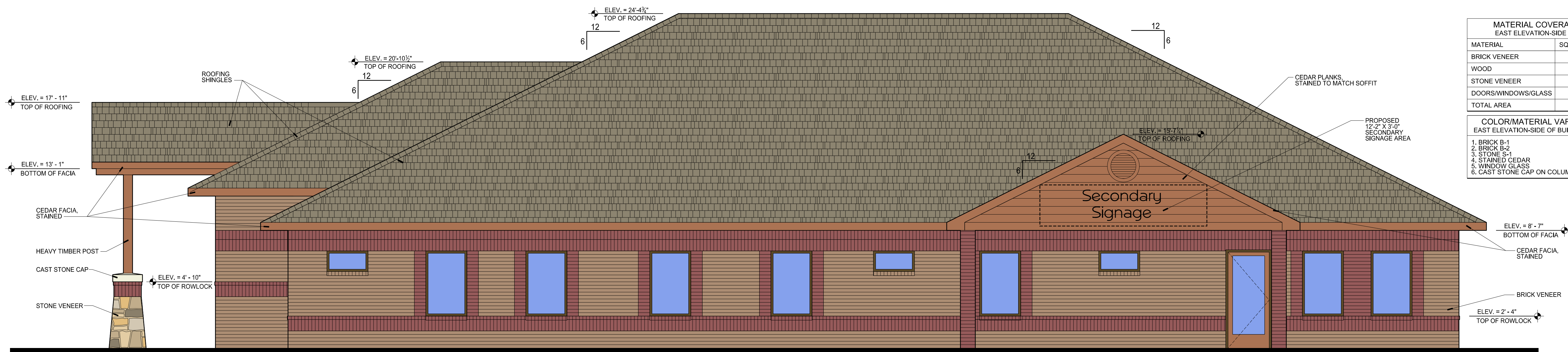
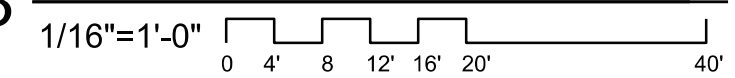
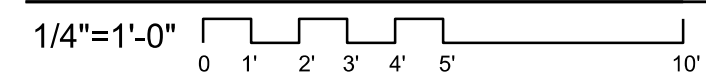
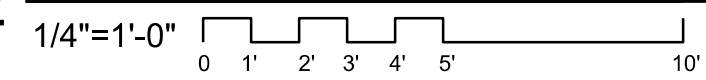
MATERIALS LIST		
	B-1 BRICK VENEER	ACME BRICK, 147 RANGER RED
	B-2 BRICK VENEER	ACME BRICK, OLD DOMINION
	S-1 STONE VENEER	STONE TO MATCH HILLSIDE COUNTRY CHALK
	R-1 ROOFING SHINGLES	ARCHITECTURAL PROFILE, CERTAINEED LANDMARK SERIES, WEATHERED WOOD

OWNER:	CIVIL ENGINEER:
EAST PLANO ANIMAL HOSPITAL	HOMEYER ENGINEERING
1409 SHILOH ROAD, SUITE 230	PO BOX 294527
PLANO, TX 75074	LEWISVILLE, TX 75029
972-516-0717	972-906-9985 tele
	972-906-9987 fax
CONTACT: HECTOR CARBONELL, DVM	CONTACT: STEVE HOMEYER, P.E.
ARCHITECT:	
PLACESMADE ARCHITECTURE	
16415 ADDISON RD., SUITE 120	
ADDISON, TX 75001	
PH. 972 248 7660	
FAX 214 550 2725	
CONTACT: PHILLIP MORSE	

% MASONRY CALCULATION	SOUTH ELEVATION (FRONT)	EAST ELEVATION	WEST ELEVATION	NORTH ELEVATION	TOTALS
MASONRY VENEER SQ. FT	500	724	412	224	1860
TOTAL AREA (LESS WINDOWS/DOORS) SQ. FT.	522	859	421	224	2026
MASONRY PERCENTAGE	96%	84%	98%	100%	92%

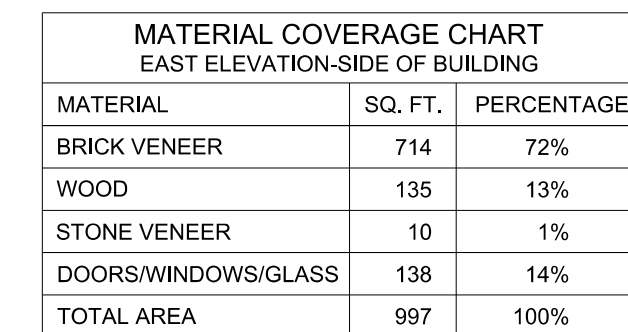


01 South (Front) Elevation

02 East Elevation

COLOR/MATERIAL VARIATION EAST ELEVATION-SIDE OF BUILDING
1. BRICK B-1
2. BRICK B-2
3. STONE S-1
4. STAINED CEDAR
5. WINDOW GLASS
6. CAST STONE CAP ON COLUMN

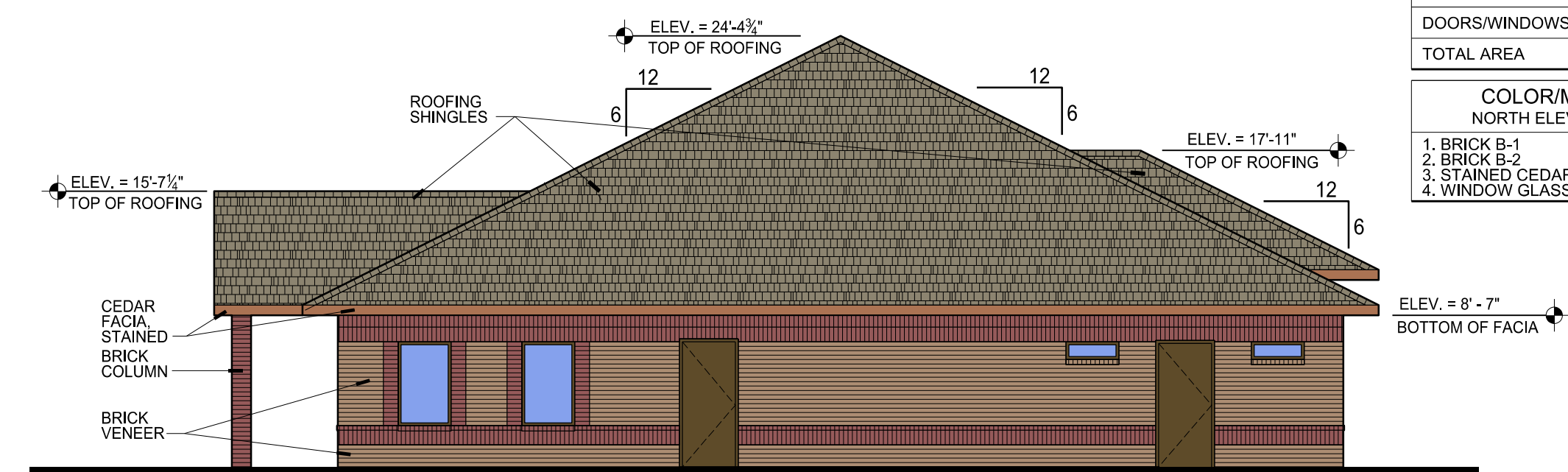
1. BRICK B-1
2. BRICK B-2
3. STONE S-1
4. STAINED CEDAR
5. WINDOW GLASS
6. CAST STONE CAP ON COLUMN



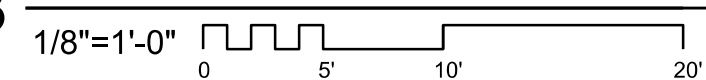
COLOR/MATERIAL VARIATION EAST ELEVATION-SIDE OF BUILDING
1. BRICK B-1
2. BRICK B-2
3. STONE S-1
4. STAINED CEDAR
5. WINDOW GLASS
6. CAST STONE CAP ON COLUMN

