

MURPHY PLANNING AND ZONING COMMISSION AGENDA  
REGULAR PLANNING AND ZONING COMMISSION MEETING  
JUNE 25, 2012 AT 6:00 PM  
CITY COUNCIL CHAMBERS, 206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094



NOTICE is hereby given of a meeting of the Planning and Zoning Commission of the City of Murphy, Collin County, State of Texas, to be held on June 25, 2012 at Murphy City Hall for the purpose of considering the following items. The Planning and Zoning Commission of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**CALL TO ORDER**

John McKay  
Chairman

**ROLL CALL & CERTIFICATION OF A QUORUM**

Steve Levy  
Vice-Chairman

**PUBLIC COMMENTS**

Jon King  
Secretary

**CONSENT AGENDA**

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

Ty Holcomb  
Commissioner

- A. Approval of the Minutes from the regular meeting of June 4, 2012.

Jane Jan  
Commissioner

**EXECUTIVE SESSION**

In accordance with Texas Government Code, Section 551.001, *et seq.*, the Planning & Zoning Commission of the City of Murphy will recess into Executive Session (closed meeting) in accordance with the authority contained in:

Camille Hooper  
Commissioner

- A. § 551.071. CONSULTATION WITH ATTORNEY; on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, and/or city zoning regulations and related issues.

Stephanie Merrifield  
Commissioner

Anthony Turuso  
Alternate

John Johnson  
Alternate

**RECONVENE INTO REGULAR SESSION**

In accordance with Texas Government Code, Section 551.001, *et seq.*, the Planning & Zoning Commission of the City of Murphy will reconvene into Regular Session to take any action necessary regarding the following:

- A. § 551.071. CONSULTATION WITH ATTORNEY; on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, and/or city zoning regulations and related issues.

Kristen Roberts  
Director of Economic  
and Community  
Development

MURPHY PLANNING AND ZONING COMMISSION AGENDA  
REGULAR PLANNING AND ZONING COMMISSION MEETING  
JUNE 25, 2012 AT 6:00 PM  
CITY COUNCIL CHAMBERS, 206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094

INDIVIDUAL CONSIDERATION

1. Hold a public hearing and consider and/or act on the application of **George Parker** requesting a variance to the *Uses allowed as home occupations* as described in the Murphy, Texas Code of Ordinances Sec. 86-904 to include use of the property located 11 and 15 Maxwell Lane, Murphy, Texas as a tree service occupation.
2. **This item was postponed and continued from the March 26, 2012, April 23, 2012 and the June 4, 2012 Planning & Zoning meetings to this meeting. And, the Public Hearing for this item was continued to this meeting.** Continue a public hearing and consider and/or act on the application of **ALLEN AND LOUCKS VENTURE, L.P.** requesting approval of an SUP (Specific Use Permit) to allow a Drive-thru window for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544. **(ZF 2012-02)**
3. **This item was also postponed as in Item 2.** Consider and/or act on the application of **ALLEN AND LOUCKS VENTURE, L.P.** requesting approval of a site plan for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544. **(ZF 2012-02)**
4. Consider and/or act on the application of **CVS PHARMACY** requesting approval of a construction plat on property zoned PD (Planned Development) District No. 12-06-915 for Retail Uses located at SWC FM 544 and McCreary Road.
5. Consider and/or act on the application of **CVS PHARMACY** requesting approval of a site plan on property zoned PD (Planned Development) District No. 12-06-915 for Retail Uses located at SWC FM 544 and McCreary Road.
6. Hold a public hearing and consider and/or act on the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a SUP (Specific Use Permit) for a Hospital Facility and Professional Offices and approval of a Concept Plan on the property zoned NS (Neighborhood Service) District and located at the northeast corner of FM 544 and Heritage Parkway.

ADJOURNMENT

I certify that this is a true and correct copy of the Murphy Planning and Zoning Commission Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on June 22, 2012 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 Economic and 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 [anemer@murphytx.org](mailto:anemer@murphytx.org).



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

June 4, 2012

CALL TO ORDER

Chairman McKay called the meeting to order at 6:33 p.m.

ROLL CALL & CERTIFICATION OF A QUORUM

**Commissioners Present:** John McKay, Steve Levy, Jon King, Jane Jan, Camille Hooper

**Commissioners Absent:** Stephanie Merrifield, Ty Holcomb

**Alternates Present:** Anthony Turuso and John Johnson

**Alternates Absent:**

**City Staff Present:** Kristen Roberts, Director of Economic and Community Dev.  
David Young, Building Official  
Ben Wyse, Assistant City Attorney  
Lori C. Knight, Administrative Assistant

Lori C. Knight certified a quorum with all Commissioners present except Stephanie Merrifield, and Ty Holcomb.

PUBLIC COMMENTS

**Martha Gallion, 423 Oak Glen Drive, Murphy**

Mrs. Gallion approached the Commission informing them that she mailed them a letter regarding her concerns about the safety on FM 544. Mrs. Gallion lives across the street from Racetrac gas station and has voiced her concerns over the years regarding the traffic and how loud and dangerous it has become with the city growing, especially for the residents on the southwest side of 544. She stated that the City Manager had told her that a fence would be going up but that she has seen nothing. She believes that a fence would be a good sound barrier. It would also be somewhat of a protective wall for the residents especially since it has become so dangerous with fast moving cars. Mrs. Gallion also believes a fence would make Murphy appealing especially when driving in from Wylie. Mrs. Gallion stated she was concerned about the seeming disregard the Board had for the residents and the requirements that had been set for Murphy Marketplace. Mrs. Gallion also stated that when they come out of their neighborhood in Timber Ridge, it is nearly impossible to make a left turn due to the volume of the cars making u-turns.

**Chris Koleber, 411 Woodcrest Circle, Murphy**

Mrs. Koleber approached the Commission voicing her disapproval over the rise in drive thru restaurants. She told the Commission that she had read an article years ago in which Eric Langford had proposed on what he wanted to do with Murphy Marketplace. Mrs. Koleber said that Murphy Marketplace doesn't resemble anything of what he said. She vehemently opposes the addition of any more fast food restaurants. Mrs. Koleber stated that she lives across the street from Whataburger and that there were cars zipping in and out of 'those' restaurants. She said it is very hard for her to get back into her neighborhood when there are so many cars making u-turns.

**Tracey Cole, 420 Oak Glen Drive, Murphy**

Mrs. Cole approached the Commission and stated how much she loved Murphy. However, she would also like a barrier or fence to block out the noise of the ever growing traffic and to keep strangers out. Mrs. Cole stated that everyone can hear the people at the drive thru in her neighborhood. She also said that there was a growing number of people walking into their neighborhoods. Mrs. Cole was concerned about this especially since she has smaller children who are overly friendly. She asked the Commission for guidance in who she could talk to about getting their concerns heard and acted upon.

Chariman McKay suggested that the residents talk to TXDOT about the traffic in their area. Although he did say that it was nearly impossible to have TXDOT listen to anyone.

**Staff Comments**

Kristen Roberts asked that the residents please contact her to discuss the issues presented. They were given Ms. Roberts business card.

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**CONSENT AGENDA**

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

- A. Approval of the Minutes from the regular meeting of April 23, 2012.

**Commission Action**

Vice-Chairman Levy moved to approve the Consent Agenda as presented. Secretary King seconded the motion. Motion passed 7-0

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## INDIVIDUAL CONSIDERATION

1. Consider and/or act on the Final Plat Application for Niani Medical Center on property zoned PD (Planned Development) District No. 09-12-823 for Retail and Office Uses. This property is generally located on Village Drive, west of Brand Road.

### **Staff Comments**

Kristen Roberts informed the Commission that on this particular project, the final plat was approved some time ago but never filed causing the plat to expire. All development is complete and this approval will allow them to file with the county.

### **Commission Action**

Secretary King made a motion to approve the Final Plat application for Niani Medical Center. Commissioner Hooper seconded the motion. Motion passed 7-0

2. Hold a public hearing and consider and/or act on the application of **Murphy Equity Management, L.L.C.** (Canterra Office Park) requesting to amend PD (Planned Development) District No. 09-12-825 for Retail Uses to include veterinary use and modify the health club use requirements on property located at the northwest quadrant of FM 544 and McCreary Road.

### **Staff Comments**

Kristen Roberts stated that the developer had requested that the item '*modify the health club use*' be struck and asked that the P&Z Commission take that off of consideration. Secretary King asked if the City had received any responses as the result of the P&Z mail outs. Ms. Roberts stated that the City had not.

### **PUBLIC COMMENTS**

Michael Doggett, Winkelmann & Associates

Mr. Doggett confirmed the request to strike '*the health club use*' from the PD amendment and proceed with the veterinary use.

Chairman McKay asked if there was a site plan coming up for the veterinary use. Kristen Roberts did say there was a veterinary clinic user looking at Pad 9 of the property. If they were to move forward, a site plan would be submitted.

**PUBLIC HEARING OPENED AT 6:57 P.M.**

**PUBLIC HEARING CLOSED AT 6:57 P.M.**

### **Commission Action**

Vice Chairman Levy made a motion to approve the request to amend PD (Planned Development) District No. 09-12-825 for Retail Uses to include veterinary use. Secretary King seconded the motion. Motion passed 7-0.

- 3. This item was postponed and continued from the March 26, 2012 and April 23, 2012 Planning & Zoning meetings to this meeting. And, the Public Hearing for this item was continued to this meeting.** Continue a public hearing and consider and/or act on the application of **ALLEN AND LOUCKS VENTURE, L.P.** requesting approval of an SUP (Specific Use Permit) to allow a Drive-thru window for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544. **(ZF 2012-02)**

### **Staff Comments**

Kristen Roberts gave an update on this item to the Commission stating that there was some new information in addition to a few outstanding issues that had come to light. She stated that the City Council would be discussing this item in executive session the following day (June 5, 2012). Ms. Roberts said that staff is asking for this item to be postponed and be brought to the June 25<sup>th</sup> P & Z meeting for action and to continue the public hearing until that time. Ms. Roberts did say that the applicant's attorney had agreed to this as well as the City attorney.

### **PUBLIC HEARING OPENED AT 7:02 P.M.**

### **Public Comments**

#### **Martha Gallion, 423 Oak Glen Drive, Murphy**

Mrs. Gallion said that when she learned that Del Taco was coming, she along with other residents of The Timbers were pretty discouraged. Mrs. Gallion stated that once there was a time when the requirements for Murphy Marketplace allowed for maybe one drive thru. She believed that the City Council would keep their word about those requirements but she said she was wrong especially since she counted at least five drive thru windows there now. Mrs. Gallion told the Commission that they were not doing a good job in filtering the applicants since City Council was approving them all. Mrs. Gallion stated she was very concerned about the trash that was being generated especially if another fast food restaurant was approved. She is also concerned about the increase in traffic as well as the walk-thru traffic and wants the Commission to take in consideration the wishes of the residents that live in the area. Mrs. Gallion concluded by saying that they had never had issues in their neighborhood and they didn't want any issues in their neighborhood.

**Commission Action**

Chairman McKay made a motion to continue the public hearing and postpone the application of Allen and Loucks Venture, LP requesting approval of an SUP (Specific Use Permit) to allow a drive-through window for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road until the June 25 Planning and Zoning meeting. Vice Chairman Levy seconded the motion. Motion passed 7-0.

4. Consider and/or act on the application of **ALLEN AND LOUCKS VENTURE, L.P.** requesting approval of a site plan for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544.

**Staff Comments**

Kristen Roberts asked the Commission that in light of the previous item being postponed staff respectfully requested that this item be postponed as well until the June 25<sup>th</sup> Planning and Zoning Commission Meeting for consideration and action.

**Commission Action**

Chairman McKay made a motion to postpone the application of Allen and Loucks Venture requesting approval of a site plan for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road until the June 25<sup>th</sup> Planning and Zoning Meeting. Commissioner Jan seconded the motion. Motion passed 7-0.

**ADJOURNMENT**

With no other business before the Commission, Chairman McKay adjourned the meeting at 7:09 p.m.

**APPROVED:**

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John McKay, Chairman

Attest:

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Secretary

**Issue**

Hold a public hearing and consider and/or act on the application of **George Parker** requesting a variance to the *Uses allowed as home occupations* as described in the Murphy, Texas Code of Ordinances Sec. 86-904 to include use of the property located 11 and 15 Maxwell Lane, Murphy, Texas as a tree service occupation.

**Background**

The residence of George Parker, located at 11 and 15 Maxwell Lane, is being used as a commercial tree service business. Code Compliance has been working with Mr. Parker as this is not an allowed use in the Murphy, Texas Code of Ordinances Sec. 86-904. It was requested by Mr. Parker that he be allowed to remain using this property, zoned Single Family Residential, to run a tree service occupation. To do so, a variance to the Code of Ordinances must be approved by Planning & Zoning Commission as well as City Council by amending this Chapter to allow Commercial Tree Service Occupation as a Home Occupation.

**Zoning**

This property is zoned SF-20 (Low Density Residential – 20,000 square foot lot area). This property is surrounded by SF-20 and SFE (Single Family Estate – 40,000 square foot lot area).

**Considerations**

1. The item for consideration is the variance request, not any current code compliance violations.
2. As stated in the Code, Standards for controlling home occupations are set forth in the Murphy, Texas Code of Ordinances to minimize annoyance and inconvenience to neighboring property owners within residential areas. The standards in this section, Sec. 86-902. – Special Provisions for home occupations are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.
3. As stated in the Code, home occupations shall be permitted as an accessory use in single-family and two-family residential zoning districts provided that they comply with all restrictions herein.
4. As stated in the Code, the occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street.
5. Sections 86.901 through Section 86.907 have been included as an attachment to this item.
6. The applicant wishes to continue operation of the commercial tree service business on his property.
7. If a variance is approved, the Use must be classified as an amendment to this Chapter as an allowed use by the City Council, subsequent to an affirmative recommendation by the Planning & Zoning Commission.

8. A public hearing notification for this proposed zoning change was published in the newspaper as well as notification mailed to the property owners included in the required 200 feet notification radius.

**Staff Recommendation**

Motion to deny the application for a variance to the *Uses allowed as home occupations* as described in the Murphy, Texas Code of Ordinances Sec. 86-904 to include use of the property located 11 and 15 Maxwell Lane, Murphy, Texas as a tree service occupation.

**Attachments**

Location Map

Photographs of property

Division 10 (Code of Ordinances) Home Occupation Regulations

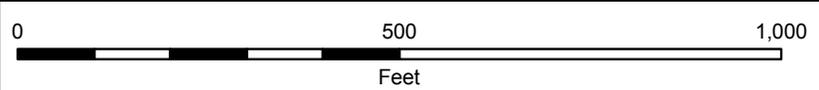
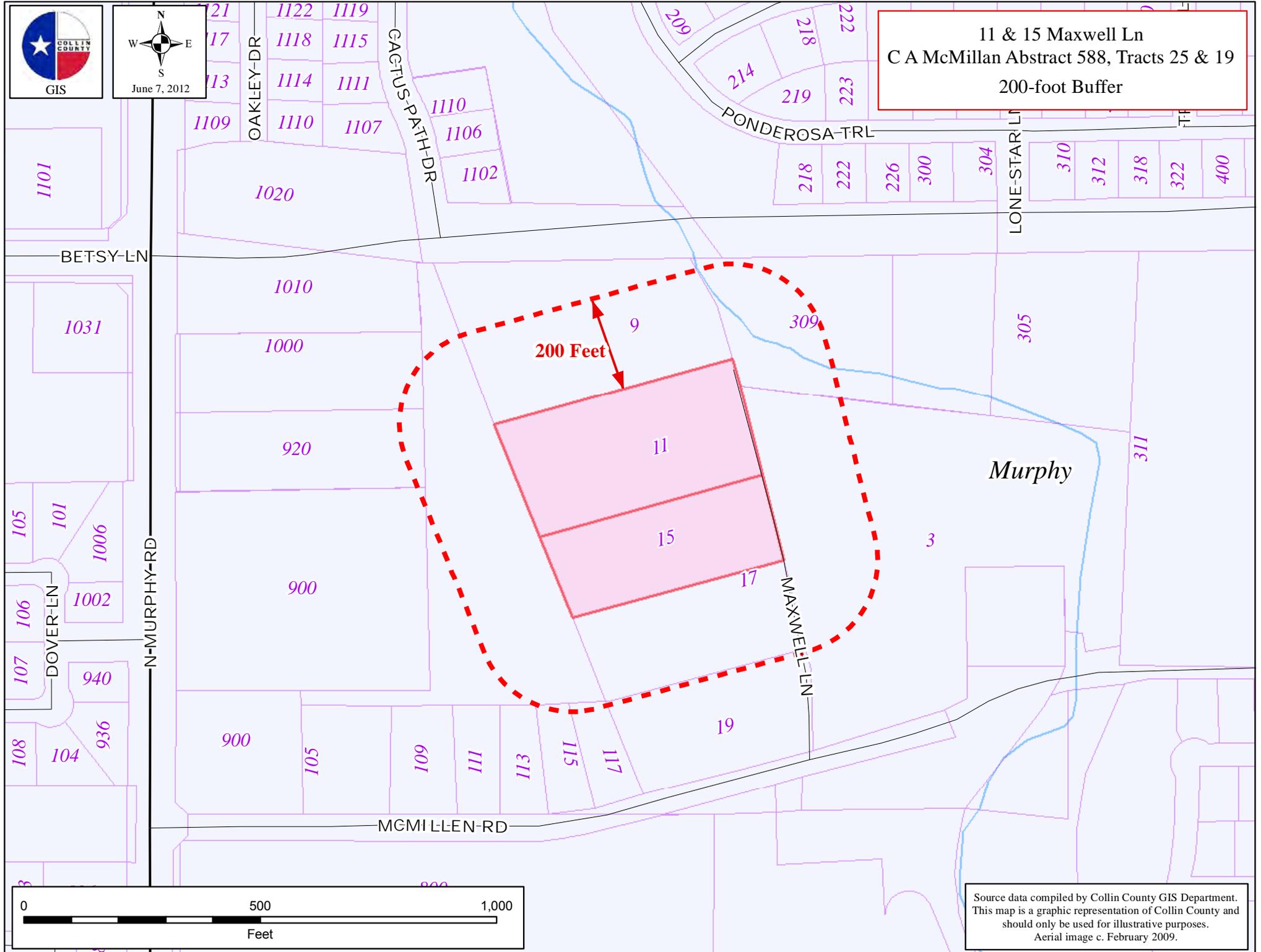
Property Owner responses

*Kristen Roberts, Director of Economic and Community Development*

**Submitted By**



11 & 15 Maxwell Ln  
 C A McMillan Abstract 588, Tracts 25 & 19  
 200-foot Buffer



Source data compiled by Collin County GIS Department.  
 This map is a graphic representation of Collin County and  
 should only be used for illustrative purposes.  
 Aerial image c. February 2009.



02/16/2012 12:



02/16/2012 12:

## **DIVISION 10. - HOME OCCUPATION REGULATIONS**

[Sec. 86-901. - Purpose.](#)

[Sec. 86-902. - Special provisions for home occupations.](#)

[Sec. 86-903. - Applicability of other regulations.](#)

[Sec. 86-904. - Uses allowed as home occupations.](#)

[Sec. 86-905. - Uses prohibited as home occupations.](#)

[Sec. 86-906. - Home occupation uses not classified.](#)

[Sec. 86-907. - Effect of division upon existing home occupations.](#)

[Secs. 86-908—86-930. - Reserved.](#)

### **Sec. 86-901. - Purpose.**

Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. The standards in this division are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses. (Ord. No. 04-05-610, § 46.1, 5-17-2004)

### **Sec. 86-902. - Special provisions for home occupations.**

- (a) Home occupations shall be permitted as an accessory use in single-family and two-family residential zoning districts (i.e., AG, SF-E, SF-20, SF-15, SF-11, SF-9, SF-PH, SFA and MH) provided that they comply with all restrictions herein.
- (b) The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street.
- (c) Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding 20 percent of the combined gross floor area of dwelling unit and any accessory buildings that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet).
- (d) The occupation shall not employ more than one person who is not a member of the household in which the home occupation occurs.
- (e) Not more than two patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located.
- (f) The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities.
- (g) One commercial vehicle, capacity of one ton or less, according to the manufacturer's classification, may be used or parked, behind the front building line, on the property in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback.
- (h) The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of 1½ tons, according to the manufacturer's classification.
- (i) There shall be no outside storage, including trailers, or outside display related to the home occupation use.

- (j) No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain.
- (k) The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district.
- (l) The home occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood.
- (m) The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means.
- (n) The home occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made/assembled on-site (e.g., arts and crafts items, handmade clothing, etc.).
- (o) The home occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.  
(Ord. No. 04-05-610, § 46.2, 5-17-2004)

**Sec. 86-903. - Applicability of other regulations.** 

Home occupations shall also be subject to any and all other provisions of local, state and/or federal regulations and laws that govern such uses. (Ord. No. 04-05-610, § 46.3, 5-17-2004)

**Sec. 86-904. - Uses allowed as home occupations.** 

Subject to the provisions of section 86-902, home occupations may include the following uses:

- (1) Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;
- (2) Author, artist or sculptor;
- (3) Dressmaker, seamstress or tailor;
- (4) Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than one pupil at a time;
- (5) Individual tutoring and home schooling;
- (6) Millinery;
- (7) Office facility of a minister, rabbi, priest or other clergyman;
- (8) Home crafts, such as rug weaving, model making, etc.;
- (9) Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;
- (10) Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;

- (11) Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all state and local health regulations;
- (12) Registered family homes (see definition in section 86-6), in compliance with applicable state laws, which are incorporated herein by reference, with no more than six children;
- (13) Barbershop/beauty salon or manicure studio, provided that not more than one customer is served at a time;
- (14) Swimming lessons and water safety instruction, provided that such instruction involves no more than six pupils at any one time; and
- (15) Bed and breakfast facility (see definition in section 86-6), provided that no more than five guests are accommodated/served at a time.

(Ord. No. 04-05-610, § 46.4, 5-17-2004)

#### **Sec. 86-905. - Uses prohibited as home occupations.**

Home occupations shall not, in any event, be deemed to include the following uses:

- (1) Animal hospitals or clinics, commercial stables, or kennels;
- (2) Schooling or instruction, except swimming/water safety classes and home schooling, with more than one pupil at a time;
- (3) Restaurants or on-premises food or beverage (including private clubs) consumption of any kind, except for limited food/meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility;
- (4) Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
- (5) Office facility for a doctor, dentist, veterinarian or other medical-related profession;
- (6) On-premises retail or wholesale sales of any kind, except for items that are produced entirely on the premises in conformance with this chapter, and except for occasional garage sales;
- (7) Commercial clothing laundering or cleaning;
- (8) Mortuaries or funeral homes;
- (9) Trailer, vehicle, tool or equipment rentals, sales or leasing;
- (10) Repair shops or services, except as specifically provided in section 86-904
- (11) Drapery or furniture upholstery shops;
- (12) Antique, gift or specialty shops;
- (13) Repair shops for any items having internal combustion engines; and
- (14) Any use that would be defined by the building code as an assembly, factory/industrial, hazardous, institutional or mercantile occupancy.

(Ord. No. 04-05-610, § 46.5, 5-17-2004)

#### **Sec. 86-906. - Home occupation uses not classified.**

Any use that is not either expressly allowed nor expressly prohibited by sections 86-904 and 86-905, respectively, is considered prohibited, unless and until such use is classified by amendment

to this chapter by the city council, subsequent to an affirmative recommendation by the planning and zoning commission.

