

MURPHY PLANNING AND ZONING COMMISSION AGENDA  
REGULAR PLANNING AND ZONING COMMISSION MEETING  
NOVEMBER 25, 2013 AT 6:00 PM, CITY HALL, COUNCIL CHAMBERS  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094

Notice: There may be a quorum of Council in attendance at the meeting, however, the Council will not deliberate or take action on any item.



NOTICE is hereby given of a meeting of the Planning and Zoning Commission of the City of Murphy, Collin County, State of Texas, to be held on November 25, 2013 at Murphy City Hall for the purpose of considering the following items. The Planning and Zoning Commission of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

SEAT ALTERNATES AS NEEDED

ROLL CALL & CERTIFICATION OF A QUORUM

PUBLIC COMMENTS

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 October 28, 2013.

INDIVIDUAL CONSIDERATION

1. Consider and/or act on the application of Murphy Equity Management, Ltd. requesting approval of a site plan, landscape plan and building elevations for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.
2. Consider and/or act on the application of Murphy Equity Management, Ltd. requesting approval of a construction plat for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.
3. Continue a public hearing and consider and/or act, on amending Murphy Code of Ordinances Chapter 28, Development Standards, Article 1. Signs. *Continued from the October 28, 2013 Meeting.*

Steve Levy  
Chairman

Jon King  
Vice-Chairman

Ty Holcomb  
Secretary

Camille Hooper  
Commissioner

John Johnson  
Commissioner

Eric Hemphill  
Commissioner

Matthew Thekkil  
Commissioner

Greg Mersch  
Alternate

Kristen Roberts  
Director of Community  
and Economic  
Development

MURPHY PLANNING AND ZONING COMMISSION AGENDA  
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NOVEMBER 25, 2013 AT 6:00 PM, CITY HALL, COUNCIL CHAMBERS  
206 NORTH MURPHY ROAD  
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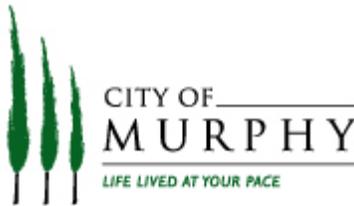
Notice: There may be a quorum of Council in attendance at the meeting, however, the Council will not deliberate or take action on any item.

ADJOURNMENT

I certify that this is a true and correct copy of the Murphy Planning and Zoning Commission Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted November 22, 2013 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

\_\_\_\_\_  
Kristen Roberts  
Director of Community and Economic Development

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at (972) 468-4011 or [kgilbert@murphytx.org](mailto:kgilbert@murphytx.org).



Murphy Planning and Zoning Commission Regular Meeting Minutes  
206 North Murphy Road  
Murphy, Texas 75094  
October 28, 2013

**CALL TO ORDER**

Chairman Levy called the meeting to order at 6:04 p.m.

**ROLL CALL & CERTIFICATION OF A QUORUM**

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

Commissioners Absent: Matthew Thekkil

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

Lori C. Knight certified a quorum.

**PUBLIC COMMENTS**

There were no public comments

**SEAT ALTERNATES AS NEEDED**

Greg Mersch was seated as alternate.

**CONSENT AGENDA**

- A. Approval of the Minutes from August 26, 2013.
- B. Approval of the Minutes from September 23, 2013.

**Commission Action**

Secretary Holcomb made a motion to approve the minutes from the August 26, 2013 and September 23, 2013. Vice Chairman King seconded the motion. Motion passes.

**INDIVIDUAL CONSIDERATION**

1. Hold a public hearing and consider and/or act on the application of Elevate Church to re-plat 701 E. FM 544.

**Staff Discussion**

Kristen Roberts stated that the purpose of the re-plat was to accommodate the removal of existing fire lane easement due to the addition of parking spaces. Ms. Roberts stated that a cross access agreement was in place between Elevate Church and the property owner to the east. The property to the east accommodates the fire lane requirements.

**PUBLIC HEARING OPENED AT 6:08 PM**  
**PUBLIC HEARING CLOSED AT 6:09 PM**

**Commission Action**

Commissioner Hemphill made a motion to approve the re-plat application for Elevate Church. Secretary Holcomb seconded the motion. Motion was approved.

2. Consider and/or act on the application of Elevate Church to revise the site plan of 701 E. FM 544.

**Staff Discussion**

Kristen Roberts stated that the revised site plan identifies the addition of 23 new parking spaces on the east side of the building.

**Commission Action**

Commissioner Hemphill made a motion to approve the revised site plan. Vice Chairman King seconded the motion. Motion passes.

3. Hold a public hearing and consider and/or act on amending Murphy Code of Ordinances: Chapter 28 Development Standards, Article II Fencing, Walls and Screening; and Chapter 70 Subdivisions, Article II Procedures, Section 70-35 to amend the requirements for final plat approval

**Staff Discussion**

Kristen Roberts stated that on September 23, 2013, the Planning and Zoning Commission held a Joint Worksession with the City Council to discuss various proposed Code of Ordinance Amendments. S refers to fences in residential areas. Staff recommends replacing Section 28-53 (t) as follows: City of Murphy approval of a fence application pursuant to this Article does not constitute or supersede approval by the applicant's homeowner's association. Staff also recommends the amendment to Section 70-35 which removes the Planning and Zoning Commission Chairperson's signature from the Final Plat signature block.

**PUBLIC HEARING OPENS AT 6:14 PM**

**Public Comments**

Don Riley, 302 White Wing Lane, Murphy

Mr. Riley stated that he was curious as to why were the two different code of ordinances being addressed as one issue particularly since there is an issue with Section 70-35 that he felt the Planning and Zoning Commission would want to have remain in their control.

Brenda McDonald, Assistant City Attorney for Murphy

Brenda McDonald stated that it is proper to address several items of Code of Ordinances in one agenda item. There is no legal impediment in doing so.

Also in regards to final plat approval, Mrs. McDonald stated that the council has always had final plat approval say. This removes a step and clears the agenda for other items and it also speeds up final development.

Commissioner Hemphill did state that there was a Joint Work session where this was discussed and agreed upon and as stated, it speeds up development and get things moving for the development.

**PUBLIC HEARING CLOSED AT 6:17 PM**

**Commission Action**

Commissioner Hemphill made a motion to approve the amendments to the Murphy Code of Ordinances as presented. Commissioner Hooper seconded the motion. Motion passed.

4. Hold a public hearing and consider and/or action, on amending Murphy Code of Ordinances Chapter 28, Development Standards, Article 1. Signs.

**Staff Discussion**

Kristen Roberts stated that the following amendments were specific to electronic signs. Ms. Roberts stated that on September 23, 2013, the Planning and Zoning Commission held a Joint Work Session with the City Council to discuss various proposed Code of Ordinance Amendments. Discussions at that meeting included direction to staff to propose amendments to the section currently prohibiting electronic signage. Some of the topics discussed were: location of electronic signage, messaging and standards of signage.

Commissioner Hemphill stated that they had also discussed the timing of the flashes at the Joint Session. Assistant City Attorney Brenda McDonald stated that they did discuss the timing however she did note that there was not a consensus. Commissioner Hemphill stated that a consensus was needed on the timing though.

Chairman Levy stated he was concerned with the verbiage on section D-5 in that he felt the City of Murphy should be responsible somewhat for what the signs might say. There was discussion whether this would be resolved with an ordinance or code and what can and cannot go on signs.

Secretary Holcomb stated that even though size and illumination were addressed in some of the sections, he would still like it be more defined.

**PUBLIC HEARING OPENED AT 6:30 PM**

**Public Comments**

Shannan McEowen, 430 Ashley Place, Murphy Middle School

Ms. McEowen stated that she was there representing Murphy Middle School PTA. Ms. McEowen stated that as the PTA's President for the last two years, they raised money for a marquee for the school. She stated that even though the code had changed for and against the marquee signs over the past few years, she was thankful that the subject was being brought forth again.

**PUBLIC HEARING CLOSED AT 6:35 PM**

**Commission Action**

Secretary Holcomb made a motion to continue this item to the next Planning and Zoning Meeting being held on November 25, 2013 and asked staff to research the definition of brightness, frequency of message changes, animation and to look into revised language for the responsibilities the City of Murphy has with the messages. This motion also carries an amendment to open public hearing back up at the next meeting. Vice Chairman King seconded motion. Motion passed.

5. Hold a public hearing and consider and/or act on the application of Ann B Pierce, Gabriel Kiros and Tiruwork Abraha requesting to approve a change in zoning from SF-20 (Single Family 20 Residential) Development to PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and PD requirements on approximately 14 acres of property located southwest of FM 544 and east of and adjacent to south Maxwell Creek Road.

**Staff Discussion**

Kristen Roberts stated that for the past four years, staff has worked closely with the majority property owner, Ann B Pierce, on numerous potential developments for this site that for various reasons did not come to fruition. On June 24, the original request for a zoning change on this property was denied by the Commission. The application was subsequently withdrawn by the applicant. Ms. Roberts stated that since then, staff has continued to work with the proposed single family residential developers for this site taking into consideration various concerns of both residents and the Commission. The property is currently zoned Single Family Residential -20 (SF-20) however the applicant is requesting the approval of a Planned Development District in order to allow for a minimum of SF-9. Ms. Roberts also stated that staff had worked with the developer in order to provide two options for Oak Glen Drive as well. The developer's representative, Jerry Sylo, was present and requested an opportunity to discuss the various lot sizes and proposed development overview.

**Jerry Silo, JBI Partners, developer for Magnolia Park**

Mr. Silo stated that with this proposal, they tried to respond to issues that were raised up in previous discussions with the surrounding neighbors. They tried to consolidate those comments and concerns the best way they could. Mr. Silo stated that the other area they considered, in addition to the lot sizes, was Oak Glen Drive. They felt it was more important not to extend Oak Glen Drive thus respecting the wishes of the residents of the Timbers. Instead they will focus on the entrance to the development and moving South Maxwell Creek Road aligning it with North Maxwell Creek Road. However, the City requires each subdivision two points of access for fire and police per code which is why the second option for Oak Glen Drive was proposed. Mr. Silo then went into detail regarding lot sizes, how the largest lots actually had deeper setbacks than the current zoning of SF-20 which created much deeper backyards abutting existing homes, using cedar wood for garage doors, enhanced brick and stone facades and enhanced landscaping.