MATERIAL COVERAGE CHART NORTH ELEVATION-REAR OF BUILDING		
MATERIAL	SQ. FT.	PERCENTAGE
BRICK VENEER	224	84%
WOOD	0	0%
STONE VENEER	0	0%
DOORS/WINDOWS/GLASS	44	16%
TOTAL AREA	268	100%

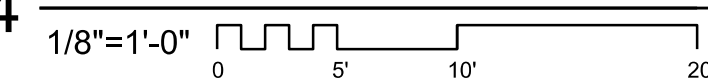
COLOR/MATERIAL VARIATION NORTH ELEVATION-REAR OF BUILDING 1. BRICK B-1 2. BRICK B-2 3. STAINED CEDAR 4. WINDOW GLASS
--



03 West Elevation



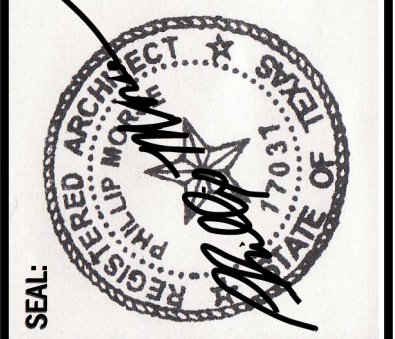
04 North Elevation



LOT 1, BLOCK 1,
NELSON ADDITION

places **made**
architecture
"made up places made real"

Phillip Morse, Architect
PlacesMade architecture
2840 Keller Springs Road
Suite 103
Carrollton, Texas 75006
214.868.7074
www.placesmadereal.com



If the adjacent seal block does not contain the architect's seal, signature, and date; then this document is incomplete and may not be used for regulatory approval, permit, or construction.

PlacesMade architecture
Phillip Morse, TX Reg No. 17037
The Texas Board of Architectural Examiners has jurisdiction over complaints regarding the professional practices of persons registered as Architects in TX. PO Box 12337, Austin, TX 78711-2337. Ph. 512-305-9100. www.tbae.tx.us

TRI-STAR CONSTRUCTION, INC.
GENERAL CONTRACTORS
3601 Yucca Drive Building #2
Flower Mound, Texas 75028
972.221.1588
www.tristarcorp.org

Veterinary Clinic for:
**EAST PLANO
ANIMAL HOSPITAL**
NEAR MURPHY ROAD AND FM 544
MURPHY, TEXAS

Project No.	13032
-------------	-------

Date	AUGUST 2013
------	-------------

Revisions

No.	Date
-----	------

City Submission 02-24-14

scale verification

A horizontal line with a circle at each end, representing a bar with a hole. To the right of the second circle is the text "1\".

Sheet

Λ 2 2 C

A.3.2C.

70.20

Color Elevations

6/12 Roof Slope

75

Exhibit C

Landscape Plan

LANDSCAPE PLANTING NOTES

QUALIFICATIONS OF LANDSCAPE CONTRACTOR

1. The landscaping shall be performed by a single firm specializing in landscape planting.
2. A list of successfully completed projects of this type, size and nature may be requested by the Owner for further qualification measures.
3. The Landscape Contractor must hold a valid Nursery and Floral Certificate issued by the Texas Department of Agriculture, as well as operate under a Commercial Pesticide Applicator License - issued by either the Texas Department of Agriculture or the Texas Structural Pest Control Board.

SCOPE OF WORK

1. Work covered by these sections includes the furnishing of any paying for all materials, labor, services, equipment, licenses, taxes and any other items that are necessary for the execution, installation and completion of all work, specified herein and / or shown on the Landscape Plan.
2. All work shall be performed in accordance with all applicable laws, codes and regulations required by authorities having jurisdiction over such work and provide all inspections and permits required by federal, state and local authorities in supply, transportation and installation of materials.
3. The Landscape Contractor is responsible for the verification of all underground utility lines (telephone, gas, water, electrical, cable, television, etc...) prior to the start of any work.

PLANT MATERIALS

1. Provide plants typical of their species or variety, with normal, densely developed branches and vigorous, fibrous root systems.
2. Provide only sound, healthy, vigorous plants free from defects, disfiguring knots, sunscald injuries, frost cracks, abrasions of the bark, plant disease, insect eggs, borers and all other forms of infestation.
3. All plants shall be balled and burlapped or container grown as specified. No container grown stock will be accepted if it is root bound. All root wrapping material made of synthetics shall be removed at time of planting.
4. All material shall conform to the guidelines established by the American Association of Nurseryman.
5. Cracked or mushroomed rootballs are not acceptable.
6. Caliper measurement for standard (single trunk) trees shall be taken as follows: Six inches above the natural grade line for trees up to and including four inches in caliper, and twelve inches above the natural grade line for trees exceeding four inches in caliper - unless specified differently on the Landscape Plan.
7. Multi-trunk trees shall be measured by their overall planted height.

PRODUCTS

1. All manufactured products will be new.
2. Topsoil: A friable, loamy topsoil (or silty sand) with minimal clay clods.
3. Planting Mix: An equal part mixture of topsoil, sand and compost.
4. Starter Fertilizer: A 13-13-13 ratio with 25% scu, 5% sulfur, 2% iron and additional micronutrients.
5. Palm Maintenance Spikes: As manufactured by the Lutz Corp. Phone (800) 203-7740 - or approved equal.
6. Pre-Emergence: Any granular, non-staining pre-emergence that is labeled for the specific ornamentals or turf it will be utilized on. A pre-emergence herbicide is to be applied per the manufacturer's labeled rates.
7. Mulch: As specified on the planting plan - well decomposed.
8. Steel Edging: Professional steel edging, 14 gauge thick x 4 inches wide factory painted dark green. Acceptable manufacturers include Col-Met or approved equal.
9. Weed Barrier: A 5 ounce, woven, needle-punched fabric. Acceptable product includes DeWitt® Pro 5, or approved equal.
10. Tree Stakes: 6' green metal t-posts
11. Tree Chain: 1" wide plastic tree chain

TREE PLANTING

1. Tree holes shall be excavated to a width of two times the width of the rootball, and to a depth equal to the depth of the rootball (less two inches).
2. Scarify the sides and bottom of the tree hole prior to the placement of the tree. Remove any glazing that may have been caused during the excavation of the hole.
3. Install the tree so the top of the rootball is one to two inches above the surrounding grade.
4. Backfill the tree hole utilizing the existing topsoil from on-site. Clay, rocks and other debris shall be removed from the soil prior to the backfill. Should additional soil be required to accomplish this task, import additional topsoil from off-site, add no additional cost to the Owner.
5. The total number of tree stakes (beyond the minimum's listed below) will be left to the Landscape Contractor's discretion. Should any trees fall or lean, it will be the responsibility of the Landscape Contractor to straighten the tree, or replace it should it become damaged. Tree staking will consist of, at a minimum:

15 - 30 gal Trees	(2) Stakes per Tree
45 - 100 gal Trees	(3) Stakes per Tree
Multi-Trunk Trees	No Minimum
6. Upon completion of the planting, an earth watering basin will be constructed around the tree. The interior of the tree ring will then be covered with the weed barrier cloth, and topdressed with a three inch layer of mulch.

PALM PLANTING

1. Dig the hole the same size as the rootball.
2. Use bank sand mixed with the existing soil (75% bank sand and 25% existing soil) as the backfill.
3. Begin to backfill around the rootball with the new soil mixture until you are about one-third from the top of the rootball.
4. Apply the Palm Maintenance Spikes per the manufacturer's directions.
5. Brace the palms using palm braces. Nail the 2 x 4 into the adjustable palm brace. DO NOT nail the 2 x 4 into the palm itself.
6. Upon completion of the planting, an earth watering basin will be constructed around the palm. The interior of the watering basis will then be covered with the weed barrier cloth, and topdressed with a three inch layer of mulch.