(Ord. No. 04-05-610, § 46.6, 5-17-2004)

**Sec. 86-907. - Effect of division upon existing home occupations.** 

- (a) Any home occupation that was legally in existence as of May 27, 2004, and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of article II, division 2 of this chapter, provided that the owner/proprietor of such home occupation register his business with the city within 90 days of May 27, 2004, and provided that the home occupation use was not in violation of any other local, state or federal law or regulation on that date. Proof of the existence of such home occupation use prior to May 27, 2004, the effective date of the ordinance from which this chapter is derived shall be required upon registration.
- (b) Any home occupation that was legally in existence as of May 27, 2004, and that conforms with the provisions herein shall be hereby authorized to continue, provided that the home occupation use is registered with the city as described in subsection (a) of this section.

(Ord. No. 04-05-610, § 46.7, 5-17-2004)

June 18, 2012

Dear Commissioner:

would like to strongly OPPOSE the variance as requested by George Parker at 11 and 15 Maxwell Lane. Please note the following reasons:

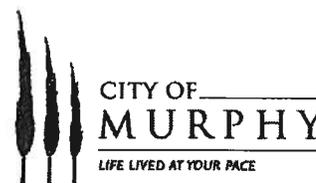
- The house that once stood at 15 Maxwell Lane HAS BEEN KNOCKED DOWN BY MR. PARKER. A couple years ago Mr. Parker knocked the house down leaving the slab to park his commercial vehicles on. The slab still has plumbing, electrical and gas connections. The Fire Dept was called out several times due to Mr. Parker setting bon fires to get rid of the construction materials.
- Mr. Parker has numerous commercial vehicles, boats, tree shredders, trucks and everything else you can imagine parked all over his property.
- Mr. Parker has massive piles of wood stumps, wood chips and wood shavings all around his property, which I believe to be a fire hazard.
- Mr. Parker has an above ground fuel tank in very close proximity to all of the piles of wood; I would think this is a fire hazard also.
- Every morning the entire crew of Parker Tree Trimming Service stage up at this residential address to gear up for the day. They tune their trucks and equipment before heading out.
- McMillen (the only street that he can use to come home) clearly has 2 NO TRUCKS SIGNS posted, 1 sign on Murphy Rd just south of McMillen and 1 sign on McMillen. Obviously every morning and every night all these huge trucks with tree trimming equipment attached travel up and down McMillen.
- Please visit [www.parkertreeservice.biz](http://www.parkertreeservice.biz) to see Mr. Parker advertise his business address as 11 Maxwell Lane.
- Our street has a Restrictive Covenant that was filed December 1970 and renews every 10 years that states Maxwell Lane is RESIDENTIAL ONLY. I will provide a copy of this at the P & Z meeting.

Kimberly and Dennis Collins

19 Maxwell Lane

## Reply Form

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



Dear Commissioner:

This letter is regarding ZF2012-04. This request is to consider the application of **George Parker** requesting a variance to the *Uses allowed as home occupations* as described in the Murphy, Texas Code of Ordinances Sec. 86-904 to include use of the property located at 11 and 15 Maxwell Lane, Murphy, Texas as a tree service occupation. This property is zoned SF20. **Zoning File 2012-04.**

I am **IN FAVOR** of the variance as explained on the attached cover sheet for ZF2012-04.

I am **OPPOSED** to the variance as explained on the attached cover sheet for ZF2012-04.

This item will be heard at the Planning & Zoning Commission on **Monday, June 25, 2012 at 6:30 p.m.** at Murphy City Hall, 206 North Murphy Road in the City Council Chambers and a public hearing will be held by the **City Council on Tuesday, July 17, 2012 at 6:00 p.m.** in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

Noise, Trucks, etc. would destroy the residential feeling of our neighborhood. I have no idea why one ~~of~~ ~~it~~ might even consider zoning an area right in the middle of all of these homes for such a use.

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

Ryan Mangipano  
Name (Please Print)

113 McMillen Dr.  
Address

Ryan Mangipano  
Signature

6/16/2012  
Date

**Issue**

**This item was continued and postponed from the March 26, 2012, April 23, 2012, and June 4, 2012 Planning & Zoning Commission meetings to this meeting. And, the Public Hearing for this item was continued to this meeting.** Continue a public hearing and consider and/or act on the application of **ALLEN AND LOUCKS VENTURE, L.P.** requesting approval of an SUP (Specific Use Permit) to allow a Drive-through window for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544. (**ZF 2012-02**)

**Background**

On November 4, 2006, the City Council adopted Ordinance No. 06-11-707 creating a Planned Development District for Retail Uses with conditions. The Planned Development District was subsequently amended on February 16, 2009 (Ordinance No. 09-02-784), to allow drive-in restaurants by the approval of a SUP (Specific Use Permit) only.

The applicant is proposing to develop a Del Taco restaurant on the subject property. The current Planned Development District allows a drive-in restaurant only with the approval of a SUP (Specific Use Permit). The applicant is requesting approval of an SUP (Specific Use Permit) to allow a Del Taco with a drive-through window.

On March 26, 2012, the Planning & Zoning Commission opened the public hearing to consider the SUP application to allow a drive-through window for a Del Taco. The Commission continued the public hearing and postponed this item for consideration to the April 23, 2012 Planning & Zoning Commission meeting to consider both the SUP and the proposed site plan for the subject property. The site plan item was a stand-alone item on April 23, 2012, and was postponed by the Planning & Zoning Commission to the June 4, 2012 meeting and then postponed again to the June 25, 2012 meeting and is represented as such for this meeting as **Item 3**. The SUP was a stand-alone item on March 26, 2012, April 23, 2012, and again on June 4, 2012 and is represented as such for this meeting.

**Considerations**

**Specific Use Permit Request**

1. The 380 Agreement and other related performance agreements regarding Murphy Marketplace between Allen & Loucks Venture, L.P. and the City of Murphy, the Murphy Economic Development Corporation and the Murphy Community Development Corporation detailing the Developer's Obligations for the development of the Retail Shopping Center are as follows:
  - Pad 10 . . . which may be used for a higher quality drive-through restaurant.

The same section also states:

Unless otherwise approved by the **CITY**, the following uses shall not be allowed in the Retail Shopping Center: dollar stores; convenience stores; gas stations; sexually oriented businesses; car washes; auto repair stores; auto parts stores; automobile dealerships; stand alone beer, wine or liquor stores; more than one (1) financial institution, including banks, savings and loans, or credit unions; and drive-through fast food restaurants.

The agreements also state: "... it is agreed and understood, that the **CITY** desires quality sit down dining restaurants, including the following restaurants: Chili's, On the Border, and Bennigan's. **DEVELOPER** agrees to obtain restaurant tenants of such quality or higher quality, as approved by the **CITY**."

2. Since the development of Murphy Marketplace, the developer has requested and been granted three drive-through uses in Murphy Marketplace and two drive-through uses in The Crossing at Murphy Marketplace.
3. A public hearing notification for this proposed zoning change was published in the newspaper as well as notification being mailed to the property owners included in the required 200 feet notification radius.

#### **Staff Recommendation**

Staff is recommending approval with condition(s) of the SUP application, so that the proposed restaurant be designed and constructed in conformance with the Planned Development District Conditions requirements and requirements of the 380 Agreement and the related performance agreements, between Allen & Loucks Venture, L.P., and the City of Murphy, the Murphy Economic Development Corporation and the Murphy Community Development Corporation, which require that the proposed restaurant be "**of such quality or higher quality, as approved by the CITY**" as described in the agreements.

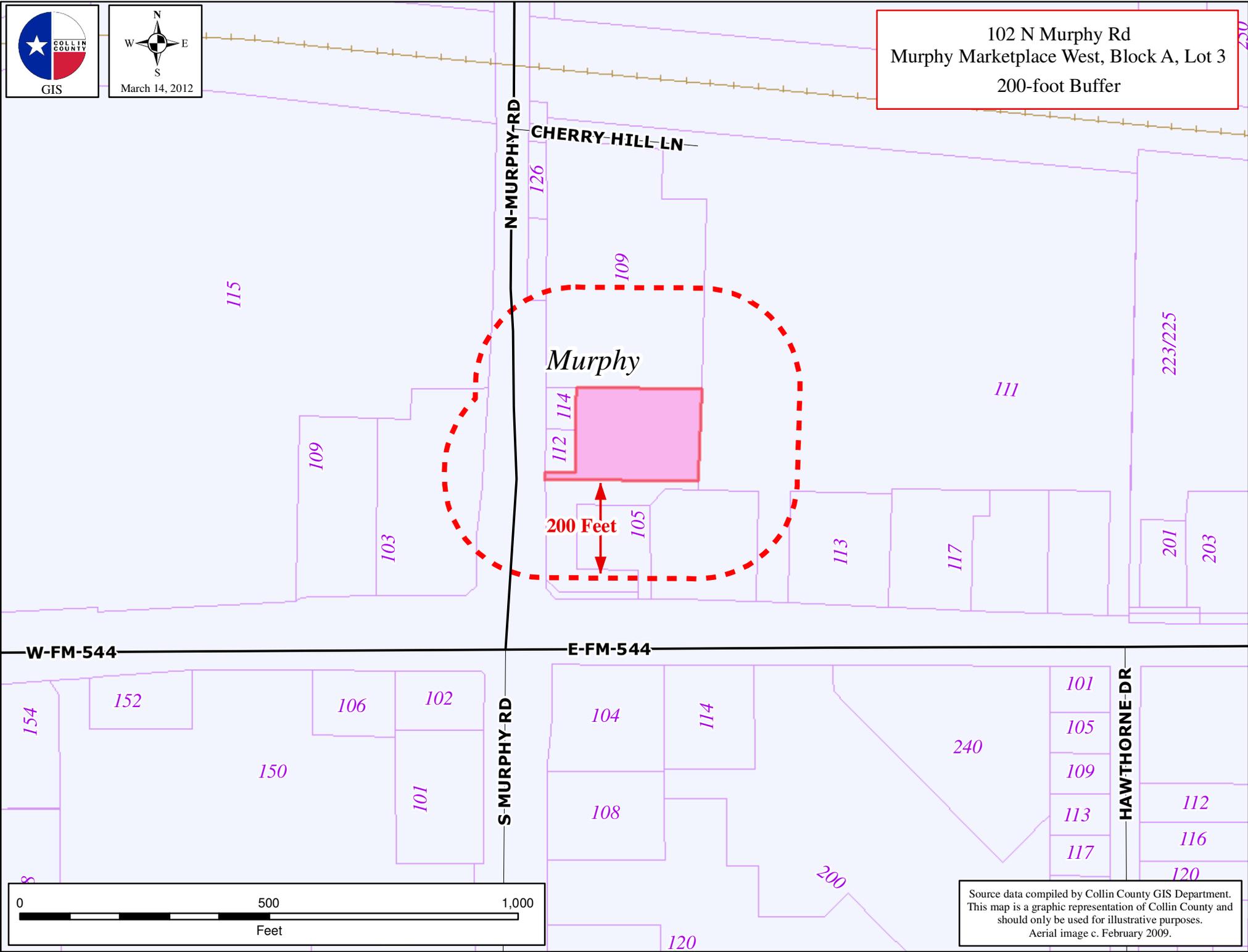
#### **Attachments**

Location Map  
Proposed Site Plan  
Proposed Landscape Plan  
Planned Development District Conditions

*Kristen Roberts, Director of Economic and Community Development*  
**Submitted By**

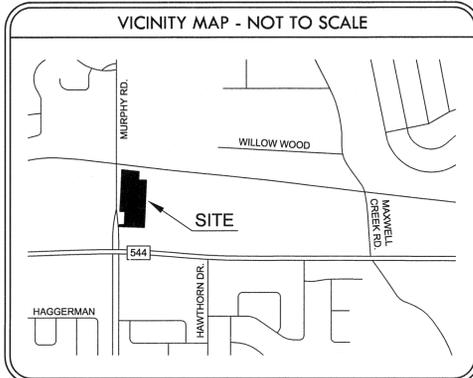


102 N Murphy Rd  
 Murphy Marketplace West, Block A, Lot 3  
 200-foot Buffer



Source data compiled by Collin County GIS Department.  
 This map is a graphic representation of Collin County and  
 should only be used for illustrative purposes.  
 Aerial image c. February 2009.

PLANS SUBJECT TO REVIEW AND APPROVAL BY JURISDICTIONAL ENTITIES

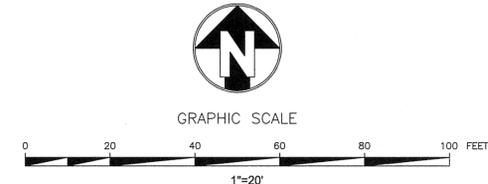


**SITE INFORMATION - DEL TACO**

|   |                           |
|---|---------------------------|
| LAND AREA:                                | 27,674 SF (0.635 AC)      |
| CURRENT ZONING:                           | PD (ORDINANCE 06-11-707)  |
| EXISTING USE:                             | VACANT LAND               |
| PROPOSED USE:                             | RESTAURANT (W/DRIVE THRU) |
| BUILDING AREA (APPROXIMATE):              | 2,373 SF                  |
| PARKING REQUIRED:                         | 1 SPACE/100 SF            |
| PARKING PROVIDED ON DEL TACO TRACT:       | 25 SPACES                 |
| PARKING PROVIDED ON CITY OF MURPHY TRACT: | 16 SPACES                 |
| HANDICAP PARKING REQUIRED:                | 2                         |
| HANDICAP PARKING PROVIDED:                | 2                         |

**LEGEND**

|  |                                      |
|--|--------------------------------------|
|  | PROPOSED SITE SIDEWALK               |
|  | EXISTING LANDSCAPING                 |
|  | PROPOSED SIGN                        |
|  | PROPOSED SITE LIGHTING               |
|  | EXISTING SITE LIGHTING               |
|  | PROPOSED CURB & GUTTER BY DEL TACO   |
|  | EXISTING CURB & GUTTER TO REMAIN     |
|  | EXISTING CURB & GUTTER TO BE REMOVED |
|  | EXISTING PROPERTY LINE               |



**OWNER**  
ALLEN & LOUCKS VENTURE, L.P.,  
A TEXAS LIMITED PARTNERSHIP  
5924 TWIN COVES  
DALLAS, TEXAS 75248

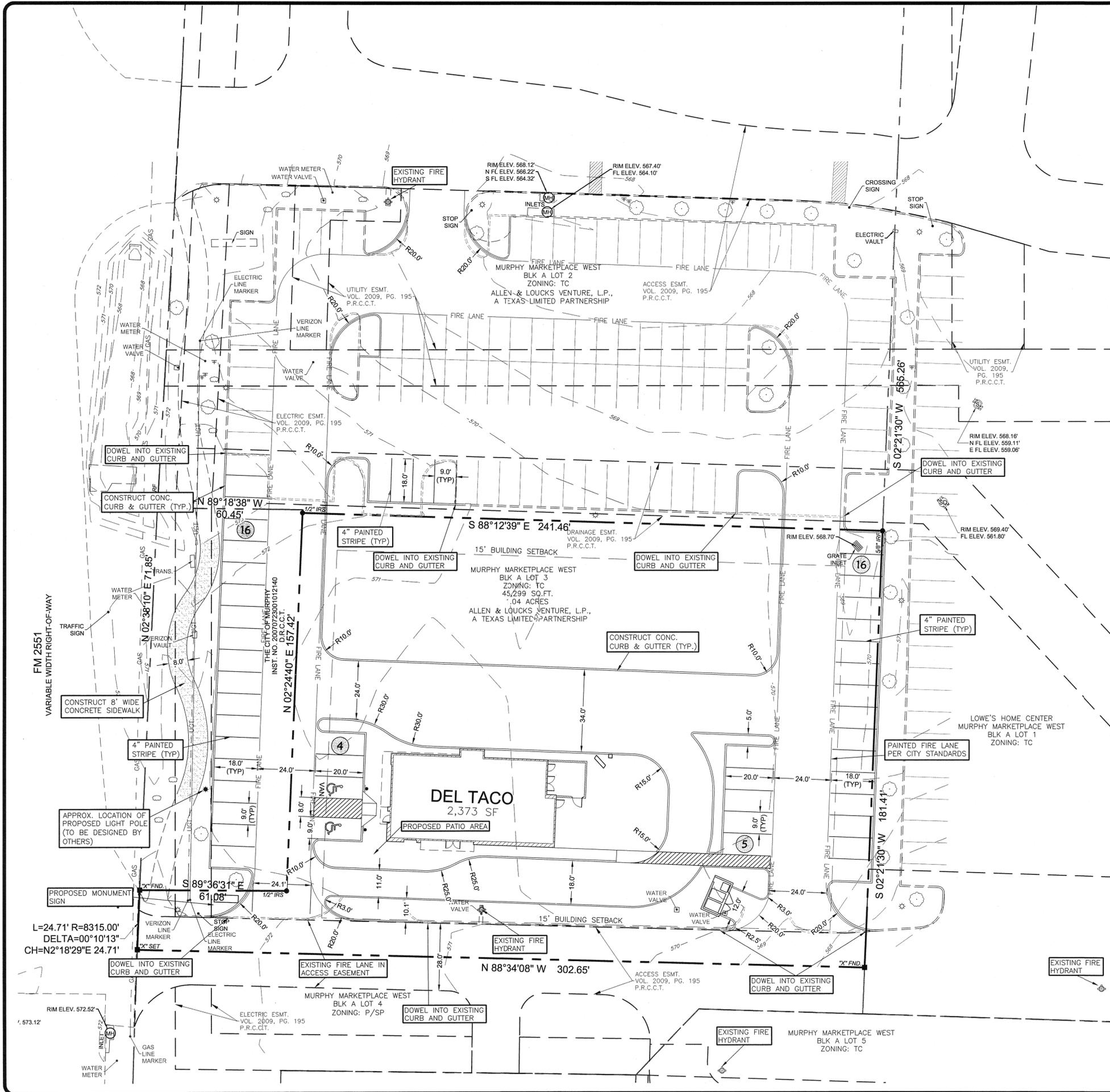
**ENGINEER**  
ADAMS ENGINEERING  
901 S. KIMBALL  
SOUTH LAKE, TEXAS 76092  
P - (817)328-3200

**SURVEYOR**  
TEXAS HERITAGE, LLC  
10810 METRIC DRIVE, SUITE 124  
DALLAS, TEXAS 75243  
P - (214)340-9700

**MURPHY MARKETPLACE - WEST ADDITION**  
JAMES W. MAXWELL SURVEY, ABSTRACT NO. 582  
CITY OF MURPHY, COLLIN COUNTY, TEXAS

**NOTICE TO CONTRACTORS**

TOPOGRAPHIC INFORMATION TAKEN FROM A TOPOGRAPHIC SURVEY PERFORMED BY TEXAS HERITAGE, OF DALLAS, TEXAS. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY, IN WRITING, OF ANY DISCREPANCIES OR OMISSIONS TO THE TOPOGRAPHIC INFORMATION. THE CONTRACTORS SHALL BE RESPONSIBLE FOR CORRECTING THE LOCATION (HORIZONTAL/VERTICAL) OF ANY BURIED CABLES, CONDUITS, PIPES AND STRUCTURES (STORM SEWER, SANITARY SEWER, WATER, GAS, TELEPHONE, TELEVISION, ETC.) WHICH IMPACT THE CONSTRUCTION SITE. THE CONTRACTORS SHALL NOTIFY THE ENGINEER IMMEDIATELY, IN WRITING, OF ANY DISCREPANCIES OR OMISSIONS BETWEEN THE ACTUAL CONDITIONS VERSUS THE DATA CONTAINED IN THE CONSTRUCTION PLANS. ANY COSTS INCURRED AS THE RESULT OF NOT CORRECTING THE ACTUAL LOCATION (HORIZONTAL/VERTICAL) OF SAID CABLES, CONDUITS, PIPES AND STRUCTURES SHALL BE BORNE BY THE CONTRACTOR. ADDITIONALLY, THE CONTRACTORS SHALL NOTIFY THE OWNER AND ENGINEER IF ANY ERRORS OR DISCREPANCIES ARE FOUND ON THE CONSTRUCTION DOCUMENTS (SPANS), WHICH NEGATIVELY IMPACT THE PROJECT. ENGINEER AND OWNER SHALL BE INDICATED OF PROBLEMS AND/OR COST WHICH MAY RESULT FROM CONTRACTOR'S FAILURE TO NOTIFY ENGINEER AND OWNER.



REVISIONS

| DATE     | BY  | REVISIONS          |
|----------|-----|--------------------|
| 02/24/12 | MCS | SPECIAL USE PERMIT |
| 03/13/12 | MCS | CITY COMMENTS      |
| 04/12/12 | MCS | CITY COMMENTS      |
| 04/18/12 | MCS | CITY COMMENTS      |
| 04/27/12 | MCS | CITY COMMENTS      |
| 05/03/12 | MCS | CITY COMMENTS      |
| 05/14/12 | MCS | CITY COMMENTS      |

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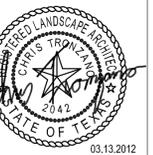
**Adams ENGINEERING**

910 S. Kimball Avenue • Southlake, Texas 76092 • (817) 328-3200

**DEL TACO**  
**102 N. MURPHY RD**  
**SITE PLAN**

STATE OF TEXAS  
MAEGAN C. SCHNEIDER  
99357  
LICENSED PROFESSIONAL ENGINEER  
Megan Schneider  
TBP# Registration #: F-1002

|               |          |
|---------------|----------|
| PROJECT MGR.  | TDM      |
| PROJECT TECH. | MCS      |
| CHECKED BY    |          |
| JOB NO.       | 2006-058 |
| SHEET NO.     | C4.0     |



Issue For:

|                                     |                    |
|-------------------------------------|--------------------|
| <input type="checkbox"/>            | Design Development |
| <input type="checkbox"/>            | Progress           |
| <input type="checkbox"/>            | Bidding            |
| <input checked="" type="checkbox"/> | Permit             |
| <input type="checkbox"/>            | Construction       |

Original Issue Date:  
02.24.2012

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Sheet Description:  
**LANDSCAPE PLAN**

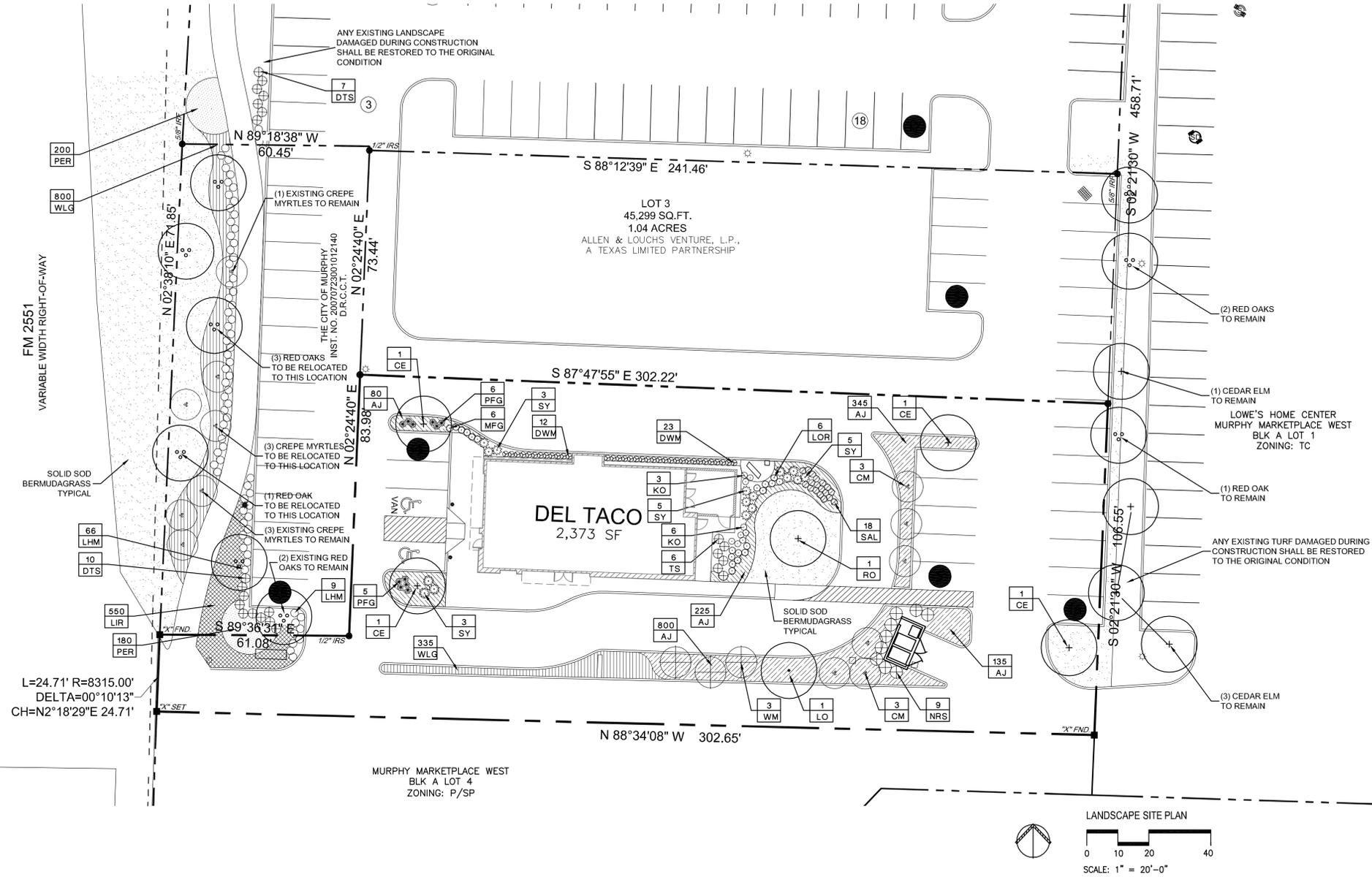
Drawn By: CMT

Checked By: BDA

Current Date: 03.13.2012

Drawing #

**L1**



LANDSCAPE SITE PLAN  
 SCALE: 1" = 20'-0"