Vice Chairman King asked if any consideration had been given to grass pavers to connect to Oak Glen Drive for the fire lane. Jerry Silo stated that grass pavers were considered but the soil was also considered and they decided that if they were going to do anything at all it would be to do the street.

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**PUBLIC HEARING OPENED AT 7:11 PM**

**Public Comments**

Keith Huyck, 127 S. Maxwell Creek

Mr. Huyck stated that he had been out of town and this meeting was short notice for him to get information on this new development and what they are proposing.

Mark C. Andiole, 120 Love Bird Lane

Mr. Andiole stated that even though he is not adjacent to the surrounding properties he believes that this is a better proposal than what had come in before.

Jim Stinson, 301 Royal Oak

Mr. Stinson stated the developer has exceeded expectations in what they have proposed. He is looking forward to the stoplight at the intersection of North and South Maxwell Creek Road and the roads aligning by way of this development.

Tracey Cole, 420 Oak Glen Drive

Ms. Cole stated that she believed that as residents they needed to send the message that as neighboring landowners they had rights. She believes the development will have a negative impact and she did not want Oak Glen drive to be opened.

Chris Koleber, 411 Woodcrest Circle

Ms. Koleber stated that people have moved to Murphy for the country living and the spacious area. Ms. Koleber wants to keep her SF-20 land space.

Dennis Koleber, 411 Woodcrest Circle

Mr. Koleber read an ironic story that told about Murphy, country living at its best, with all the surrounding stores and shopping centers.

Roy Bentle, 123 Maxwell Creek

Mr. Bentle stated that this new development plan was better than the one that came before.

Jennifer Berthiaume,

Ms. Berthiaume urged the Commissioners to deny the project.

Carol Huyck, 127 Maxwell Creek

Ms. Huyck stated she hated the McMansions. She loves the open space feel, the environment.

**PUBLIC HEARING CLOSED AT 7:30 P.M.**

**Commission Action**

With no discussion, Commissioner Hemphill made a motion to deny the application of Ann B Pierce, Gabriel Kiros and Tiruwork Abraha. Commissioner Johnson seconded the motion. Motion to deny the application passed 4-3. Chairman Levy, Commissioner Holcomb and Alternate Mersch opposed the denial.

**ADJOURNMENT**

With no other business before the Commission, Chairman Levy adjourned the meeting at 7:33 P.M.

**APPROVED:**

\_\_\_\_\_  
Ty Holcomb, Secretary

Attest:

\_\_\_\_\_  
Secretary

DRAFT

**Planning and Zoning Commission Meeting**  
**November 25, 2013**

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**Issue**

Consider and/or act on the application of **Murphy Equity Management, Ltd.** requesting approval of a site plan, landscape plan and building elevations for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.

**Background**

The applicant has submitted a site plan, building elevation plans and landscape plans for approval that would allow for development of Maxwell Creek Pavilion, an approximately 10,400 square foot strip retail and office center.

**Considerations**

1. After staff review, the proposed site plan has met required standards; including parking requirements.
  - a. Written release from existing easement owners is being sought by the applicant and must be submitted to the City. This release(s) must be provided to the City of Murphy prior to the Pre-Construction Meeting.
2. After staff review, the proposed landscape plan has met requirement standards.
3. After staff review, the proposed building elevations and materials used meet requirement standards.
  - a. Please refer to the materials color board for actual materials.

**Staff Recommendation**

Staff recommends approval of the proposed Site Plan, Landscape Plan and Building Elevation Plan.

**Attachments**

Site Plan

Landscape Plan

Building Elevation Plan

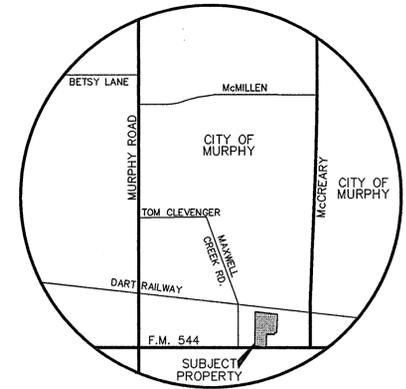
Planned Development District Conditions No. 11-01-871



0 20 40  
Scale 1" = 20'

FUTURE  
LOT 2, BLOCK A  
148675 SQ.FT.  
or 3.413 ACRES

MURPHY EQUITY MANAGEMENT, LTD.  
(CC # 20080826001032940)  
VACANT LAND  
ZONING: PD-09-12-825 (RETAIL/OFFICE)



LOCATION MAP  
MAPSCO PAGE 661

# MAXWELL CREEK PAVILION

SITE DATA SUMMARY	
ZONING:	PD-9-12-825 (Retail & Office)
PROPOSED USE:	RETAIL & OFFICE
TOTAL LOT AREA:	43,277 S.F. (0.993 AC.)
TOTAL BUILDING AREA:	10,400 S.F.
BUILDING HEIGHT:	28'-0" (1-STORY)
LOT COVERAGE:	24.0%
PROPOSED FAR:	0.24
PARKING REQUIRED:	52 SPACES
PARKING PROVIDED:	55 SPACES
HANDICAP PARKING REQUIRED:	3 SPACES
HANDICAP PARKING PROVIDED:	3 SPACES
LANDSCAPING REQUIRED (20%):	8,656 S.F.
LANDSCAPING PROVIDED:	8,678 S.F.
PARKING LOT LANDSCAPING REQUIRED (5% of 21,695 S.F.):	1,085 S.F.
PARKING LOT LANDSCAPING PROVIDED:	2,108 S.F.

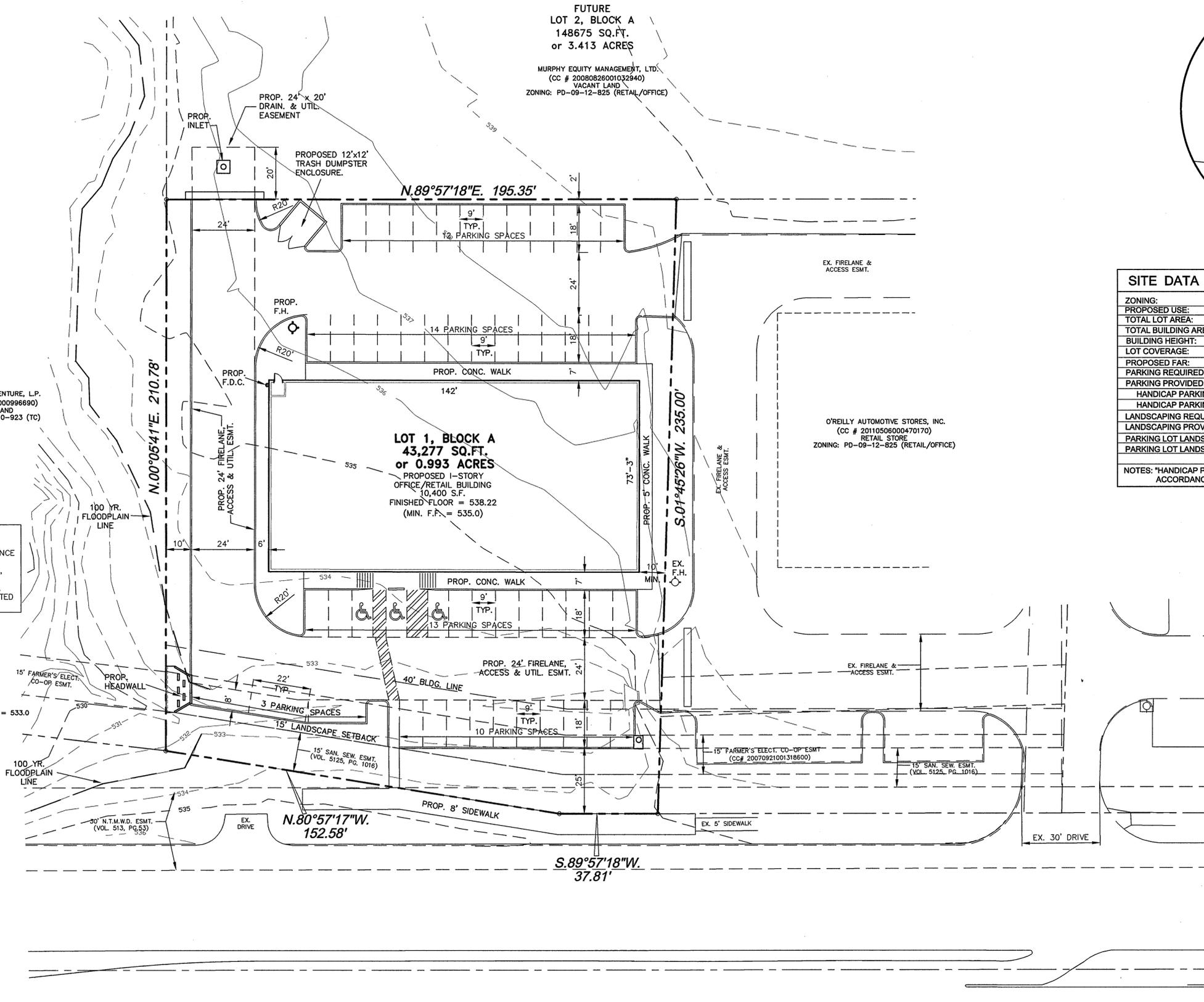
NOTES: "HANDICAP PARKING IS PROVIDED IN ACCORDANCE WITH ADA STANDARDS"

**GENERAL NOTES :**

- FLOODPLAIN REMOVED FROM THIS PROPERTY PER LOMA CASE NO. 12-06-0060A, DATED DECEMBER 20, 2011.
- SEE TREE SURVEY FOR TREE LOCATION, SPECIES, SIZE AND TREATMENT.

MURPHY FOUR VENTURE, L.P.  
(CC # 20080815000996890)  
VACANT LAND  
ZONING: PD-12-10-923 (TC)

FLOODPLAIN NOTE:  
AREA SHOWN IN ZONE AE  
(100 YR) PER FLOOD INSURANCE  
RATE MAP, PANEL NUMBER  
48085C0415J, DATED JUNE 2,  
2009, WAS REMOVED FROM  
SUBJECT PROPERTY BY LOMA  
CASE NO. 12-06-0060A, DATED  
DECEMBER 20, 2011.