SHRUB AND GROUNDCOVER PLANTING

1. Upon approval of the grade left by the General Contractor, the Landscape Contractor will rototill the proposed bed locations (BEFORE adding the imported soil). A six inch depth of the specified planting mix will then be evenly spread over the designated bed area. The planting bed will then be rototilled AGAIN , and a pre-emergence and starter fertilizer will be applied.
2. The planting bed will then be hand raked smooth and crowned for proper drainage.
3. Dig the hold twice as wide as the plant's rootball. Install the plant in the hole. Backfill around the plant.
4. Install the weed barrier cloth, overlapping it at the ends. Utilize steel staples to keep the weed barrier cloth in place.
5. A three inch depth of mulch will then be installed as a top dressing, covering the entire planting area.

TURF AREA PREPARATION

1. The General Contractor will leave all turf areas (excluding the detention ponds) at two (4) inches below final grade. The Landscape Contractor shall import and spread a compacted four inch depth of loamy topsoil - ensuring the soil is compacted.
2. Landscape Contractor will ensure all areas are crowned for proper drainage
3. Apply the starter fertilizer.

SODDING

1. Sod variety to be as specified on the Landscape Plan.
2. Lay sod within 24 hours from the time of stripping. Do not lay if the ground is frozen.
3. Lay the sod to form a solid mass with tightly fitted joints. Butt ends and sides of sod strips - do not overlap. Stagger strips to offset joints in adjacent courses.
4. Water the sod thoroughly with a fine spray immediately after planting to obtain at least six inches of penetration into the soil below the sod.
5. Roll the sod to ensure good contact of the sod's root system with the soil underneath.

HYDROMULCHING

1. The hydromulch mix (per 1,000 sf) shall be as follows:

WINTER MIX (October 1 - March 31)	
50#	Cellulose Fiber Mulch
2#	Unhulled Bermuda Seed
2#	Annual Rye Seed
15#	15-15-15 Water Soluble Fertilizer

SUMMER MIX (April 1 - September 30)	
50#	Cellulose Fiber Mulch
2#	Hulled Bermuda Seed
15#	15-15-15 Water Soluble Fertilizer

CLEAN UP

1. During landscape preparation and planting, keep all pavement clean and all work areas in a neat, orderly condition.
2. All excavated materials will be disposed of legally off the project site.

INSPECTION AND ACCEPTANCE

1. Upon completion of the work, provide the site clean and free of materials and suitable for use as intended.
2. When the planting work is completed, the Owner will make an inspection to determine acceptability.
3. When the inspected planting work does not comply with the contract documents, replace the rejected work within 24 hours.
4. Landscape maintenance will continue until re-inspected by the Owner and found to be acceptable. Once acceptable, Final Acceptance will be issued, and the required maintenance period will commence.