**LANDSCAPE TABULATIONS**

FRONT BUFFER LANDSCAPE  
 Requirements: 15' buffer along street frontage (1) tree 3" cal and (4) ornamentals, 2" cal, or 7' ht. per 50 L.F. of street frontage

F.M. 2551 - (15' L.E.)  
 Required: (4) trees, 3" cal. (5) trees, 4" cal. (15) ornamental trees, 2" cal. 2" cal. or 7' ht. (6) ornamental trees, 2" cal. on site

FRONT BUFFER SCREENING  
 Requirements: 24" ht. evergreen hedge, berm or wall  
 Provided: 24" ht. evergreen hedge

INTERIOR PARKING LOT LANDSCAPE: (56 spaces, 10,864 sq. ft.)  
 Requirement: (1) tree, 3" cal. or (3) ornamentals per 12 spaces, 5% of parking lot area

Required: (5) trees, 3" cal. (4) trees, 3" cal. (1,700 sq. ft. (10.2%)

TOTAL TREES REQUIRED:  
 (7) large trees  
 (15) ornamentals

TOTAL TREE PROVIDED:  
 (10) large trees  
 (16) ornamentals

**PLANT LIST**

| QUANTITY | SYMBOL | BOTANICAL NAME                  | PLANT TYPE                    | SIZE      | REMARKS   |
|----------|--------|---------------------------------|-------------------------------|-----------|---|
| 1585     | AJ     | Trachelospermum asiaticum       | Asian Jasmine                 | 4" pots   | container, top of cont. 12" o.c.  |
| 4        | CE     | Ulmus crassifolia               | Cedar Elm                     | 4" cal.   | B&B, 15" ht. 6' spread min. container grown, 3-5 cane, no cross caning, 4' spread |
| 6        | CM     | Lagerstroemia indica 'Lavender' | Crepe Myrtle 'Lavender'       | 8' ht.    | container, full 20" spread, 24" o.c., 24" ht.                                     |
| 23       | DTS    | Leucophyllum frutescens         | Dwarf Texas Sage 'Compactum'  | 5 gallon  | container, full top of container, 20" ht. min.                                    |
| 35       | DWM    | Myrica pusilla                  | Dwarf Wax Myrtle              | 5 gallon  | container, full top of container, 20" ht. min.                                    |
| 9        | KO     | Rosa 'Radrazz'                  | Knockout Rose                 | 5 gallon  | container, full top of cont.  |
| 75       | LHM    | Muhlenbergia lindheimeri        | Lindheimer Muhly              | 5 gallon  | container, top of cont. 12" o.c.  |
| 550      | LIR    | Quercus virginiana              | Liriope 'Majestic'            | 4" cal.   | container grown, 15" ht. 6' spread min.   |
| 1        | LO     | Loropetalum rutrum              | Live Oak                      | 5 gallon  | container, full 20" spread min.   |
| 6        | LOR    | Loropetalum rutrum              | Loropetalum 'Plum Delight'    | 3 gallon  | container, full top of cont.  |
| 6        | MFG    | Nessella tenuissima             | Mexican Feather Grass         | 15 gallon | container, full to base x. ht., 3' spread.  |
| 9        | NRS    | Illex x 'Nellie R. Stevens'     | Nellie R. Stevens Holly       | 4" pots   | container, full top of cont., 12" o.c.  |
| 380      | PER    | Pennisetum alopecuroides        | Perennials                    | 4" cal.   | container grown, 15" ht. 6' spread min.   |
| 1        | RO     | Quercus rubra 'Shumardii'       | Red Oak 'Shumard'             | 5 gallon  | container, full top of cont.  |
| 18       | SAL    | Salvia greggii 'Furman's Red'   | Salvia Greggii 'Furman's Red' | 5 gallon  | container, full top of cont.  |
| 16       | SY     | Yucca resinifolia               | Softleaf Yucca                | 4" pots   | container, full, 12" o.c.   |
| 1135     | WLG    | Myrica carifera                 | Weeping Love Grass            | 4" pots   | container, tree form, 4' spread min.  |
| 3        | WM     | Eragrostis curvula              | Wax Myrtle                    | 7' ht.    |   |

All Fire Hydrants require a minimum of 3'-0" clearance radius from all obstructions including plants.

- LANDSCAPE NOTES**
- Contractor shall verify all existing and proposed site elements and notify Architect of any discrepancies. Survey data of existing conditions was supplied by others.
  - Contractor shall locate all existing underground utilities and notify Architect of any conflicts. Contractor shall exercise caution when working in the vicinity of underground utilities.
  - Contractor is responsible for obtaining all required landscape and irrigation permits.
  - Contractor to provide a minimum 2% slope away from all structures.
  - All planting beds and lawn areas to be separated by steel edging. No steel to be installed adjacent to sidewalks or curbs.
  - All landscape areas to be 100% irrigated with an underground automatic irrigation system and shall include rain and freeze sensors.
  - All lawn areas to be Solid Sod Bermudagrass, unless otherwise noted on the drawings.

- MAINTENANCE NOTES**
- The Owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscape.
  - All landscape shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding and other such activities common to landscape maintenance.
  - All landscape areas shall be kept free of trash, litter, weeds and other such material or plants not part of this plan.
  - All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
  - All plant material which dies shall be replaced with plant material of equal or better value.
  - Contractor shall provide separate bid proposal for one year's maintenance to begin after final acceptance.

- GENERAL LAWN NOTES**
- Fine grade areas to achieve final contours indicated on civil plans.
  - Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
  - All lawn areas to receive solid sod shall be left in a maximum of 1" below final finish grade. Contractor to coordinate operations with on-site Construction Manager.
  - Contractor shall provide (2") two inches of imported topsoil on all areas to receive lawn. ADD ALTERNATE.
  - Imported topsoil shall be natural, friable soil from the region, known as bottom land soil, free from lumps, clay, toxic substances, roots, debris, vegetation, stones, containing no salt and black to brown in color.
  - All lawn areas to be fine graded, irrigation trenches completely settled, and finish grade approved by the Owner's Construction Manager or Architect prior to installation.
  - All rocks 3/4" diameter and larger, dirt clots, sticks, concrete spoils, etc. shall be removed prior to placing topsoil and any lawn installation.

**ORDINANCE 09-02-784**

**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 AMENDING AN EXISTING PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON APPROXIMATELY 74.33 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582, 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, APPROVING PLANNED DEVELOPMENT STANDARDS HERETO 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 amend a Planned Development District for Retail Uses for the property described as 74.33 acres, more or less, in the James Maxwell Survey, Abstract No. 582, 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.

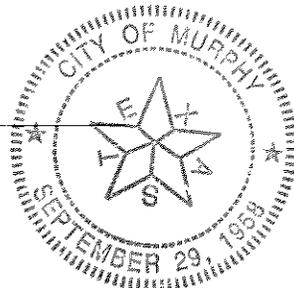


Bret M. Baldwin, Mayor  
City of Murphy

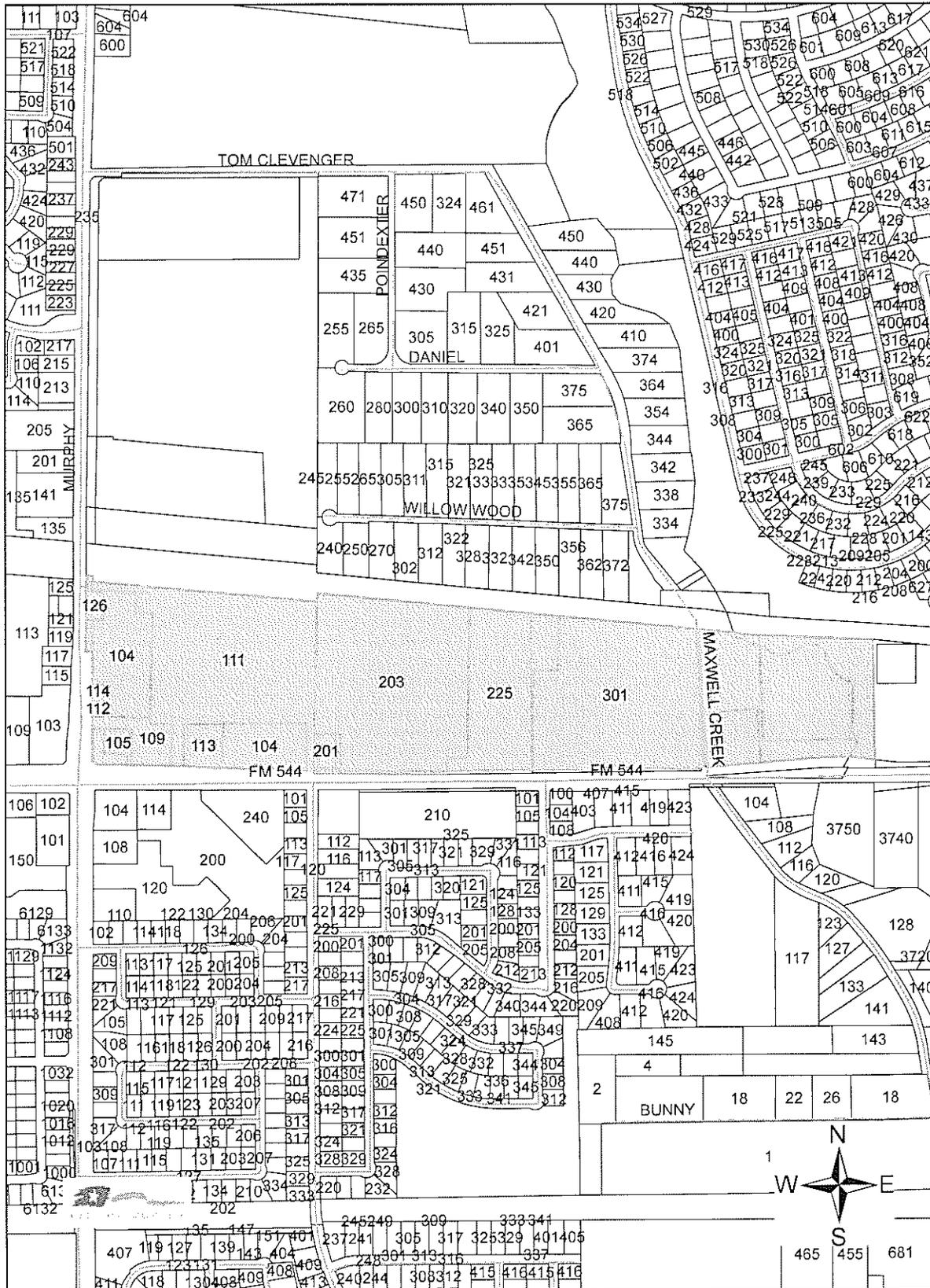
ATTEST:



Aimee Nemer, City Secretary  
City of Murphy



# Location Map - Zoning File 2009-01





## EXHIBIT B

ZONING FILE NO. 2009-01

FM 544

Between North Murphy Road (FM 2551) and Maxwell Creek

### PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality mixed-use, primarily retail, development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City of Murphy in terms of visual identity.
- II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage a mixed-use application including, but not limited to the following.
  - Restaurants;
  - Upscale retail shops and boutiques;
- III. **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.
- IV. **General Regulations:** The following regulations of the Code of Ordinances shall be included by reference and shall apply for each of the specified areas of the concept plan listed below, except as otherwise specified by this ordinance.
  - A. Article III, Division 12 – Office (O)
  - B. Article III, Division 14 – Retail (R)
- V. **Development Plans:**
  - A. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail. A concept plan shall be required and approved in accordance with Article II, Division 5 of the Code of Ordinances (public hearing) for any area not governed by an approved concept plan.
  - B. Landscape Plan: Development shall be in general conformance with the approved landscape plan set forth in Exhibit D; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
  - C. Exterior Elevation Plan: Development shall be in general conformance with the approved exterior elevations as set forth in Exhibit E; however, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.
  - D. Signage Plan: Development shall be in general conformance with the approved signage plan as set forth in Exhibit F; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail.

- E. Amenities: Development shall be in general conformance with the approved amenities plan as set forth in Exhibit G; however, in the event of conflict between the amenities plan and the conditions; the conditions shall prevail.
- F. Maxwell Creek Road Exhibit: Maxwell Creek Road shall be upgraded in general conformance with the exhibit as set forth in Exhibit H and in accordance with the City of Murphy construction requirements. However, in the event of conflict between the exhibits, the conditions, and/or the generally accepted construction standards, the standards and conditions (in this order) shall prevail.
- G. Concept Plan, Landscape Plan, Exterior Elevation Plan, Amenities Plan and Signage Plan approval shall be for a period of one year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted for a portion of the development, then the Concept Plan shall be deemed to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan.
- H. Site Plan – A Site Plan shall be submitted in accordance with the requirements set forth in Article 11, Division 7 of the Code of Ordinances. The Site Plan may be for all or any part of the land within the Planned Development District.

**VI. Specific Regulations:**

- A. Permitted Uses. The following uses shall be permitted.
  - 1. Amusement Services (Indoor)
  - 2. Antique Shop (household items only)
  - 3. Art Dealer/Gallery
  - 4. Artist Studio
  - 5. Automobile Driving School (SUP)
  - 6. Bakery (Retail)
  - 7. Bank/Credit Union (limited to one)
  - 8. Barber/Beauty Shop
  - 9. Barber/Beauty Shop College (SUP)
  - 10. Bed and Breakfast Inn
  - 11. Book Store
  - 12. Cafeteria
  - 13. Church/Place of Worship
  - 14. Civic Club
  - 15. Clinic (Medical)
  - 16. Community Center (Municipal)
  - 17. Computer Sales
  - 18. Confectionary Store (Retail)
  - 19. Department Store
  - 20. Dinner Theater
  - 21. Electronics - Retail
  - 22. Extended Stay Hotels/Motels
  - 23. Financial Services (Advice/Invest)
  - 24. Florist
  - 25. Furniture Sales (Indoor)
  - 26. Governmental Building (Municipal, State or Federal)

**EXHIBIT B**

27. Hardware Store
28. Health Club (Indoors)
29. Hotel/Motel
30. Insurance Agency Offices
31. Laundry/Dry Cleaning (Drop Off/Pickup Only)
32. Library (Public)
33. Motion Picture Theater
34. Museum (Indoor)
35. Needlework Shop
36. Non-Profit Activities by Church
37. Offices (as allowed in Office zoning districts)
38. Park and/or Playground (Public)
39. Pet Shop/Supplies
40. Pharmacy (SUP)
41. Photo Studio
42. Photocopying/Duplicating
43. Public Garage/Parking Structure
44. Real Estate Offices
45. Restaurant
46. Restaurant (Drive-In) (SUP)
47. Retail Store
48. Retail Store (Drive-In) (SUP)
49. Savings and Loan (in-line only)
50. School, K through 12 (Public)
51. School, Vocational (SUP)
52. Shoe Repair
53. Skating Rink (Ice) (SUP)
54. Tailor Shop
55. Theater (Live Drama)
56. Travel Agency

B. Area and Yard Regulations:

1. Setbacks From Property Lines Adjacent To Streets:
  - a. Building Setbacks - No building of any kind and no part thereof shall be placed within the following setback lines:
    - i. Minimum 50 feet from FM 544.
    - ii. Minimum 50 feet from North Maxwell Creek Road right-of-way.
  - b. Landscape Setbacks
    - i. Minimum 15 feet from FM 544.
    - ii. Minimum 15 feet from Maxwell Creek Road right-of-way.
2. Setbacks From Property Lines Not Adjacent To Streets:
  - a. Building Setbacks – No building of any kind and no part thereof shall be placed within the following setback lines:

**EXHIBIT B**

- i. Minimum 15 feet from rear and side lines of the overall 13.8-acre tract or 0 feet with landscaping, except where buildings on adjacent lots abut each other. In the case of abutting buildings, the building setback shall be 0 feet.
    - ii. Minimum 50 feet abutting residential districts for single story buildings not exceeding an average of 35 feet in height. However, any proposed theaters shall have an average maximum height of 45 feet. All pad sites along FM 544 shall have a maximum average height of 25 feet.
    - iii. Maximum 50 feet along the DART right-of-way along the north side of the property.
  3. There is no maximum building size as long as fire standards and other site requirements, such as parking and landscaping, etc. are met.
- C. Parking, Driveways & Sidewalks:
  1. Parking areas shall not be permitted within any landscape buffer strip.
  2. Parking shall not be permitted in front of the building except that parking may be provided in front of the building at a ratio not greater than 15 percent. Retail and restaurant uses are exempt from this requirement.
  3. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
  4. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Code of Ordinances. All pads (in-line or stand-alone with a footprint larger than 19,000 square feet shall be considered commercial in zoning and provide parking at a rate of 1 space for every 250 square feet. All pads smaller than 19,000 square feet shall be considered retail or restaurant and shall park according to the Code of Ordinances. Parking for any proposed theater shall be provided at a ratio of 1 space for every 5 seats.
  5. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.
  6. Sidewalks along FM 544 and North Maxwell Creek Road shall be a minimum of 8 feet in width.
- D. Loading and Unloading
  1. Truck loading berths and apron space shall not be located on the street side of any building, however, and exceptions can be addressed during site plan approval. In those instances where 3 or more sides of the building face dedicated streets, the loading berth shall be screened from view.
  2. Truck loading berths and apron space shall not be located within any required setback or landscape buffer strip.

## EXHIBIT B

- E. Minimum Exterior Construction Standards, Building Materials and Design – Exterior Construction and Design Requirements shall be architecturally compatible with the approved elevation plans for Murphy Marketplace as shown in Exhibit E, except as provided below.
1. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure.
  2. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method.
  3. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
  4. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Built-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance.
  5. Roof top equipment, piping, flashing, and other items on the roof shall be screened by a perimeter parapet wall so as not to be visible from roadways.
  6. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.
- F. Landscape Standards. Landscaping shall be compatible with the approved landscape plan as shown in Exhibit D and comply with the standards set forth in Article VII, Division 3 of the Code of Ordinances, except as provided below.
1. All landscaping shall use a unified design for the entire Tract. Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy or final building inspection for the development. An automatic underground irrigation system shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
  2. A landscape buffer shall be provided fifteen (15) feet in depth adjacent to the right-of-way of FM 544, fifteen (15) in depth adjacent to North Maxwell Creek Road and ten (10) feet in depth adjacent to all other roads (includes public streets and private access drives) as measured from the

back of curb of the public or private street to the back of curb of any site paving. No parking may be placed within any landscape buffer. Pedestrian easements may be located within a landscape buffer. The width of the sidewalk may be included in the calculation of the buffer depth for fifteen (15) foot buffers, but may not be included in the calculation of the buffer depth for ten (10) foot buffers.

3. A landscape buffer shall be provided for an average of fifteen (15) feet in depth adjacent to the Southern Pacific/DART Railroad right-of-way.
4. Parking Lots:
  - a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than four (4) feet by four (4) feet shall be provided surrounding each tree located in a surface parking area.
    1. A total of five (5) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the five (5) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed eighteen (18) spaces in length.

- G. Screening. Screening shall comply with the standards set forth in Article VII, Division 5 of the Code of Ordinances, except as provided below.
1. All screening at the rear of the property will be a live screen where required. Plant materials shall conform to the standards of the approved plant list in Section 50 and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Bald Cypress trees are excluded from the approved list. The existing railroad berm will also serve as a natural screen between the nonresidential and residential districts.
  2. All truck docks/loading areas for anchor stores with a footprint greater than 100,000 square feet shall be screened from view through the use of 12-foot all masonry walls (which are the same colors and materials as main building). All other screening of the rear of the site shall be living screens (eight foot height and at least 75 percent capacity within four years of planting unless such areas are screened from public views by a building).
  3. Outside seasonal displays shall be permitted with the Planned Development District.
- H. Site Lighting. Lighting shall comply with the standards set forth in Article VII, Division 9 of the Code of Ordinances, except as provided below.

## EXHIBIT B

1. Lighting should be provided for vehicular, pedestrian, signage, architectural and site features.
  2. Site lighting fixtures used along entrance driveways and parking areas shall be uniform and a consistent design within the development. Lighting standards for illuminating these areas shall be no taller than 40 feet high. However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.
  3. The pattern of light pooling from each fixture shall be carefully considered to provide smooth, even lighting of driveways and parking, while eliminating light intrusion into adjacent property outside of the planned development district. Parking areas shall have a minimum of 3-foot candles initial and a minimum average of 2-foot candle on a maintained basis. Light sources shall be metal halide, mercury vapor or of similar color. Yellow/orange source lights are prohibited from use. Incandescent source lighting should be considered for pedestrian areas and near buildings.
  4. Pedestrian walkways, courts, gardens and entrance areas shall be illuminated to enhance the pedestrian qualities of the development. Low level fixtures should complement the architectural design and focus on quality landscape lighting that will enhance the development.
  5. General illumination shall commence one half hour before sunset and last until the Building Site is closed for the evening. Parking structures and pedestrian walkways shall be illuminated during all hours of darkness and when poor weather conditions warrant.
- I. Signage and Graphics: On-site signage will be in accordance with the Signage Criteria package provided and included as Exhibit F. Signage shall comply with the standards set forth in Article VII, Division 11 of the Code of Ordinances, except as provided below or within the Signage Criteria package (Exhibit F).
1. General
    - a. Monument signs - One (1) monument sign shall be allowed on each lot and shall be limited to a maximum area of 50 square feet.
  2. Anchor Signs
    - a. Anchor signs will only be allowed for tenants with a total building footprint of 10,000 square feet or above.
    - b. Anchor signs shall be internally illuminated aluminum channel letters with 1/8" Plexiglass front. The maximum letter height shall be 5'6".
    - c. All anchor signs shall be illuminated until 10:00 pm regardless of store hours.
    - d. Ancillary signs shall not exceed the size of the primary signs. The length of the sign shall not exceed 80% of the tenant width or the width of the architectural element.
  3. Retail Signage

## EXHIBIT B

- a. Retail signage requirements will apply to tenants with a total building footprint of 9,999 square feet or less.
  - b. Retail signs shall be individually backlit aluminum channel letters over 1/8" aluminum "outline" panel to be offset 2".
  - c. Typefaces, logos, and colors are subject to the landlord's approval and subject to the City of Murphy requirements.
  - d. The length of the retail sign shall not exceed 80% of the tenant width or the width of the architectural element.
  - e. The letter height shall range between a minimum of 1' to a maximum of 2'-6".
  - f. For corner tenants and freestanding buildings, secondary signage shall not exceed the size of the primary signage.
4. Monument Signs
- a. Multi-tenant monument signs shall identify multiple tenants or uses within a given area. Single-tenant monument signs shall identify a single tenant and one shall be allowed on each lot. Locations of the monuments signs are as shown within the Signage Criteria package.
  - b. Multi-tenant monument signs shall be a maximum of 10 feet tall. Single-tenant monument signs shall be a maximum of 7 feet tall.
  - c. All monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
  - d. Monument signs shall be located at a set back distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
  - e. Multi-tenant monument signs: The maximum structure area for the multi-tenant monument sign shall be 184 square feet. The maximum signage area will be 94 square feet. Signage shall be similar to detail shown within the Signage Criteria package.
  - f. Single-tenant monument signs: The maximum structure area for the single-tenant monument sign shall be 80 square feet. The maximum signage area will be 25 square feet. Signage shall be similar to detail shown within the Signage Criteria package.
  - g. Construction of monument signs shall include a base of material compatible with the material used for buildings.
5. Temporary Marketing Signage
- a. One (1) quality temporary marketing signs shall be permitted on the development on FM 544. These signs shall be allowed for a term of twelve (12) months from the date of installation. Temporary marketing

signs may be permitted for a longer period of time upon approval by the City.

