



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.

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

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 25th 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 25th 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 25th 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:

John McKay, Chairman

Attest:

Secretary