



Murphy Planning and Zoning Commission Regular Meeting Minutes  
206 North Murphy Road  
Murphy, Texas 75094  
November 26, 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, Jon King, Ty Holcomb, Camille Hooper and John Johnson

**Commissioners Absent:** Steve Levy and Jane Jan

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

Lori C. Knight certified a quorum with all Commissioners present except Steve Levy and Jane Jan. Ty Holcomb arrived at 6:03 p.m.

## 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 October 29, 2012.

### **Commission Action**

Commissioner King made a motion to approve the Minutes from the regular meeting of October 29, 2012. Commissioner Hooper seconded the motion. Motion passed unanimously.

## INDIVIDUAL CONSIDERATION

1. Hold a public hearing and consider and/or act on the proposed amendments to the Comprehensive Zoning Ordinance text.

### **Staff Comments**

Kristen Roberts stated that City staff realized that in the Spring of 2012, there were inconsistencies between the text within the Zoning Ordinances and the labels on the Zoning Map. Ms. Roberts stated that staff hired urban planning consultant, Heather Sims, to research and address these inconsistencies. She said that upon review of the Zoning Ordinance

adopted in 2004, it was determined that there were three specific zoning districts that should be amended into the 2004 Zoning Ordinance text. These were Public/Semi Public (P/SP) District, Parks/Open Space (PK) District and the Private Recreation (PPK) District. Ms. Roberts stated that they are just creating definitions for these zoning districts. This will not result in any properties being rezoned. Ms. Roberts stated that City staff recommended approval of these changes.

**PUBLIC HEARING OPENED AT 6:08 P.M.**

**PUBLIC HEARING CLOSED AT 6:13 P.M.**

Heather Sims, Sims Planning Consultant, clarified that these are actual zoning districts and not definitions that will be amended into the Zoning Ordinance text.

### **Commission Action**

Commissioner King made a motion to approve the proposed amendments to the Comprehensive Zoning Ordinance text. Commissioner Holcomb seconded the motion. Motion passes unanimously.

2. Hold a public hearing and consider and/or act on the proposed clarifications to the Zoning Map, as shown on the proposed Zoning Map #2 for adoption. Specifically:
  - 1) Amending the Zoning Map legend/labels as outlined within this item.
  - 2) Amending various Planned Development ordinance numbers so that these are accurately shown on the Zoning Map.
  - 3) Amending the colors on the Zoning Map to clarify current zoning in various areas of the City.

### **Staff Comments**

Kristen Roberts stated that she would be going over each of the items listed in this agenda.

For item #1, Ms. Roberts stated that upon review of the Zoning Ordinance adopted in 2004 and the Zoning Map, it was determined that the zoning districts shown on the Zoning Map were a combination of a) districts that were in place prior to the adoption of the 2004 Zoning Ordinance and b) districts from the 2004 Zoning Ordinance. Several zoning district areas were not referred correctly or not found. Those districts were outlined and shown how they would now read. Ms. Roberts stated that the clarification of these districts would not change the current zoning of any property within the City.

For item #2, Ms Roberts stated that the 2004 Zoning Ordinance and the Zoning Map had incorrect PD numbers shown and there were no boundaries specified. Ms. Roberts showed the Commission a chart where the Planned Developments are listed with the numbers that they had and showing what the correct PD numbers are. With this editing, it does not alter the ordinances in any way.

For item #3, Ms. Roberts stated that it was determined that in several areas on the Zoning Ordinance and Zoning Map, the zoning on a property had been changed by the City but the zoning change was not reflected on the map. The zoning on the City's Zoning Map needs to be up-to-date and it should accurately reflect current zoning.

Ms. Roberts stated that staff recommended adoption of the Zoning Map #2 in order to clarify and address issues addressed in this agenda item.

Heather Sims, Sims Planning

Mrs. Sims did want to state that this amendment did not change the zoning on any of the properties. All Mrs. Sims wanted to show was that she took the PD ordinances that the City had and updated them with correct numbers and updated the map to show what it should be and not what it used to be.