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

J. Open Space

1. Development within the 13.8 acre tract should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Tract at the pedestrian level.
2. Outdoor Seating. Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and shall be approved with the site plan. The outdoor seating area may be included as a portion of the 5% open space requirement as stated in (b.) below.
3. An additional 5% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 5% may be located adjacent to the required setbacks or landscaping at the ROW and property lines or in front or in some cases to the side of the structure. The additional open space percentage may not include the building footprint or vehicular parking lot. This area and associated amenities shall be approved on the site plan. At least one of the following amenities shall be located within the additional 5% open space area and count towards the required percentage.
  - a. Water feature, such as a fountain or detention pond with constant water level.
  - b. Plaza or courtyard with art sculpture piece.
  - c. Outdoor patio or gazebo with seating area.
  - d. Other areas for pedestrian congregation, as may be approved on the site plan.
4. Outside seasonal displays shall be permitted with the Planned Development District.

VII. **Special Regulations:**

Maxwell Creek Road: As a part of this development, the existing asphalt Maxwell Creek Road shall be upgraded to a concrete curb and gutter street. Public right-of-way

with a width of 60 feet shall be dedicated by plat and centered on the existing roadbed in accordance to the City of Murphy Thoroughfare Plan. As shown in Exhibit H, Maxwell Creek Road will be widened to a three-lane undivided roadway with the middle lane serving as a turn lane. The proposed roadway will then taper from three lanes to two lanes prior to the existing railroad tracks along the north side of the site. The developer is only responsible for half of the roadway construction costs; however, it is understood that the cost of the eastern half of the roadway would overburden the property east of Maxwell Creek Road. Therefore, roadway construction costs will be shared between the developer of the site and the City of Murphy as detailed/negotiated under separate cover.

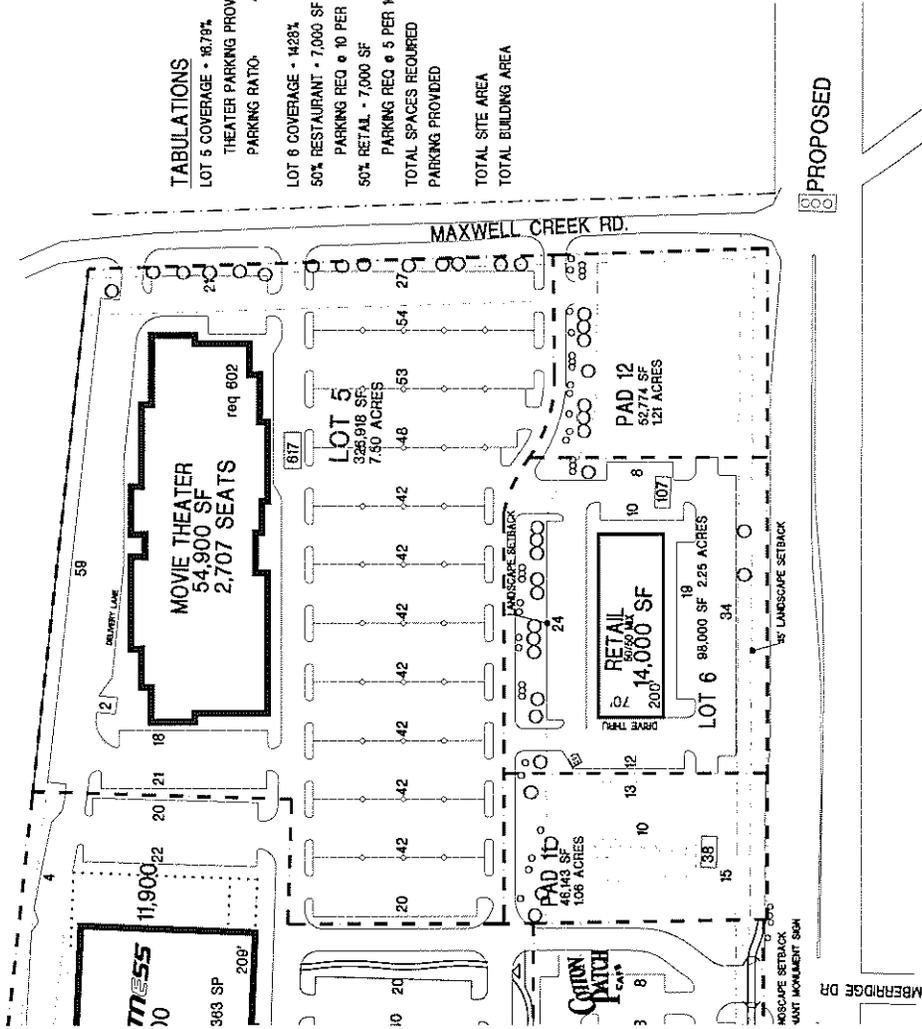
Traffic Impact Analysis Recommendations: As recommended by the TIA dated September 2007, the following traffic control measures shall be instituted: a traffic signal shall be installed at FM 544 and North Maxwell Creek Road, a shared thru and right turn lane and dedicated left turn lane southbound on Maxwell Creek Road at FM 544 and dedicated left and right turn lanes for the driveways leading to Maxwell Creek Road from the subject property shall be installed.

Utility/Power Lines: New utility distribution and service lines for individual business establishments, buildings, signs and for any other site development features shall be placed underground.

Pedestrian Streetscape: Pedestrian spaces throughout the Planned Development District shall be treated with amenities that are selected based upon their ability to unify the streetscape and shall be established on the overall concept plan for each Tract. These features shall include, but are not limited to, benches, trash receptacles, bicycle racks, lighting poles, etc.

Cross-Access Requirement: A joint access (i.e. – ingress, egress) easement shall be required to minimize the number of driveway openings along FM 544. The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards.

Building Placement/Orientation: Buildings shall be placed in a manner that is conducive to a pedestrian-oriented atmosphere, wherever possible. Any building within 200 feet of FM 544 shall either face such right-of-way or shall have a façade facing such right-of-way that is in keeping with the character of the building's main façade.



**TABLATIONS**

LOT 5 COVERAGE - 18.79%  
 THEATER PARKING PROVIDED - 817 SPACES  
 PARKING RATIO - 4.38 SEATS/PKG SPACE

LOT 6 COVERAGE - 14.28%  
 50% RESTAURANT - 7,000 SF  
 PARKING REQ @ 10 PER 1000 SF - 70 SPACES

50% RETAIL - 7,000 SF  
 PARKING REQ @ 5 PER 1000 SF - 35 SPACES  
 TOTAL SPACES REQUIRED - 105 SPACES  
 PARKING PROVIDED - 107 SPACES

TOTAL SITE AREA - 12.02 ACRES  
 TOTAL BUILDING AREA - 88,800 SF

**SP-046**

SCALE: 1" = 60'  
 APPROVED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_

FOR ALL INFORMATION, CONTACT THE ARCHITECT OR ENGINEER.



**THE CROSSING AT MURPHY MARKETPLACE**  
 MURPHY, TEXAS  
 A JOINT DEVELOPMENT BY:  
**LANGFORD & CHAMPION PARTNERS**

**O'BRIEN & ASSOCIATES, INC.**  
 ARCHITECTURE ■ INTERIORS ■ PLANNING  
 510 HAYESBERRY HILL ROAD ■ SUITE 800 ■ DALLAS, TEXAS 75205 ■ (972) 758-8000 ■ FAX (972) 758-4228





## EXHIBIT A

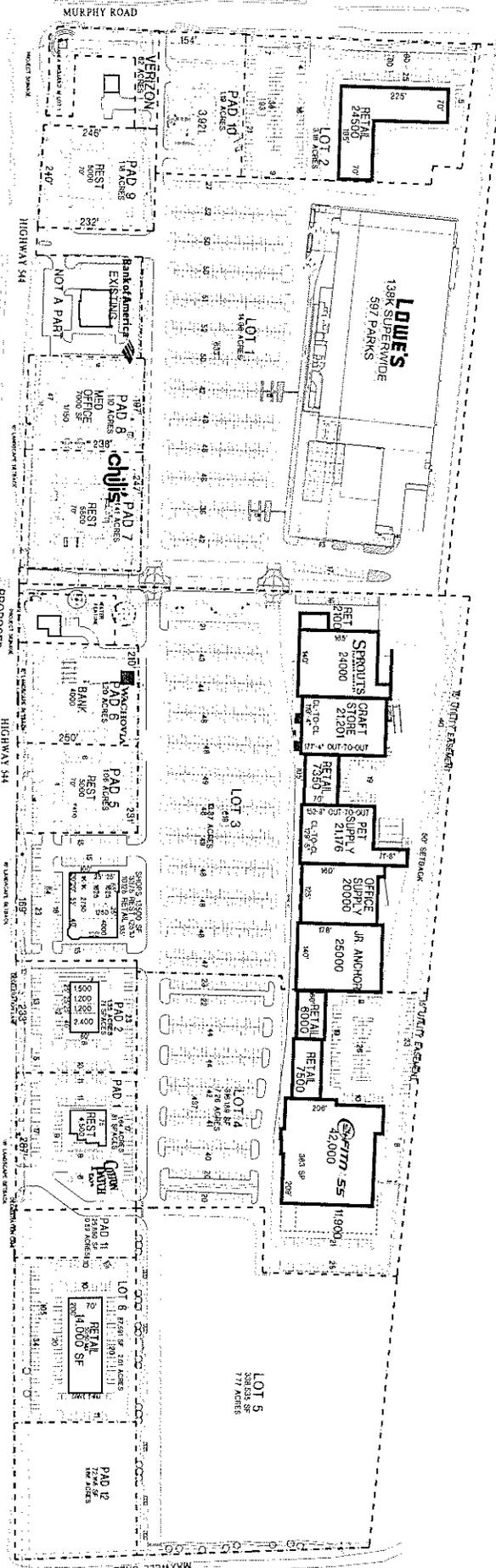
### Legal Description

Being all of Murphy Marketplace West Addition, Murphy Marketplace East Addition, The Crossing at Murphy Marketplace Addition and Racetrac Addition, City of Murphy, Collin County, Texas.

The remainder being a 11.44 acre tract of land situated in the James Maxwell Survey, Abstract No. 582, City of Murphy, Collin County, Texas and containing 74.33 acres of land.

**TABULATIONS**

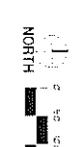
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|------------------|--------------------|-------|-----------------------|-------------------|----------|-------|------|-------|
| LOT 1            |                    |       |                       |                   |          |       |      |       |
| HOME IMPROVEMENT | 625,000            | 14.36 | 136,000               | 27.07%            | 1,400    | 345   | 288  | 4,89  |
| LOT 2            |                    |       |                       |                   |          |       |      |       |
| MULTITENANT      | 131,728            | 3.16  | 24,250                | 20.36%            | 153      | 0     | 0    | 6.35  |
| RETAIL (GEN)     |                    |       | 18,375                |                   | 92       | 159   | 0    |       |
| RETAIL (GEN)     | 61,126             | 1.43  | 6,133                 | 10.03%            | 1,100    | 81    | 0    | 5.29  |
| LOT 3            |                    |       |                       |                   |          |       |      |       |
| JR. ANCHOR       | 122,389            | 2.83  | 98,239                | 80.31%            | 1,200    | 476   | 0    |       |
| MULTITENANT      | 28,350             | 0.65  | 22,013                | 77.65%            | 1,200    | 110   | 0    |       |
| RETAIL (GEN)     | 7,398              | 0.17  | 1,500                 | 20.29%            | 73       | 0     | 0    | 6.43  |
| LOT 4            |                    |       |                       |                   |          |       |      |       |
| RESTAURANT       | 316,189            | 7.28  | 67,906                | 21.47%            | 1,150    | 363   | 0    | 6.43  |
| MULTITENANT      | 13,500             | 0.31  | 10,125                | 74.96%            | 74       | 0     | 0    |       |
| RETAIL (GEN)     | 1,500              | 0.03  | 1,500                 | 100%              | 0        | 0     | 0    |       |
| TOTAL            | 1,500,528          | 33.81 | 230,400               | 15.35%            | 11,000   | 1,399 | 288  | 9,17  |
| PERCENTAGE       |                    |       |                       |                   |          |       |      |       |
| TOTAL            | 1,500,528          | 33.81 | 230,400               | 15.35%            | 11,000   | 1,399 | 288  | 9,17  |



**O'BRIEN & ASSOCIATES, INC.**  
 ARCHITECTURE • INTERIORS • PLANNING



**MURPHY, TEXAS**

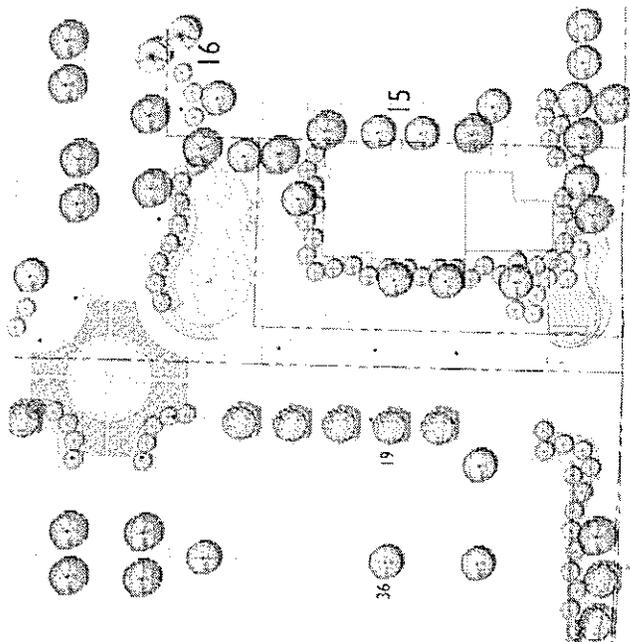


**SP-041**  
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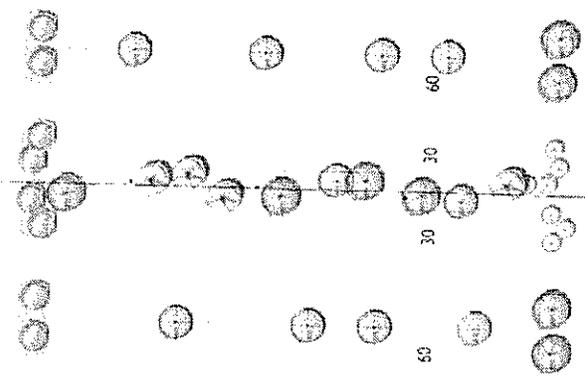
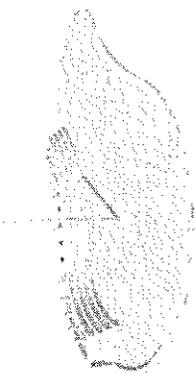
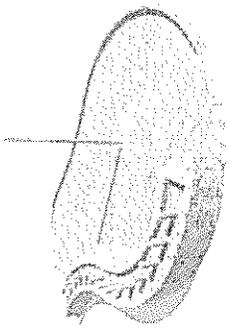
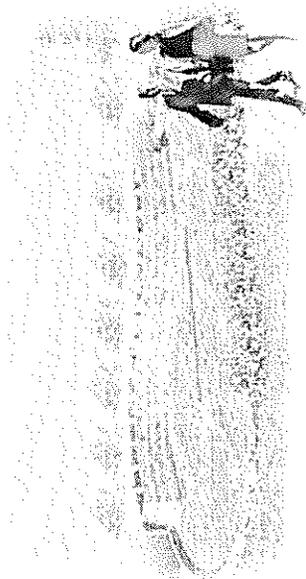
**THE CROSSING AT MURPHY MARKETPLACE**  
 A JOINT DEVELOPMENT BY:  
**LANGFORD PROPERTY COMPANY**  
 & **CHAMPION PARTNERS**

SOLO PARTNERS: 1441 ROAD 307E 098 • DALLAS, TEXAS 75230 • 972-728-9700 • FAX: 972-728-4028





- PLANT LEGEND**
- TREE
  - SHRUB
  - LAWN
  - MULCH
  - WATER FEATURE
  - BENCH
  - TRASH CAN
  - LIGHT FIXTURE
  - FIRE HYDRANT
  - FIRE ALARM PULL STATION
  - FIRE EXTINGUISHER
  - FIRE HOSE REEL
  - FIRE ALARM CONTROL PANEL
  - FIRE ALARM BELL
  - FIRE ALARM HORN
  - FIRE ALARM STROBE
  - FIRE ALARM SIREN
  - FIRE ALARM SPEAKER
  - FIRE ALARM BELL AND HORN
  - FIRE ALARM BELL AND STROBE
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**CLP-2**  
 SCALE: 1" = 30'  
 4/10/2010  
 NORTH

**MURPHY MARKETPLACE**  
 MURPHY, TEXAS  
 LANGFORD

**O'BRIEN & ASSOCIATES, INC.**  
 ARCHITECTURE • INTERIORS • PLANNING  
 1000 W. 10TH STREET, SUITE 1000, DALLAS, TEXAS 75201  
 TEL: 214.750.1000 FAX: 214.750.1001  
 WWW.OBRIEN-AND-ASSOCIATES.COM







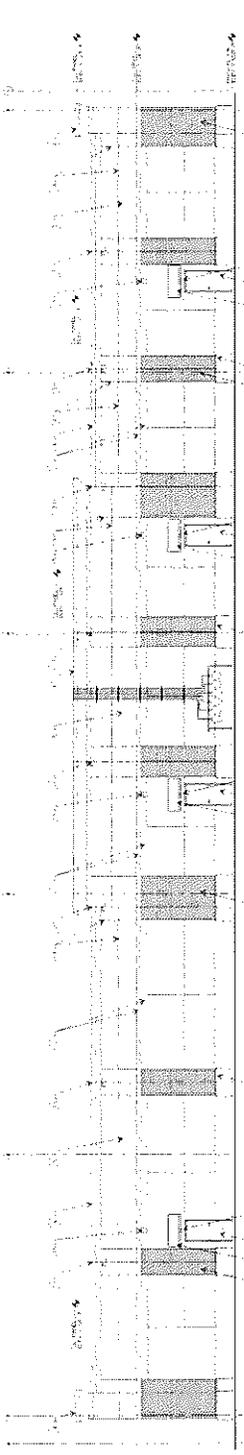


**KEY NOTES**

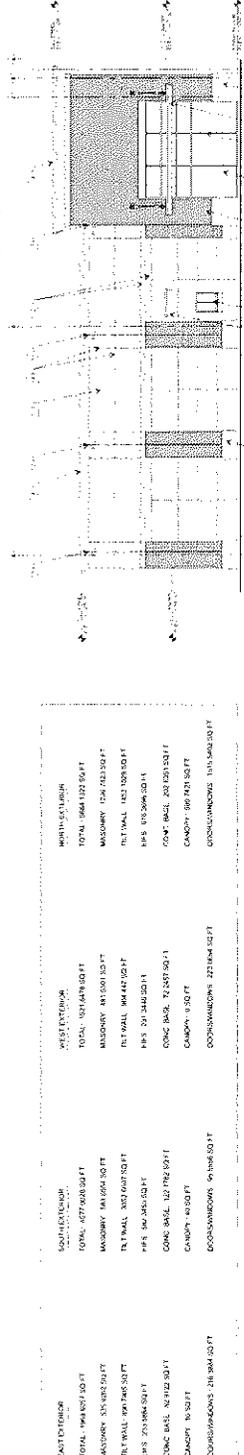
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2. FINISHES TO BE SHOWN ON THIS DRAWING ARE TO BE USED UNLESS OTHERWISE NOTED.
3. ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.
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| ITEM  | DESCRIPTION      | QTY  | UNIT  |
|-------|------------------|------|-------|
| 1000  | CONCRETE         | 1000 | CU YD |
| 2000  | REINFORCING BARS | 1000 | LB    |
| 3000  | FORMWORK         | 1000 | SQ FT |
| 4000  | PAINT            | 1000 | GA    |
| 5000  | GLASS            | 1000 | SQ FT |
| 6000  | STEEL            | 1000 | LB    |
| 7000  | BRICK            | 1000 | SQ FT |
| 8000  | CEMENT           | 1000 | BA    |
| 9000  | SAND             | 1000 | CY    |
| 10000 | GRAVEL           | 1000 | CY    |

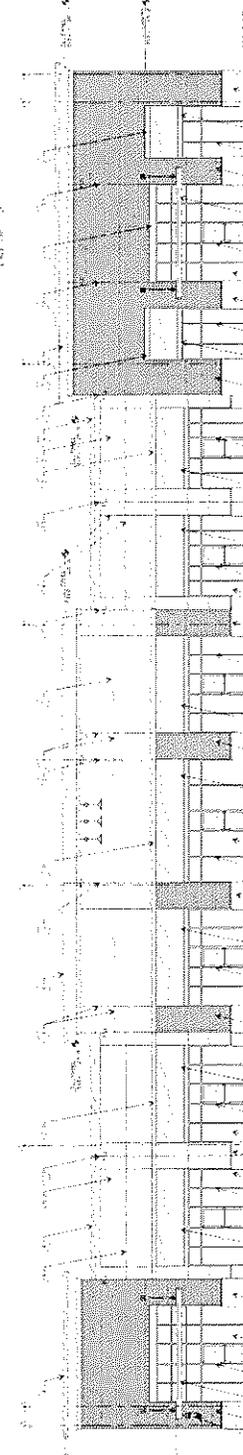
**04 EAST EXTERIOR ELEVATION**



**03 SOUTH EXTERIOR ELEVATION**



**02 WEST EXTERIOR ELEVATION**



**01 NORTH EXTERIOR ELEVATION**



**O'BRIEN & ASSOCIATES**  
ARCHITECTURE  
INTERIORS

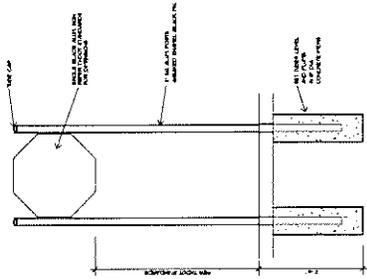
100 HANCOCK HILL ROAD  
DALLAS, TEXAS 75208  
TEL: 214-421-4444  
WWW.OBRIENARCH.COM

