

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

January 23, 2012

**CALL TO ORDER**

Secretary King called the pre-meeting to order at 6:03 p.m.

Kristen Roberts gave a brief summary of the items listed on the regular agenda.

Secretary King adjourned the pre-meeting at 6:20 p.m.

Secretary King called the meeting to order at 6:31 p.m.

**ROLL CALL & CERTIFICATION OF A QUORUM**

**Commissioners Present:** Jon King, Jane Jan, Steve Levy, Ty Holcomb, Stephanie Merrifield,  
**Commissioners Absent:** John McKay

**Alternates Present:** Ken Steubing, Gus Delaloye  
**Alternates Absent:** None

**City Staff Present:** Kristen Roberts, Director of Economic and Community Dev.  
David Young, Building Official  
Kim McCranie, Executive Administrative Assistant  
Lori C. Payan, Administrative Assistant

Lori C. Payan certified a quorum with all Commissioners present except for John McKay.

**PUBLIC COMMENTS**

There were no public comments received.

**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 November 28, 2011.

**Commission Action**

Commissioner Levy moved to approve the Consent Agenda as presented. Commissioner Jan seconded the motion. Motion passed 8-0.

**INDIVIDUAL CONSIDERATION**

1. Consider and/or act on the application of Spiars Engineering representing Master-Developers-SNB LLC, requesting approval of the Final Plat for **Rolling Ridge Estates, Phase 6** on property zoned PD (Planned Development) District for Single Family Uses (Ordinance No. 04-09-622).

**Commission Action**

Commissioner Merrifield moved to approve the Final Plat for Rolling Ridge Estates, Phase 6. Commissioner Jan seconded the motion. Motion passed 8-0.

2. 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, including helistop, and approval of a Concept Plan on the property zoned NS (Neighborhood Service) District (Zoning Code of Ordinances, Article III. – Zoning Districts, Division 13) located at the northeast corner of FM 544 and Heritage Parkway. **Zoning File 2011-05.**

**Public Comments**

Dudley Carpenter, the applicant, gave the Commission a thorough overview of their project and a history of the project.

**PUBLIC HEARING OPENED AT 7:10 PM**

**Public Comments**

Mark Miller, 633 Ashley Place:

Mr. Miller approached the Commission opposed to the application of Forestar (USA) Real Estate Group, Inc. requesting approval of a SUP (Specific Use Permit) for a Hospital Facility and Professional Offices, including a helistop, and approval of a Concept Plan on the property zoned NS (Neighborhood Service) District (Zoning Code of Ordinances, Article III. – Zoning Districts, Division 13) located at the northeast corner of FM 544 and Heritage Parkway. Mr. Miller opposed the application because he was concerned that it would bring the property values down. He also stated that there were some safety precautions due to the close proximity of the school.

Amy Nutz, 219 Amanda Court:

Ms. Nutz approached the Commission opposed to the application of Forestar (USA) Real Estate Group, Inc. requesting approval of a SUP (Specific Use Permit) for a Hospital Facility and Professional Offices, including a helistop, and approval of a Concept Plan on the property zoned NS (Neighborhood Service) District (Zoning Code of Ordinances, Article III. – Zoning Districts, Division 13) located at the northeast corner of FM 544 and Heritage Parkway. Ms. Nutz stated that she wanted to reiterate what Mr. Miller had just said about the safety of the school nearby, the noise the facility and traffic would bring to the community, and the close proximity of the facility to the homes and school.

Debra Chiarello, 616 Taylor Trail:

Ms. Chiarello approached the Commission opposed to the application of Forestar (USA) Real Estate Group, Inc. requesting approval of a SUP (Specific Use Permit) for a Hospital Facility and Professional Offices, including a helistop, and approval of a Concept Plan on the property zoned NS (Neighborhood Service) District (Zoning Code of Ordinances, Article III. – Zoning Districts, Division 13) located at the northeast corner of FM 544 and Heritage Parkway. Ms. Chiarello vehemently opposes the application due to the level of noise the facility would bring to the community. She is concerned about traffic accidents occurring because of the facility and stated that there was a close facility nearby in Wylie that was similar to the applicant's. Ms. Chiarello, who is a realtor, is also concerned about the property values in the surrounding area if the facility is built.

Brian Firmin, 604 Ashely Place,

Mr. Firmin approached the Commission opposed to the application of Forestar (USA) Real Estate Group, Inc. requesting approval of a SUP (Specific Use Permit) for a Hospital Facility and Professional Offices, including a helistop, and approval of a Concept Plan on the property zoned NS (Neighborhood Service) District (Zoning Code of Ordinances, Article III. – Zoning Districts, Division 13) located at the northeast corner of FM 544 and Heritage Parkway. Mr. Firmin is opposed to the application because of the impact of the noise due to the helistop as well as the flight path of the helicopters.