LANDSCAPE MAINTENANCE

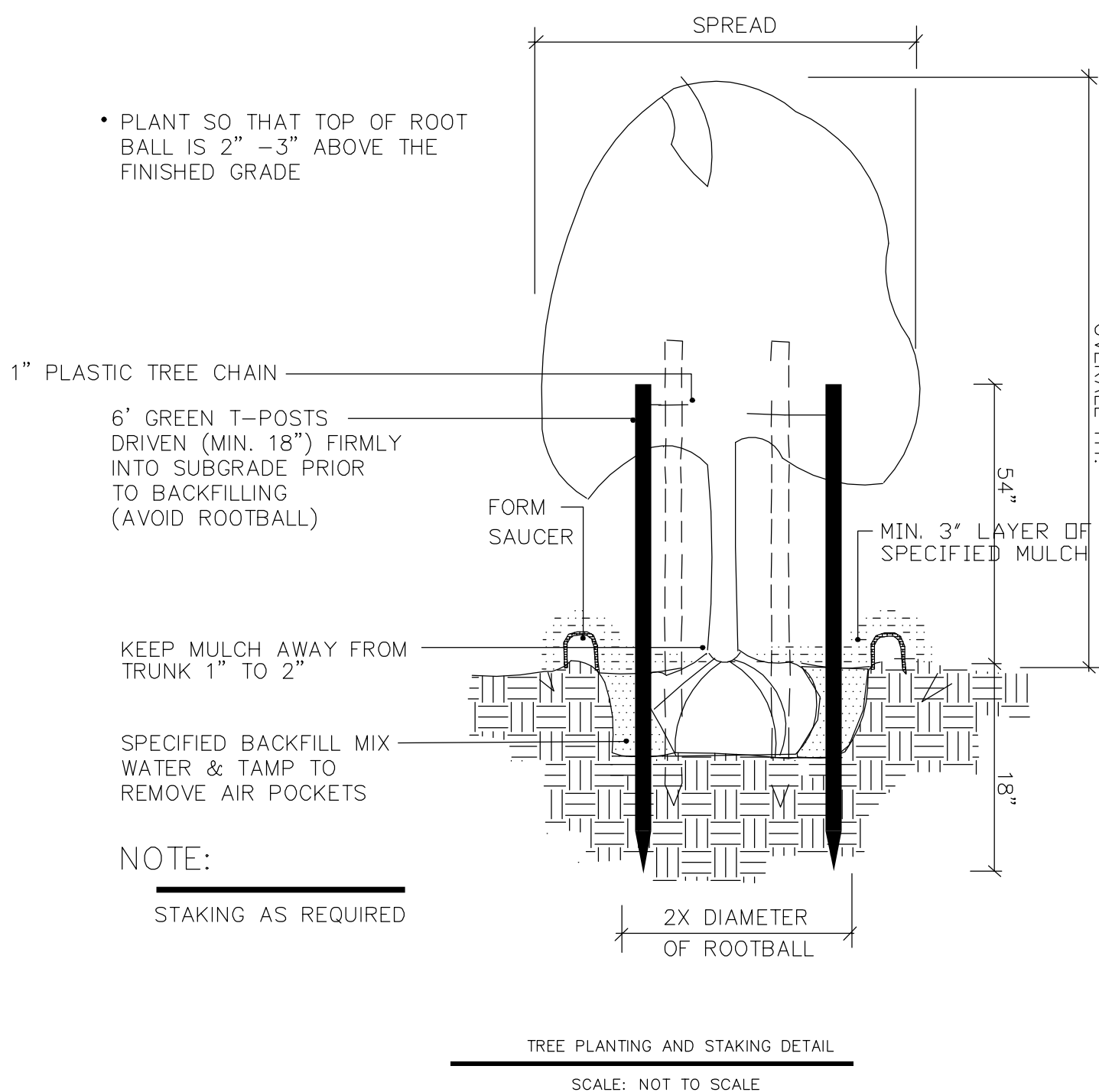
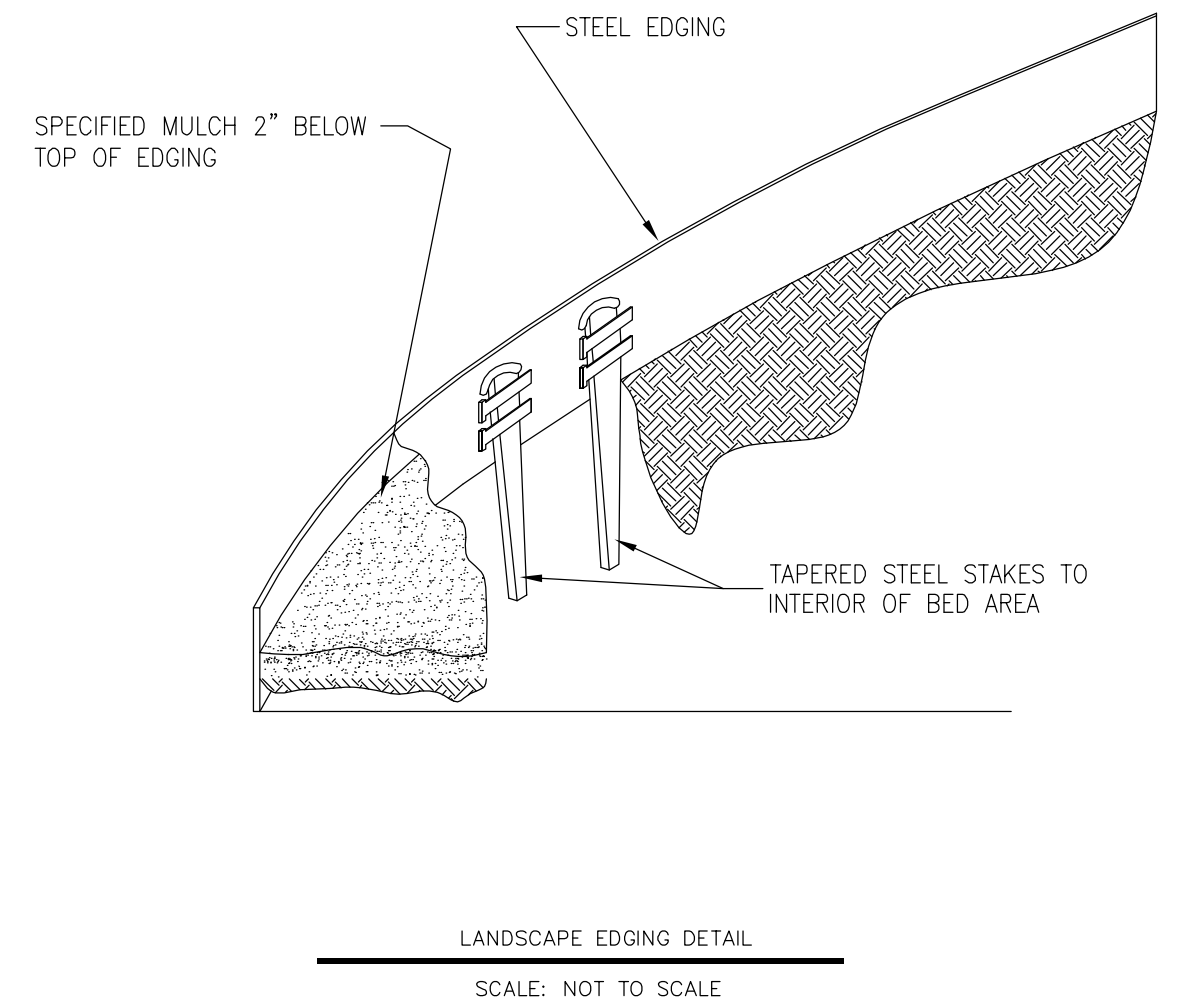
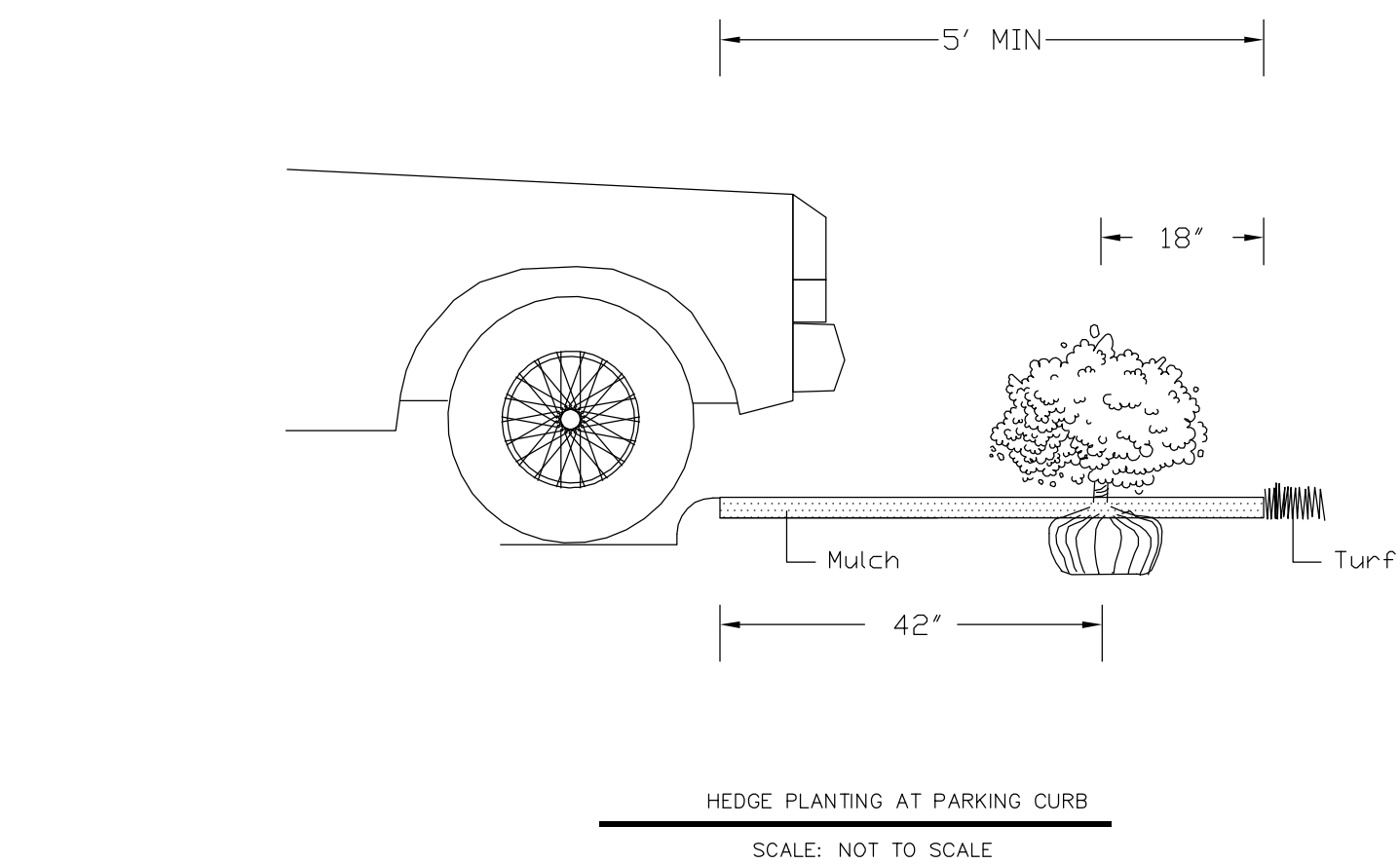
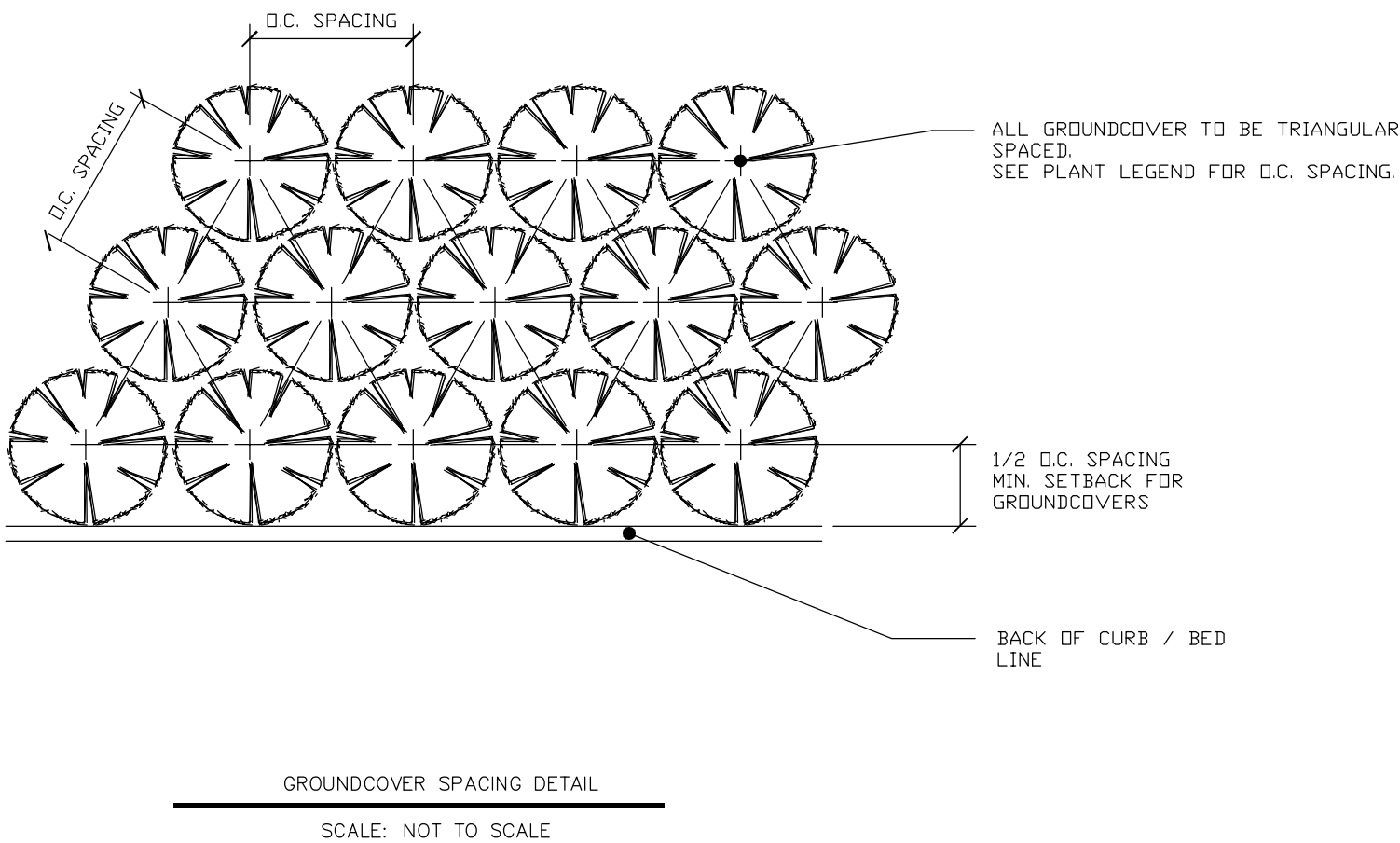
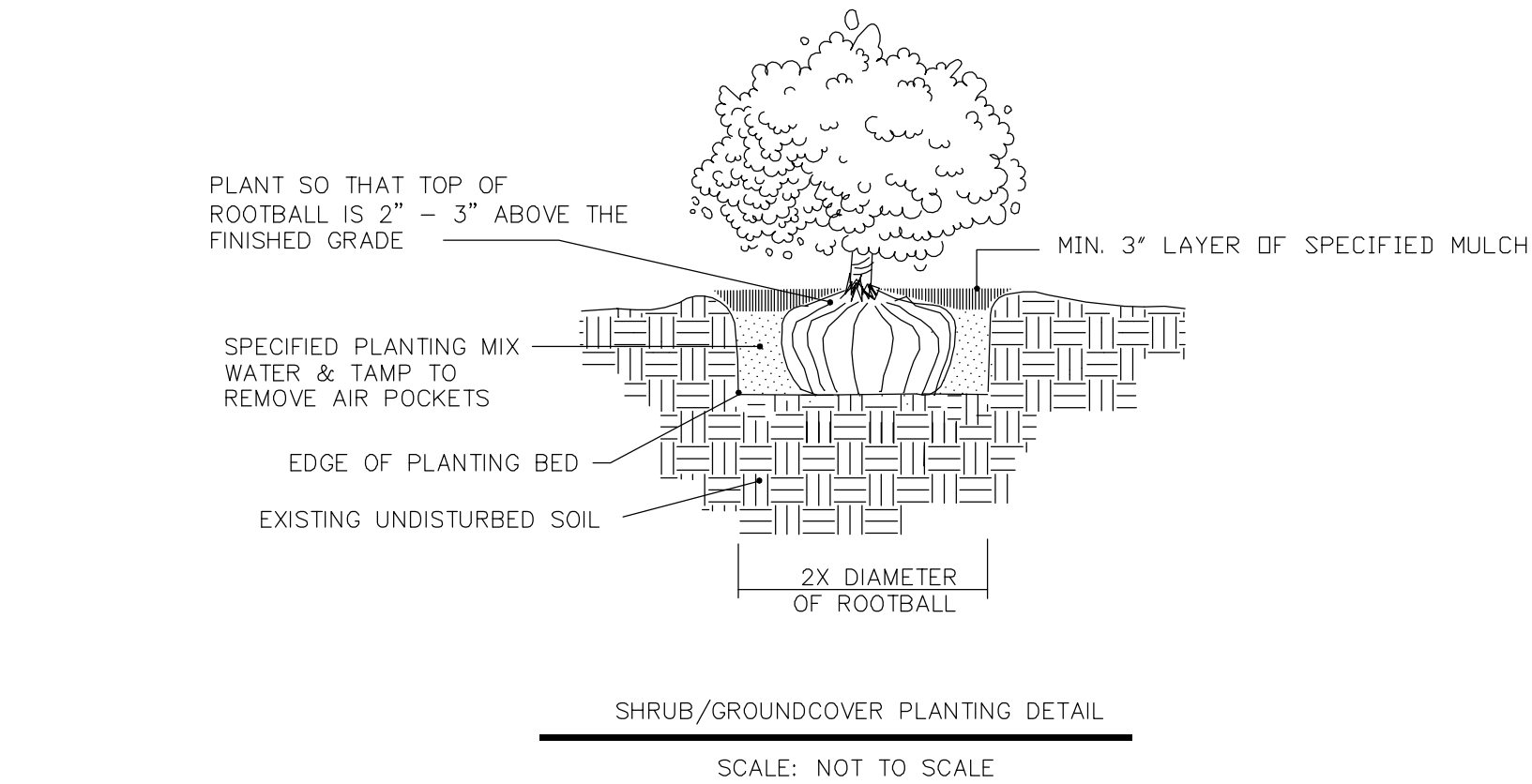
1. The maintenance period shall commence once Final Acceptance has been issued by the Owner, and shall continue for a period of ninety (90) days.
2. The monitoring and scheduling of the irrigation system will be the responsibility of the Landscape Contractor during this time. Coordinate all scheduling and any access requirements with the Owner.
3. Landscape maintenance shall include, but not be limited to: WEEKLY SITE VISITS FOR mowing, edging, blowing, weeding, trimming, pruning, fertilizing, weed control, insect control, disease control, re-staking, re-setting of plants to their proper grade or their upright position, and any other means to keep the plantings healthy, free of insects and diseases, and in a continual thriving condition.