**THE CROSSING AT MURPHY MARKETPLACE, PHASE 2**  
A DEVELOPMENT OF  
LANGFORD PROPERTY COMPANY

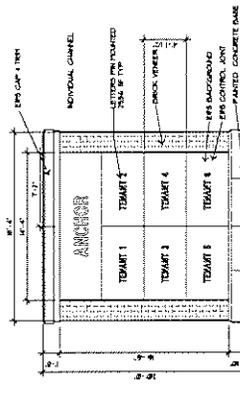
**ISSUE LOG**

| NO. | DESCRIPTION            | DATE       |
|-----|------------------------|------------|
| 1   | ISSUE FOR PERMITTING   | 08/15/2018 |
| 2   | ISSUE FOR CONSTRUCTION | 09/15/2018 |

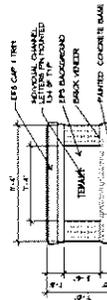
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DRAWN BY: J. SMITH  
CHECKED BY: M. JONES  
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SHEET NO. **A5.1**  
RLOC: 04 - EXTERIOR ELEVATIONS



**01 STOP SIGN DETAIL**  
 MURPHY MARKETPLACE  
 03/20/07  
 SCALE NOT TO SCALE



**DOUBLE-SIDED SIGN**  
**MULTI-TENANT SIGN ELEV.**  
 18333 TOTAL SQ. FT.  
 93171 SIGNAGE SQ. FT.



**DOUBLE-SIDED SIGN**  
**SINGLE-TENANT SIGN ELEV.**  
 18333 TOTAL SQ. FT.  
 25671 SIGNAGE SQ. FT.

**SIGNAGE EXHIBIT**

**SP-046**



**NORTH**

SCALE: 1" = 8'-0" • JOB# 27035 • ISSUE DATE 07/19/07  
 APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_

FOR THE ARCHITECT: O'BRIEN & ASSOCIATES, INC. 4100 HARVEST HILL ROAD • SUITE 500 • DALLAS, TEXAS 75236 • (972) 248-4700 • FAX (972) 248-4700  
 WWW.OBRIENANDASSOCIATES.COM



**THE CROSSING AT MURPHY MARKETPLACE**  
 MURPHY, TEXAS  
 A JOINT DEVELOPMENT BY:  
**LANGFORD & CHAMPION PARTNERS**

**O'BRIEN & ASSOCIATES, INC.**  
 ARCHITECTURE • INTERIORS • PLANNING  
 4100 HARVEST HILL ROAD • SUITE 500 • DALLAS, TEXAS 75236 • (972) 248-4700 • FAX (972) 248-4700  
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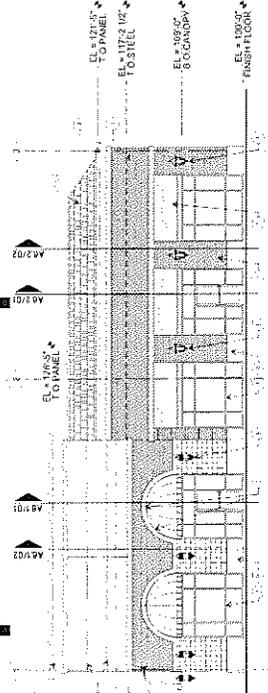


**BUILDING MATERIALS - EAST**

- 1. ALUMINUM WINDOW SASH
- 2. BRASS DOOR HANDLES
- 3. BRASS DOOR KNOBS
- 4. BRASS DOOR PULLS
- 5. BRASS DOOR STAYS
- 6. BRASS DOOR THRESHOLDS
- 7. BRASS DOOR WEATHERSTRIP
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**KEY NOTES**

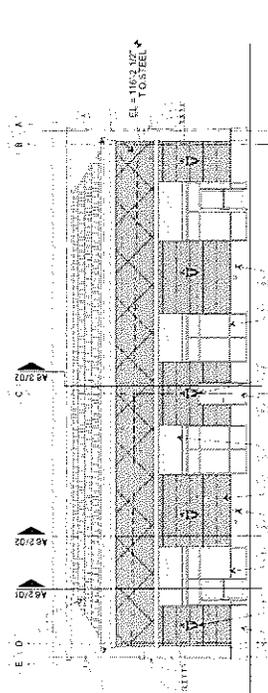
- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
- 2. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT.
- 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
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04 EAST EXTERIOR ELEVATION

**BUILDING MATERIALS - NORTH**

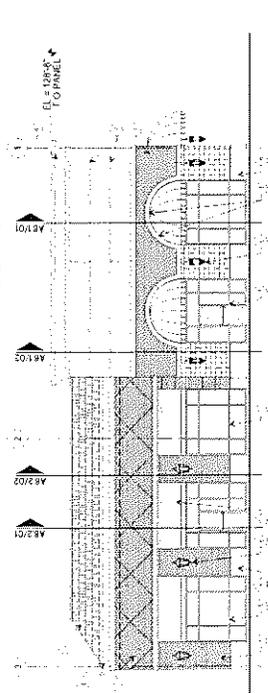
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03 NORTH EXTERIOR ELEVATION

**BUILDING MATERIALS - WEST**

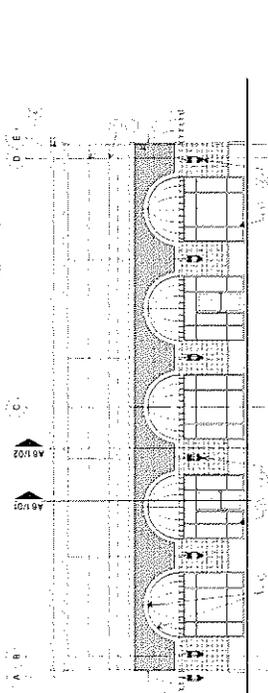
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02 WEST EXTERIOR ELEVATION

**BUILDING MATERIALS - SOUTH**

- 1. ALUMINUM WINDOW SASH
- 2. BRASS DOOR HANDLES
- 3. BRASS DOOR KNOBS
- 4. BRASS DOOR PULLS
- 5. BRASS DOOR STAYS
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- 7. BRASS DOOR WEATHERSTRIP
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- 20. BRASS DOOR WELLS



01 SOUTH EXTERIOR ELEVATION

**O'BRIEN & ASSOCIATES**  
ARCHITECTURE  
INTERIORS  
519 HARVEST HILL ROAD  
SUITE 104  
DALLAS, TEXAS 75238  
FAX 754-384-0101  
WWW.OBRIENARCH.COM

**MURPHY MARKETPLACE**  
A DEVELOPMENT OF  
LANGFORD PROPERTY COMPANY  
MURPHY, TEXAS  
HIGHWAY 544

**ISSUE LOG**

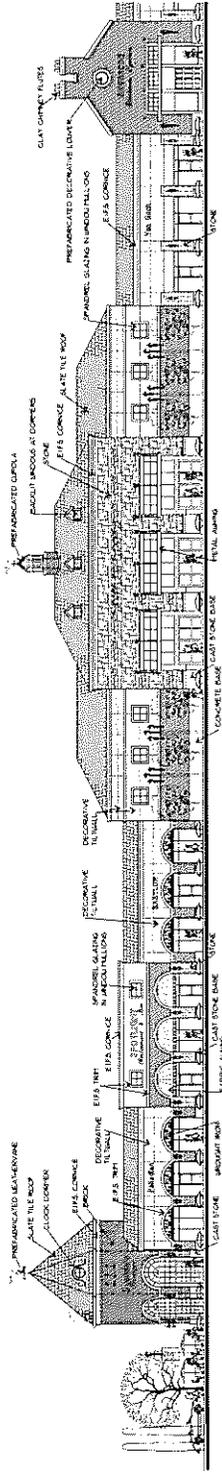
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|-----|------------------|----------|
| 1   | ISSUE FOR PERMIT | 10/15/18 |

**DAVID WHEELER**  
REGISTERED PROFESSIONAL ENGINEER  
REGISTRATION NO. 10000  
DATE: 10/15/18  
JOB NO.: 18000  
SCALE: 1/4" = 1'-0"  
**SHEET NO. A51**  
ALSO SEE EXTERIOR ELEVATIONS

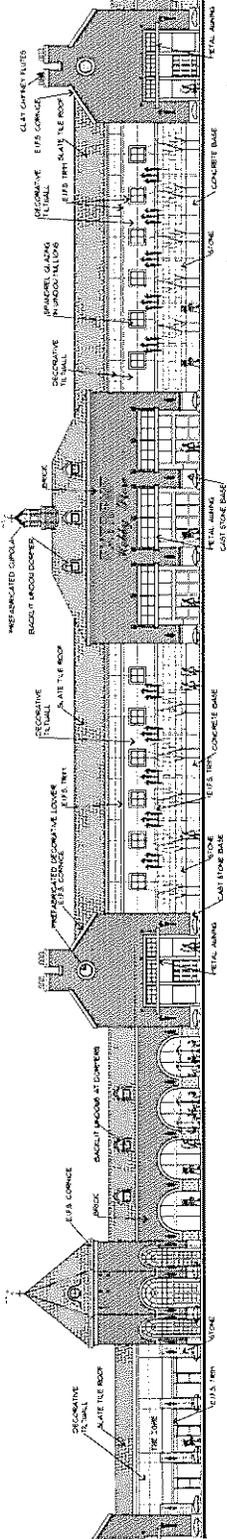




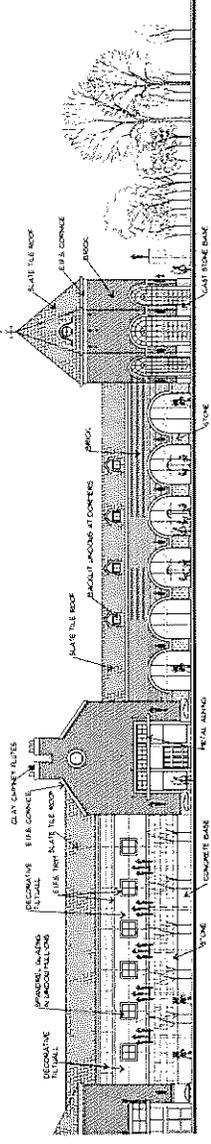




SOUTH ELEVATION



SOUTH ELEVATION



SOUTH ELEVATION



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 ARCHITECTURE • INTERIORS • PLANNING  
 610 MONROE WILSON • SUITE 100 • DALLAS, TEXAS 75201 • 214-756-7400 FAX 214-981-7924

MURPHY MARKETPLACE  
 MURPHY, TEXAS  
 LANGFORD

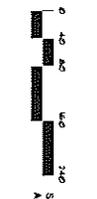
ELEVATION  
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**O'BRIEN & ASSOCIATES, INC.**  
 ARCHITECTURE • INTERIORS • PLANNING

610 WINTER HILL ROAD • SUITE 202 • DALLAS, TEXAS 75208 • (214) 738-0100 • FAX (214) 738-4228

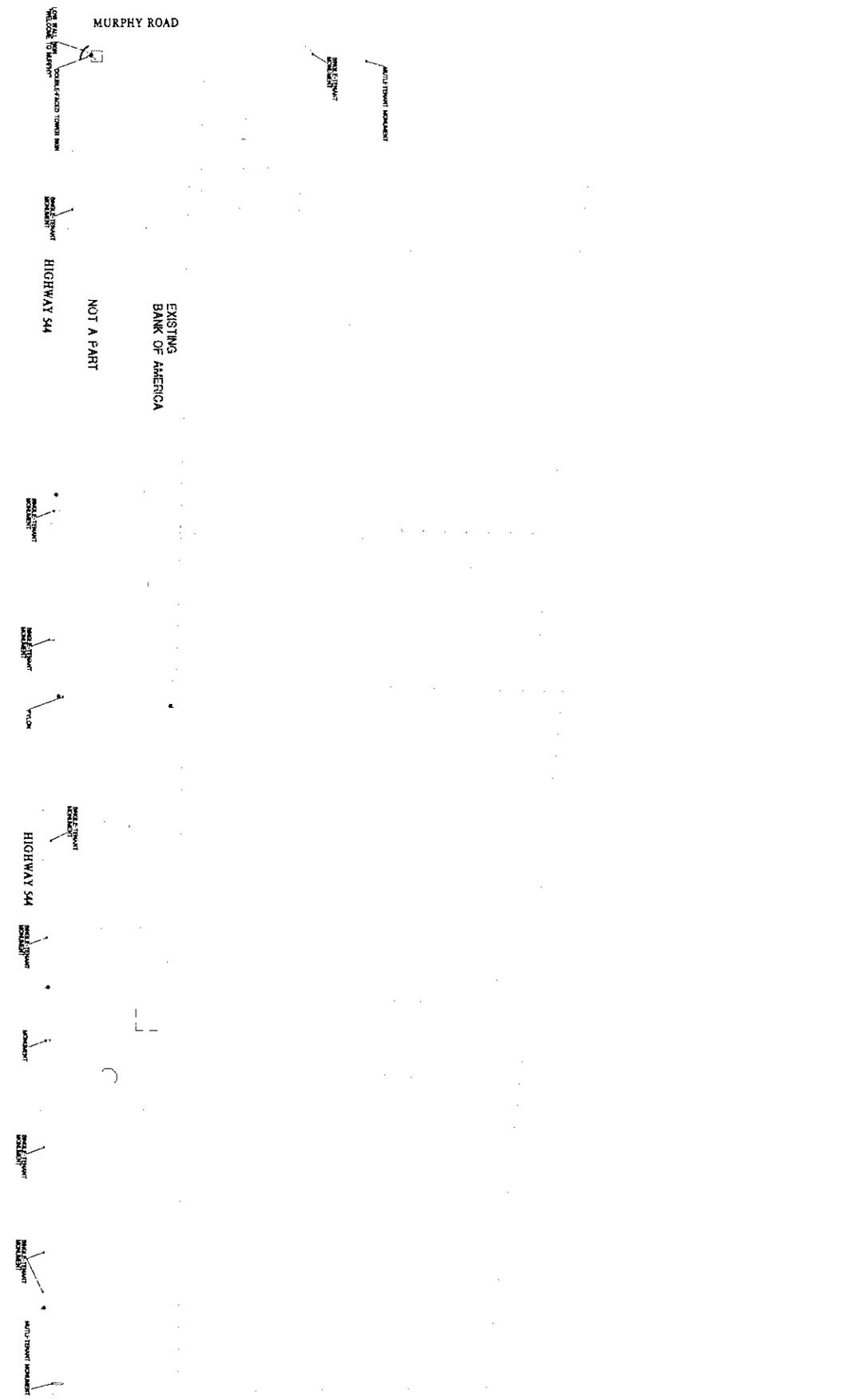
**MURPHY MARKETPLACE**  
 MURPHY, TEXAS  
**LANGFORD**

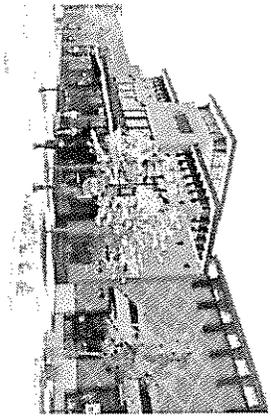


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**SP-032**

**SIGNAGE EXHIBIT**

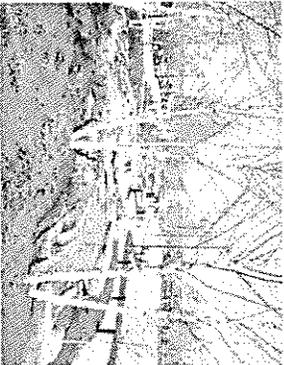




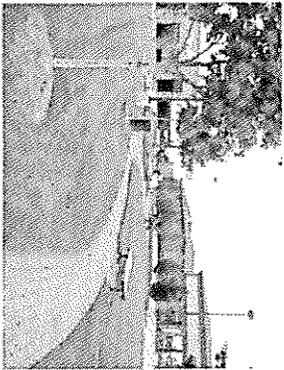
01 SIDEWALK LANDSCAPE



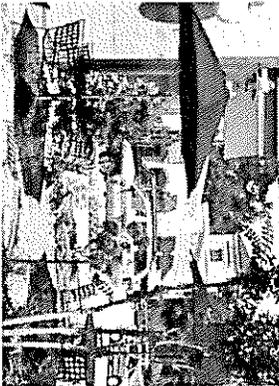
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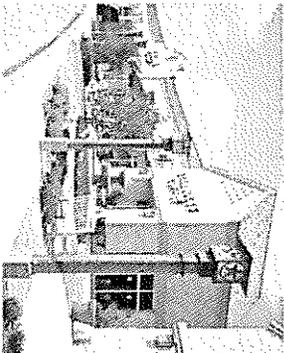
03 LANDSCAPE AREA



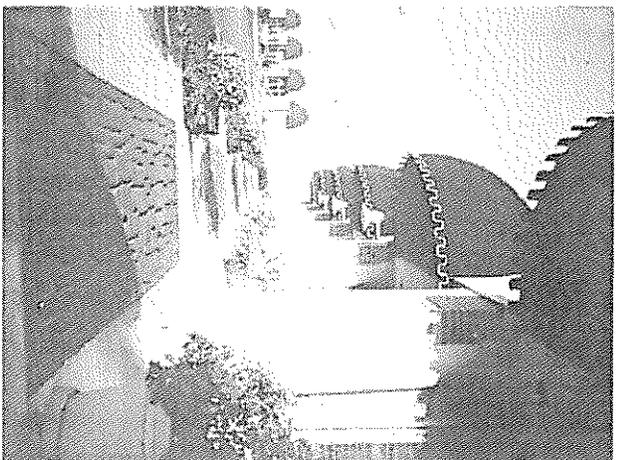
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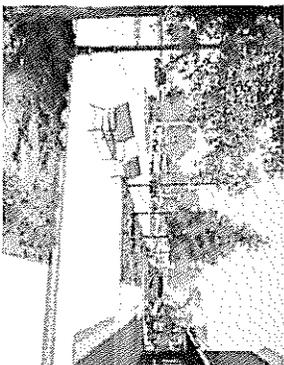
05 OUTDOOR DINING



06 DECORATIVE LIGHTING



07 SIDEWALK PAVERS



08 BENCHES

DISCLAIMER: THESE IMAGES ARE REPRESENTATIVE  
EXAMPLES OF SITE FEATURES THAT MAY BE  
INCORPORATED INTO THIS PROJECT.



**OBRIEN & ASSOCIATES, INC.**  
ARCHITECTURE • INTERIORS • PLANNING  
500 MARKET • 1001 MONROE • SUITE 1000 • DALLAS, TEXAS 75201 • 214.784.0100 • FAX: 214.784.4408

**MURPHY MARKETPLACE**  
MURPHY, TEXAS  
**LANGFORD**

**SITE AMENITIES**

SCALE: NTS  
APPROVED BY: ••••• 11/03/11 ••••• 02/01/12 ••••• 08/06/12

**Issue**

**This item was also postponed as in Item 2.** Consider and/or act on the application of **ALLEN AND LOUCKS VENTURE, L.P.** requesting approval of a site plan for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544. **(ZF 2012-02)**

**Background**

On November 4, 2006, the City Council adopted Ordinance No. 06-11-707 creating a Planned Development District for Retail Uses with conditions. The Planned Development District was subsequently amended on February 16, 2009 (Ordinance No. 09-02-784), to allow drive-in restaurants by the approval of a SUP (Specific Use Permit) only.

The applicant is proposing to develop a Del Taco restaurant on the subject property. The current Planned Development District allows a drive-in restaurant only with the approval of a SUP (Specific Use Permit). The applicant is requesting approval of a SUP (Specific Use Permit) to allow a Del Taco with a drive-through window.

On March 26, 2012, the Planning & Zoning Commission opened the public hearing to consider the SUP application to allow a Drive-through window for a Del Taco. The Commission continued the public hearing and postponed this item for consideration to the April 23, 2012 Planning & Zoning Commission meeting to consider both the SUP and the proposed site plan for the subject property. This item considers the site plan. This item was a stand-alone item on April 23, 2012, and was postponed by the Planning & Zoning Commission to the June 4, 2012 meeting and postponed again to the June 25, 2012 meeting. The SUP was a stand-alone item on March 26, 2012, April 23, 2012, and again on June 4, 2012 and is represented as such for this meeting under agenda **Item 2**.

**Considerations**

Following staff's sixth review of the re-submittal of the site plan, all requested revisions to date have been addressed. Outstanding Landscape Plan revisions will be addressed on the construction plans.

A piece of property included in the site plan is owned by the City of Murphy. There is a Beautification Easement/Agreement with the City specific to this property. The details of this agreement are being reviewed by the City and the applicant and will be finalized prior to construction on this property.

**Staff Recommendation**

Staff is recommending approval with condition(s) of the site plan, so that the proposed restaurant be designed and constructed in conformance with the Planned Development District Conditions requirements and requirements of the 380 Agreement and the related performance agreements, between Allen & Loucks Venture, L.P., and the City of Murphy, the Murphy Economic Development Corporation and the Murphy Community Development Corporation, which require that the proposed restaurant be **"of such quality or higher quality, as approved**

**Planning and Zoning Commission Meeting  
June 25, 2012**

**Agenda Item No. 3**

**by the CITY** as described in the agreements and in conformity with staff's recommendation to approve with condition(s) the SUP application in agenda **Item 2**.

