



Murphy Planning and Zoning Commission Regular Meeting Minutes
206 North Murphy Road
Murphy, Texas 75094
December 28, 2015

CALL TO ORDER

Chair King called the meeting to order at 6:04 p.m.

ROLL CALL & CERTIFICATION OF A QUORUM

Commissioners Present: Jon King, Steve Levy, Camille Hooper, Lloyd Jones, Don Reilly and Greg Mersch

Commissioners Absent: John Johnson

City Staff Present: Kristen Roberts, Director of Community & Economic Development
Lori C. Knight, Administrative Assistant
Mack Reinwald, Assistant City Attorney

Lori C. Knight certified a quorum. Camille Hooper arrived at 6:32 p.m.

PUBLIC COMMENTS

INDIVIDUAL CONSIDERATION

1. Consider and/or act on the minutes from the November 23, 2015 Planning & Zoning Commission meeting.

COMMISSION ACTION

Vice Chair Levy made a motion to approve the November 23, 2015 Planning & Zoning Commission meeting minutes. Commissioner Jones seconded the motion. Motion passed 5-0.

2. Hold a public hearing and consider and/or act on the application of Anshu Jain requesting to amend the Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended by Ordinance No. 14-04-975, located on FM 544 approximately 800' west of Heritage Parkway for Lots 2-3, Block A, Nelson Addition.

Staff Discussion

Kristen Roberts stated that the applicant was requesting an amendment to the concept plan that was approved in November 2014. No changes to the Planned Development District, including setbacks or permitted uses, were being requested. Ms. Roberts stated that there were a variety of reasons for the amendment as noted in the agenda item.

PUBLIC HEARING OPENED AT 6:12 PM

Diane Tingle, 124 Collin Court, Murphy

Mrs. Tingle stated that she was speaking on behalf of several of her neighbors who were out of town for the holidays who were against this item. She stated that this would decrease the values of their property and that the neighbors wanted to be able to look at the mature trees.

PUBLIC HEARING CLOSED AT 6:14 PM

COMMISSION DISCUSSION

The Commission discussed the proposed concept plan and asked the applicant for the reasons of the requested change.

Roland Foerster, Civil Project Engineer

Mr. Foerster stated that the differential grade from the east and west side, when the current plan was approved and analyzed, it appeared it was a bit more difficult to make the elevation changes compatible from one side to the other. They tried to avoid a drop from one side to the other. Mr. Foerster believes this is a better plan than what had been previously been presented. Also, on the previous plan, they realized it would have knocked out the pecan tree.

Vice Chair Levy stated that he would like to see more of a buffer zone that was committed to the residents back in 2013.

Pankaj Jain, property owner

Pankaj Jain stated that the amount of frontage that they were working with before would not have worked with their concept plan. They would have had to cut down the pecan trees and other trees and take out some of the road. Mr. Jain spoke with his engineers regarding how best to use the space.

There was continued discussion between the Commission and the property owner regarding the elevation, sidewalks, buffers and retaining walls.

Commissioner Hooper arrives at 6:32 p.m.

COMMISSION ACTION

Vice Chair Levy made a motion to deny the applicant's request to amend the Concept Plan for Lots 2-3, Block A, Nelson Addition. Commissioner Reilly seconded the motion for denial. **Motion to deny passed 6-0.**

3. Hold a public hearing and consider and/or act on the application of Ryan Betz of 4B & W Land, LLC., Ronald and Patricia Williford and Kevin McAllister requesting a change in zoning from SF-20 (Single Family 20 Residential) to Retail on approximately 5.56 acres of property located southeast of FM 544 and Maxwell Creek Road.

Staff Discussion

Kristen Roberts stated that the three applicants of the properties are requesting a straight zoning change from SF-20 to Retail. The buffers and layout have not been addressed. At this time it is a straight zoning request.

Commissioner Reilly asked what all the Retail uses were if the zoning change was approved. Ms. Roberts explained that there was a long list of uses by right.

Ryan Betz, Applicant, 5707 Willow, Dallas

Ryan Betz stated that the request was a straight zoning request. Mr. Betz stated that he had been in talks with the other applicants, Ronald and Patricia Williford and Kevin McAllister, about how they could better use the property since the Southeast Study had been released. Retail was chosen because of the similar commercial properties across the street. Traffic was taken into consideration and Mr. Betz believed that the impact would be minimal since there is already retail across the street.

The Commission discussed the property boundary lines and possibly developing a Planned Development District instead of going straight Retail.

PUBLIC HEARING OPENED AT 6:58 PM

1. Dennis Koleber - Opposed, would like the property to remain SF-20
2. Ray Weydant – Opposed, too much traffic already and the difficulty of getting into their neighborhood.
3. Kiros Gabriel - Opposed
4. Kevin McAllister – In Favor
5. Pat Williford – In Favor
6. Martha Gallion – Opposed, wants to keep the area zoned SF-20
7. Warren Gallion – Opposed, tired of addressing these zoning changes in his neighborhood
8. David Cole – Opposed, no more retail
9. Jennifer Berthiaume – Opposed, would like to see a better use of the property
10. Michael Goggins – Opposed, does not want to see retail in his backyard

PUBLIC HEARING CLOSED AT 7:19 PM

Commission Discussion

Vice Chair Levy stated that an amicable medium needs to be reached with Mr. Betz and his neighbors regarding the future use of his property.

Ryan Betz stated that he would be willing to go through the Retail permitted uses and strike uses that would be a cause of undo consternation for neighbors or draft up a Planned Development and make sure certain uses were not allowed.

Commissioner Reilly asked for legal clarification regarding if this zoning change request was denied, is there a restriction on when Mr. Betz could come before the Commission again.

Mack Reinwald, Assistant City Attorney

Mr. Reinwald stated that the applicants did have a right to appeal or not to City Council. Mr. Reinwald also clarified for the Commission that if the applicants came before the Commission with a PD eliminating certain uses, that would not be the same request as this one therefore he would not have

to wait the allotted time to come again before the Commission. However, if the applicants came back with a PD, a conceptual plan would have to be included.

Ryan Betz stated that one of the reasons they did not want to do a PD is because he did not know how the property would look like in the future. Mr. Betz did not want to have empty buildings sitting on the property and the level of the specificity of a concept plan nor how the flood plain would work. However, Mr. Betz did state he was willing to work with staff and going through the code book to strike out permitted uses.

COMMISSION ACTION

Vice Chair Levy made a motion to deny the request for a zoning change from SF-20 to Retail on approximately 5.56 acres of property located southeast of FM 544 and Maxwell Creek Road. Commissioner Reilly seconded the motion. **Motion to deny the zoning request passed 6-0.**

STAFF UPDATES

Next meeting will be held on January 25, 2016.

ADJOURNMENT

With no other business before the Commission, Chair King adjourned the meeting at 7:50 p.m.

APPROVED:



Jon King, Chairman

Attest:



Secretary