



Murphy Planning and Zoning Commission Regular Meeting Minutes
206 North Murphy Road
Murphy, Texas 75094
June 3, 2013

j

CALL TO ORDER

Chairman Levy called the meeting to order at 6:05 p.m.

ROLL CALL & CERTIFICATION OF A QUORUM

Commissioners Present: Steve Levy, Jon King, Ty Holcomb, Eric Hemphill, Camille Hooper, John Johnson, Eric Hemphill

Commissioners Absent: Matthew Thekkil

City Staff Present: Kristen Roberts, Director of Community & Economic Development
Lori C. Knight, Administrative Assistant

Lori C. Knight certified a quorum.

PUBLIC COMMENTS

There were no public comments received.

CONSENT AGENDA

A. Approval of the Minutes from April 22, 2013.

Commission Action

Commissioner Hemphill made a motion to approve the minutes from April 22, 2013. Vice Chairman King seconded the motion. Motion was approved.

INDIVIDUAL CONSIDERATION

1. Consider and/or act on amending the March 25, 2013 meeting minutes to clarify a motion.

Commission Action

Commissioner Hemphill made the motion to approve the March 25, 2013 meeting minutes with amendment. Commission Johnson seconded the motion. Motion passed unanimously.

2. Hold a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for a Specific Use Permit for a drive thru on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek

Staff Discussion

Kristen Roberts stated that the applicant had presented a SUP request for a drive thru on March 25, 2013 to the Planning and Zoning Commission which would allow for a drive-thru for a Dunkin Donuts and would be adjoined to retail space. The request was denied and the applicant chose not to appeal the decision to City Council. Instead, the applicant resubmitted a new application and is prepared to present a presentation to the Commission.

Steve McVey, 7218 Lakewood Dallas,

Steve McVey stated that from their last presentation with the Planning and Zoning Commission, he listened to their comments and desires and what they wanted to see on the property. They went back to see what they could make work, like a sit down restaurant, with the constraints of the site. Mr. McVey showed how a Chili's and an Applebee's restaurant would not be able to fit properly on the site without having sufficient parking space for customers and employees.

Paul Williams, 6912 Arbor Real, Dallas

Paul Williams who works for Dunkin Brands stated that Dunkin Donuts wants to grow from the east to the west coast. Mr. Williams gave a background history on Dunkin and talked about their growth strategies within the Murphy community. Mr. Williams introduced a new modern look for in the interior of the building along with their expanded menu offering a variety of food and drinks that can be served throughout the day.

Secretary Holcomb asked if they had any interest in having the store without the drive-thru. Both representatives said they did not.

PUBLIC HEARING OPENED AT 6:22 P.M.

Dave Brandon, 136 Oak Bluff, Murphy

Mr. Brandon encouraged the Commission to deny the Special Use Permit. Mr. Brandon stated that he thought Dunkin Donuts would be a great addition to the Murphy community especially if they built a beautiful building. Mr. Brandon stated that a drive thru was never the intent for that space and that it has been a known fact that while he served on City Council, he only voted for two drive-thru restaurants.

PUBLIC HEARING CLOSED AT 6:24 P.M.

Commission Action

Secretary Holcomb made a motion to approve the SUP for a drive thru specifically for a Dunkin Donuts on Lot 3, Block C, Murphy Marketplace East Addition. Chairman Levy seconded motion. Motion failed 1-5.

Commission Hemphill made a motion to deny the SUP as presented. Vice-Chairman King seconded the motion. Motion passed, 5-1.

3. Consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for approval of a site plan, including building elevations and landscape plan, on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.

Commission Action

Vice Chairman King made a motion to deny the application of Dunkin Donuts for approval of a site plan. Secretary Holcomb seconded the motion. Motion passed 5-1.

4. Hold a public hearing and consider and/or act on the application of Allen Tari requesting a variance to sign requirements as stated in the Code of Ordinances Section 28-22, Monument Signs-Business Districts, for a sign at the business known as Tari Car Lot, located at 729 W. FM 544.

Staff Discussion

Kristen Roberts stated that per the Murphy Code of Ordinances, Section 28.22-Monument Sign Business District, the maximum height for sign is seven feet including base and the maximum area a sign can be is fifty square feet. Ms. Roberts also stated that in Section 28.6, changeable electronic variable message sign (s) are prohibited within the city limits. Ms. Roberts stated that the applicant submitted a variance for consideration requesting the proposed sign height after work had begun on the base. The work had begun without a permit. City personnel stopped work on the base. Applicant then applied for a sign variance. Ms. Roberts stated that staff is not recommending approval of the 11 ft sign. However, if the applicant agrees to put in a six inch stone cap on top of the sign, staff would recommend the sign to be seven feet and six inches.

Aron Frydberg, 7209 Duffield Drive, Dallas

Mr. Frydberg stated that he designed the sign per the conditions of the lot. Mr. Frydberg stated that if you are driving west on FM 544, cars can easily block the sign. He stated that the purpose of a sign is to communicate goods and services. Mr. Frydberg stated that his research shows how fast a flashing sign has to be in order to be considered “flashing” and he states that his sign will not be that fast.

Allen Tari, 729 W. FM 544, Murphy

Mr. Tari stated that he has been in Murphy for four years and has done a lot of improvements to the property. He stated that he had previously submitted the plans for the sign which had been approved but that he had to raise the sign so that it could be seen by motorists.

PUBLIC HEARING OPENED AT 6:47 PM

PUBLIC HEARING CLOSED AT 6:48 PM

Commission Action

Chairman Levy stated that the Commission had received one reply from a resident who opposed the sign variance.

Commissioner Hemphill made a motion to deny the application of Allen Tari requesting a variance to sign requirements. Vice Chairman King seconded the motion. Motion to deny the request passed 6-0.

5. Consider and/or act on the application of **Masoud E. Najari and Jacquie Nguyen** requesting approval of a Site Plan, Landscape Plan and Building Elevations for Beacon Hill on property zoned NS (Neighborhood Services) located at the northwest corner of FM 544 and Heritage Parkway.

Staff Comments

Kristen Roberts stated that staff was recommending tabling agenda items 5 and 6 since she confirmed a quorum would be present at the June 24th Planning and Zoning Commission meeting.

Commission Action

Commissioner Hemphill made a motion to table agenda items 5 and 6 until the June 24, 2013, Planning and Zoning Commission meeting. Vice-Chairman King seconded the motion. Motion passed unanimously.

6. Consider and/or act on the application of **Masoud E. Najari and Jacquie Nguyen** requesting approval of a Construction Plat for Beacon Hill on property zoned NS (Neighborhood Services) located at the northwest corner of FM 544 and Heritage Parkway

AGENDA REQUESTS/STAFF UPDATES

Kristen Roberts confirmed Commission's attendance for the June 24th P&Z meeting.
Agenda items: Beacon Hill and Magnolia Park

ADJOURNMENT

With no other business before the Commission, Chairman Levy adjourned the meeting at 6:51 P.M.

APPROVED:

Ty Holcomb, Secretary

Attest:

Secretary