**Attachments**

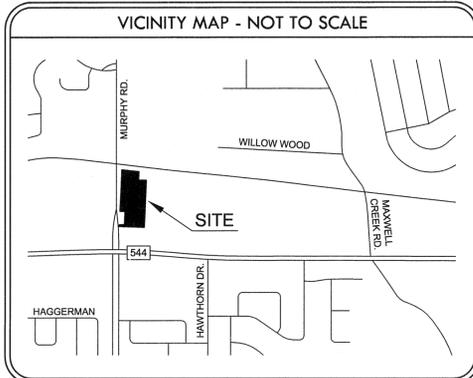
Proposed Site Plan

Proposed Landscape Plan

*Kristen Roberts, Director of Economic and Community Development*

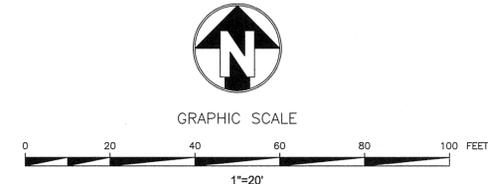
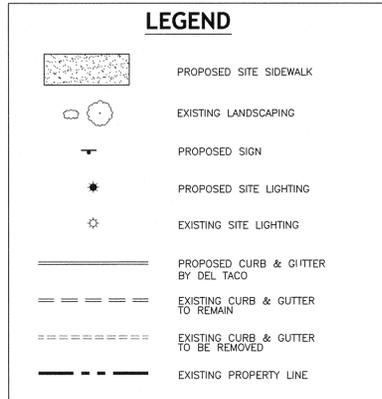
**Submitted By**

PLANS SUBJECT TO REVIEW AND APPROVAL BY JURISDICTIONAL ENTITIES



**SITE INFORMATION - DEL TACO**

|   |                           |
|---|---------------------------|
| LAND AREA:                                | 27,674 SF (0.635 AC)      |
| CURRENT ZONING:                           | PD (ORDINANCE 06-11-707)  |
| EXISTING USE:                             | VACANT LAND               |
| PROPOSED USE:                             | RESTAURANT (W/DRIVE THRU) |
| BUILDING AREA (APPROXIMATE):              | 2,373 SF                  |
| PARKING REQUIRED:                         | 1 SPACE/100 SF            |
| PARKING PROVIDED ON DEL TACO TRACT:       | 25 SPACES                 |
| PARKING PROVIDED ON CITY OF MURPHY TRACT: | 16 SPACES                 |
| HANDICAP PARKING REQUIRED:                | 2                         |
| HANDICAP PARKING PROVIDED:                | 2                         |



**OWNER**  
ALLEN & LOUCKS VENTURE, L.P.,  
A TEXAS LIMITED PARTNERSHIP  
5924 TWIN COVES  
DALLAS, TEXAS 75248

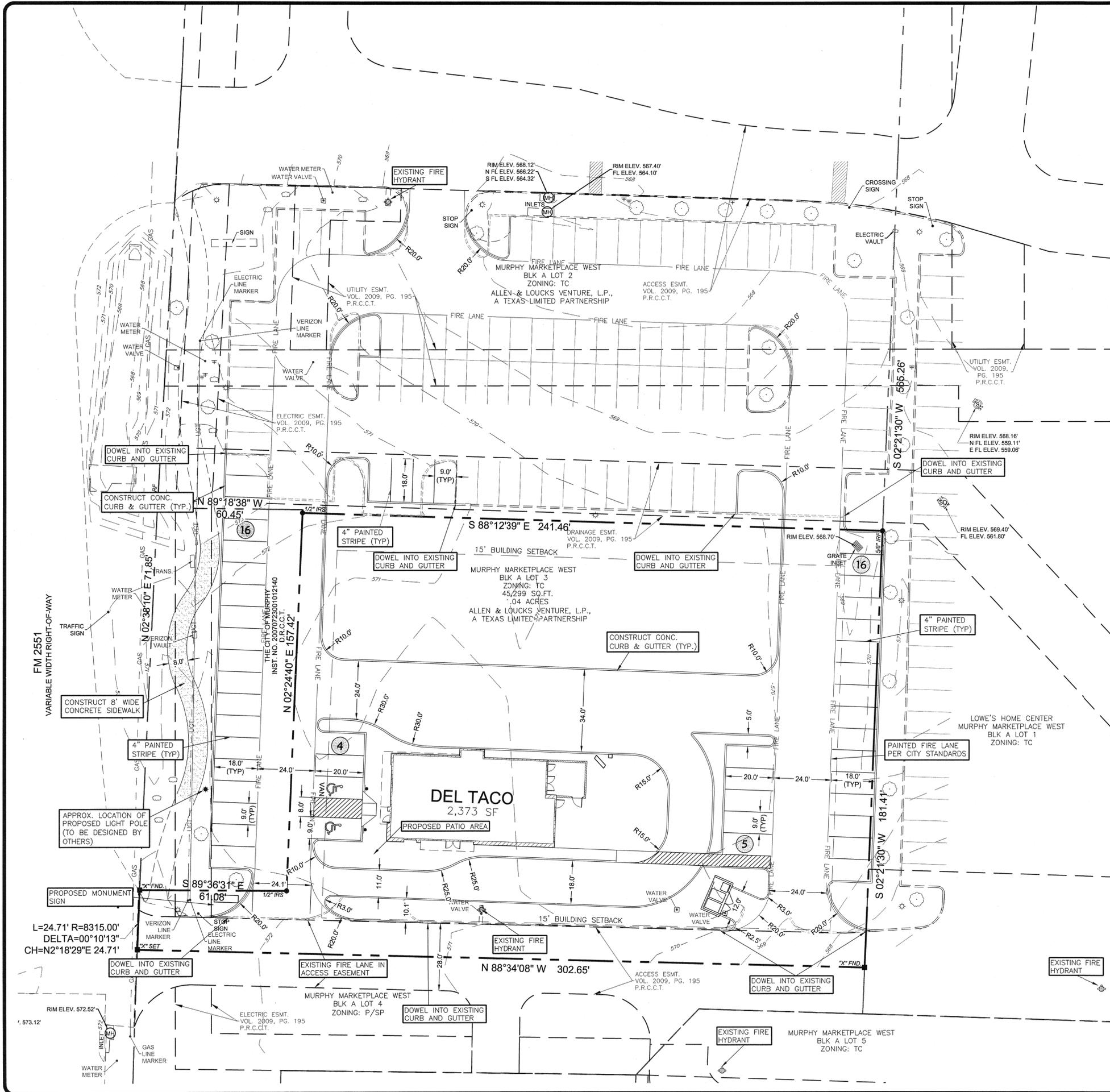
**ENGINEER**  
ADAMS ENGINEERING  
901 S. KIMBALL  
SOUTH LAKE, TEXAS 76092  
P - (817)328-3200

**SURVEYOR**  
TEXAS HERITAGE, LLC  
10810 METRIC DRIVE, SUITE 124  
DALLAS, TEXAS 75243  
P - (214)340-9700

MURPHY MARKETPLACE - WEST ADDITION  
JAMES W. MAXWELL SURVEY, ABSTRACT NO. 582  
CITY OF MURPHY, COLLIN COUNTY, TEXAS

**\*\* NOTICE TO CONTRACTORS \*\***

TOPOGRAPHIC INFORMATION TAKEN FROM A TOPOGRAPHIC SURVEY PERFORMED BY TEXAS HERITAGE, OF DALLAS, TEXAS. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY, IN WRITING, OF ANY DISCREPANCIES OR OMISSIONS TO THE TOPOGRAPHIC INFORMATION. THE CONTRACTORS SHALL BE RESPONSIBLE FOR CORRECTING THE LOCATION (HORIZONTAL/VERTICAL) OF ANY BURIED CABLES, CONDUITS, PIPES AND STRUCTURES (STORM SEWER, SANITARY SEWER, WATER, GAS, TELEPHONE, TELEVISION, ETC.) WHICH IMPACT THE CONSTRUCTION SITE. THE CONTRACTORS SHALL NOTIFY THE ENGINEER IMMEDIATELY, IN WRITING, OF ANY DISCREPANCIES OR OMISSIONS BETWEEN THE ACTUAL CONDITIONS VERSUS THE DATA CONTAINED IN THE CONSTRUCTION PLANS. ANY COSTS INCURRED AS THE RESULT OF NOT CORRECTING THE ACTUAL LOCATION (HORIZONTAL/VERTICAL) OF SAID CABLES, CONDUITS, PIPES AND STRUCTURES SHALL BE BORNE BY THE CONTRACTOR. ADDITIONALLY, THE CONTRACTORS SHALL NOTIFY THE OWNER AND ENGINEER IF ANY ERRORS OR DISCREPANCIES ARE FOUND ON THE CONSTRUCTION DOCUMENTS (SPANS), WHICH NEGATIVELY IMPACT THE PROJECT. ENGINEER AND OWNER SHALL BE INDICATED OF PROBLEMS AND/OR COST WHICH MAY RESULT FROM CONTRACTOR'S FAILURE TO NOTIFY ENGINEER AND OWNER.



| DATE     | REVISIONS     |
|----------|---------------|
| 02/24/12 | MCS           |
| 03/13/12 | CITY COMMENTS |
| 04/12/12 | CITY COMMENTS |
| 04/18/12 | CITY COMMENTS |
| 04/27/12 | CITY COMMENTS |
| 05/03/12 | CITY COMMENTS |
| 05/14/12 | CITY COMMENTS |

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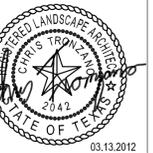
**DEL TACO  
102 N. MURPHY RD  
SITE PLAN**

STATE OF TEXAS  
MAEGAN C. SCHNEIDER  
99357  
LICENSED PROFESSIONAL ENGINEER

*Maegan Schneider*

TBPE Registration #: F-1002

|               |          |
|---------------|----------|
| PROJECT MGR.  | TDM      |
| PROJECT TECH. | MCS      |
| CHECKED BY    |          |
| JOB NO.       | 2006-058 |
| SHEET NO.     | C4.0     |



Issue For:

|                                     |                    |
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| <input type="checkbox"/>            | Bidding            |
| <input checked="" type="checkbox"/> | Permit             |
| <input type="checkbox"/>            | Construction       |

Original Issue Date:  
02.24.2012

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Sheet Description:  
**LANDSCAPE PLAN**

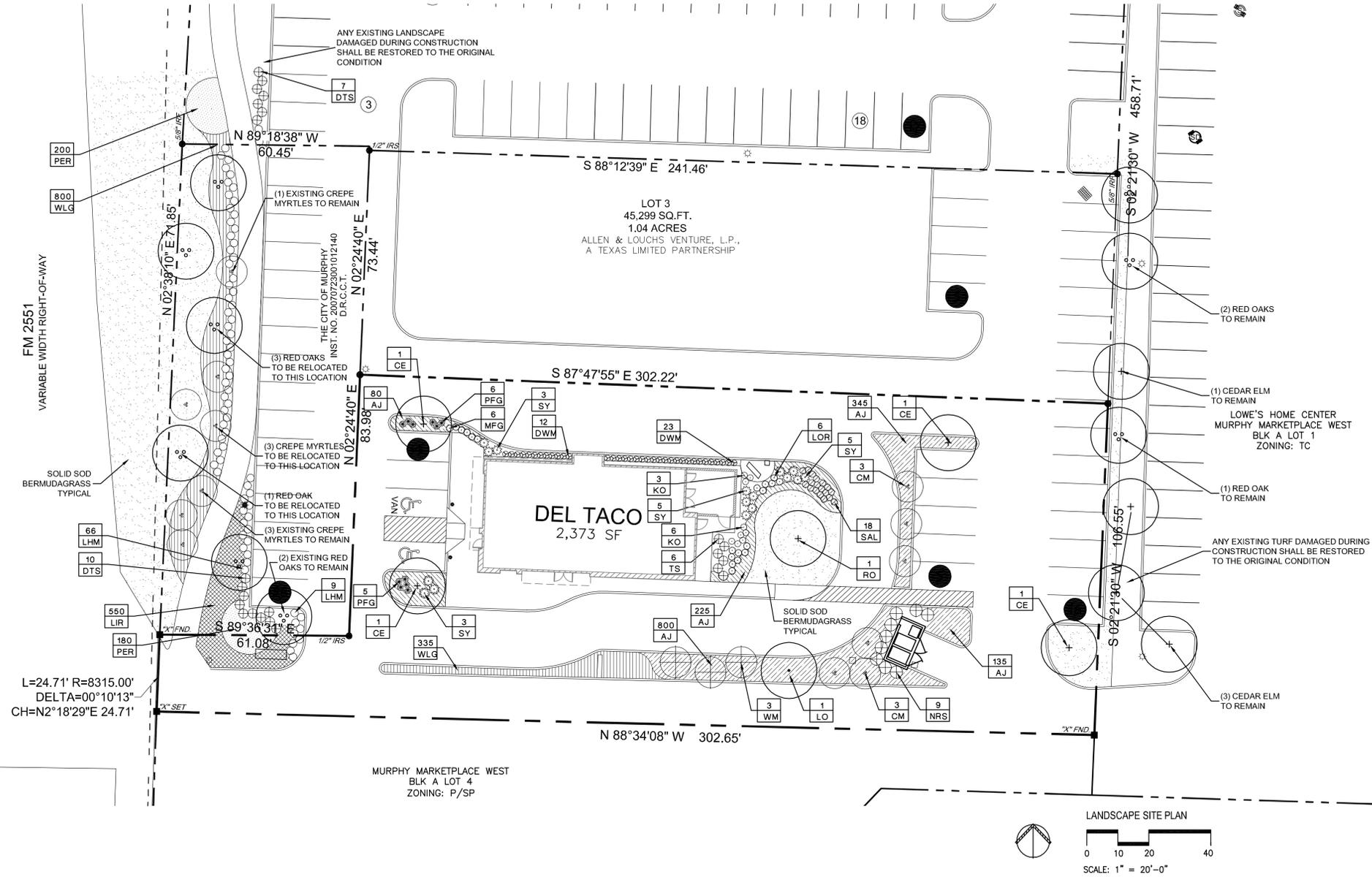
Drawn By: CMT

Checked By: BDA

Current Date: 03.13.2012

Drawing #

**L1**



LANDSCAPE SITE PLAN  
 SCALE: 1" = 20'-0"

**LANDSCAPE TABULATIONS**

FRONT BUFFER LANDSCAPE  
 Requirements: 15' buffer along street frontage (1) tree 3" cal and (4) ornamentals, 2" cal, or 7' ht. per 50 L.F. of street frontage

F.M. 2551 - (15' L.E.)  
 Required: (4) trees, 3" cal. (5) trees, 4" cal. (15) ornamental trees, 2" cal. 2" cal. or 7' ht. (6) ornamental trees, 2" cal. on site

FRONT BUFFER SCREENING  
 Requirements: 24" ht. evergreen hedge, berm or wall  
 Provided: 24" ht. evergreen hedge

INTERIOR PARKING LOT LANDSCAPE: (56 spaces, 10,864 sq. ft.)  
 Requirement: (1) tree, 3" cal. or (3) ornamentals per 12 spaces, 5% of parking lot area

Required: (5) trees, 3" cal. (4) trees, 3" cal. (1,700 sq. ft. (10.2%)

TOTAL TREES REQUIRED:  
 (7) large trees  
 (15) ornamentals

TOTAL TREE PROVIDED:  
 (10) large trees  
 (16) ornamentals

**PLANT LIST**

| QUANTITY | SYMBOL | BOTANICAL NAME                  | PLANT TYPE                    | SIZE      | REMARKS   |
|----------|--------|---------------------------------|-------------------------------|-----------|---|
| 1585     | AJ     | Trachelospermum asiaticum       | Asian Jasmine                 | 4" pots   | container, top of cont. 12" o.c.                      |
| 4        | CE     | Ulmus crassifolia               | Cedar Elm                     | 4" cal.   | B&B, 15" ht. 6' spread min.                           |
| 6        | CM     | Lagerstroemia indica 'Lavender' | Crepe Myrtle 'Lavender'       | 8' ht.    | container grown, 3-5 cane, no cross caning, 4' spread |
| 23       | DTS    | Leucophyllum frutescens         | Dwarf Texas Sage 'Compactum'  | 5 gallon  | container, full top of container, 20" o.c., 24" ht.   |
| 35       | DWM    | Myrica pusilla                  | Dwarf Wax Myrtle              | 5 gallon  | container, full top of container, 20" o.c., 24" ht.   |
| 9        | KO     | Rosa 'Radrazz'                  | Knockout Rose                 | 5 gallon  | container, full top of container, 20" ht. min.        |
| 75       | LHM    | Muhlenbergia lindheimeri        | Lindheimer Muhly              | 5 gallon  | container, full top of cont.                          |
| 550      | LIR    | Liriodendron tulipifera         | Liriope 'Majestic'            | 4" pots   | container, top of cont. 12" o.c.                      |
| 1        | LO     | Quercus virginiana              | Live Oak                      | 4" cal.   | container grown, 15" ht. 6' spread min.               |
| 6        | LOR    | Loropetalum rutrum              | Loropetalum 'Plum Delight'    | 5 gallon  | container, full top of cont.                          |
| 6        | MFG    | Nessella tenuissima             | Mexican Feather Grass         | 3 gallon  | container, full top of cont.                          |
| 9        | NRS    | Illex x 'Nellie R. Stevens'     | Nellie R. Stevens Holly       | 15 gallon | container, full to base x. ht., 3' spread.            |
| 380      | PER    | Pennisetum alopecuroides        | Perennials                    | 4" pots   | container, full top of cont., 12" o.c.                |
| 1        | RO     | Quercus rubra 'Shumardii'       | Red Oak 'Shumard'             | 4" cal.   | container grown, 15" ht. 6' spread min.               |
| 18       | SAL    | Salvia greggii 'Furman's Red'   | Salvia Greggii 'Furman's Red' | 5 gallon  | container, full top of cont.                          |
| 16       | SY     | Yucca rostrifolia               | Softleaf Yucca                | 5 gallon  | container, full top of cont.                          |
| 1135     | WLG    | Myrica carifera                 | Weeping Love Grass            | 4" pots   | container full, 12" o.c.                              |
| 3        | WM     | Eragrostis curvula              | Wax Myrtle                    | 7' ht.    | container, tree form, 4' spread min.                  |

All Fire Hydrants require a minimum of 3'-0" clearance radius from all obstructions including plants.

- LANDSCAPE NOTES**
- Contractor shall verify all existing and proposed site elements and notify Architect of any discrepancies. Survey data of existing conditions was supplied by others.
  - Contractor shall locate all existing underground utilities and notify Architect of any conflicts. Contractor shall exercise caution when working in the vicinity of underground utilities.
  - Contractor is responsible for obtaining all required landscape and irrigation permits.
  - Contractor to provide a minimum 2% slope away from all structures.
  - All planting beds and lawn areas to be separated by steel edging. No steel to be installed adjacent to sidewalks or curbs.
  - All landscape areas to be 100% irrigated with an underground automatic irrigation system and shall include rain and freeze sensors.
  - All lawn areas to be Solid Sod Buffalo grass, unless otherwise noted on the drawings.

- MAINTENANCE NOTES**
- The Owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscape.
  - All landscape shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding and other such activities common to landscape maintenance.
  - All landscape areas shall be kept free of trash, litter, weeds and other such material or plants not part of this plan.
  - All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
  - All plant material which dies shall be replaced with plant material of equal or better value.
  - Contractor shall provide separate bid proposal for one year's maintenance to begin after final acceptance.

- GENERAL LAWN NOTES**
- Fine grade areas to achieve final contours indicated on civil plans.
  - Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
  - All lawn areas to receive solid sod shall be left in a maximum of 1" below final finish grade. Contractor to coordinate operations with on-site Construction Manager.
  - Contractor shall provide (2") two inches of imported topsoil on all areas to receive lawn. ADD ALTERNATE.
  - Imported topsoil shall be natural, friable soil from the region, known as bottom land soil, free from lumps, clay, toxic substances, roots, debris, vegetation, stones, containing no salt and black to brown in color.
  - All lawn areas to be fine graded, irrigation trenches completely settled, and finish grade approved by the Owner's Construction Manager or Architect prior to installation.
  - All rocks 3/4" diameter and larger, dirt clots, sticks, concrete spoils, etc. shall be removed prior to placing topsoil and any lawn installation.

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**Issue**

Consider and/or act on the application of **CVS PHARMACY** requesting approval of a construction plat on property zoned PD (Planned Development) District No. 12-06-915 for Retail Uses located at SWC FM 544 and McCreary Road.

**Background**

The proposed Construction Plat would allow for development of a CVS on this site. On May 15, 2012, the City Council adopted Planned Development District Ordinance No. 12-06-915 for the approximately 11 acres located at SWC FM 544 and McCreary Road. This development is within those approximately 11 acres.

**Considerations**

1. Public Works/Parks had no comments at this time.
2. Police Department had no comments at this time.
3. Fire Department had no comments at this time.
4. Building Official had no comments at this time.
5. Engineering's comments are being addressed specific to the Engineering Plans for this development.

**Staff Recommendation**

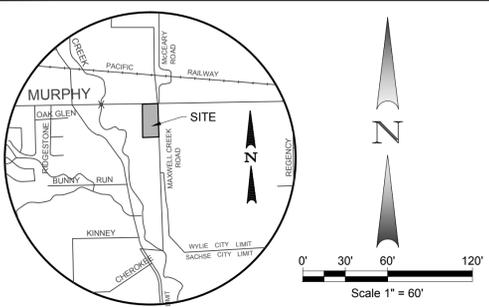
Staff recommends approval of the proposed Construction Plat pending approval of all Engineering related items.

**Attachments**

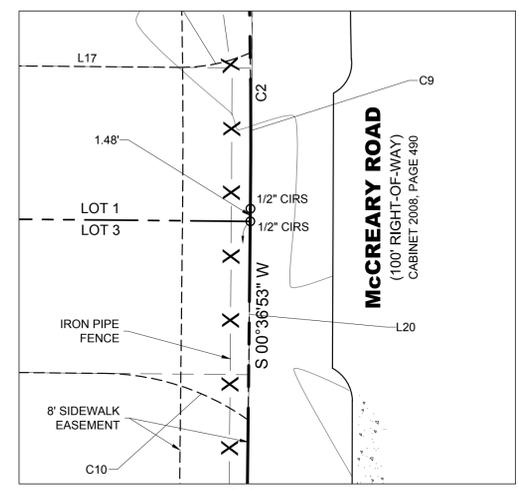
Construction Plat

***Kristen Roberts, Director of Economic and Community Development***

**Submitted By**



VICINITY MAP  
NOT TO SCALE



DETAIL A  
1"=10'

| ABBREVIATION LEGEND |                                  | ABBREVIATION LEGEND |                               |
|---------------------|----------------------------------|---------------------|-------------------------------|
| ABBR.               | DEFINITION                       | SW                  | STORM SEWER                   |
| IRF                 | IRON ROD FOUND                   | TF                  | TRANSFORMER                   |
| CIRS                | IRON ROD SET w/CAP STAMPED "WAI" | GM                  | GAS METER                     |
| CIRF                | IRON ROD FOUND w/CAP             | GMK                 | GAS MARKER                    |
| XCS                 | "X" CUT IN CONCRETE SET          | TMK                 | TELEPHONE MARKER              |
| PP                  | POWER POLE                       | TSN                 | TRAFFIC SIGN                  |
| GW                  | GUY WIRE                         | UGC                 | UNDERGROUND CABLE MARKER      |
| MH                  | MANHOLE                          | EB                  | ELECTRIC BOX                  |
| WV                  | WATER VALVE                      | MB                  | MAIL BOX                      |
| TP                  | TELEPHONE PEDESTAL               | CC#                 | COUNTY CLERK'S INSTRUMENT No. |
| WM                  | WATER METER                      | CM                  | CONTROLLING MONUMENT          |
| FH                  | FIRE HYDRANT                     | GI                  | GRATE INLET                   |
| ICV                 | IRRIGATION CONTROL VALVE         | IN                  | INLET                         |
| CO                  | CLEANOUT                         | SD                  | SATELLITE DISH                |
| AC                  | AIR CONDITIONER                  | EM                  | ELECTRIC METER                |
| SB                  | SIGNAL BOX                       | MP                  | METAL POST                    |
| SP                  | SIGNAL POLE                      | MB                  | MAIL BOX                      |
| SN                  | SIGN                             | HAK                 | HACKBERRY                     |
| SS                  | SANITARY SEWER                   |                     |                               |

**FLOOD NOTE**

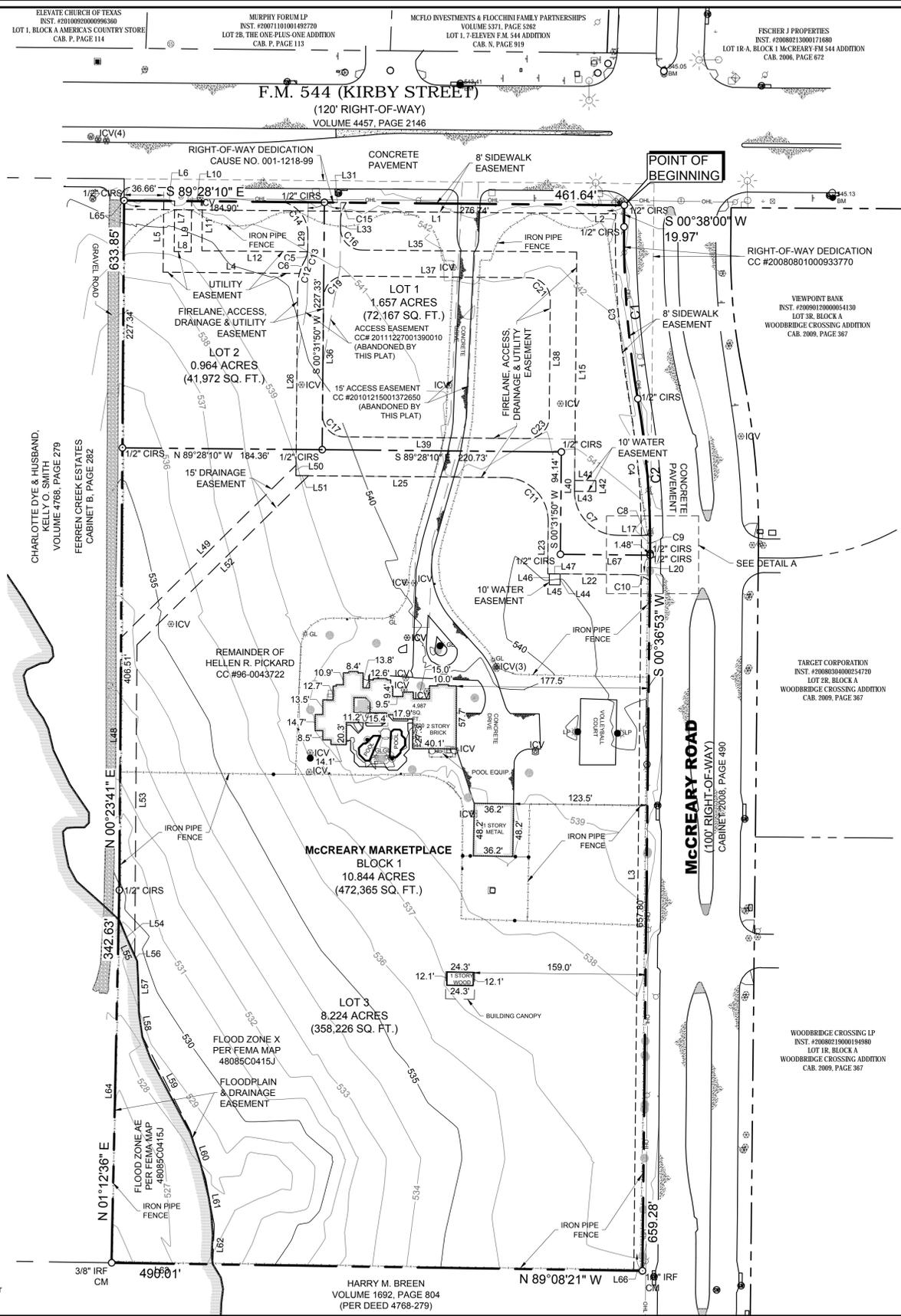
According to the Federal Emergency Management Agency, Flood Insurance Rate Map Community Panel No. 48085C0415J, dated June 2, 2009, this property is within Flood Zone X and AE.

