



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**

**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. Ms. Roberts stated that the future expansion of the building shown on the revised site plan is contingent on submittal and approval of construction plans to the City.

**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. There are two sections that were discussed. Section 28-53 refers to fences in residential areas. Staff recommended to replace the entire section (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. Section 70-35 is regarding procedures for final plat approval. The amendment for consideration 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.

**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. Mrs. McDonald stated that the standard timing is 8 seconds on how often the messages could be changed. Commissioner Hemphill did state that a consensus was needed on the timing though.

Chairman Levy stated he was concerned with the verbiage on section D-5 stating that he felt the City of Murphy should be responsible for what some of the signs 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. Ms. McEowen stated that the sign is a good way to communicate with the parents, community and students.

**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 Kiro 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<sup>th</sup>, the request that a potential developer brought to the Commission was denied. Thus 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.

**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 proposal that they worked on was Oak Glen Drive. They felt it was more important not to extend Oak Glen Drive instead of extending it 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, using cedar wood for garage doors, brick and stone facades, landscaping and attention to detail is what the developer is proposing for the houses.

Vice Chairman King asked regarding Oak Glen Drive if any consideration had been given to grass pavers for the fire lane where you can still have the landscaping but there would be structure underneath the grass where a fire truck can go through. 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.

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

**Public Comments**

Keith Huyck, 127 S. Maxwell Creek

Mr. Huyck stated that this was short notice for him about this new developer and what they are proposing. He was not aware of a new developer.

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 in what they have proposed. He is looking forward to the stoplight at the intersection of North and South Maxwell Creek Road.

Tracey Cole, 420 Oak Glen Drive

Ms. Cole stated that she believed that as residents they were trying to send a message out in stating that as 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 telling 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**

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.

**ADJOURNMENT**

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

**APPROVED:**

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Ty Holcomb, Secretary

Attest:

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Secretary