F.M. HIGHWAY NO. 544  
(VARIABLE WIDTH R.O.W.)

ENGINEER:  
**ROLAND FOERSTER**  
CIVIL ENGINEER  
5110 C.R. 424  
ANNA, TEXAS 75409  
(214) 544-8888  
email: rfoe@flash.net  
Firm No. F-506

FOR PLANNING  
DEPARTMENT REVIEW  
& APPROVAL.  
NOT A CONSTRUCTION  
DOCUMENT.

OWNER/APPLICANT:  
MURPHY EQUITY MANAGEMENT, LTD.  
225 MUNICIPAL DRIVE, SUITE 155  
RICHARDSON, TEXAS 75080  
CONTACT: CHRIS HUNG  
214-393-4954

SITE PLAN		
LOT 1, BLOCK A, 0.993 AC. MAXWELL CREEK PAVILION ADDITION		
MAXWELL CREEK PAVILION		
JAMES W. MAXWELL SURVEY, ABSTRACT NO. 582		
CITY OF MURPHY, COLLIN COUNTY, TEXAS		
Date: September 9, 2013	Scale: 1" = 20'	Sheet: SP-1

Revisions:  
11-04-13 ~ Per City Comments  
10-07-13 ~ Per City Comments

PROJ. # 6250



0 20 40  
Scale 1" = 20'

MURPHY EQUITY MANAGEMENT, LTD.  
(CC # 20080826001032940)  
VACANT LAND  
ZONING: PD-09-12-825 (RETAIL/OFFICE)

TYPICAL 60-FOOT  
TREE COVERAGE  
FOR PARKING SPACES

PROPOSED 12'x12'  
TRASH DUMPSTER  
ENCLOSURE.  
N.89°57'18"E. 195.35'

PROP. 24' FIRELANE,  
ACCESS & UTIL. ESMT.

EX. FIRELANE &  
ACCESS ESMT.

PROP.  
F.H.

PROP.  
F.D.C.

PROP. 24' FIRELANE,  
ACCESS & UTIL. ESMT.

EX. FIRELANE &  
ACCESS ESMT.

LOT 1, BLOCK A  
43,277 SQ.FT.  
or 0.993 ACRES  
PROPOSED 1-STORY  
OFFICE/RETAIL BUILDING  
10,400 S.F.  
FINISHED FLOOR = 538.22  
(MIN. F.F. = 535.0)

O'REILLY AUTOMOTIVE STORES, INC.  
(CC # 20110506000470170)  
RETAIL STORE  
ZONING: PD-09-12-825 (RETAIL/OFFICE)

MURPHY FOUR VETURE, L.P.  
(CC # 2008081500096690)  
VACANT LAND  
ZONING: PD-12-10-923 (TC)

EXISTING TREES  
TO BE SAVED  
(TYPICAL)

N.00°05'41"E. 210.78'

PROP. HEADWALL

PROP. 24' FIRELANE,  
ACCESS & UTIL. ESMT.

30' N.T.M.W.D. ESMT.  
(VOL. 513, PG.53)

N.80°57'17"W.  
152.58'

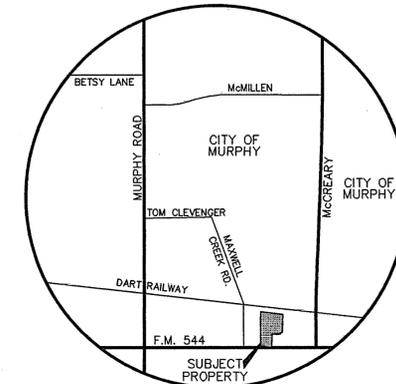
S.89°57'18"W.  
37.81'

CAUTION!  
BURIED UTILITIES  
IN THIS AREA

TYPICAL 60-FOOT  
TREE COVERAGE  
FOR PARKING SPACES

F.M. HIGHWAY NO. 544  
(VARIABLE WIDTH R.O.W.)

LEGEND		
NUMBER	SYMBOL	COMMON NAME
1		SHUMARD RED OAK
2		CEDAR ELM
3		LIVE OAK
4		BALD CYPRESS
5		DESERT WILLOW
6		CREPE MYRTLE
7		YAUPON HOLLY
8		INDIAN HAWTHORN
9		ASIAN JASMINE
10		BERMUDA GRASS
11		STEEL EDGING



LOCATION MAP  
MAPSCO PAGE 661

LANDSCAPE SUMMARY	
ORD. SECTION	TOTAL SITE AREA = 43,277 Sq.Ft.
28-156(a)	LANDSCAPE REQUIREMENT
	LANDSCAPE REQ'D 20% 8,656 Sq.Ft.
	LANDSCAPE PROVIDED (49.0%) 8,678 Sq.Ft.
28-156(B)	STREET BUFFER
	TOTAL FRONTAGE 190.4 FT
	SHADE TREES REQ'D (2/50') 8 TREES
	SHADE TREES PROVIDED 8 TREES
	SMALL TREES REQ'D (2/50') 16 TREES
	SMALL TREES PROVIDED 16 TREES
PD NO.	PARKING LOT LANDSCAPING (52 Spaces)
09-12-825	TOTAL PAVEMENT AREA = 21,695 S.F.
EXHIBIT B	LANDSCAPE REQ'D: 5% 1,085 Sq.Ft.
V.F.4.a.1	LANDSCAPE PROVIDED 2,108 Sq.Ft.
28-156(C)	TREES REQUIRED (1/Island) 8 TREES
	TREES PROVIDED 8 TREES

5 EA.

PLANT AND MATERIAL SCHEDULE					
SYMBOL NUMBER	COMMON NAME	BOTANICAL NAME	SIZE	SPACING	QUANTITY
1	SHUMARD RED OAK	QUERCUS SHUMARDII	3" CAL.(7'-0" MIN HT.)		5 EA.
2	CEDAR ELM	ULMAS CRASSIFOLIA	3" CAL.(7'-0" MIN HT.)		5 EA.
3	LIVE OAK	QUERCUS VIRGINIANA	3" CAL.(7'-0" MIN HT.)		3 EA.
4	BALD CYPRESS	TAXODIUM DISTICHUM	3" CAL.(7'-0" MIN HT.)		3 EA.
5	CREPE MYRTLE	LAGERSTROEMIA INDICA	6" IN HT.		12 EA.
6	YAUPON HOLLY	ILEX VOMITORIA	6" IN HT.		4 EA.
7	DESERT WILLOW	CHILOPSIS LINEARIS	6" IN HT.		9 EA.
8	INDIAN HAWTHORN	RHAPIOLEPSIS INDICA	5 GAL. (2'H) 30" O.C.		40 EA.
9	ASIAN JASMINE	TRACHELOSPERMUM ASIATICUM	4" POT 15" O.C.		765 S.F.
10	COMMON BERMUDA GRASS	CYNODON DACTYLON	SOLID SOD		

NOTE: ALL LANDSCAPED AREAS SHALL BE PROVIDED WITH AN AUTOMATIC IRRIGATION SPRINKLER SYSTEM.

- NOTES:
- TREES AND SHRUBS AS SHOWN ON THIS PLAN ARE SUBJECT TO RELOCATION AS REQUIRED TO MAINTAIN ADEQUATE CLEARANCE FROM UNDERGROUND UTILITIES AND LINE. TREES SHALL BE PLACED TO AVOID EXISTING AND PROPOSED UNDERGROUND UTILITIES.
  - A ONE (1) YEAR WARRANTY FOR ALL PLANTED TREES MUST BE PROVIDED FROM THE TREE SUPPLIER, PRIOR TO THE ACCEPTANCE BY THE OWNER.
  - ALL LANDSCAPING SHALL BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND SPRINKLER SYSTEM PROVIDING 100% COVERAGE. SEE IRRIGATION PLAN WITHIN THESE PLANS.
  - PLANT LIST IS TO ASSIST IN CITY REVIEW. BIDDING CONTRACTOR TO VERIFY ALL QUANTITIES.
  - PLANT MATERIAL SHALL BE MEASURED AND SIZED ACCORDING TO THE LATEST EDITION OF THE TEXAS ASSOCIATION OF NURSERY (TAN) STANDARDS.
  - THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-2004) SPECIFICATIONS SHALL GOVERN PLANT QUALIFICATIONS, GRADES, AND STANDARDS.
  - TOPSOIL SHALL BE A MINIMUM OF 8" IN DEPTH IN PLANTING AREAS. SOIL SHALL BE FREE OF STONES, ROOTS, CLODS AND ANY FOREIGN MATERIAL THAT IS NOT BENEFICIAL FOR PLANT GROWTH.
  - ALL PLANT BEDS SHALL BE TOP-DRESSED WITH A MINIMUM OF 3 INCHES OF HARDWOOD OR OTHER MULCH.
  - TREES SHALL BE PLANTED AT LEAST 4 FEET FROM ANY UTILITY LINE, CURB, WALK, AND FIRE CONNECTION.
  - TREE OVERHANGING WALKS AND PARKING SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF 7 FEET. TREES OVERHANGING PUBLIC STREET PAVEMENT, DRIVE AISLES AND FIRE LANES SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF 9 FEET.

PRELIMINARY  
FOR INTERIM  
REVIEW.  
  