**PUBLIC HEARING OPENED AT 6:24 P.M.**

**PUBLIC HEARING CLOSED AT 6:25 P.M.**

**Commission Action**

Commissioner Holcomb made a motion to adopt Zoning Map #2 as stated in Agenda Item #2. Commissioner Hooper seconded motion. Motion passed unanimously.

3. Hold a Public Hearing and consider and/or act on the zoning category change of **415 Oriole Drive, Hunt Elementary**, from Single-Family Residential Planned Development SF-9/SF-11/SF-20 to Public/Semi-Public (P/SP)

**Staff Comments**

Kristen Roberts stated that in the process of reviewing all of this and updating the City's Official Zoning Map, it was determined that there were several inconsistencies and that the best course of action was to update the Official Zoning Map to reflect as accurately as possible the current developed conditions within the City. Ms. Roberts stated that the zoning category for this particular address is currently shown as Single Family Residential. If approved, the zoning category for it will be changed to Public/Semi-Public. This zoning category actually conforms to the property's use as an existing public school. This change would correctly state what is already reflected on the map.

**PUBLIC HEARING OPENED AT 6:29 P.M.**

**PUBLIC HEARING CLOSED AT 6:34 P.M.**

**Commission Action**

Commissioner Hooper made a motion to approve the zoning category change of 415 Oriole Drive, Hunt Elementary from Single-Family Residential Planned Development SF-9/SF-11/SF-20 to Public/Semi-Public. Commissioner King seconded the motion. Motion passed unanimously.

4. Hold a Public Hearing and consider and/or act on the zoning category change of **621 Waters Edge Way, Tibbals Elementary** – from Single-Family Planned Development SF-9/SF-11/SF-20 to Public/Semi-Public (P/SP)

**Staff Comments**

Kristen Roberts stated that as in the previous items, the zoning category for this property is currently showing as Single-Family Residential PD SF9, 11 and 20. If approved, the zoning category for this property will be changed to Public/Semi-Public which conforms to the property's use as an existing public school.

**PUBLIC HEARING OPENED AT 6:38 P.M**

**PUBLIC HEARING CLOSED AT 6:39 P.M**

**Commission Action**

Commissioner Hooper made a motion to approve the zoning category change for 621 Waters Edge Way, Tibbals Elementary from Single Family Planned Development to Public/Semi-Public. Commissioner Johnson seconded motion. Motion passed unanimously.

5. Hold a Public Hearing and consider and/or act on the zoning category change of the **1302 Rodeo Drive properties** to include: a) **North Hill Park** from Single-Family Residential Planned Development SF-9/SF-11 to Parks/Open Space (PK); b) **Murphy City Water Tower** from Single-Family Residential Planned Development SF-9/SF-11 to Public/Semi-Public (P/SP); and c) **North Hill Amenity Center and pool** from Single-Family Residential Planned Development SF-9/SF-11 to Private Recreation (PPK)

**Staff Comments**

Kristen Roberts stated these three parcels or properties that make up this address are all zoned Single-Family Residential. If approved, the zoning category for these properties would be changed to reflect what these properties currently are.

**PUBLIC HEARING OPENED AT 6:42 P.M.**

**PUBLIC HEARING CLOSED AT 6:43 P.M.**

**Commission Action**

Commissioner Hooper made a motion to change the zoning category on these properties to as follows:

North Hill Park from Single Family Residential to Parks/Open Space (PK)

Murphy City Water Tower from Single-Family Residential to Public/Semi-Public (P/SP)

North Hill Amenity Center and Pool from Single-Family Residential to Private Recreation (PPK)

Commissioner King seconded the motion. Motion passed unanimously.

6. Hold a Public Hearing and consider and/or act on the zoning category change of **121 Heritage Parkway (Oakbrook School)** from Public/Semi Public (P/SP) to Neighborhood Service (NS).

#### **Staff Comments**

Kristen Roberts stated that the zoning category for this address did not match this property which is Public/Semi-Public. If approved, the zoning category would be changed to Neighborhood Services which conforms to the property's use as an existing child day care, which it would fall under.

Commissioner Holcomb stated that he felt that this property could potentially change or allow for more future uses. Mr. Holcomb asked if there was any possibility of allowing the existing use to continue with the existing zoning. Mr. Holcomb was concerned that if the land were later sold at a future date, then the land could potentially be used for something like another WalMart.

