



Murphy Planning and Zoning Commission Regular Meeting Minutes
206 North Murphy Road
Murphy, Texas 75094
August 27, 2012

CALL TO ORDER

Chairman McKay called the meeting to order at 6:01 p.m.

ROLL CALL & CERTIFICATION OF A QUORUM

Commissioners Present: John McKay, Steve Levy, Jon King, Camille Hooper, Ty Holcomb and Jane Jan

Commissioners Absent:

Alternates Present: John Johnson

Alternates Absent:

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

Lori C. Knight certified a quorum with all Commissioners present.

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 July 23, 2012.

Commission Action

Commissioner King made a motion to approve the Minutes from the regular meeting of July 23, 2012. Vice-Chairman Levy seconded the motion. Motion passed unanimously.

INDIVIDUAL CONSIDERATION

1. Cancellation notice of public hearing requesting approval of a SUP (Specific Use Permit) to allow a drive-thru window for a Braum's Ice Cream Store on property zoned PD (Planned Development) District No. 09-12-823 for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road. **This item has been rescheduled for September 24, 2012, and a new public notice will be published, mailed and posted.**
2. Consider and/or act on the application of the City of Murphy requesting approval of a construction plat for a re-plat of the Murphy Municipal Complex.

Staff Comments

Kristen Roberts stated that City Council recently awarded a bid for the construction of Murphy Central Park and the Maxwell Creek Trail Extension project and that approval of this Construction Plat of a re-plat would allow the City to begin the construction. Ms. Roberts stated that Staff recommended approval of the proposed Construction Plat of a re-plat.

Commission Action

Vice-Chairman Levy made a motion to approve the Construction Plat of a re-plat of the Murphy Municipal Complex. Commissioner Jan seconded the motion. Motion passes unanimously.

3. Continue a public hearing and consider and/or act on amendment(s) to PD (Planned Development) District (Ordinance No. 09-02-784) for Retail Uses, including revising the development conditions, plans and specific regulations for the district, including, without limitation, permitted land uses for the district comprised of 74.33 acres, more or less, in the James Maxwell Survey, Abstract No. 582, in the City of Murphy and located at the northeast corner of East FM 544 and North Murphy Road.

Staff Comments

Kristen Roberts reminded the Commission that they had asked to have this item brought back again for this meeting so that it would give them time to meet with the developer and so that it would not be in conjunction with another item in the same development. Ms. Roberts said that Council has asked staff to review this Ordinance specifically the permitted use section. This Ordinance has not been updated since 2009. Ms. Roberts stated that recommendations primarily focused on permitted uses of the Ordinance. She also said that this item would be going on the September 18, 2012 City Council agenda for consideration after the Commissioners have taken action on item. Ms. Roberts said that staff is recommending approval of this Ordinance.

Public Comments

Eric Langford, on behalf of Allen & Loucks Venture, Murphy for Venture and Champion Langford Partners, Primary Owners of Murphy Marketplace

Mr. Langford stated that he was generally in favor of updating the PD. He said that a lot of it was generally a 'clean up' of the Ordinance, clarifications and correcting misspellings. Mr. Langford said that he did have an opportunity to meet with staff and he suggested to the Commission that they talk to the other landowners such as Lowes or Whataburger. However Mr. Langford said that he was not in favor of the limitations of their rights of what they negotiated with the City over the course of time even prior to buying any properties. They would prefer not to have an SUP requirement and they don't want to remove certain items like the allowable uses in the PD but they are in favor of clarifying items and updating things to current city codes but not where it would diminish their rights in any way.

PUBLIC HEARING OPENED AT 6:10 PM

PUBLIC HEARING CLOSED AT 6:11 PM

Staff Discussion

Ben Wyse, City Assistant Attorney, clarified some items for the Commission about redundancy. Commissioner Hooper asked if the Uses were being eliminated from the PD and if there were definitions anywhere in the agreement to define/describe items. Commissioner Levy stated he was disappointed that the ambiguity that had gotten them in trouble before, was still there. Mr. Levy noted that City staff and Mr. Langford have been wrestling with these definitions for 3 to 4 months. He had hoped that this would have been worked out already.

Mr. Langford suggested to the Commission that they spend more time on this item so that it would allow City Staff and himself some time to define some items like "high quality".

The Commission was concerned that they did not have enough time to discuss the changes in the PD before it goes to City Council. There was much discussion about the definitions of drive through and what defines high quality.

Commissioner Hooper made the statement as to why the Commission had to make a decision tonight. Why couldn't they push this back another month like they have done with other items.

Commission Action

Chairman McKay moved to approve and recommend the staff's recommended changes with the note that if high quality is to be included in the zoning definition then it has to be further

defined by the City Council. Commission Holcomb seconded the motion. Motion passed unanimously.

ADJOURNMENT

With no other business before the Commission, Chairman McKay adjourned the meeting at 6:38 P.M.

APPROVED:

John McKay, Chairman

Attest:

Secretary