NOT FOR  
CONSTRUCTION

LANDSCAPE ARCHITECT:  
**DAVID DAIGLE**  
3212 SUGARBUSH DRIVE  
CARROLLTON, TEXAS 75007  
214-926-6009



OWNER/APPLICANT:  
MURPHY EQUITY MANAGEMENT, LTD.  
225 MUNICIPAL DRIVE, SUITE 155  
RICHARDSON, TEXAS 75080  
CONTACT: CHRIS HUNG  
214-393-4954

**LANDSCAPE PLAN**

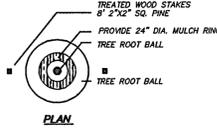
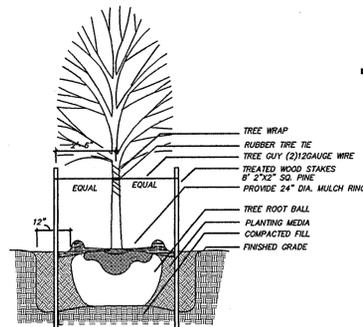
BLOCK A, LOT 1, 0.993 AC.  
MAXWELL CREEK PAVILION ADDITION

MAXWELL CREEK PAVILION

JAMES W. MAXWELL SURVEY, ABSTRACT NO. 582

CITY OF MURPHY, COLLIN COUNTY, TEXAS

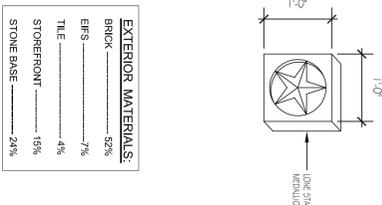
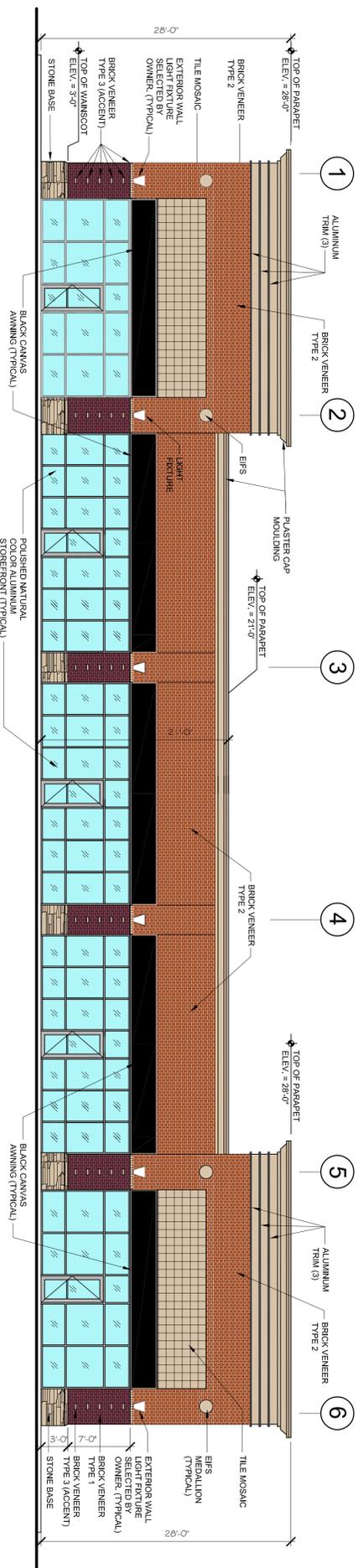
Date: September 9, 2013 Scale: 1" = 20' Sheet: LP-1



NOTE: BALL OF PLANT TO BE KEPT MOIST AND PROTECTED FROM DAMAGE PRIOR TO PLANTING

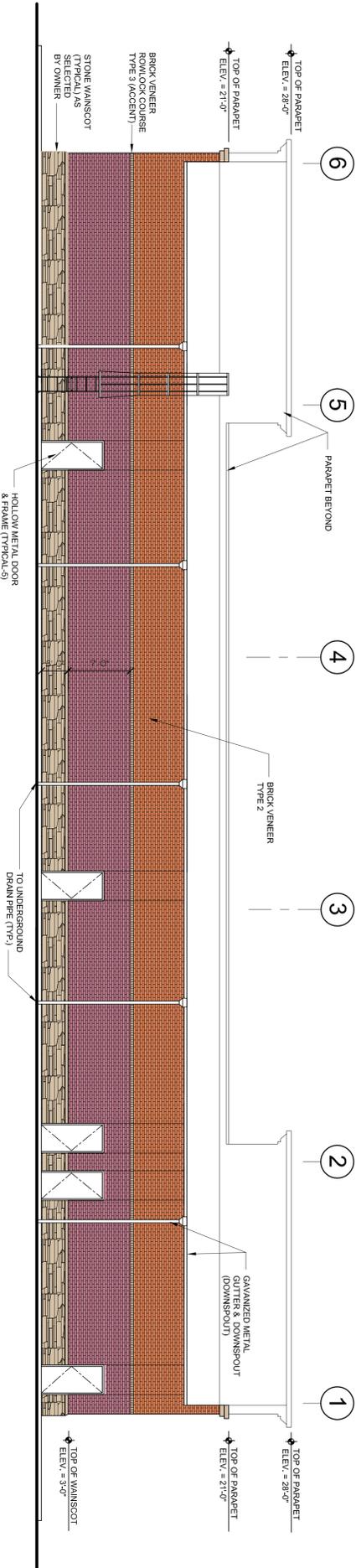
- PRUNE BROKEN AND DAMAGED TWIGS AFTER PLANTING
- PLACE PLANT IN VERTICAL PLUMB POSITION
- 2" MULCH
- WEED BARRIER FABRIC
- PREPARE BACKFILL: 1 PART PEAT TO 3 PARTS TOPSOIL
- TAMP AND SOAK BACKFILL AFTER PLANTING
- 3" MIX ROTILLED TO A DEPTH OF 6-8 INCHES
- COMPACTED OR UNDISTURBED SOIL

**WARNING TO CONTRACTOR:**  
CALL 1-800-344-8377 (DIG TESS) OR OTHER UTILITY LOCATING SERVICES 48 HOURS PRIOR TO CONSTRUCTION. ROLAND FOERSTER CIVIL ENGINEER IS NOT RESPONSIBLE FOR KNOWING ALL EXISTING UTILITIES NOR DEPICTING EXACT LOCATIONS ON DRAWINGS.

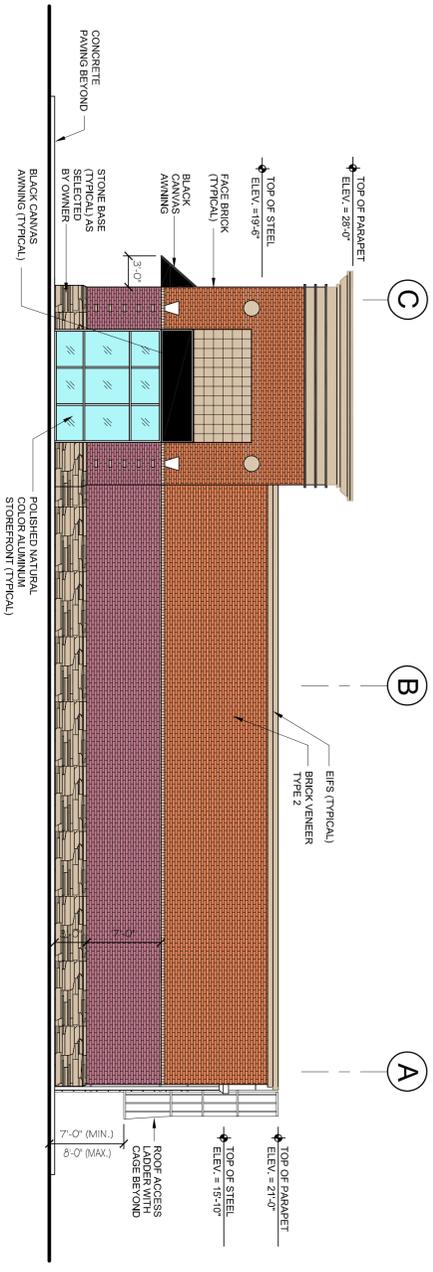


EXTERIOR MATERIALS:	
BRICK	52%
EIFS	7%
TILE	4%
STONEFRONT	15%
STONE BASE	24%

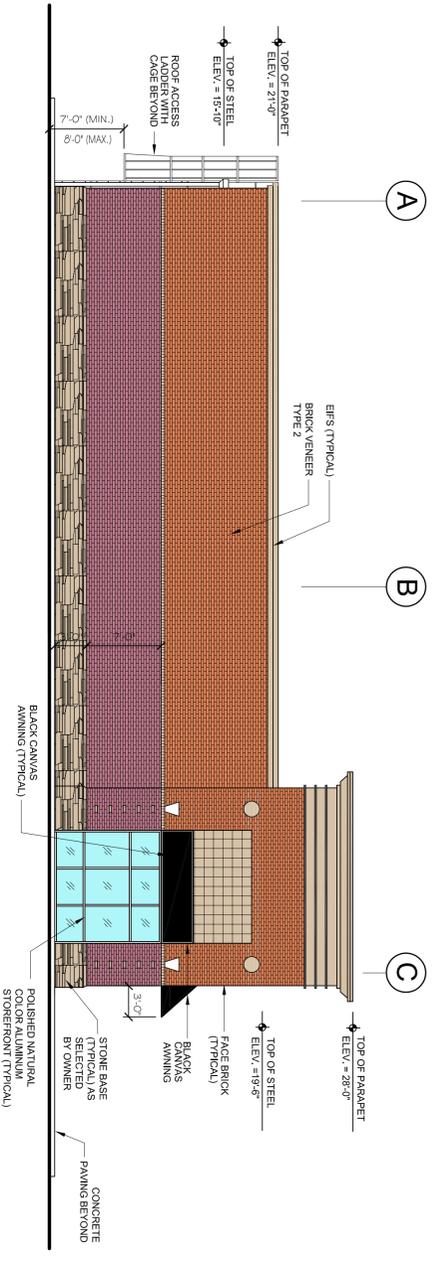
**1 FRONT (SOUTH) ELEVATION**  
1/8"=1'-0"



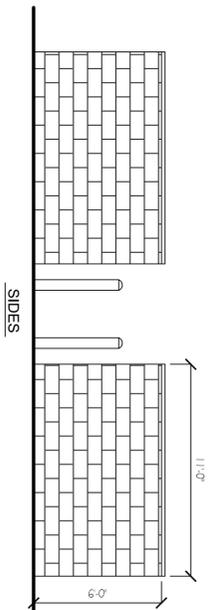
**2 REAR (NORTH) ELEVATION**  
1/8"=1'-0"