Andy Messer, City Attorney

Mr. Messer stated that the property could not stay in the zoning category it was in since it was not compatible. However, he did state that what Commissioner Holcomb was saying was accurate.

Kristen Roberts stated that staff had looked at the surrounding uses and noticed they were all Neighborhood Services. Ms. Roberts said that staff proposed to change it to Neighborhood Services to make it more compatible especially since there was another school across the street as well.

Commissioner Holcomb asked if the property owner had been notified of the zoning change and Commissioner King asked if the correct letter had been mailed especially since the address on the reply form was incorrect. Ms. Roberts said that the owner had been notified along with other property owners and that the letter notification did indeed have the correct address of the property being affected.

#### **PUBLIC HEARING OPENED AT 6:50 P.M**

Dorothy Isernia, 309 Ambrose Drive, Murphy

Mrs. Isernia wanted to know the zoning for the property across the street from the school. She felt that since there were schools nearby, she didn't want any businesses coming in that close to the schools. Mrs. Isernia also wanted the definition of Public/Semi-Public and how it relates to the water tower.

Kristen Roberts explained to Mrs. Isernia that Emerus Emergency Hospital will be going in the vacant lot that Mrs. Isernia was concerned about.

Chairman McKay read off the definition to Mrs. Isernia.

Ernest Barnett, 613 John Close, Murphy

Mr. Barnett asked if someone would explain to him what the Neighborhood Services would allow. Mr. Barnett was also concerned about the traffic at the intersection of FM 544 and Heritage Pkwy especially since there are schools on both sides of the road.

Kristen Roberts read off the definition of Neighborhood Services

Keith Patton, 451 Pointdexter, Murphy

Mr. Patton pointed out that the property to the east of Heritage Pkwy and 544 was wrong because that was already zoned and approved for medical uses and it did not fall into the Neighborhood Services category.

Kristen Roberts did state that the Planning and Zoning Commission and City Council approved a special use permit for the medical offices that are there.

**PUBLIC HEARING CLOSED AT 6:59 P.M.**

Commissioner Holcomb suggested using a non conforming use instead.

**Commission Action**

Commissioner Johnson made a motion to deny the zoning category change of 121 Heritage Parkway (Oakbrook School) from Public/Semi Public to Neighborhood Services. Commissioner Holcomb seconded the motion. Motion denied with Commissioners McKay, Hooper and King opposing.

Chairman McKay made a motion to approve the zoning change of 121 Heritage Parkway from Public/Semi Public to Neighborhood Services. Commissioner King seconded the motion.

At John's motion, Mr. Patton objected from the audience stating John McKay wasn't following Roberts Rules of Order by making that motion. Attorney Messer stated he didn't have reference in front of him and to be certain for Mr. McKay to rescind his motion and someone else make a motion.

Chairman McKay rescinded his motion.

Commissioner King made a motion to approve the zoning change of 121 Heritage Parkway from Public/Semi Public to Neighborhood Services. Commissioner Hooper seconded the motion. Motion passed 3-2 with Commissioners Holcomb and Johnson opposing motion.

7. Hold a Public Hearing and consider and/or act on the zoning category change of **725 FM 544** from Single Family Residential 15 (SF-15) to Public/Semi Public (P/SP).

**Staff Comments**

Kristen Roberts stated that the zoning category for this property is currently Single Family Residential. If approved, the zoning category will be changed to Public/Semi Public. This category conforms to the property's use as an existing City of Murphy Lift Station.

**PUBLIC HEARING OPENED AT 7:08 P.M.**

Chris Bouressa, 121 Collin Court, Murphy

Mr. Bouressa wanted clarification of its current uses and if there is any future development plans for this piece of property. Mr. Bouressa stated that it's listed in the county district appraisal as Single Family and he wondered whether the property could be leased

Kristen Roberts stated that she was not aware of any developments but that that is where the City's lift station is and it would be there permanently.

**PUBLIC HEARING CLOSED AT 7:11 P.M.**

**Commission Action**

Commissioner Holcomb made a motion to approve the zoning category change of 725 FM 544 from Single Family Residential to Public/Semi Public. Commissioner Hooper seconded the motion. Motion passed unanimously.