Zone AE - Special Flood Hazard Area, base flood elevation determined.

Zone AE - The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood height.

Zone X - Areas determined to be outside the 0.2% annual chance floodplain. (Areas determined to be outside the 500-year floodplain.)

This flood statement does not imply that the property and/or the structure thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.



| LINE # | BEARING     | DISTANCE |
|--------|-------------|----------|
| L1     | S89°28'03"E | 453.62'  |
| L2     | S00°38'00"W | 11.96'   |
| L4     | N89°28'10"W | 125.79'  |
| L5     | N00°31'50"E | 65.50'   |
| L6     | S89°28'10"E | 10.00'   |
| L7     | S00°31'50"W | 46.48'   |
| L8     | S89°28'10"E | 15.66'   |
| L9     | N00°31'50"E | 46.48'   |
| L10    | S89°28'10"E | 10.00'   |
| L11    | S00°31'50"W | 45.50'   |
| L12    | S89°28'10"E | 97.48'   |
| L15    | S00°31'50"W | 219.97'  |
| L20    | S00°36'53"W | 24.79'   |
| L22    | N89°28'10"W | 77.18'   |
| L23    | N00°31'50"E | 48.14'   |
| L25    | N89°28'10"W | 193.24'  |
| L26    | N00°31'50"E | 173.50'  |
| L29    | N00°31'50"E | 14.42'   |
| L31    | S89°28'10"E | 57.76'   |
| L33    | S00°31'50"W | 6.70'    |
| L35    | S89°28'10"E | 198.24'  |
| L36    | N00°31'50"E | 107.83'  |
| L37    | S89°28'10"E | 169.24'  |
| L38    | S00°31'50"W | 107.83'  |
| L39    | N89°28'10"W | 169.24'  |
| L40    | N00°31'50"E | 10.00'   |

| LINE # | BEARING     | DISTANCE |
|--------|-------------|----------|
| L41    | S89°40'14"E | 19.66'   |
| L42    | S00°19'46"W | 10.00'   |
| L43    | N89°40'14"W | 19.69'   |
| L44    | S00°31'50"W | 10.05'   |
| L45    | N89°28'10"W | 10.00'   |
| L46    | N00°31'50"E | 10.05'   |
| L47    | S89°28'10"E | 10.00'   |
| L48    | N00°25'39"E | 258.52'  |
| L49    | N45°31'50"E | 226.52'  |
| L50    | S00°31'50"W | 9.55'    |
| L51    | S89°28'10"E | 11.67'   |
| L52    | S45°31'50"W | 221.79'  |
| L53    | S00°25'39"W | 285.24'  |
| L54    | N24°02'53"W | 36.21'   |
| L55    | S24°02'53"E | 36.21'   |
| L56    | S24°02'53"E | 5.82'    |
| L57    | S02°03'57"E | 47.30'   |
| L58    | S08°04'15"E | 22.55'   |
| L59    | S26°55'51"E | 97.61'   |
| L60    | S17°40'38"E | 46.32'   |
| L61    | S10°28'00"E | 42.95'   |
| L62    | S02°09'06"W | 35.94'   |
| L63    | N89°09'50"W | 93.41'   |
| L64    | N01°12'36"E | 315.99'  |
| L65    | S00°31'57"W | 8.00'    |
| L66    | N89°23'07"W | 8.00'    |
| L67    | S89°28'10"E | 82.78'   |

| NO. | DELTA     | RADIUS | LENGTH | CH. L  | CH. B       |
|-----|-----------|--------|--------|--------|-------------|
| C1  | 10°21'08" | 878.00 | 158.64 | 158.42 | S04°34'47"E |
| C2  | 10°22'13" | 790.00 | 142.99 | 142.79 | N04°34'14"W |
| C3  | 10°21'08" | 886.00 | 160.08 | 159.86 | S04°34'47"E |
| C4  | 10°21'55" | 782.28 | 141.52 | 141.33 | S04°34'21"E |
| C5  | 23°38'08" | 20.00  | 8.25   | 8.19   | S18°05'16"W |
| C6  | 15°05'27" | 50.00  | 13.17  | 13.13  | S22°21'36"W |
| C7  | 90°00'00" | 40.00  | 62.83  | 56.57  | S44°28'10"E |
| C8  | 24°29'12" | 20.00  | 8.55   | 8.48   | N78°17'14"E |
| C9  | 1°19'45"  | 790.00 | 18.33  | 18.32  | S00°03'00"E |
| C10 | 34°38'15" | 30.00  | 18.14  | 17.86  | N72°09'02"W |
| C11 | 90°00'00" | 40.00  | 62.83  | 56.57  | N44°28'10"W |
| C12 | 29°22'30" | 50.00  | 25.63  | 25.35  | N15°13'05"E |
| C13 | 29°22'30" | 20.00  | 10.25  | 10.14  | N15°13'05"E |
| C14 | 75°44'43" | 30.00  | 39.66  | 36.83  | N37°20'31"W |
| C15 | 34°03'42" | 30.00  | 17.83  | 17.57  | S17°33'41"W |
| C16 | 90°00'00" | 20.00  | 31.42  | 28.28  | S44°28'10"E |
| C17 | 90°00'00" | 20.00  | 31.42  | 28.28  | N44°28'10"W |
| C19 | 90°00'00" | 20.00  | 31.42  | 28.28  | N45°31'50"E |
| C21 | 90°00'00" | 20.00  | 31.42  | 28.28  | S44°28'10"E |
| C23 | 90°00'00" | 20.00  | 31.42  | 28.28  | S45°31'50"W |

CONSTRUCTION PLAT  
**McCREARY MARKETPLACE**  
10.844 ACRES  
ZONED PLANNED DEVELOPMENT - RETAIL (PD)

HENRY MAXWELL SURVEY, ABSTRACT NO. 579  
CITY OF MURPHY, COLLIN COUNTY, TEXAS

OWNER:  
CVS PHARMACY, INC.  
ONE CVS DRIVE  
WOONSOCKET, RHODE ISLAND 02895

CONSULTING ENGINEERS:  
WINKELMANN & ASSOCIATES INC.  
6750 HILLCREST PLAZA DR., ST 325  
DALLAS TX. 75230

Date: 06.13.12  
Scale: 1" = 60'  
File: 70102-PPLT  
Project No.: 70102

SHEET  
**1**  
**2**

| NO. | DATE | REVISION | APPROVAL |
|-----|------|----------|----------|
|     |      |          |          |



HENRY MAXWELL SURVEY, ABSTRACT NO. 579  
CITY OF MURPHY  
COLLIN COUNTY, TEXAS  
CVS PHARMACY, INC.  
ONE CVS DRIVE  
WOONSOCKET, RHODE ISLAND 02895

CONSTRUCTION PLAT  
**McCREARY MARKETPLACE**  
10.844 ACRES

**OWNERS CERTIFICATE**

STATE OF TEXAS §  
COUNTY OF COLLIN §

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

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

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

THENCE continuing along said right-of-way line and said curve to the left, an arc distance of 158.64 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner and the beginning of a curve to the right, having a radius of 790.00 feet, a central angle of 10 deg 22 min 13 sec and a chord bearing and distance of South 04 deg 34 min 14 sec East, 142.79 feet;

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

THENCE South 00 deg 36 min 53 sec West, along the west right-of-way line of said McCreary Road, a distance of 659.28 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner, and being the northeast corner of a tract of land described in deed to Harry M. Breen as recorded in Volume 1692, Page 804, Land Records, Collin County, Texas;

THENCE North 89 deg 08 min 21 sec West, departing the west right-of-way line of said McCreary Road and along the North line of said Harry M. Breen tract, a distance of 490.01 feet to a 3/8 inch iron rod found for corner, said point being the southwest corner of said Hellen Pickard tract, northwest corner of said Harry M. Breen tract, and also being the southeast corner of a tract of land described in deed to Charlotte Dye & Husband, Kelly O. Smith as recorded in Volume 4768, Page 279, Land Records, Collin County, Texas;

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

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

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

CONTAINING within these metes and bounds 472,365 square feet or 10,844 acres of land, more or less. Bearings contained herein are based upon an on the ground survey performed in the field on the 5th day of July, 2011 utilizing a GPS (WGS 84) bearing of North 89 deg 08 min 21 sec West (Deed South 89 deg 45 min 14 sec East) along the south line of a tract of land described in deed to Hellen Pickard recorded in Document No. 96-0043722, Real Property Records, Collin County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Murphy, Texas.

WITNESS, my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

CVS PHARMACY, INC., a Rhode Island Corporation

KRISTINE L. DONABEDIAN, Assistant Secretary

STATE OF RHODE ISLAND §  
COUNTY OF PROVIDENCE §

BEFORE ME, the undersigned authority, on this day personally appeared Kristine L. Donabedian, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purpose and consideration expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_ day of \_\_\_\_\_, 2012.

Notary Public in and for the State of Rhode Island.

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

HELLEN R. PICKARD

STATE OF TEXAS  
COUNTY OF

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Hellen R. Pickard, owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Notary Public in and for the State of Texas

My commission expires on

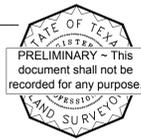
**SURVEYOR'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS:

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

Leonard J. Lueker  
Registered Professional Land Surveyor  
Texas Registration No. 5714  
Winkelmann & Associates, Inc.  
6750 Hillcrest Plaza Drive, Suite 325  
Dallas, Texas 75230 Phone: (972) 490-7090

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



STATE OF TEXAS §  
COUNTY OF DALLAS §

BEFORE ME, a Notary Public in and for The State of Texas, on this day personally appeared Leonard J. Lueker, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, 2012.

Notary Public, State of Texas

**CITY APPROVAL OF CONSTRUCTION PLAT**

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

RECOMMENDED BY:  
planning and zoning commission

City of Murphy, Texas

|          |        |
|----------|--------|
| REVISION | APPROV |
| No.      | DATE   |



HENRY MAXWELL SURVEY, ABSTRACT NO. 579  
CITY OF MURPHY  
COLLIN COUNTY, TEXAS  
CVS PHARMACY, INC.  
ONE CVS DRIVE  
WOONSOCKET, RHODE ISLAND 02895

CONSTRUCTION PLAT  
**McCREARY MARKETPLACE**  
10,844 ACRES

|                     |
|---------------------|
| Date : 06.13.12     |
| Scale : N/A         |
| File : 70102:PPLT   |
| Project No. : 70102 |

|   |  |
|---|--|
| CONSTRUCTION PLAT<br><b>McCREARY MARKETPLACE</b><br>10,844 ACRES<br>ZONED PLANNED DEVELOPMENT - RETAIL (PD) |  |
| HENRY MAXWELL SURVEY, ABSTRACT NO. 579<br>CITY OF MURPHY, COLLIN COUNTY, TEXAS                              |  |
| <b>OWNER :</b><br>CVS PHARMACY, INC.<br>ONE CVS DRIVE<br>WOONSOCKET, RHODE ISLAND 02895                     | <b>CONSULTING ENGINEERS:</b><br>WINKELMANN & ASSOCIATES INC.<br>6750 HILLCREST PLAZA DR., ST 325<br>DALLAS TX. 75230 |

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**Issue**

Consider and/or act on the application of **CVS PHARMACY** requesting approval of a site plan on property zoned PD (Planned Development) District No. 12-06-915 for Retail Uses located at SWC FM 544 and McCreary Road.

**Background**

The proposed Site Plan would allow for development of a CVS on this site. On May 15, 2012, the City Council adopted Planned Development District Ordinance No. 12-06-915 for the approximately 11 acres located at SWC FM 544 and McCreary Road. This development is within those approximately 11 acres.

Parking lot and other site landscaping are shown to be in compliance with landscaping requirements. The exterior elevations of the proposed retail will be in compliance with exterior construction materials requirements as described in the Planned Development District Conditions.

**Considerations**

1. Public Works/Parks had no comments at this time.
2. Police Department had no comments at this time.
3. Fire Department had no comments at this time.
4. Building Official had no comments at this time.
5. Engineering's comments are being addressed specific to the Engineering Plans for this development.
6. A proposed lift station is located at the northwest corner of the site. As it's shown, the lift station is labeled as a private lift station and to be privately maintained. The lift station will be required to be placed into an easement dedicated to the City.

**Staff Recommendation**

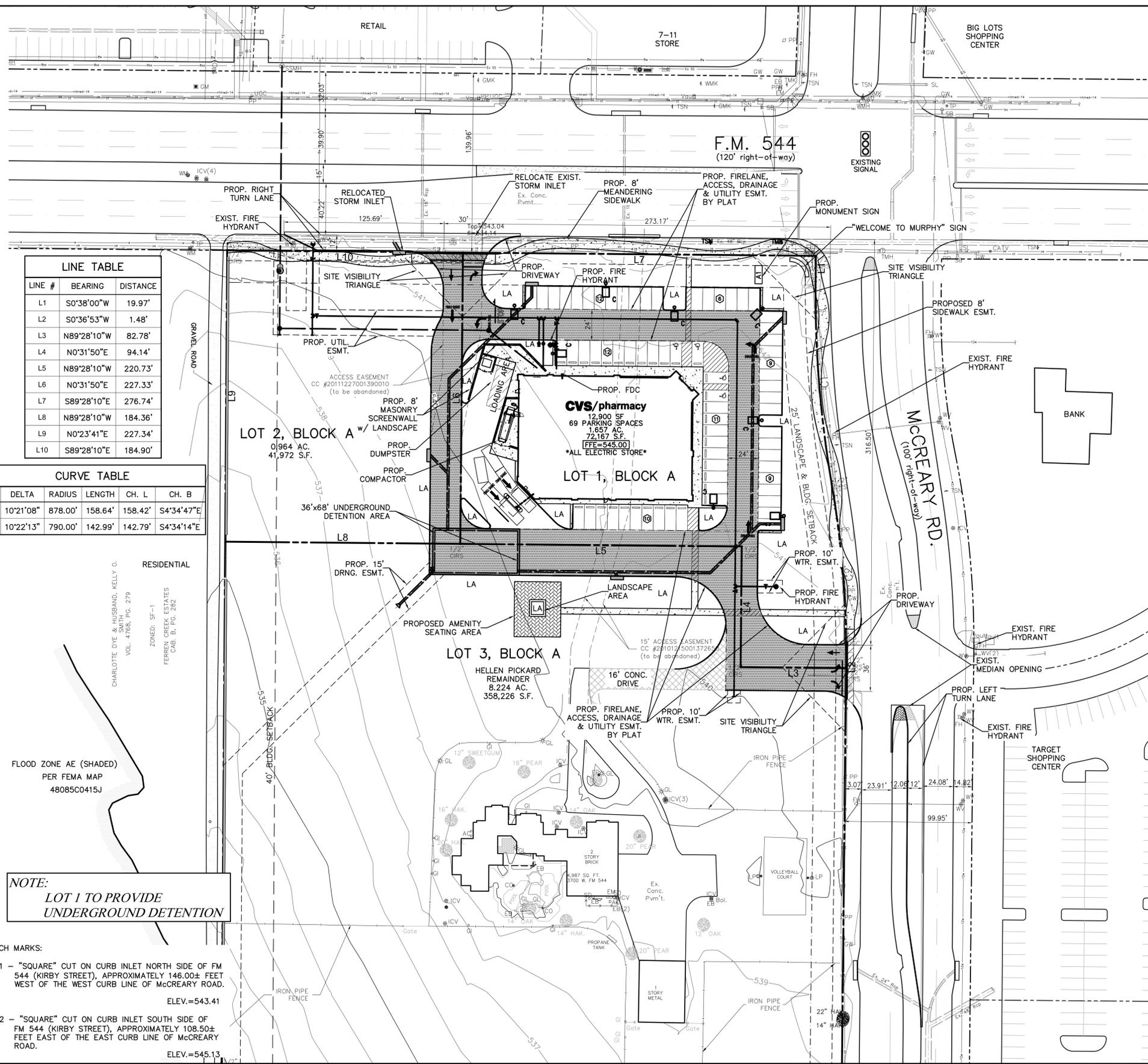
Staff recommends approval of the proposed Site Plan, Landscape Plans and Elevation Plans pending approval of all Engineering related items.

**Attachments**

Site Plan  
Landscape Plans  
Elevations Plan

*Kristen Roberts, Director of Economic and Community Development*

**Submitted By**



**LINE TABLE**

| LINE # | BEARING     | DISTANCE |
|--------|-------------|----------|
| L1     | S0°38'00"W  | 19.97'   |
| L2     | S0°36'53"W  | 1.48'    |
| L3     | N89°28'10"W | 82.78'   |
| L4     | N0°31'50"E  | 94.14'   |
| L5     | N89°28'10"W | 220.73'  |
| L6     | N0°31'50"E  | 227.33'  |
| L7     | N89°28'10"W | 276.74'  |
| L8     | N89°28'10"W | 184.36'  |
| L9     | N0°23'41"E  | 227.34'  |
| L10    | S89°28'10"E | 184.90'  |

**CURVE TABLE**

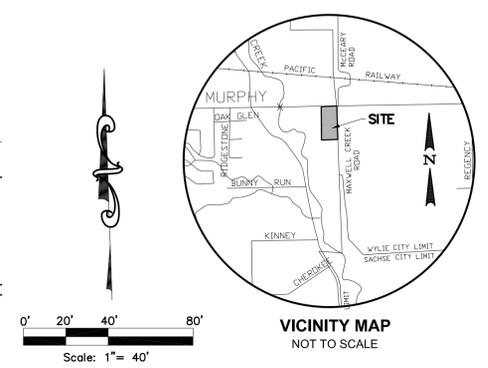
| NO. | DELTA     | RADIUS  | LENGTH  | CH. L   | CH. B      |
|-----|-----------|---------|---------|---------|------------|
| C1  | 10°21'08" | 878.00' | 158.64' | 158.42' | S4°34'47"E |
| C2  | 10°22'13" | 790.00' | 142.99' | 142.79' | S4°34'14"E |

**NOTE:**  
LOT 1 TO PROVIDE UNDERGROUND DETENTION

**BENCH MARKS:**

BM 1 - "SQUARE" CUT ON CURB INLET NORTH SIDE OF FM 544 (KIRBY STREET), APPROXIMATELY 146.00± FEET WEST OF THE WEST CURB LINE OF McCREARY ROAD.  
ELEV.=543.41

BM 2 - "SQUARE" CUT ON CURB INLET SOUTH SIDE OF FM 544 (KIRBY STREET), APPROXIMATELY 108.50± FEET EAST OF THE EAST CURB LINE OF McCREARY ROAD.  
ELEV.=545.13



**SITE DATA**

EXISTING ZONING: PD- RETAIL

| LOT No.            | 1                    |
|--------------------|----------------------|
| SITE AREA          | 1.657 Ac.            |
| BLDG. AREA         | 12,900 sf            |
| COVERAGE           | 18%                  |
| PKG. SPCS. REQ'D.  | 12,900 sf / 200 = 65 |
| PKG. SPCS. PROV.   | 69                   |
| BLDG. HT.          | 28'                  |
| F.A.R.             | 0.18:1               |
| IMP. SURF.         | 52,751 sf            |
| INT. L.S. REQUIRED | 657 sf               |
| INT. L.S. PROPOSED | 19,418 sf            |

- LEGEND**
- FIRE HYDRANT
  - LA LANDSCAPE AREA
  - Ⓛ LIGHTS
  - [Hatched Box] FIRE LANE
  - [Dotted Box] PROPOSED SIDEWALK
  - [Cross-hatched Box] PROPOSED CONCRETE DRIVE
  - [Diagonal-hatched Box] ENHANCED PEDESTRIAN SIDEWALK

**SITE PLAN**  
**McCREARY MARKETPLACE**  
**LOT 1, BLOCK A**  
 1.657 ACRES OUT OF THE HENRY MAXWELL SURVEY, ABSTRACT NO. 579  
 CITY OF MURPHY  
 COLLIN COUNTY, TEXAS

DEVELOPER: ORANGE DEVELOPMENT, INC.  
 1200 CORPORATE DRIVE, SUITE G-50  
 BIRMINGHAM, ALABAMA 35242

ENGINEER / SURVEYOR: WINKELMANN & ASSOCIATES INC.  
 6750 HILLCREST PLAZA DR., #325  
 DALLAS, TEXAS 75230  
 (972) 490-7090

**CVS pharmacy**<sup>®</sup>

SOUTHERN 12,900-RIGHT CHAMFER DRIVE-THRU  
**STORE NUMBER: 10027**

SWC F.M. 544 & McCREARY RD.  
 MURPHY, TEXAS  
 PROJECT TYPE: NEW  
 DEAL TYPE: FEE FOR SERVICE

**CS PROJECT NUMBER: 62305**

**CIVIL ENGINEER:**  
**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS • SURVEYORS  
 6750 HILLCREST PLAZA DR., SUITE 325 DALLAS, TEXAS 75230  
 Texas Engineers Registration No. 89 (972) 490-7099 FAX  
 Texas Surveyors Registration No. 100866-00  
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**CONSULTANT:**