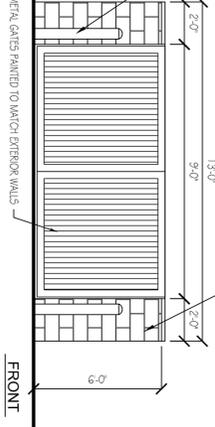
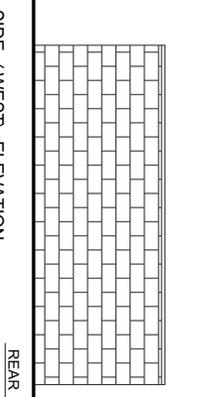
**3 SIDE (EAST) ELEVATION**  
1/8"=1'-0"



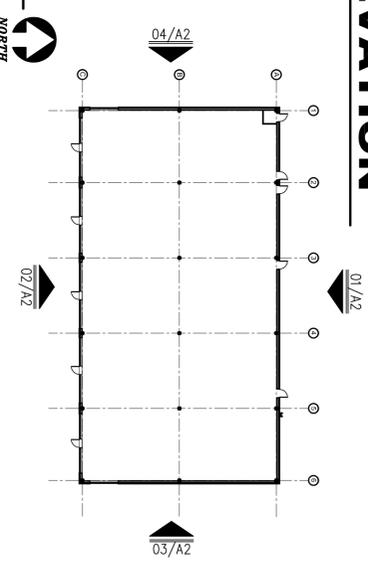
**4 SIDE (WEST) ELEVATION**  
1/8"=1'-0"



**5 ELEVATIONS @ DUMPSTER**  
N.T.S.



**6 KEY PLAN**  
SCALE: 1/32"=1'-0"



**ORDINANCE NO. 11-01-871**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 0.831 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, AMENDING PD (PLANNED DEVELOPMENT) DISTRICT NO. 09-12-825 FOR RETAIL AND OFFICE USES WITH CONDITIONS; APPROVING A NEW CONCEPT PLAN AND AMENDING DEVELOPMENT CONDITIONS HERETO DESCRIBED AS EXHIBIT "B"; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Murphy and the City Council of the City of Murphy, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Murphy is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AS FOLLOWS:**

**Section 1.** That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to change the zoning classification by amending PD (Planned Development) District No. 09-12-825 for Retail and Office Uses with conditions for the property described as 0.831 acres, more or less, in the James Maxwell Survey, Abstract No. 582, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

**Section 2.** That the development standards for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Section 86-603, of the City of Murphy, Texas Code of Ordinances.

**Section 3.** That Chapter 86 of the City of Murphy Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

**Section 4.** If any word, section, article, phrase, paragraph, sentence, clause or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of the Comprehensive Zoning Ordinance, Chapter 86 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

**Section 5.** Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Murphy, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

**Section 6.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

**PASSED, APPROVED AND ADOPTED** this the 4th day of January 2011.



\_\_\_\_\_  
Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:



\_\_\_\_\_  
Aimee Nemer, City Secretary  
City of Murphy



*Exhibit A*

STATE OF TEXAS  
COUNTY OF COLLIN

WHEREAS, Murphy/McCreary, Ltd. is the owner of a tract of land situated in the James Maxwell Survey, Abstract No. 582 and being a portion of that tract of land described in a deed to Murphy/McCreary, Ltd. as recorded in County Clerks Doc. No. 20080826001032940 of the Deed Records of Collin County, Texas (DRCCT).

BEGINNING at an X-Cut found in the northerly right-of-way line of FM 544, said point also being the most southwesterly corner of Block A, Lot 1 of America's Country Store Addition, an addition to the City of Murphy as recorded in Cabinet F, Page 114.

THENCE along the northerly right-of-way line of said FM 544 as follows:

North 89 deg 35 min 26 sec West a distance of 192.64 feet to a point for corner from which a Brass Monument bears North 85 deg 03 min 55 sec East a distance of 2.55 feet;

North 80 deg 30 min 07 sec West a distance of 151.77 feet to a point for corner from which a 1/2 inch iron rod found bears South 45 deg 20 min 34 sec East a distance of 3.67 feet, said point being the most southwesterly corner of a tract of land described in a deed to Murphy Four Venture L.P. as recorded in County Clerks Doc. No. 20080815000996690 (DRCCT);

THENCE departing the northerly right-of-way line of said FM 544 along the easterly line of said Murphy Four Venture L.P. tract North 00 deg 32 min 51 sec East a distance of 615.15 feet to a 1/2 inch iron rod with a red plastic cap stamped "W.A.I." set for the most northwesterly corner of said Murphy Four Venture L.P. tract, said iron rod also being in the southerly right-of-way line of the Dart Area Rapid Transit (a 100' right-of-way);

THENCE along the southerly right-of-way line of the Dart Area Rapid Transit South 83 deg 30 min 03 sec East a distance of 592.67 feet to a 1/2 inch iron rod found for corner, said point being the most northwesterly corner of Lot 2A of the One-Plus-One Addition, an addition to the City of Murphy as recorded in Cabinet P, Page 113;

THENCE departing the southerly right-of-way line of the Dart Area Rapid Transit and along the westerly line of said Lot 2A South 02 deg 12 min 36 sec West a distance of 304.53 feet to an X-Cut Set for corner, said point being the most southwesterly corner of said Lot 2A, and the most northeasterly corner of said America's Country Store Addition;

THENCE departing the westerly line of said Lot 2A and along the northerly and westerly lines of said America's Country Store Addition as follows:

North 89 deg 35 min 26 sec West a distance of 230.18 feet to an X-Cut Found for corner;

South 02 deg 12 min 42 sec West a distance of 272.00 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 6.635 Acres of 289,021 Square Feet of land, more or less.

Bearings cited herein are based on an on the ground survey performed in the field using GPS measurements.

## EXHIBIT B

### ZONING FILE NO. 2010-10

#### FM 544, west of McCreary Road

#### PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality retail and office development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City of Murphy in terms of visual identity.
- II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage a mixed-use application including, but not limited to the following.
  - Restaurants;
  - Offices;
  - Medical Facilities;
  - Service Businesses
- III. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- IV. **General Regulations:** All regulations of the R (Retail) District set forth in Chapter 86, Article III, Division 14 of the Code of Ordinances are included by reference and shall apply, except as otherwise specified by this ordinance.
- V. **Development Plans:**
  - A. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
  - B. Conceptual Landscape Plan: Development shall be in general conformance with the approved conceptual landscape plan set forth in Exhibit D1 and D2; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
  - C. Conceptual Exterior Elevation Plan: Development shall be in general conformance with the approved conceptual exterior elevations as set forth in Exhibit E; however, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.
  - D. Conceptual Signage Plan: Development shall be in general conformance with the approved conceptual signage plan set forth in Exhibit F; however, in the event of

conflict between the signage plan and the conditions, the conditions shall prevail.

- E. Concept Plan, Conceptual Landscape Plan, Conceptual Exterior Elevation Plan, and Conceptual Signage Plan approval shall be for a period of one (1) year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted for a portion of the development, then the Concept Plan shall be deemed to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan.
- F. Site Plan: Before development can begin, a site plan shall be submitted in accordance with the requirements set forth in Chapter 86, Article II, Division 7 of the City of Murphy Code of Ordinances. The site plan may be for all or any part of the land within the Planned Development District.

**VI. Specific Regulations:**

- A. Permitted Uses. The following uses shall be permitted.
  - 1. Antique Shop (household items; no outside storage) (SUP)
  - 2. Art Dealer/Gallery
  - 3. Artist Studio
  - 4. Automobile Driving School (including Defensive Driving) (SUP)
  - 5. Auto Supply Store for New and Rebuilt Parts (SUP)
  - 6. Bakery (Retail)
  - 7. Bank (SUP)
  - 8. Barber/Beauty Shop (non-college)
  - 9. Barber/Beauty Shop College (SUP)
  - 10. Book Store
  - 11. Building Material Sales
  - 12. Cafeteria
  - 13. Child Day Care (Business)
  - 14. Church/Place of Worship
  - 15. Clinic (Medical)
  - 16. Computer Sales
  - 17. Confectionary Store (Retail)
  - 18. Credit Unions (SUP)
  - 19. Department Store
  - 20. Dinner Theater
  - 21. Emergency Care Clinic
  - 22. Financial Services (Advice/Invest)
  - 23. Florist
  - 24. Full Service Car Wash (Detail Shop) (SUP)
  - 25. Furniture Sales (Indoor)

**EXHIBIT B**

26. Hardware Store
27. Health Club (Physical Fitness; Indoors Only; Less than 10,000 square feet)
28. Health Club (Physical Fitness; Indoors Only) (SUP)
29. Hospital (Acute Care/Chronic Care)
30. Insurance Agency Offices
31. Landscape Nursery (SUP)
32. Laundry/Dry Cleaning (Drop Off/Pickup)
33. Major Appliance Sales (Indoor)
34. Motion Picture Studio, Commercial Film
35. Offices (Brokerage Services)
36. Offices (Health Services)
37. Offices (Legal Services)
38. Offices (Medical Office)
39. Offices (Professional)
40. Pet Shop/Supplies
41. Pharmacy (SUP)
42. Philanthropic Organization (SUP)
43. Photo Studio
44. Photocopying/Duplicating
45. Quick Lube/Oil Change/Minor Inspection
46. Restaurant
47. Restaurant (Drive-In) (SUP)
48. Retail Store (Misc.)
49. Security Monitoring Company (No Outside Storage)
50. School, K through 12 (Public)
51. Studio for Radio or Television (without tower)
52. Tailor Shop
53. Theater (Non Motion Picture; Live Drama)
54. Travel Agency
55. Video Rental/Sales

B. Area Regulations:

1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract area required.
2. Minimum Lot/Tract Width: There shall be no minimum lot/tract width except for lots fronting FM 544, which shall be 120 feet.
3. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.
4. Lot Frontage: Only two (2) lots within the boundaries of this Planned Development District shall have frontage on FM 544.

**EXHIBIT B**

C. Parking, Driveways & Sidewalks:

1. Parking areas shall not be permitted within any landscape buffer strip.
2. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
3. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Code of Ordinances. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.
4. Sidewalks along FM 544 shall be a minimum of 8 feet in width.