8. Hold a Public Hearing and consider and/or act on the zoning category change of City of Murphy public maintenance yard along the railroad south of municipal complex and adjacent to Murphy Road (**Murphy Municipal Center (CMR), BLK A, Lot 3, 3.982 Acres**) from Town Center (TC) to Public/Semi Public (P/SP)

**Staff Comments**

Kristen Roberts stated that the zoning category for this property was currently Town Center. If approved, the zoning category will be changed to Public/Semi Public which conforms to the property's use as an existing City of Murphy Public Maintenance Yard.

Chairman McKay asked if the City currently owned the property. Ms. Roberts verified that it did.

**PUBLIC HEARING OPENED AT 7:15 P.M.**

**PUBLIC HEARING CLOSED AT 7:15 P.M.**

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### **COMMISSION ACTION**

Commissioner Johnson made a motion to approve the zoning category change of City of Murphy Public Maintenance Yard along the railroad south of Municipal Complex and adjacent to Murphy Road from Town Center to Public/Semi Public. Commissioner King seconded the motion. Motion passed unanimously.

9. Hold a Public Hearing and consider and/or act on the zoning category change of **Kinney Drive, ABS A0579 Henry Maxwell Survey, Tract 24, 16.249 acres** from Parks/Open Space (PK) to Public/Semi Public (P/SP)

### **Staff Comments**

Kristen Roberts stated that the current zoning map identifies this area as a park. However after extensive research, staff has found no action ever taken by the City or City Council to dedicate this property as a park. Ms. Roberts stated that following a land purchase agreement with PISD many years ago, no action was ever found that this property was dedicated as a park. Staff recommends the property zoning to change from Parks/Open Space to Public/Semi Public to reflect what it is, city owned property.

### **PUBLIC HEARING OPENED AT 7:19 P.M.**

#### Luminda Marshall, 420 Hickory Drive, Murphy

Mrs. Marshall stated that she had three things that she was primarily concerned about. First, being the noise, since it's pretty quiet right now. Second, depending on what the future holds for this property is traffic. Third being, does this affect the property values on the surrounding properties. Mrs. Marshall stated that she has resided there for eight years and that the area is quiet, no traffic issues and she would like the area to continue.

#### Morris Howard, 300 Ambrose Drive, Murphy

Mr. Howard stated that it seemed to him that the process that the City was using is to update their record keeping for something that is being used in its current manner. Mr. Howard asked why is it being changed?

Chairman McKay stated that it was being updated to its current standard.

Kristen Roberts reiterated that although it is identified as a park, it has never been on a Park's Master Plan nor used or maintained by the City's Parks Department. It has been identified as city property.

Keith Patton, 451 Pointdexter Lane

Mr. Patton stated that this property made him a bit nervous especially with all the talk about parkland during City Council. Mr. Patton asked if this property was not included in all the parks acreage that the City had to get for the bonds for Central Park. Mr. Patton stated that changing this could have a lot of ramifications if it was included.

Kris Mraz, 470 Kinney Drive

Mr. Mraz asked the Commission to read the definition of Public/Semi-Public. Mr. Mraz believes that the property does not fit into that category being that it is surrounded by residential homes and a country like setting. He would like to request that the Commission deny this change and keep it as a park and retain the current zoning.

**PUBLIC HEARING CLOSED AT 7:27 P.M.**

Kristen Roberts explained the process of the dedication of a park. Commissioner King stated that for all the talk that the City has for parks, here was 16 acres of land that the City was taking back and not designating it as a park.

Andy Messer, City Attorney, explained that it was important for cities to dedicate land for parks because that dedication or it is done by the deeding to the city that has like a covenant, that if it is not used as a park then it reverts to its original owner. Mr. Messer stated that once it is dedicated as a park, it is very difficult not to use it as a park. Mr. Messer stated he was not involved in the research but that staff has said it was never dedicated as such. It was zoned incorrectly.