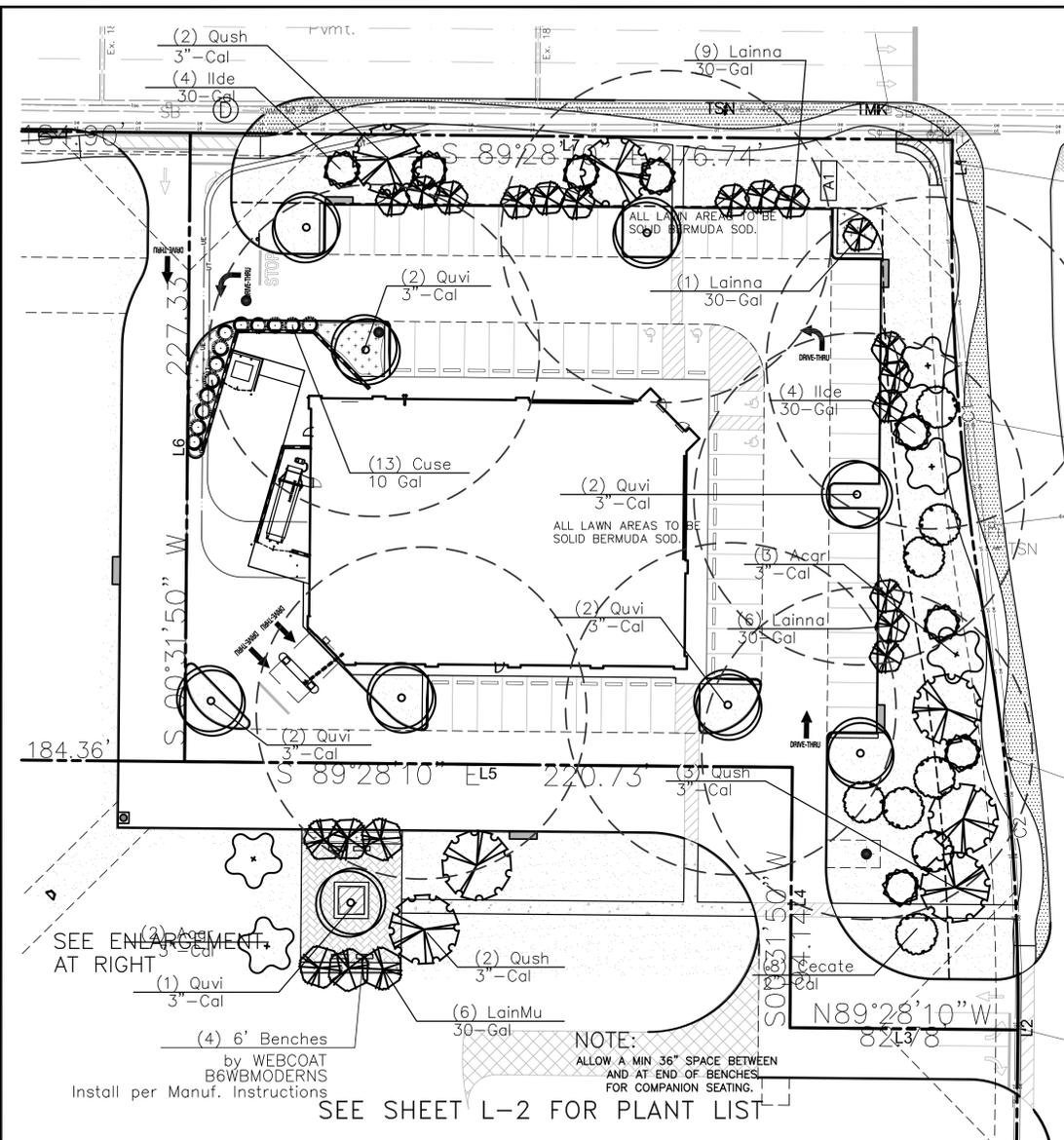
**DEVELOPER:**  
  
 Orange Development Inc.  
 1200 Corporate Drive  
 Suite G-50  
 BIRMINGHAM, AL 35242  
 TEL: (205)408-3443  
 FAX: (205)408-1850

**SEAL:**  
  
 THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MICHAEL T. DOGGETT, P.E. # 98628

**REVISIONS:**  
 06/13/2012 CITY COMMENTS

FILE NAME: 70102-sit.dwg  
 JOB NUMBER: 70102.00  
 DATE: 06/04/2012  
 TITLE: **SITE PLAN**  
 SHEET NUMBER: **C-4**

COMMENTS:



- PLANTING NOTES:**
1. PLANT SIZE, TYPE, AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
  2. ALL PLANT MATERIAL TO BE NURSERY GROWN STOCK.
  3. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF ALL PLANT MATERIAL UNTIL PROJECT ACCEPTANCE.
  4. ALL CONTAINER GROWN PLANTS TO HAVE FULL, VIGOROUS ROOT SYSTEM, COMPLETELY ENCOMPASSING CONTAINER.
  5. ALL PLANTS WELL ROUNDED AND FULLY BRANCHED. ALL TREES WITH SPREAD 2/3 OF HEIGHT.
  6. CONTRACTOR TO PROVIDE OWNER WITH PREFERRED MAINTENANCE SCHEDULE OF ALL PLANTS AND LAWNS.
  7. MAINTAIN/PROTECT VISIBILITY TRIANGLE WITH PLANT MATERIAL PER CITY STANDARDS AT ALL ENTRANCES TO SITE.
  8. PREP ENTIRE WIDTH OF ALL DEFINED PLANTING BEDS WITH MIX AS OUTLINED IN SPECS. WHERE SHRUBS ARE LOCATED ALONG CURB, SET SHRUBS BACK FROM CURB 3 FT.
  9. SEE DETAIL SHEET FOLLOWING FOR PLANTING DETAILS.
  10. CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO TELEPHONE, TELECABLE, ELECTRIC, GAS, WATER AND SEWER. ANY DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR AT NO COST TO OWNER.
  11. IF EXISTING TREES ARE SHOWN TO REMAIN, CONTRACTOR SHALL PRUNE AS DIRECTED BY OWNER'S REPRESENTATIVE. WORK TO INCLUDE REMOVAL OF ALL SUCKER GROWTH; DEAD AND DISEASED BRANCHES AND LIMBS; VINES, BRIARS AND OTHER INVASIVE GROWTH; AND ALL INTERFERING BRANCHES. MAKE ALL CUTS FLUSH TO REMAINING LIMB. RETAIN NATURAL SHAPE OF PLANT. ALL WORK SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
  12. QUANTITIES ARE PROVIDED AS A COURTESY AND NOT INTENDED FOR BID PURPOSES. CONTRACTOR TO VERIFY PRIOR TO PRICING.
  13. INSTALL EDGING BETWEEN LAWN AND PLANTING BEDS. REFER TO SPECIFICATIONS.
  14. FILE ALL CORNERS SMOOTH.
  15. INSTALL CURLEX BLANKET (OR EQUAL) PER MANUFACTURER'S INSTRUCTIONS ON ALL GROUNDCOVER/SHRUB BEDS WITH A SLOPE OF 4:1 OR GREATER.
  16. AT TIME OF PLAN PREPARATION, SEASONAL PLANT AVAILABILITY CANNOT BE DETERMINED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SECURE AND RESERVE ALL B&B PLANTS WHEN AVAILABLE IN CASE ACTUAL INSTALLATION OCCURS DURING THE OFF-SEASON. PURCHASE AND HOLD B&B PLANTS FOR LATE SEASON INSTALLATION.
  17. BERM ALL PARKING LOT ISLANDS AS SHOWN ON ENCLOSED DETAIL SHEET. (BERMS MAY NOT BE SHOWN ON GRADING PLAN.)
- NOTE:**
- THE SITE WILL BE IRRIGATED WITH A BELOW GROUND AUTOMATIC IRRIGATION SYSTEM WITH A FREEZE AND RAIN SENSOR, DESIGNED AND INSTALLED BY A LICENSED TEXAS IRRIGATOR.
  - THE PROPERTY OWNER IS RESPONSIBLE FOR REGULAR WEEDING, MOWING, IRRIGATION, FERTILIZING, PRUNING AND OTHER MAINTENANCE OF ALL PLANTINGS. THE REQUIRED LANDSCAPING MUST BE MAINTAINED IN A HEALTHY, GROWING CONDITION AT ALL TIMES AS DEFINED IN ZONING ORDINANCE, SECTION 399.

| CITY OF MURPHY LANDSCAPE REQUIREMENTS - LOT 1 |  |   |
|---|--|---|
| AREA  | REQUIRED   | PROVIDED  |
| MIN. LANDSCAPE AREA                           | MINIMUM 20% OF SITE TO BE LANDSCAPED                               |   |
|   | 20% X 72,167 = 14,434 SF   | 20,357 SF   |
| MIN. WIDTH OF LANDSCAPE SETBACK               | 25' LANDSCAPE BUFFER ALONG TYPE 'B' ARTERIAL                       |   |
|   | 25' MINIMUM SETBACK  | MIN. 25' MINIMUM SETBACK  |
| TREE REQUIREMENT ON FRONTAGE                  | 5' SIDE YARD SETBACK (W/EVERGREEN HEDGE)                           |   |
|   | REQUIRED   | PROVIDED  |
|   | 5' MINIMUM SETBACK   | INTEGRAL TO LOT   |
|   | REQUIRED   | PROVIDED  |
|   | 564/50 = 11 LG/46 DRN  | 11 LG/46 DRN TREES (some trees and ornamentals located in amenity area) |
| INTERIOR PARKING LANDSCAPE                    | ONE TREE REQUIRED PER EACH TEN SPACES                              |   |
|   | REQUIRED   | PROVIDED  |
|   | 71/10 = 8 TREES  | 8 TREES   |
| LOADING AREAS                                 | LANDSCAPE AREA W/TREE NOT MORE THAN 60 LF FROM EVERY PARKING SPACE |   |
|   | PARKING SPACES SHALL NOT EXCEED 15 SPACES WITHOUT TREE             |   |
|   | 5% INTERIOR LANDSCAPING 31,415 x 5% = 1,570 SF, 1,583 SF PROVIDED  |   |
|   | ADDITIONAL 7% OPEN SPACE FOR ENTIRE DEVELOPMENT. REF LOT 3         |   |
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|   | LANDSCAPE AREA W/TREE NOT MORE THAN 60 LF FROM EVERY PARKING SPACE |   |
|   | PARKING SPACES SHALL NOT EXCEED 15 SPACES WITHOUT TREE             |   |
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|   |  |   |



# McCreary Marketplace

Orange Development Inc.  
1200 Corporate Drive  
Suits G-60  
BIRMINGHAM, AL 35242  
TEL: (205)408-3443  
FAX: (205)408-1880

**JACOBS**  
777 Main St.  
Fort Worth, Tx. 76102



Front Elevation



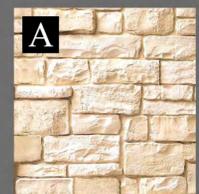
Right Elevation



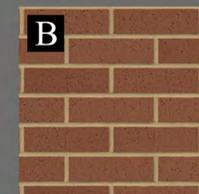
Left Elevation



Right Elevation



LUEDERS LIMESTONE



ACME BRICK "Crimson"



CLASSIC CAST STONE



ANODIZED ALUMINUM



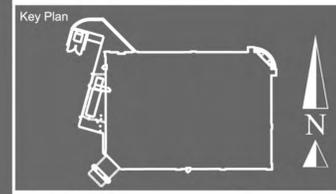
ACME BRICK "Rockefeller Plaza"



| West Elevation |             |     | South Elevation |             |     |
|----------------|-------------|-----|-----------------|-------------|-----|
| Material       | s.f.        | %   | Material        | s.f.        | %   |
| Stone          | 416         | 16% | Stone           | 707         | 19% |
| Cast stone     | 87          | 4%  | Cast stone      | 210         | 6%  |
| Brick red      | 1520        | 59% | Brick red       | 2052        | 55% |
| Brick pink     | 447         | 18% | Brick pink      | 637         | 17% |
| Metal          |             |     | Metal           |             |     |
| Windows        | 13          | 1%  | Windows         | 13          | 1%  |
| Doors          | 57          | 2%  | Doors           | 86          | 2%  |
| <b>Total</b>   | <b>2550</b> |     | <b>Total</b>    | <b>3705</b> |     |

| East Elevation |             |     | North Elevation |             |     |
|----------------|-------------|-----|-----------------|-------------|-----|
| Material       | s.f.        | %   | Material        | s.f.        | %   |
| Stone          | 546         | 20% | Stone           | 655         | 17% |
| Cast stone     | 137         | 5%  | Cast stone      | 193         | 5%  |
| Brick red      | 905         | 34% | Brick red       | 1731        | 44% |
| Brick pink     | 731         | 27% | Brick pink      | 923         | 23% |
| Metal          |             |     | Metal           |             |     |
| Windows        | 387         | 14% | Windows         | 387         | 10% |
| Doors          |             |     | Doors           | 58          | 1%  |
| <b>Total</b>   | <b>2707</b> |     | <b>Total</b>    | <b>3947</b> |     |

- Notes:
- This Facade Plan is for conceptual purposes only. All building plans require review and approval of the Building Inspection Department
  - All mechanical units shall be screened from public view
  - When permitted, exposed utility boxes and conduits shall be painted to match the building
  - All signage areas and locations are subject to approval by the Building Inspection Department
  - Roof access shall be provided internally, unless otherwise permitted by the Building Official



Subdivision: McCreary Marketplace  
Block:  
Lot number: 1  
Preparation Date: May 24 2012

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**Issue**

Hold a public hearing and consider and/or act on the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a SUP (Specific Use Permit) for a Hospital Facility and Professional Offices and approval of a Concept Plan on the property zoned NS (Neighborhood Service) District and located at the northeast corner of FM 544 and Heritage Parkway.

**Background**

The applicant is proposing to construct a hospital facility and professional offices, on the subject property. A hospital facility and professional offices is only allowed by SUP (Specific Use Permit) in the NS (Neighborhood Service) District. Therefore, the applicant is requesting approval of a SUP (Specific Use Permit) to allow a hospital facility and professional offices. As part of the request, the applicant is requesting approval of a Concept Plan. The subject property is undeveloped. The subject property has an area of 3.69 acres, is bordered by single family to the east, a child care facility to the north, Heritage Parkway to the west and FM 544 to the south.

The applicant did submit an application to the Planning & Zoning Commission on January 23, 2012. The application, in its format at the time, was denied. The applicant chose not to appeal the decision to City Council. The applicant did meet with City staff following the Commission decision and discussed details and opportunities for improvement to their submittal.

**Current Zoning District**

The subject property is zoned NS (Neighborhood Service) District. The NS (Neighborhood Service) District is established to provide areas for limited local neighborhood, low intensity retail and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The NS (Neighborhood Service) District should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes, but it can also act as a buffer against residential areas.

Development of this property is restricted to only those uses listed allowed in the NS (Neighborhood Service) District. A site plan, landscape plan and elevations shall be submitted for all or any part of the land with the area governed by the proposed Concept Plan.

**Considerations**

1. The applicant is proposing to construct a hospital facility and professional offices on the subject property. Hospital facility is not listed as an allowed use for the NS District and therefore must be approved as a specially permitted use. As required for SUP application, a Concept Plan has been included for consideration as well. The subject property is undeveloped.

2. Since February 2012, the applicant has met directly with City staff, including the City Manager and Director of Economic and Community Development as well as Windy Hills Farms HOA Board and HOA members (3 meetings).
3. The applicant has worked to address concerns expressed by City staff, surrounding homeowners and the Planning & Zoning Commission.
4. Sec. 86-473. – Height Regulations for this district are: Two Stories or 35 feet for the main building, except maximum height shall be 25 feet for any portion of a building that is located within 150 feet of a residential zoning district.

The building height will meet this requirement.

5. Section 86-802(3) of the Code of Ordinances require that all nonresidential buildings have a minimum 90 percent masonry exterior. In addition, if any elevation is visible from a street, it shall have a 100 percent masonry exterior.

The applicant will meet this requirement.

6. Upon Landscape Plan submittal (site plan process), a deeper landscape buffer must be included on the back north and east property boundaries with a minimum of 10' and shown as dense landscaping given its proximity to the surrounding property owners. The Concept Plan does identify this buffer.

The applicant will meet this requirement.

7. A public hearing notification published in the newspaper as well as notification mailed to the property owners included in the required 200 feet notification radius.

8. There is an existing monument sign on the subject property that advertises the Windy Hill Farms subdivision. The Code of Ordinances does not allow more than one monument sign per business nor does it allow off-site advertising (i.e. – the Windy Hill Farms HOA does not own the subject property. The applicant is requesting as part of this SUP (Specific Use Permit) application, that the Windy Hill Farms subdivision sign remain.

The applicant has also agreed to upgrade the sign.

### **Staff Recommendation**

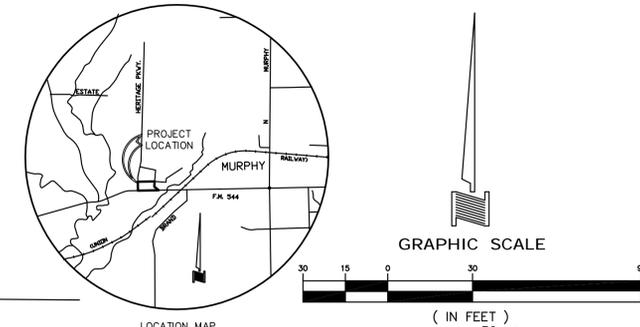
Staff recommends approval of a SUP (Specific Use Permit) for a Hospital Facility and Professional Offices and approval of a Concept Plan on the property zoned NS (Neighborhood Service) District and located at the northeast corner of FM 544 and Heritage Parkway.

### **Attachments**

Concept Plan

*Kristen Roberts, Director of Economic and Community Development*

**Submitted By**



**SITE DATA SUMMARY TABLE**

|   |   |
|---|---|
| EXISTING ZONING   | NEIGHBORHOOD SERVICES (NS)  |
| PROPOSED USE  | •HOSPITAL FACILITY (1ST FLOOR)<br>•SPECIAL USE PERMIT REQUIRED<br>•MEDICAL OFFICE (2ND FLOOR) |
| LOT AREA  | 161,142 SF (3.699 AC.)  |
| BUILDING AREA   | FOOTPRINT AREA = 19,929 S.F.<br>TOTAL AREA = 38,873 S.F.                                      |
| BUILDING HEIGHT   | MAX 35'   |
| LOT COVERAGE  | 12.2% (MAX 40%)   |
| FLOOR AREA RATIO  | 0.24:1 (MAX 1:1)  |
| TOTAL PARKING REQUIRED  |   |
| <b>HOSPITAL:</b>  | <b>HOSPITAL:</b>  |
| - 1 SPACE FOR EACH 2 BEDS OR EXAM ROOM  | 8 EXAM ROOMS = 8 SPACES<br>15 EMPLOYEES/2 = 8 SPACES  |
| - 1 SPACE FOR EVERY 2 EMPLOYEES DURING FULL OCCUPANCY.  |   |
| <b>MEDICAL OFFICE:</b>  | <b>MEDICAL OFFICE (20,080 SF)</b>   |
| - FLOOR AREA EXCEEDS 20,000 SF, THEREFORE PER SECTION 38 OF THE DEVELOPMENT STANDARDS THE PARKING REQUIREMENTS FOR HOSPITALS SHALL BE USED. (SEE ABOVE) | 15 EXAM ROOMS = 15 SPACES<br>50 EMPLOYEES/2 = 25 SPACES                                       |
| TOTAL PARKING PROVIDED (HANDICAP SPACES PROVIDED)   | 97 SPACES<br>(10 SPACES)  |
| PERVIOUS PERMANENTLY LANDSCAPED AREA REQUIRED   | 20% OF LOT AREA = 32,228 S.F.   |
| PERVIOUS PERMANENTLY LANDSCAPED AREA PROVIDED   | 82,055 S.F.   |
| IMPERVIOUS COVERAGE   | 50.0% (MAX 80%)   |

**TREE PROTECTION NOTE**

EXISTING TREES TO BE PROTECTED SHALL BE PROTECTED PER THE CITY OF MURPHY TREE PRESERVATION CODE.

**FLOOD NOTE**

NO FLOODPLAIN EXISTS ON THIS SITE.

**FLOOD STATEMENT**

ACCORDING TO COMMUNITY MAP NO. 48085C0415J DATED JUNE 2, 2009 OF THE NATIONAL FLOOD INSURANCE PROGRAM MAP, FLOOD INSURANCE RATE MAP OF COLLIN COUNTY, TEXAS. THIS PROPERTY IS IN FLOOD ZONE X, WHICH IS NOT A SPECIAL FLOOD HAZARD AREA.

**NOTES**

- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.
- ALL PARKING SPACES ARE 9'X18' UNLESS OTHERWISE SHOWN.
- THE COVERED DROP-OFF POINT SHALL HAVE A MINIMUM 14.0' VERTICAL CLEARANCE.
- PORTE CACHE MUST MAINTAIN A 14' VERTICAL CLEARANCE.
- THE STRUCTURE SHALL BE FIRE SPRINKLED.
- MONUMENT SIGNS SHALL CONFORM TO CITY OF MURPHY ORDINANCES.
- PARTIAL TREE REMOVAL WILL BE REQUIRED ALONG THE NORTH AND EAST PROPERTY LINES. TREES REMOVED WILL BE REPLACED IN ACCORDANCE WITH CITY OF MURPHY ORDINANCES.
- WHERE GRADING AND DRAINAGE IMPROVEMENTS ALLOW, TREES WILL BE SAVED ALONG EAST PROPERTY LINE.
- NO MEDIAN OPENINGS PROPOSED ALONG F.M. 544 OR HERITAGE PKWY. ALL TRAFFIC MOVEMENT IN AND OUT OF THIS FACILITY WILL BE RIGHT IN & RIGHT OUT ONLY.
- FIRE LANES SHALL MAINTAIN A 14' VERTICAL CLEARANCE AT ALL TIMES.
- FIRE LANES MUST BE INSTALLED AND STRIPPED BEFORE VERTICAL CONSTRUCTION CAN BEGIN AND FIRE LANES MUST BE MAINTAINED AT ALL TIMES.
- AN AUTOMATIC SPRINKLER SYSTEM IS REQUIRED OR THIS STRUCTURE AND MUST BE DESIGNED, INSTALLED AND MAINTAINED PER NFPA 13. PLANS ARE REQUIRED TO BE SUBMITTED DIRECTLY TO THE MURPHY FIRE MARSHAL'S OFFICE FOR REVIEW. A PERMIT WILL BE PROVIDED AFTER APPROVAL OF SUCH PLANS AND BEFORE SYSTEM INSTALLATION MAY BEGIN.
- THE UNDERGROUND WATER SUPPLY PLANS FOR THE SPRINKLER SYSTEM IS REQUIRED TO BE DESIGNED, INSTALLED & MAINTAINED PER NFPA 24 AND SUBMITTED DIRECTLY TO MURPHY FIRE MARSHAL'S OFFICE FOR REVIEW. A PERMIT WILL BE PROVIDED AFTER APPROVAL OF SUCH PLANS AND BEFORE SYSTEM INSTALLATION MAY BEGIN.

**3.699 ACRES  
CONCEPT PLAN  
WINDY HILL FARMS - EMERUS**

AN ADDITION TO THE CITY OF MURPHY  
MARY SCOTT SURVEY, ABSTRACT NO. 859  
GEORGE H. PEGUES SURVEY, ABSTRACT NO. 699  
COLLIN COUNTY, TEXAS

JUNE 18, 2012

SCALE: 1"=30'

**OWNER**

FORESTAR (USA) REAL ESTATE GROUP, INC.  
14755 PRESTON ROAD, SUITE 710  
DALLAS, TEXAS 75254  
TEL: 972-702-8699  
FAX: 972-702-8372  
CONTACT: CHRISTI BROWNLAW

**DEVELOPER**

EMERUS HOLDINGS, INC.  
10077 GROGANS MILL ROAD  
SUITE 203  
THE WOODLANDS, TEXAS 77380  
CONTACT: DUDLEY CARPENTER

**ARCHITECT**

PhioWike PARTNERSHIP  
11275 S. HOUSTON PARKWAY W.  
SUITE 200  
HOUSTON, TEXAS 77031  
TEL: 832-554-1130  
CONTACT: DAVID BALDACCHINO

**LANDSCAPE ARCHITECT**

STUDIO 13 DESIGN GROUP  
519 BENNETT LANE  
SUITE 203  
LEWISVILLE, TEXAS 75057  
TEL: 469-635-1900  
CONTACT: LEONARD REEVES, RLA ASLA

**ENGINEER/SURVEYOR**

**DOWDEY, ANDERSON & ASSOCIATES, INC.**  
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694  
STATE REGISTRATION NUMBER: F-399  
CONTACT: BRENT L. MURPHREE, P.E.  
bmurphree@daa-civil.com