D. Loading and Unloading

1. Truck loading berths and apron space shall not be located on the street side of any building, however, and exceptions can be addressed during site plan approval. In those instances where 3 or more sides of the building face dedicated streets, the loading berth shall be screened from view.
2. Truck loading berths and apron space shall not be located within any required setback or landscape buffer strip.

E. Minimum Exterior Construction Standards, Building Materials and Design – Exterior Construction and Design Requirements shall comply with Chapter 28 of the Code of Ordinances and shall be architecturally compatible and comply with the following.

1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with or contains architectural design elements including but not limited to the following.
  - a. Canopies and awnings.
  - b. Outdoor patios.
  - c. Display windows/decorative windows.
  - d. Architectural details (such as decorative tile or brick work) integrated into the building façade.
  - e. Integrated planters or wing walls that incorporate landscape and/or sitting areas
  - f. Articulated cornice line.
  - g. Peaked roof form.

- h. Accent materials (minimum 15% of exterior facade)
    - i. Other architectural features as approved with the site plan.
- 2. At least two masonry materials shall be used in addition to glass on any single building. The following masonry materials shall be allowed.
  - a. Brick
  - b. Cast Stone
  - c. Decorative concrete tilt wall
  - d. EIFS and Stucco (limited to no more than 12% total)
  - e. Stone
  - f. Wrought Iron (for decorative overhangs)
- 3. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure.
- 4. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method.
- 5. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
- 6. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Built-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance.
- 7. Roof top equipment, piping, flashing, and other items on the roof shall be screened by a perimeter parapet wall so as not to be visible from roadways.
- 8. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.

**EXHIBIT B**

- F. Landscape Standards. Landscaping shall comply with Chapter 28 of the Code of Ordinances and except as provided below.
1. All landscaping shall use a unified design for the entire Tract. Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy or final building inspection for the development. An automatic underground irrigation system shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
  2. A landscape buffer shall be provided 15 feet in depth adjacent to the right-of-way of FM 544. No parking may be placed within any landscape buffer. Pedestrian easements may be located within a landscape buffer. The width of the sidewalk may be included in the calculation of the buffer depth.
  3. A landscape buffer shall be provided for an average of 5 feet in depth adjacent to the KCS/DART Railroad right-of-way.
  4. Parking Lots:
    - a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than four (4) feet by four (4) feet shall be provided surrounding each tree located in a surface parking area.
      1. A total of five (5) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the five (5) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed eighteen (18) spaces in length.
  5. Existing trees on site shall be able to be removed without mitigation if located with a building area footprint or fire lane or required parking space.
- G. Screening. Screening shall comply with the standards set forth in Chapter 28 in the Code of Ordinances.

## EXHIBIT B

- H. Site Lighting. Lighting shall comply with the standards set forth in Chapter 28 in the Code of Ordinances, except as provided below.
  
- I. Signage and Graphics: Signage shall comply with the standards set forth in Exhibit F and Chapter 28 in the Code of Ordinances, except as provided below.
  - 1. General

Monument signs – Two (2) monument signs shall be allowed along the frontage of FM 544 and shall be limited to a maximum sign area of 100 square feet and a maximum structure area of 150 square feet.
  
  - 2. Single Tenant Monument Signs
    - a. Monument signs shall identify individual tenants or uses within a pad site. Monument signs shall be a maximum of ten (10) feet tall.
  
    - b. All monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
  
    - c. Monument signs shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
  
    - d. Construction of monument signs shall include a base of material compatible with the material used for buildings.
  
  - 3. Attached Signage: Attached signage shall comply with Chapter 28 of the Code of Ordinances.
  
  - 4. Temporary Marketing Signage
    - a. Four (4) quality temporary marketing signs shall be permitted for the proposed development. These signs shall for a term of twelve (12) months from the date of installation.
  
    - b. The maximum signage area will be 96 square feet. The maximum height shall be 8 feet.
  
    - c. All other temporary signage not specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.
  
    - d. Temporary signs are not required to be constructed of the material used for buildings.

**EXHIBIT B**

**VII. Special Regulations:**

1. Utility/Power Lines: New utility distribution and service lines for individual business establishments, buildings, signs and for any other site development features shall be placed underground.
2. Cross-Access Requirement: A joint access (i.e. – ingress, egress) easement shall be required to minimize the number of driveway openings along FM 544. The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards.

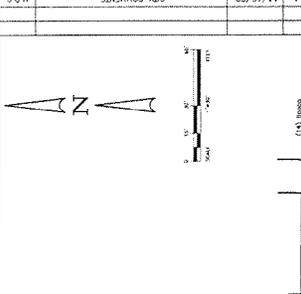




CANTERA OFFICE PARK  
 MURPHY TEXAS  
 CONCEPT PLAN  
 EXHIBIT 'D-1'

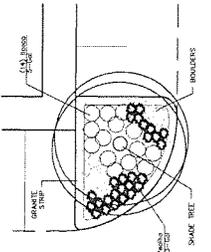
J.M. MANKWELL SURVEY, ASST. NO. 582  
 CITY OF MURPHY  
 COLLIN COUNTY, TEXAS  
 222 RICHARDSON, TEXAS 75080  
 972-792-9888

No.	DATE	REVISION	APPROVED
1	11/19/09	CITY COMMENTS	

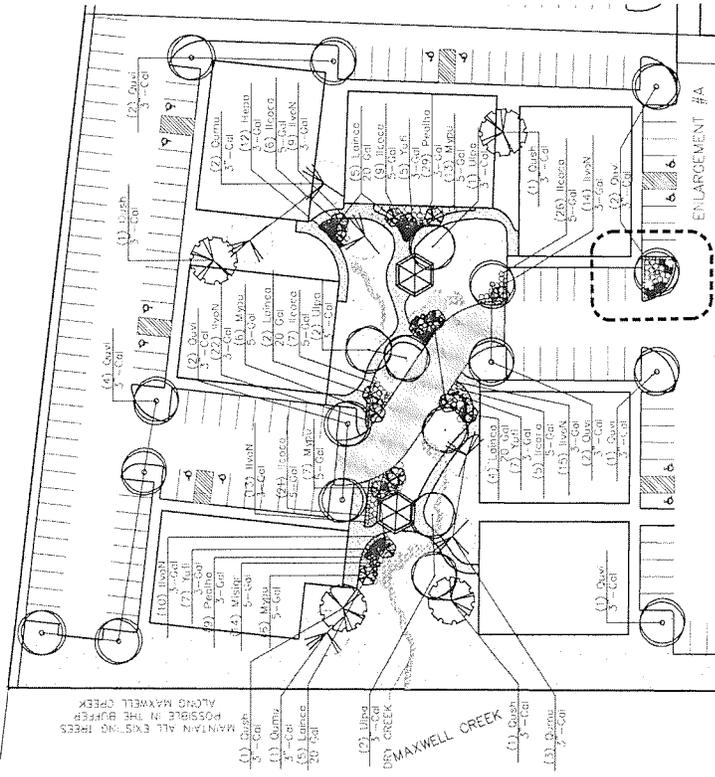


A PLANNED DEVELOPMENT WILL NEED TO BE ESTABLISHED TO ALLOW FOR LOTS WITHOUT STREET FRONTAGE.

ENLARGEMENT #A  
 TYP. PARKING ISLAND



Quantity	Symbol	Scientific Name	Common Name	Planting Size	Comments
4	(1)	Quercus shumardii	Shumard oak	3"-Cal	B & B
14	(2)	Quercus virginiana	Southern live oak	3"-Cal	B & B
10	(3)	Quercus muhlenbergii	Chicaguan Oak	3"-Cal	B & B
11	(4)	Ulmus crassifolius	Cedar elm	3"-Cal	B & B
20	(5)	Ulmus parvifolius	Lanceole elm	3"-Cal	B & B
1	(6)	Ilex decidua	Panoramae	8' - 10'	B & B
6	(7)	Prunus mexicana	Mexican plum	2"-Cal	B & B
6	(8)	Cercis canadensis 'Texensis'	Texas redbud	2"-Cal	B & B
17	(9)	Leprosastrum mexicanum	Colochea cragge myrtle	20 Gal	3 Caves Min.
4	(10)	Sapindus saponaria	Soft	2"-Cal	B & B
83	(11)	Ilex vomitoria 'Nana'	Dwarf yaupon	3"-Gal	24" OC
88	(12)	Ilex cornuta 'Icissima'	Icebox	5"-Gal	36" OC
14	(13)	Miscanthus sinensis 'Gracillimus'	Maiden grass	5"-Gal	36" OC
37	(14)	Myrica pauciflora	Dwarf Wax Myrtle	5"-Gal	36" OC
65	(15)	Pennisetum glaucum	Red fountain grass	3"-Gal	24" OC
12	(16)	Hesperis matronalis	Night phlox	3"-Gal	36" OC
19	(17)	Taxus canadensis	White pine	3"-Gal	36" OC







Legend  
 ■ Subject Property

# Zoning File 2010-10

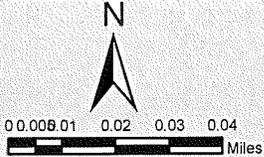
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CITY OF  
 MURPHY  
 TEXAS



**Zoning File 2010-10**



**Planning and Zoning Commission Meeting  
November 25, 2013**

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**Issue**

Consider and/or act on the application of **Murphy Equity Management, Ltd.** requesting approval of a construction plat for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.

**Summary**

The subject property is zoned PD (Planned Development) District No. 11-01-871 for Retail and Office Uses. The applicant would like to construct a strip retail and office center on the subject property. Both are allowed uses within the Planned Development District.

The construction plat would contain one (1) lot for development, totaling approximately .99 acres.

**Considerations**

1. Written release from existing easement owners is being sought by the applicant and must be submitted to the City. This release(s) must be provided to the City of Murphy prior to the Pre-Construction Meeting.
2. Off Site Drainage is located to the west. This separate easement instrument shall be provided to the City for review, and the executed document provided to the City of Murphy prior to the Pre-Construction Meeting.
3. The developer is coordinating with O'Reillys to the east in order to connect existing paving and grade into their site. Written approval from O'Reillys shall be provided to the City of Murphy prior to the Pre-Construction Meeting.
4. A TXDOT permit will be required for improvements within TXDOT right of way. The approved TXDOT permit shall be provided to the City of Murphy prior to the Pre-Construction Meeting.