*Following the closing of the Public Hearing, Commission allowed the following comments.*

Dorothy Isernia, 309 Ambrose Drive

Mrs. Isernia stated that if she had been looking for a house to buy and a builder told her that that particular piece of property was a park or zoned for a park, she would feel like she had been misled. If the builders had been told that that piece of property was to be a park

Jennifer Berthiaume, 416 Woodcrest Circle,

Ms. Berthiaume wanted the definition of Parks/Open Space because it seemed to her that the land is vacant, nothing is on it, no improvements. Ms. Bertiaume doesn't care that it wasn't designated a park, doesn't it still fit in the Parks/Open Space designation? She would rather have that than have city equipment be parked on it.

Chairman McKay read the definition again of Parks/Open Space.

**Commission Action**

Commissioner Johnson made a motion to **deny** the zoning category change of Kinney Drive from Parks/Open Space to Public/Semi Public. Commissioner Holcomb seconded the motion.

Motion to deny the zoning change passes unanimously.

Kristen Roberts wanted to go on record and let the residents know that this item would go before City Council again on December 11, 2012. She encouraged those to attend.

10. Hold a Public Hearing and consider and/or act on the zoning category change of **Murphy Central Park properties** to include: a) **Murphy Central Park** from Public/Semi Public (P/SP) to Parks/Open Space (PK); b) **Murphy Central Park** from Single-Family Residential 15 (SF-15) to Parks/Open Space (PK); and c) **Murphy Central Park** from Single-Family Estate (SF-E) to Parks/Open Space (PK)

#### **Staff Comments**

Kristen Roberts stated that that the three properties within Murphy Central Park were all differently. The zoning category for these properties, if approved, would be changed to Parks/Open Space which conforms to the properties' current use as parks.

Commissioner Johnson asked if the City owns these properties. Ms. Roberts stated that the City does own the properties.

#### **PUBLIC HEARING OPENED AT 7:51 P.M.**

##### Greg Singleton, 372 Willow Wood

Mr. Singleton started to briefly give a history background on his neighborhood believing that we were on a different agenda item.

##### Keith Patton, 451 Poindexter Lane

Mr. Patton stated that there were some inconsistencies with this because the City was putting in a PSA and that was not a park. It is zoned now Public/Semi Public and what you have going in is a park so that's a conflict. Also, as Mr. Singleton was pointing out, if you drive down North Maxwell Creek road, there is a cemetery back there and does a cemetery fall into a park? Mr. Patton stated that a building by a nonprofit is not a park, it's Public/Semi Public.

##### Heather Sims, Sims Planning

Mrs. Sims stated that what she understood about PSA is that it is being headed by the Parks Department, it is being pursued by the Parks Department, it will be maintained by the Parks Department.

#### **PUBLIC HEARING CLOSED AT 7:59 P.M.**

#### **Commission Action**

Commissioner Holcomb made a motion to approve the zoning category change. Commissioner Johnson seconded the motion. Motion passed 4-1 with Commissioner King opposing.

11. Hold a Public Hearing and consider and/or act on the zoning category change of a) **Murphy Community Center, 205 N. Murphy Road** from Town Center (TC) to Parks/Open Space (PK); b) **Murphy Activity Center, 201 N. Murphy Road** from Town Center (TC) to Parks/Open Space (PK).

### **Staff Comments**

Kristen Roberts stated that both buildings, Murphy Community Center and Murphy Action Center, are both being actively used as recreation centers for the City of Murphy which falls into the Parks/Open Space category. Staff is asking approval of the zoning category change to reflect its current use as parks and recreation facilities.

### **PUBLIC HEARING OPENED AT 8:04 P.M.**

#### Floyd Rose, 137 N. Murphy Road

Mr. Rose stated that they have been residents of Murphy for a very very long time and would like their property to continue to be zoned as residential. Mr. Rose also wanted to state that the work and noise going on outside his bedroom window from Wal-Mart is very annoying at 3:00 a.m. Mr. Rose stated that the residents who live on the corner house and next to the railroad tracks were able to get the train to stop blowing its whistle when it passed by. Mr. Rose stated that work at 3:00 a.m is kind of early.

Kristen Roberts stated that the complaint had been noted and would forward it to Code Enforcement.