WARRANTY PERIOD, PLANT GUARANTEE AND REPLACEMENTS

1. Plant materials supplied shall be warranted to remain alive and healthy for a period of twelve (12) months after the date of Final Acceptance by Owner { seasonal annuals for 90 days from Final Acceptance}. Plants in an impaired, dead or dying condition after initial acceptance or within the warranty period shall be removed and replaced immediately to the satisfaction of the Owner.

RECORD DRAWINGS

1. Provide a minimum of (2) copies of record drawings to the Owner upon completion of work. A record drawing is a record of all changes that occurred in the field and that are documented through change orders, addenda, or contractor/consultant drawing markups.

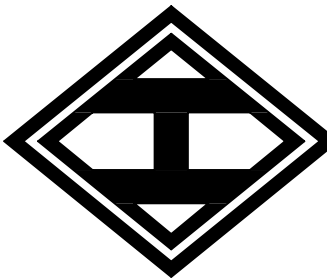


NOTE:
STAKING AS REQUIRED

CARBONELL VETERINARY CLINIC
LOT 1, BLOCK 1, NELSON ADDITION
1.50 ACRES
M. SCOTT SURVEY, ABSTRACT 859
CITY OF MURPHY
COLLIN COUNTY, TEXAS



HOMEYER
ENGINEERING, INC.
OK FIRM LICENSE NO. GA-61112
P.O. BOX 294527 • LEWISVILLE • TEXAS • 75029
972-906-9985 PHONE • 972-906-9987 FAX
WWW.HEI.US.COM



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EVERGREEN
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Fax: 866-579-8452
15305 Dallas Pkwy., Ste 300
Addison, TX 75001

www.landscape-consultants.net

LANDSCAPE
DETAILS

DRAWN: JPK

DATE: 06/20/13

HEI #: 13-147

SHEET NO:
LP2



PLANT SCHEDULE

TREES	CODE	COMMON NAME / BOTANICAL NAME	CONT	CAL	SIZE	QTY
		Pecan / <i>Carya illinoensis</i>	CONT.	4"Cal	12'-14' ht	7
		Desert Willow / <i>Chilopsis lineans</i>	CONT.	1.5"Cal	min. 6'	8
		Crepe Myrtle / <i>Lagerstroemia indica</i> 'Watermelon Red' Min. 3 trunks	CONT.	1.5"Cal	8-10' ht.	6
		Monterey Oak / <i>Quercus polymorpha</i> 'Monterey'	CONT.	5"Cal	min. 14' ht.	4
		Shumard Red Oak / <i>Quercus shumardii</i>	CONT.	4"Cal	12'-14' ht	10
		Bald Cypress / <i>Taxodium distichum</i>	CONT.	4"Cal	12'-14' ht	2
SHRUBS	CODE	COMMON NAME / BOTANICAL NAME	CONT			QTY
	GA	Glossy Abelia / <i>Abelia grandiflora</i>	5 gal			46
	FS	Pineapple Guava / <i>Feijoa sellowiana</i>	5 gal			40
	WM	Wax Myrtle / <i>Mynca centifera</i>	7 gal			10
	WX	Dwarf Wax Myrtle / <i>Mynca pusilla</i>	3 gal			63
SHRUB AREAS	CODE	COMMON NAME / BOTANICAL NAME	CONT			QTY
	LA	Aztec Grass / <i>Liriope muscan</i> 'Aztec'	1 gal @ 15" oc			129
GROUND COVERS	CODE	COMMON NAME / BOTANICAL NAME	CONT			QTY
	CD	Bermuda Grass / <i>Cynodon dactylon</i> 'Tif 419'	sod			12,600 sf

GENERAL LANDSCAPE NOTES

- The General Contractor is responsible for removing all vegetation and leaving all landscape areas at four inches below final grade. The Landscape Contractor will provide and spread a compacted four inch depth of a loamy topsoil to all turf areas - bringing these areas to top of curb / final grade (compactd). The turf soil specification is not required for the large turf area on the West side of the parcel. The Landscape Contractor will provide and install a six inch depth of planting mix to all planting beds - crowning for proper drainage. (See specifications for more detailed instruction on turf area and planting bed preparation).
- A three inch depth of fine shredded hardwood mulch will be used as a topdressing for all planting beds and tree rings.
- Install 14 gauge, green steel edging between all planting beds and all turf areas. Also install edging between Asian Jasmine and all other plant materials.
- Install a 5 ounce weed barrier under all mulched areas - even individual tree rings.
- Landscape Contractor shall make own plant quantity take-offs using drawings, specifications, and plant schedule. Plant schedule requirements (i.e. spacing) dictate, unless otherwise directed by the landscape designer. Landscape Contractor to verify bed measurements and install appropriate quantities as governed by the plant spacing per the schedule. Ensure all minimum requirements of the local governing authority are met (i.e. minimum plant quantities).
- No substitutions of plant materials will be allowed. If plants are not available, the Landscape Contractor shall notify the Landscape Designer in writing (via proper channels). Plants may be inspected and approved or rejected on the jobsite by the Owner or Owner's Representative.
- Landscape Contractor is responsible for the landscape maintenance of this project for 90 days after final acceptance.
- All landscaped areas must be irrigated by an automatic underground irrigation system equipped with operating rain and freeze sensors.
- All bed areas must be separated from turf areas by steel edging.
- The property owner must maintain all landscaping in accordance with the landscape plan approved by the jurisdictional authority.
- An irrigation system shall be provided for all proposed landscape materials.
- Reference Civil plans for all utility data.

TREE MITIGATION CREDITS

Total Negative Credits:	-96
Total Mitigation Credits:	
5" trees x 4	20
4" trees x 19	76
Total	96

CITY OF MURPHY, TEXAS
LANDSCAPE REQUIREMENTS

LANDSCAPE AREA:
Min. Total Landscape Area = 65,320 sf x 20% =
Total Site Landscape Required: 13,068 sf (20%)
Total Site Landscape Provided: 18,553 sf (28%)

STREET TREES:
1 Shade Tree & 4 Ornamental Tree Required per 50 lf of Frontage
FM 554 - 143 lf / 50
Shade Trees Required = 6
Shade Trees Provided = 6
Ornamental Trees Required = 12
Ornamental Trees Provided = 12

PARKING LOT TREES:
Min. 32 sf Landscape Area per space = 25 x 32 sf =
Required Landscape Area = 800 sf
Provided Landscape Area = 1268 sf

1 Tree Proposed within 60' of each parking Space

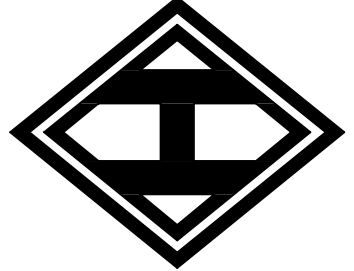
1 Tree Required per 10 Proposed Parking Spaces
25 / 10 =
Parking Lot Trees Required = 3
Parking Lot Trees Provided = 6

LOT SCREENING:
Min. 48" ht. evergreen screen is provided along side and rear property lines

CARBONELL VETERINARY CLINIC
LOT 1, BLOCK 1, NELSON ADDITION
1.50 ACRES
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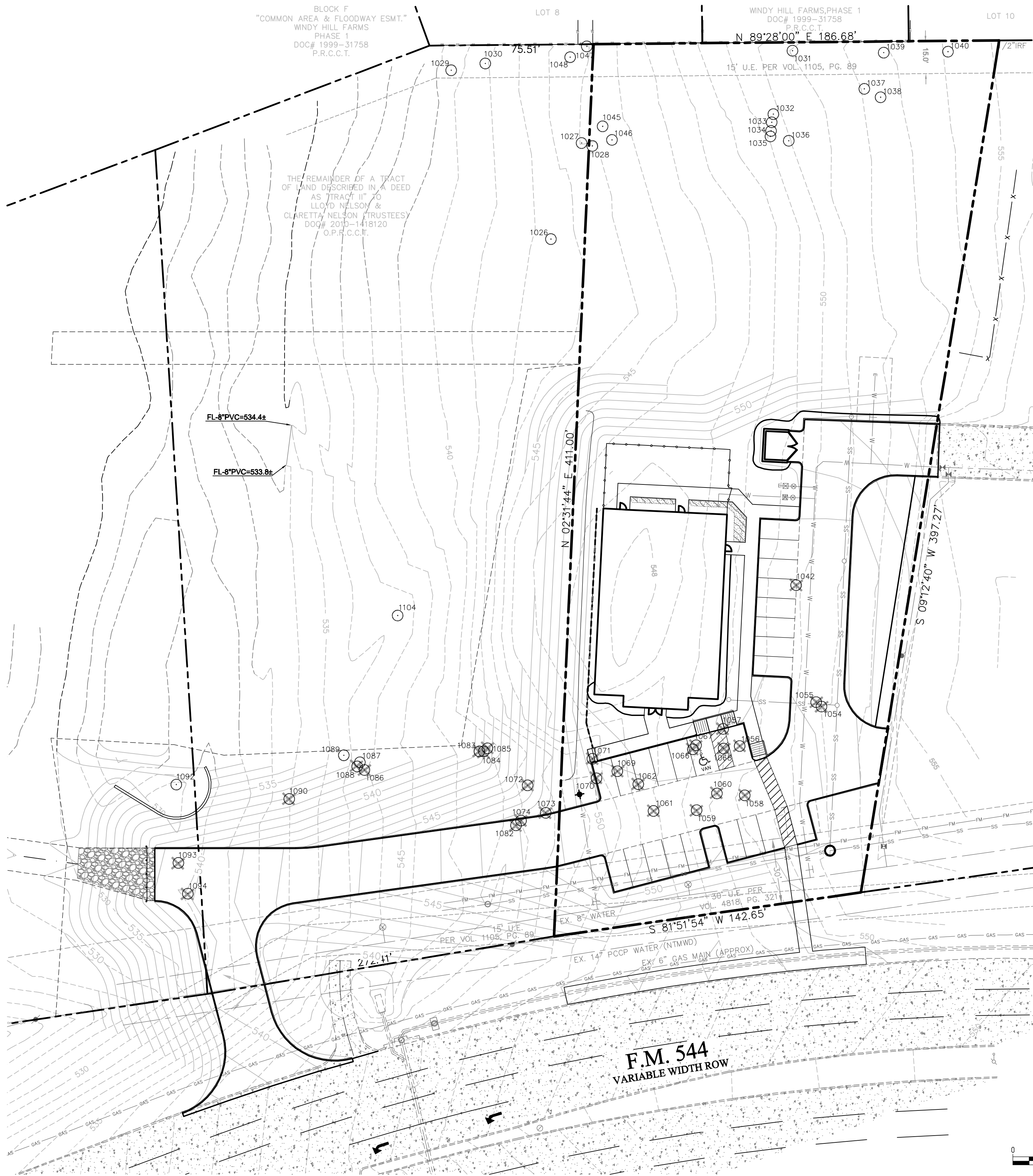
LANDSCAPE
PLAN