**Staff Recommendation**

Staff recommends approval of the Construction Plat and considerations as presented.

**Attachments**

Construction Plat

STATE OF TEXAS  
COUNTY OF COLLIN

WHEREAS, MURPHY EQUITY MANAGEMENT, LTD. (MEM), is the owner of a certain 4.407 acre tract of land situated in the James Maxwell Survey, Abstract No. 582, City of Murphy, Collin County, Texas, out of the remaining 6.638 acres of the original acreage described in Deed filed for record in Clerk's Instrument No. 20080826001032940, Land Records Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found for corner, said corner being the Southwest corner of said 4.407 acre tract, same being the southeast corner of a tract of land conveyed to Murphy Four Venture, L.P., a Texas Limited Partnership, by deed recorded in Clerk's Instrument No. 20080815000996690, Land Records, Collin County, Texas;

THENCE, N.00°05'41"E., 615.17 feet along the common line of the said Murphy Four Venture, LP tract and the Murphy Equity Management tract to a 1/2" iron rod found for corner in the southerly line of the 100' Dallas Area Rapid Transit (DART) right-of-way;

THENCE, S.83°57'48"E., 398.55 feet along said DART right-of-way to 1/2" iron rod found for corner, same being the northeast corner of tract of land conveyed to Elevate Church of Texas as described in deed recorded in Clerk's Certificate No. 20130109000038530;

THENCE, S.01°45'26"W., 325.34 feet along the common line of MEM and Elevate Church of Texas tract to an "x" found cut in concrete for corner, same being in the north line of Lot 1, Block A, America's Country Store Addition, an addition to the City of Murphy according to plat filed for record in Volume p, Page 114, of the Collin County Plat Records;

THENCE, S.89°57'18"W., 36.34 feet along the said north line of the America's Country Store Addition to an "x" found cut in concrete for corner;

THENCE, S.01°45'26"W., 37.00 feet to an "x" found cut in concrete for corner, same being the northeast corner of a tract of land conveyed to O'Reilly Automotive Stores, Inc., according to deed filed for record in Clerk's Certificate No. 20110506000470170, Collin County Land Records;

THENCE, S.89°57'18"W., 154.22 feet along the north line of said O'Reilly Automotive Stores tract to a 1/2" iron rod found for corner;

THENCE S.01°45'26"W., 235.00 feet along the West line of said O'Reilly Automotive Stores Inc. tract to a 1/2 inch iron rod found for corner, said corner, being a point in the North line of right-of-way deeded to State of Texas for F.M. 544, in deed recorded in Volume 4355, Page 1963, Land Records, Collin County, Texas;

THENCE S.89°57'18"W., 37.81 feet along the North line of said F.M. No. 544 to a 5/8 inch iron rod found for corner;

THENCE N.80°57'17"W., 152.58 feet along the Northeast line of said F.M. No. 544 to the POINT OF BEGINNING and containing 191,952 square feet or 4.407 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, MURPHY EQUITY MANAGEMENT, LTD., acting herein by and through its duly authorized officer, does hereby adopt this plat designating the hereinabove described property as LOT 1 & 2, BLOCK A, MAXWELL CREEK PAVILION ADDITION, on addition to the City of Murphy, Texas, and does hereby dedicate, in fee simple, to public use forever, the streets and alleys shown thereon. The streets and the alleys are dedicated for street purposes and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Murphy. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking". The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

The undersigned does covenant and agree that the Access Easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and Emergency use, in, along, upon and across said premises, with the right and privilege at all times of the City of Murphy, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking". The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

The undersigned does covenant and agree that the Access Easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and Emergency use, in, along, upon and across said premises, with the right and privilege at all times of the City of Murphy, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

This plat approved subject to all plotting ordinances, rules, regulations and resolutions of the City of Murphy, Texas. Witness my hand at Murphy, Texas this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

MURPHY EQUITY MANAGEMENT, LTD.

By: \_\_\_\_\_  
CHRIS HUNG, Managing Partner

STATE OF TEXAS:  
COUNTY OF COLLIN:

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, CHRIS HUNG, known to me to be the person whose name is subscribed to the foregoing instruments and acknowledged to me that he executed the same in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Notary Public, State of Texas

CITY APPROVAL of CONSTRUCTION PLAT

Approved for preparation of Final Plat following construction of all public improvements (or appropriate sureties thereof) necessary for subdivision shown on this plat.

RECOMMENDED BY: Planning & Zoning Commission, City of Murphy, Texas

Chairman, Planning & Zoning Commission Date: \_\_\_\_\_

"APPROVED" BY: City Council, City of Murphy, Texas Date: \_\_\_\_\_

Mayor Date: \_\_\_\_\_

"ATTEST" Date: \_\_\_\_\_

City Secretary

CONSTRUCTION PLAT  
LOT 1 & 2, BLOCK A  
MAXWELL CREEK PAVILION ADDITION

4.407 ACRES  
OUT OF 6.6381 REMAINING ACRES  
IN CC# 20080826001032940  
JAMES W. MAXWELL SURVEY, ABSTRACT NO. 582  
CITY OF MURPHY, COLLIN COUNTY, TEXAS

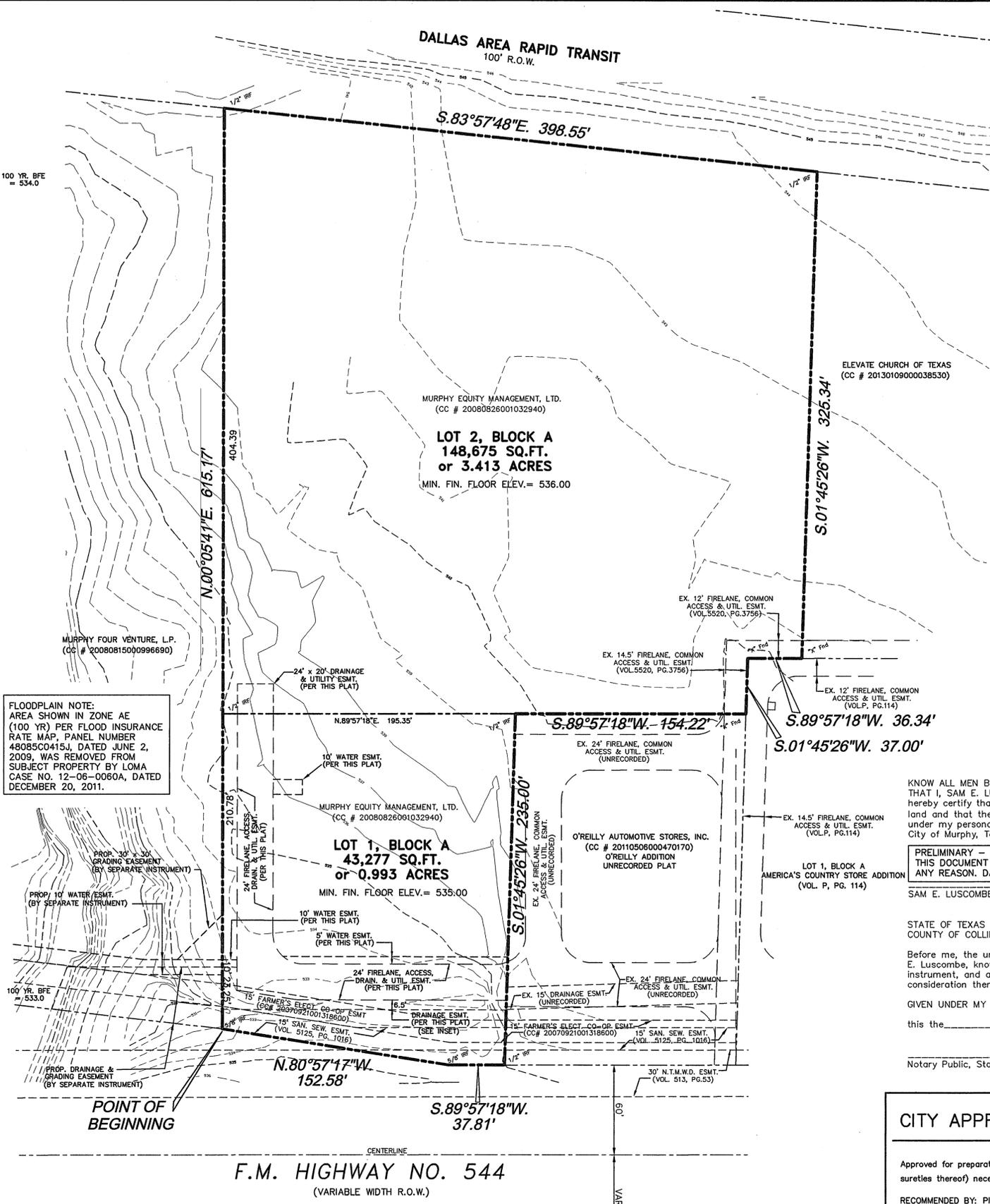
OWNER:  
MURPHY EQUITY MANAGEMENT, LTD.  
222 MUNICIPAL DRIVE, SUITE 150  
RICHARDSON, TEXAS 75080  
CONTACT: CHRIS HUNG  
214-393-4954

SURVEYOR:  
SAM E. LUSCOMBE  
P.O. BOX 427  
ANNA, TEXAS 75409  
214-697-0347

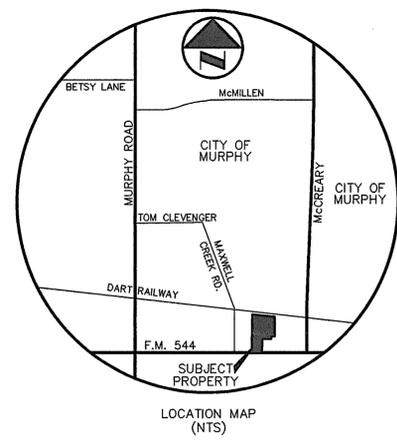
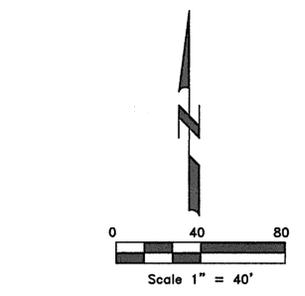
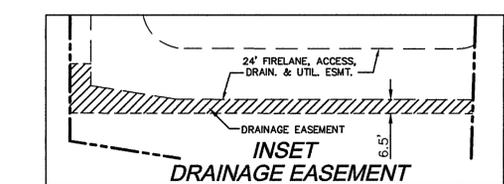
ENGINEER:  
ROLAND FOERSTER CIVIL ENGINEER  
5110 COUNTY ROAD 424  
ANNA, TEXAS 75409  
214 544-8888  
rfce@flash.net

Scale: 1" = 30'

Date: OCTOBER, 2013



FLOODPLAIN NOTE:  
AREA SHOWN IN ZONE AE  
(100 YR) PER FLOOD INSURANCE  
RATE MAP, PANEL NUMBER  
48085C0415J, DATED JUNE 2,  
2009, WAS REMOVED FROM  
SUBJECT PROPERTY BY LOMA  
CASE NO. 12-06-0060A, DATED  
DECEMBER 20, 2011.