#### John Isernia, 309 Ambrose Drive

Mr. Isernia stated that he had a question on the voting process and wanted to know what was Town Center.

#### Heather Sims, Sims Planning

Mrs. Sims read the definition of Town Center as defined in our district.

#### Keith Patton, 451 Pointdexter

Mr. Patton asked if the Animal Shelter that is behind the Murphy Community Center would fall into the new zoning category.

### **PUBLIC HEARING CLOSED AT 8:18 P.M.**

**Commission Action**

Commissioner Holcomb made a motion to approve the zoning category change. Commissioner King seconded the motion. Motion passed unanimously.

12. Hold a Public Hearing and consider and/or act on the zoning category change of **Timbers Nature Preserve Park, 324 Pine Top Drive** from Single Family Residential - 20 (SF-20) to Parks/Open Space (PK).

**Staff Comments**

Kristen Roberts stated that the current zoning category for this is Residential however it is a city park. If approved, the zoning category would change to conform to the property's current use as parks.

**PUBLIC HEARING OPENED AT 8:22 P.M.**

**PUBLIC HEARING CLOSED AT 8:22 P.M.**

**Commission Action**

Commissioner Hooper made a motion to approve the zoning category change. Commissioner Holcomb seconded the motion. Motion passes unanimously.

13. Hold a Public Hearing and consider and/or act on the zoning category change of **Willow Wood Ranch Estates #1, Lot 1 and 2** from Single Family Estate (SF-E) to Public/Semi Public (P/SP).

**Staff Comments**

Kristen Roberts stated that the current zoning category is Single Family Estate and if approved, the zoning category would change to Public/Semi Public which would conform to the property's current use as City of Murphy easement/property.

**PUBLIC HEARING OPENED AT 8:25 P.M.**

**Greg Singleton, 372 Willow Wood**

Mr. Singleton stated that this is a perfect time to clean up this particular lot. Mr. Singleton stated that this is close to his property and he does not want this to be categorized as open space or public. He has had to deal with vagrants or kids and he has to pick up the beer bottles that are left behind there. People have to trespass his property in order to get access to this small piece of property. Mr. Singleton suggested how the City could replat the land in order to get taxes from it. Mr. Singleton asked the City for its due diligence in obtaining the necessary papers it needs and replatting this land and using it for something good and alleviate a problem that's existed for many years. Mr. Singleton wanted his remarks to be used for Agenda Item #14. He believed that he was commenting on the agenda item he came to speak about and was told it was the next one.

**PUBLIC HEARING CLOSED AT 8:36 P.M.**

**Commission Action**

Commissioner King made a motion to approve the zoning category change. Commissioner Holcomb seconded the motion. Motion passed unanimously.

14. Hold a Public Hearing and consider and/or act on the zoning category change of **A0582 JAS W Maxwell Survey, Tracts 43 and 60** from Single Family Estate (SF-E) to Parks/Open Space (PK) and **ABS A0588 C A McMillan Survey, Tract 57** from Private Recreation (PPK) to Parks/Open Space (PK).

**Staff Comments**

Kristen Roberts stated that the current zoning category is Single Family Estate and if approved, the zoning category would change to Parks/Open Space which would conform to the property's current use as parks.

**PUBLIC HEARING OPENED AT 8:41 P.M.**

**Keith Patton, 451 Pointdexter**

Mr. Patton stated that the tract 43 is used as a beer can dumping ground. He stated that it would be better if it were zoned Public Use.

**PUBLIC HEARING CLOSED AT 8:43 P.M.**

**Commission Action**

Commissioner Holcomb made a motion to approve the zoning category change. Commissioner Johnson seconded the motion. Motion passes unanimously.

15. Hold a Public Hearing and consider and/or act on the zoning category change of the following properties from Office (O) to Single-Family Residential-9 (SF-9):
  - 1) 213 N. Murphy Road; 2) 215 N. Murphy Road; 3) 217 N. Murphy Road;
  - 4) 223 N. Murphy Road; 5) 225 N. Murphy Road; 6) 227 N. Murphy Road;
  - 7) 231 N. Murphy Road; 8) 233 N. Murphy Road; 9) 235 N. Murphy Road;
  - 10) 237 N. Murphy Road; 11) 239 N. Murphy Road; 12) 241 N. Murphy Road; 13) 243 N. Murphy Road; and 14) 501 N. Murphy Road.