DRAWN: JPK
DATE: 06/20/13
HEI #: 13-147

SHEET NO:
LP1

Exhibit D

Tree Survey and Tree Replacement Plan

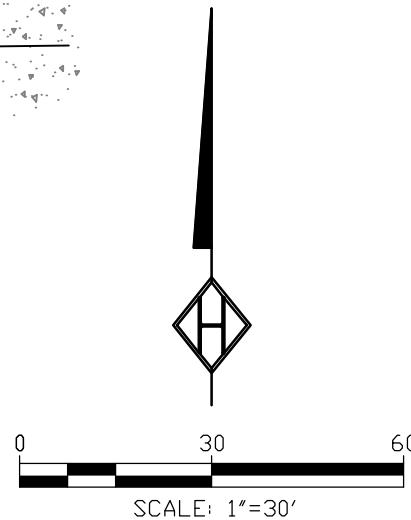


Carbonell Vet Clinic, Murphy, TX

Tree Mitigation Calculations

Tree No.	Inches	Common Name	Preserve	Remove	Negative Credits
1026	18	Hackberry	x		
1027	10	Bois d'Arc	x		
1028	12	Hackberry	x		
1029	8	Hackberry	x		
1030	21	Hackberry	x		
1031	25	Bois d'Arc	x		
1032	6	Bois d'Arc	x		
1033	11	Hackberry	x		
1034	8	Hackberry	x		
1035	8	Hackberry	x		
1036	17	Hackberry	x		
1037	14	Hackberry	x		
1038	17	Hackberry	x		
1039	15	Hackberry	x		
1040	17	Hackberry	x		
1042	32	Bois d'Arc		x	
1045	9	Hackberry	x		
1046	8	Bois d'Arc	x		
1047	28	Pecan	x		
1048	25	Pecan	x		
1054	8	Hackberry		x	
1055	12	Hackberry		x	
1056	8	Hackberry		x	14
1057	7	Walnut		x	
1058	12	Hackberry		x	
1059	16	Bois d'Arc		x	
1060	20	Bois d'Arc		x	
1061	8	Pecan		x	16
1062	8	Bois d'Arc		x	
1066	26	Bois d'Arc		x	
1067	14	Hackberry		x	
1068	10	Bois d'Arc		x	
1069	6	Elm		x	12
1070	6	Hackberry		x	
1071	7	Walnut		x	14
1072	10	Bois d'Arc		x	
1073	6	Hackberry		x	
1074	24	Bois d'Arc		x	
1082	8	Hackberry		x	
1083	6	Hackberry		x	
1084	8	Hackberry		x	
1085	10	Walnut		x	20
1086	10	Hackberry		x	
1087	6	Hackberry		x	
1088	18	Bois d'Arc		x	
1089	14	Hackberry	x		
1090	10	Hackberry		x	
1092	30	Pecan	x		
1093	18	Hackberry		x	
1094	10	Pecan		x	20
1104	23	Bois d'Arc	x		
Negative credits:					96

Note: Hackberry, Bois d'Arc trees are not included in mitigation calcs.



LEGEND

- 1058 EXISTING TREE TO BE RETAINED
- 1058 EXISTING TREE TO BE REMOVED

CARBONELL VETERINARY CLINIC
LOT 1, BLOCK 1, NELSON ADDITION
1.50 ACRES
M. SCOTT SURVEY, ABSTRACT 859
CITY OF MURPHY
COLLIN COUNTY, TEXAS



CARBONELL VETERINARY CLINIC
LOT 1, BLOCK 1, NELSON ADDITION
1.50 ACRES
CITY OF MURPHY
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TREE PROTECTION
PLAN

DRAWN: JPK

DATE: 06/20/13

HEI #: 13-147

SHEET NO:
TP1

Exhibit E

Planned Development District Ordinance 09-02-785

ORDINANCE 09-02-785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 6.43 ACRES OUT OF THE MARY SCOTT SURVEY, ABSTRACT NO. 859, 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 SF-20 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO PD (PLANNED DEVELOPMENT) DISTRICT FOR OFFICE USES WITH CONDITIONS HERETO DESCRIBED AS EXHIBIT "B"; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Murphy 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 a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Murphy is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended;

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

Section 1. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to grant a Planned Development District for Office Uses for the property described as 6.43 acres, more or less, in the Mary Scott Survey, Abstract No. 859, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

Section 2. That the development standards for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Section 86-603, of the City of Murphy, Texas Code of Ordinances.

Section 3. 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.

Section 4. 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 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 5. 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 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED, APPROVED AND ADOPTED this the 16th day of February 2009.

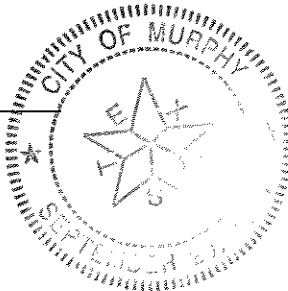


Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy



[illegible]

EXHIBIT A

Legal Description

Being a acre tract of land situated in the Mary Scott Survey, Abstract No. 859, City of Murphy, Collin County, Texas and containing 6.43 acres of land.

EXHIBIT B

ZONING FILE NO. 2009-02

FM 544

Between Dublin Road and Heritage Parkway

PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose and intent of this Planned Development District is to permit the development of medical and office uses.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the O (Office) District set forth in Article III, Division 12 of the City of Murphy Code of Ordinances (Ordinance No. 06-12-708), as amended, are included by reference, except as otherwise specified by this ordinance.
- IV. **Development Plans:**
 - A. A Concept Plan shall be approved as outlined in Article II, Division 5 of the Code of Ordinances prior to the acceptance of a site plan for any part or all of this Planned Development District. The concept plan shall include proposed landscape areas and proposed building elevations and design elements. Approval of the Concept Plan shall be based on general conformance with the approved Planned Development District conditions and regulations set forth in this ordinance. Approval of a Concept Plan through the zoning public hearing process (as outlined in Article II, Division 5) is required. In addition, the Concept Plan shall have the following elements.
 - Traffic circulation;
 - Cross access;
 - Driveway location;
 - Conceptual design elevations;
 - Development construction schedule;
 - Elements used to buffer nonresidential and residential development;
 - Pedestrian circulation;
 - Landscape buffer areas;
 - Building orientation.
 - B. Concept 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 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 six (6) months from the date of City Council action on the plan.
- V. **Specific Regulations:**
 - A. Permitted Uses: Only the following uses shall be permitted.
 1. Credit Agency
 2. Insurance Agency Offices
 3. Offices (Brokerage Services)