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:  
THAT I, SAM E. LUSCOMBE, a Professional Land Surveyor in the State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were found and/or placed under my personal supervision, in accordance with the subdivision regulations of the City of Murphy, Texas.

PRELIMINARY - FOR REVIEW PURPOSES ONLY.  
THIS DOCUMENT SHALL NOT BE RECORDED FOR  
ANY REASON. DATE: OCTOBER 7, 2013.

SAM E. LUSCOMBE, RPLS #4434



STATE OF TEXAS  
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public, on this day personally appeared, Sam E. Luscombe, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE:  
this the \_\_\_\_\_ day of \_\_\_\_\_ 2013.

Notary Public, State of Texas

**Issue**

Continue a public hearing and consider and/or act, on amending Murphy Code of Ordinances Chapter 28, Development Standards, Article 1. Signs.

**Background**

On May 7, 2013, City Council considered and approved amendments and clarifications to Chapter 28 Development Standards, Article 1 Signs, Section 28-21 ; Article 1 Signs Section 28-26 to amend general sign provisions.

The amendments to the section regarding electronic signs created consistency of verbiage within the Code however unintentionally created a hardship on public entities and religious organizations within the Murphy community.

On September 23, 2013, the Planning & Zoning Commission held a Joint Worksession with the City Council to discuss various proposed Code of Ordinance Amendments.

Staff presented ordinance amendment options to the Planning & Zoning Commission on October 28, 2013. The Commission requested additional information on electronic sign brightness, frequency of message changes, animation and to look into revised language for the responsibilities the City of Murphy has with the messages. The motion also approved opening the public hearing back up at the next meeting.

**Considerations**

1. The amendments to the section regarding electronic signs created consistency of verbiage within the Code however unintentionally created a hardship on public entities within the Murphy Community.
2. Discussions with the Planning & Zoning Commission and City Council regarding proposed revisions included direction to staff to propose amendments to the sections currently prohibiting electronic signage.
  - a. Discussion regarding illuminated and electronic reader board signs included:
    - i. Location of electronic signage
    - ii. Messaging
    - iii. Standards of signage
3. After discussing these proposed amendments with Planning & Zoning Commission, staff researched electronic sign standards within surrounding cities and has included those for reference. Highlighted areas included:
  - a. Brightness
  - b. Frequency of message changes and animation
  - c. Message responsibility

**Staff Recommendation**

Staff recommends approval of the proposed amendments to Chapter 28, Development Standards, Article 1. Signs as presented.

**Attachments**

Amendment recommendation  
Area city ordinance verbiage for comparison

**Current Ordinance Verbiage:**

**Section 28-21. General provisions applicable to signs in business zoning districts.**

(a) In business zoning districts, no illuminated sign which has a sign area of 50 square feet or less shall have a luminance greater than 300-foot candles, nor shall any such sign have a luminance greater than 300-foot candles for any portion of the sign within a circle two feet in diameter. The restrictions of luminance in this section shall be determined from any other premise or from any public right-of-way.

(b) No sign or part of any sign shall flash, change its illumination or copy, rotate, move or create an illusion of movement.

(1) Time and temperature informational signs which are oriented to be read from public ways are prohibited.

(2) Electronic reader boards which are oriented to be read from the public way are prohibited.

(a) Pole signs are prohibited.

## **Recommended Ordinance Verbiage**

### **Section 28-21. General provisions applicable to signs in business zoning districts.**

- (a) In business zoning districts, no illuminated sign which has a sign area of 50 square feet or less shall have a luminance greater than 300-foot candles, nor shall any such sign have a luminance greater than 300-foot candles for any portion of the sign within a circle two feet in diameter. The restrictions of luminance in this section shall be determined from any other premise or from any public right-of-way. No sign or part of any sign shall flash, change its illumination or copy, rotate, move or create an illusion of movement.
  
- (b) Time and temperature informational signs and electronic reader boards oriented to be read from public ways are prohibited except as provided in subsection (d) below.
  
- (c) Pole signs are prohibited.
  
- (d) Changeable electronic variable message signs are permitted under the following conditions on property located on a Type A Major Arterials as shown on the City of Murphy Thoroughfare Plan and that is occupied by a Plano ISD or Wylie ISD school campus, City of Murphy facilities, or the primary place of assembly for worship by a church or religious organization:
  - 1. Signs permitted under this subsection (d) shall be exempt from the provisions of subsection (a) above.
  - 2. The sign must be located not less than 150 feet from a single family residential structure located in the City of Murphy.
  - 3. The sign must meet the size, design and location requirements for monument signs set forth in Section 28-22.
  - 4. Intensity of display brightness must automatically adjust to natural light conditions. Brightness cannot interfere with the vision of traffic on an adjacent road or constitute a nuisance or hazard to traffic.
  - 5. The City of Murphy **does not endorse** the content of electronic reader board messages other than on City of Murphy owned signage.

**Electronic Sign Ordinance verbiage – city comparison (Highland Village, Wylie, Sachse, Richardson, Plano):**

- **Brightness**
- **Frequency of message changes and animation**
- **Messaging responsibility**

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**HIGHLAND VILLAGE**

**Brightness**

No sign shall be illuminated to such intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance. Signs shall not exceed a brightness of 200 foot candles at the property line.

**Frequency of message changes and animation**

Changeable messages signs. Signs with changeable messages are prohibited. Exceptions include churches, schools and other sites where, in the opinion of the city council, a changeable message sign is appropriate.

Hazardous or nuisance signs. No sign shall be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs are not allowed. Under no circumstances shall a sign constitute a traffic hazard.

**Messaging responsibility**

Restricted language or wording. Signs shall not display gestures or words, which are obscene, profane, or pornographic in nature as stated in Section 33.3 J. Obscene signs.

## **WYLIE**

### ***Brightness***

No sign shall be illuminated to such intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance.

A sign in a residential district, where allowed by this article, may be illuminated. Any illumination shall be located so as not to produce intense glare or direct illumination across the bounding property line. Internal illumination shall not exceed 40 watts per every 25 square feet or any portion thereof of the sign face.

### ***Frequency of message changes and animation***

Moving, flashing, changing color, beacons, revolving or similarly constructed signs shall not be allowed, except for electronic signs showing time and temperature.

Sign illumination may only alternate on and off at a rate equal to or less than 12 times in an hour, excluding time and temperature signs.

### ***Messaging responsibility***

Obscenity. No person shall display on any sign any obscene matter as defined by Section 43.32(a) (1), Texas Penal Code, as amended, or any matter soliciting or promoting unlawful conduct. Any sign which contains obscene matter must be removed within 24 hours of notice. The owner or person in control of the property on which the sign is located shall be responsible for compliance with this section.

## **SACHSE**

### ***Brightness***

No lighted sign shall be erected within 150 feet of a residential district unless the lighting is shielded from view of the residential district.

### ***Frequency of message changes and animation (and brightness)***

Changeable electronic variable message sign (CEVMS) shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including an illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

*Moving, flashing and certain illuminated signs prohibited.* (a) No sign shall be illuminated to such an intensity or in such a manner, as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed. Alternating electronic data control components showing time, temperature and similar data may be allowed. Changeable electronic variable message signs and other moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed. Alternating electronic data control components showing time, temperature and similar data may be allowed.

### ***Messaging responsibility***

Obscene, indecent and immoral matter. It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.

## **RICHARDSON**

### ***Brightness***

Intensity of display brightness will automatically adjust to natural light conditions. Brightness cannot interfere with the vision of traffic on an adjacent road.

A programmable sign shall be equipped with a properly functioning default mechanism that will cause the sign to revert immediately to a single, fixed, nontransitory image or to a black-screen if the sign malfunctions.

The illumination intensity of the display of a digital display shall not exceed one foot candle measured at the property line.

### ***Frequency of message changes and animation***

Moving, flashing, animated, intermittently-lighted, changing color, beacons, revolving, scrolling, dissolving, or similarly constructed signs shall not be allowed.

Each message shall be displayed for at least ten minutes and a change of message shall be accomplished within two seconds or less.

## **PLANO**

### **From Prohibited Signs section**

Signs placed in any location which by reason of their location will obstruct the view of any authorized traffic sign, signal, or other traffic control device by vehicular or pedestrian traffic. No sign shall be erected which, by reason of shape, color, size, design, or position, would be reasonably likely to create confusion with, to be confused as, or to interfere with any traffic signal or device which is authorized by the appropriate state or local governmental authorities. Further, no sign shall be placed in a location that will obstruct vision of a vehicle operator while entering, exiting, or traveling upon the public right-of-way.

Signs that are animated by any means not providing constant illumination, except time and temperature units. Signs which rotate or emit audible sound or visible matter. No sign shall be illuminated to such intensity or in such a manner so as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to vehicular traffic, pedestrians, or adjacent properties.

### **Messaging responsibility**

Signs displaying materials determined to be obscene by a court of law or prohibited by law, subject to the appeal and judicial review proceedings provided for in Subsection 3.1601.9.f. (ZC 2004-24; Ordinance No. 2004-8-21)