**Staff Comments**

Kristen Roberts stated that the current zoning category for these properties is Office. If approved, the zoning category for these would change to Single Family Residential 9 which conforms to the current use of the properties as residential.

**PUBLIC HEARING OPENED AT 8:50 P.M.**

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Steve Chadick, 213 & 215 N. Murphy Road

Mr. Chadick, who represents several investment properties and some of those in Murphy, said that he had been through this back in 1998 when they went from Light Commercial zoning to Office. Mr. Chadick stated that he thinks these properties will never develop as residential. Mr. Chadick and his sister are asking the Commission to separate the zoning request for his two properties. He believes his properties serve more as a buffer for the properties in the back. Mr. Chadick stated that he had already suffered from a previous administration with property on 210. He had to file a suit against the City and won. He stated that they have already suffered from the road widening where they lost some property there.

Commissioner Hooper asked Mr. Chadick what his properties were being used for. Mr. Chadick stated that the property on 215 is rental property which has a small house and on 213, it is a vacant lot.

Susan Chadick, 217 N. Murphy Road

Ms. Chadick stated that her property at 217 is vacant and that she has talked to the City already about the house being leveled. She stated that the plan all along for this as Murphy has been developing, that this was going to be a non residential property. We always maintained it as non residential.

**PUBLIC HEARING CLOSED AT 8:55 P.M.**

Kristen Roberts stated that if indeed the Commission wanted to pull 213, 215 and 217 and deny the zone change and keep it as office, staff would move that on to City Council but they do recommend that the remainder of the properties be zoned for Residential.

**Commission Action**

The Commission had a brief discussion about the future of these residential properties and how they would develop in the future especially with all the development going on around them. Kristen Roberts did inform the Commission that the properties 223-501 they have deed restrictions that they all be used for church or residential.

Commissioner Hooper made a motion to approve the following properties to be changed from Office to Single Family Residential 9: 223,225, 227, 231, 233, 235, 237, 239, 241, 243 and 501 N. Murphy Road

In addition, Commissioner Hooper denied the zoning category change to address 213, 215 and 217 N. Murphy Road. Commissioner Holcomb seconded the motion. Motion passed unanimously.

16. Hold a public hearing and consider and/or act on the adoption of the Official City of Murphy Zoning Map 2012, as shown as proposed official Zoning Map #3.

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### **Staff Comments**

Kristen Roberts stated that Zoning Map #2 was adopted in Agenda Item 2 clarifying and addressing issues such as map legend/labels and accurate Planned Development Ordinance numbers. Zoning Map #3 reflects the change in zoning for all parcels as specified in agenda items 3-15. Staff recommends adoption of Zoning Map #3 with the following amendments:

- a. Kinney Property be reflected as Parks per Commissions recommendation
- b. 213, 215 and 217 N. Murphy Road be reflected as Office
- c. Lot 38 remain Town Center

With those two amendments, staff respectfully asked for the Commission's approval of Zoning Map #3

### **PUBLIC HEARING OPENED AT 9:12 P.M.**

Keith Patton, 451 Pointdexter Lane

Mr. Patton stated that he applauded the Commission for going through all these corrections.

### **PUBLIC HEARING CLOSED AT 9:12 P.M.**

### **Commission Action**

Commissioner Holcomb made a motion to approve/adopt the official City of Murphy Zoning Map of 2012 as shown with the following conditions:  
Agenda Item 9, Kinney Drive to remain Parks/Open Space and Agenda Item #15, 213, 215 and 217 N. Murphy Road to remain Office and Lot 38 to remain Town Center. Commissioner King seconded the motion. Motion passed unanimously.

### **AGENDA REQUESTS/STAFF UPDATES**

Next P & Z Meeting will be held on December 17 in the Homer Adams Room in the Murphy Community Center.

### **ADJOURNMENT**

With no other business before the Commission, Chairman McKay adjourned the meeting at 9:17 P.M.

**APPROVED:**

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Jon King, Secretary

Attest:

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Secretary

DRAFT