4. Offices (Health Services)
 5. Offices (Legal Services)
 6. Offices (Medical Office)
 7. Offices (Professional)
 8. Real Estate Offices
- B. Height Regulations: The maximum height shall be one (1) story or twenty-five (25) feet.
- C. Tree Preservation/Mitigation: All existing trees on the subject property shall comply with Section 86-740 of the Code of Ordinances. In addition, a tree preservation/mitigation plan shall be required to be submitted at the time of application. For any tree removed between 15.1 caliper inches and 24 caliper inches, a negative credit of (-6) shall be applied. For any tree removed larger than 24 caliper inches, a negative credit of (-8) shall be applied.
- D. Landscaping: All landscaping shall comply with Section 86-736 of the Code of Ordinances. In addition, a landscape plan shall be required to be submitted at the time of application.
- E. Screening: Screening between the north property line and the single family subdivision to the north shall be accomplished via the construction of an eight (8) foot high board-on-board fence at grade. This fence shall be required behind 120 Collin Court; 121 Sarah Drive; 628 John Close Drive and 632 John Close Drive.
- F. Exterior Building Materials: All exterior building materials shall comply with Section 86-802(3) of the Code of Ordinances. In addition, building elevations (indicating percentage of material per elevation) shall be required to be submitted at the time of application. A minimum of two masonry materials shall be required.
- G. Lighting: No exterior lighting shall be allowed to be placed on the outside perimeter on office buildings facing adjacent residential properties to the north. No light standards shall be placed in parking areas adjacent to residentially zoned property that are higher than four (4) feet. All light standards shall have shielding to prevent light pollution.
- H. Rooftop Mechanical Equipment: Rooftop mechanical equipment shall not be permitted.
- I. Outside Storage: No outside/outdoor storage shall be permitted.

Issue

Planning & Zoning Commission consider and/or act on the application of **Lloyd M. Nelson** requesting approval of a construction plat for Carbonell Veterinary Hospital on property zoned PD (Planned Development) District No. 09-02-785 on property located on the proposed Lot 1, Block 1, Nelson Addition, approximately 800' west of Heritage Parkway. *This item was tabled at the January 27, 2014 Planning & Zoning meeting.*

Background

The applicant has submitted a construction plat that would allow for development of Carbonell Veterinary Hospital, an approximately 5,000 square foot veterinary hospital.
No action was taken on the item at the February 24, 2014 or March 24, 2014 Planning & Zoning Commission Meeting.

Staff Recommendation

Staff recommends approval of the proposed Construction Plat as submitted.

Attachments

Construction Plat

To help clarify the process of the agenda items for Planning & Zoning Commission and City Council:

- *Agenda Item 1 is a public hearing*
 - o *Agenda Items 3 and 7 support this item and are the respective consideration items for Planning & Zoning Commission and City Council.*
- *Agenda Item 2 is a public hearing*
 - o *Agenda Items 4 and 8 support this item and are the respective consideration items for Planning & Zoning Commission and City Council.*

Issue

City Council consider and/or act on the request to amend Ord. No. 09-02-785 to consider additional uses and revised development standards on approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785 located on FM 544 approximately 800' west of Heritage Parkway.

Summary

This agenda item is for consideration of amendments to PD No. 09-02-785 including allowing the list of Permitted Uses to include *Veterinary Clinic (no outdoor kennels)* and including verbiage regarding creek setback as approved and stated in the minutes but not noted in the Ordinance.

Considerations

All items details are included and per Public Hearing Agenda Item 1. The Planning & Zoning Commission considered and acted on this item per Agenda Item 3.

Staff Recommendation

Staff recommends approval of an ordinance to amend PD No. 09-02-785 including allowing the list of Permitted Uses to include *Veterinary Clinic (no outdoor kennels)* and including verbiage regarding 100 foot creek edge tree line setback.

Attachments

All items details are included and per Public Hearing Agenda Item 1 (linked here). Ordinance amending Planned Development District Ordinance No. 09-02-785

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING ORDINANCE NO. 09-02-785 TO ADD VETERINARY CLINIC (NO OUTSIDE KENNELS) AS A PERMITTED USE AND TO ADD A BUILDING SETBACK REQUIREMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. That Section V(A) “Permitted Uses” contained in Exhibit B to Ordinance No. 09-02-785 shall be and is hereby amended to read in its entirety as follows:

A. Permitted Uses: Only the following uses shall be permitted:

1. Credit Agency
2. Insurance Agency Offices
3. Offices (Brokerage Services)
4. Offices (Health Services)
5. Offices (Legal Services)
6. Offices (Medical Services)
7. Offices (Professional)
8. Real Estate Offices
9. Veterinary Clinic (no outside kennels)

Section 2. That Section V “Specific Regulations” contained in Exhibit B to Ordinance No. 09-02-785 shall be and is hereby amended to add Subsection H “Building Setback” which shall read in its entirety as follows:

H. Building Setback. The minimum building setback from the creek shall be 100 feet.

Section 3. **Severability Clause.**

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

incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. Cumulative/Repealer Clause.

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

Section 5. Penalty Clause.

Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to a fine in any sum not to exceed five hundred dollars (\$500.00) and each day of violation shall be deemed a separate offense.

Section 6. Savings Clause.

Ordinance No. 09-02-785 shall remain in full force and effect save and except as amended by this ordinance.

Section 7. Effective Date.

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

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 22nd day of April, 2014.

Eric Barna, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

To help clarify the process of the agenda items for Planning & Zoning Commission and City Council:

- *Agenda Item 1 is a public hearing*
 - o *Agenda Items 3 and 7 support this item and are the respective consideration items for Planning & Zoning Commission and City Council.*
- *Agenda Item 2 is a public hearing*
 - o *Agenda Items 4 and 8 support this item and are the respective consideration items for Planning & Zoning Commission and City Council.*

Issue

City Council consider and/or act on the request to approve a Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.

Summary

This agenda item is for consideration of a Concept Plan for approximately 6.43 acres of the property.

Considerations

All item details are included and per Public Hearing Agenda Item 2. The Planning & Zoning Commission considered and acted on this item per Agenda Item 4.

Staff Recommendation

Staff recommends approval of the Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.

Attachments

All item details are included and per Public Hearing Agenda Item 2. (linked here) E

Issue

City Council consider and/or act on the application of **Lloyd M. Nelson** requesting approval of a site plan, landscape plan, and building elevations for Carbonell Veterinary Hospital on property zoned PD (Planned Development) District No. 09-02-785 on property located on the proposed Lot 1, Block 1, Nelson Addition, approximately 800' west of Heritage Parkway.

Background

The applicant submitted a site plan, building elevation plans and landscape plans for approval that would allow for development of Carbonell Veterinary Hospital, an approximately 5,000 square foot veterinary hospital with the required parking and landscaping.

No action was taken on the item at the February 24, 2014 or March 24, 2014 Planning & Zoning Commission Meeting.

Considerations

All item details are included and per Agenda Item 5 of this packet. The Planning & Zoning Commission considered and acted on this item per Agenda Item 5.

Staff Recommendation

Staff recommends approval of the proposed Site Plan, Landscape and Tree Replacement Plans, and Building Elevation Plan as submitted with the understanding that approval for the left turn lane as shown must come from TXDOT.

Attachments

All item details are included and per Agenda Item 5 of this packet. (linked here).

Issue

City Council consider and/or act on the application of **Lloyd M. Nelson** requesting approval of a construction plat for Carbonell Veterinary Hospital on property zoned PD (Planned Development) District No. 09-02-785 on property located on the proposed Lot 1, Block 1, Nelson Addition, approximately 800' west of Heritage Parkway.

Background

The applicant has submitted a construction plat that would allow for development of Carbonell Veterinary Hospital, an approximately 5,000 square foot veterinary hospital.

No action was taken on the item at the February 24, 2014 or March 24, 2014 Planning & Zoning Commission Meeting.

Considerations

All item details are included and per Agenda Item 6 of this packet. The Planning & Zoning Commission considered and acted on this item per Agenda Item 6.

Staff Recommendation

Staff recommends approval of the proposed Construction Plat as submitted.

Attachments

All item details are included and per Agenda Item 6 of this packet. (linked here).