James Steinruck, 430 Shelby Trace,

Mr. Steinruck approached the Commission opposed to the application of Forestar (USA) Real Estate Group, Inc. requesting approval of a SUP (Specific Use Permit) for a Hospital Facility and Professional Offices, including a helistop, and approval of a Concept Plan on the property zoned NS (Neighborhood Service) District (Zoning Code of Ordinances, Article III. – Zoning Districts, Division 13) located at the northeast corner of FM 544 and Heritage Parkway.

Mr Steinruck lives directly behind the lot where the proposed facility would be built. He believes that his family will have the most direct impact/disruption from the helistop and the noise from the parking lot/traffic.

Dr. Najera, 6634 Shady Oaks Drive,

Dr. Najera approached the Commission opposed to the application of Forestar (USA) Real Estate Group, Inc. requesting approval of a SUP (Specific Use Permit) for a Hospital Facility and Professional Offices, including a helistop, and approval of a Concept Plan on the property zoned NS (Neighborhood Service) District (Zoning Code of Ordinances, Article III. – Zoning Districts, Division 13) located at the northeast corner of FM 544 and Heritage Parkway. Dr. Najera is opposed to this application because as he stated he knows from experience how loud the helistop will be. He also believes there are a lot of safety issues that have still to be addressed.

**Written Responses: 0 in Favor - 12 Opposed**

**PUBLIC HEARING CLOSED AT 7:26 PM**

Commission Discussion

The Commission discussed all the concerns that were brought forth by the public comments.

Public Comments

Dudley Carpenter, the applicant, once again addressed the Commission. Mr. Carpenter stated that he understood the concerns of the community and the Commission regarding the traffic, noise and safety. Therefore, he would vacate his request of the helistop.

Commission Action

Commissioner Merrifield moved to deny the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a SUP (Specific Use Permit) for a Hospital Facility and Professional Offices, including helistop, and approval of a Concept Plan on the property zoned NS (Neighborhood Service) District (Zoning Code of Ordinances, Article III. – Zoning Districts, Division 13) located at the northeast corner of FM 544 and Heritage Parkway.

Commissioner Delaloye seconded the motion. Motion passed 8-0.

3. Hold a public hearing and consider and/or act on the application of **Walmart Real Estate Business Trust** requesting to amend PD (Planned Development) District Ordinance No. 10-05-841, as amended, for Retail Uses, and revising the approved concept plan with conditions on property located at the northwest quadrant of FM 544 and North Murphy Road. **Zoning File 2011-02.**

*Commissioner Holcomb recused himself from the meeting*

### **Public Comments**

Myron Dornik, **representative for Wal-Mart (or the applicant)** gave the Commission a brief review of the changes in design and wording of the concept plan that have been previously approved by Council.

### **PUBLIC HEARING OPENED AT 7:46 PM**

There were no public comments.

### **PUBLIC HEARING CLOSED AT 7:46 PM**

### **Commission Action**

Commissioner Levy moved to approve the application of **Walmart Real Estate Business Trust** requesting to amend PD (Planned Development) District Ordinance No. 10-05-841, as amended, for Retail Uses, and revising the approved concept plan with conditions on property located at the northwest quadrant of FM 544 and North Murphy Road.

Commissioner Jan seconded the motion. Motion passed 8-0.

4. Consider and/or act on an application by **Walmart Real Estate Business Trust** requesting to revise the site plan for PD (Planned Development) District Ordinance No. 10-05-841, as amended, for Retail uses, on property located at the northwest quadrant of FM 544 and North Murphy Road.

### **Commission Action**

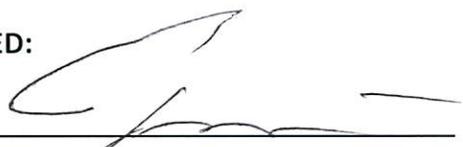
Commissioner Levy moved to approve the application by **Walmart Real Estate Business Trust** requesting to revise the site plan for PD (Planned Development) District Ordinance No. 10-05-841, as amended, for Retail uses, on property located at the northwest quadrant of FM 544 and North Murphy Road.

Commissioner Merrifield seconded the motion. Motion passed 8 -0.

### **ADJOURNMENT**

With no other business before the Commission, Secretary King adjourned the meeting at 7:51 p.m.

**APPROVED:**



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Jon King, Secretary

Attest:



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Secretary