

MURPHY PLANNING AND ZONING COMMISSION AND
MURPHY CITY COUNCIL MINUTES
APRIL 22, 2014 JOINT MEETING

OWNED AND CONTROLLED BY:

Mayor Barna called the meeting to order at 6:30 p.m.

ROLE OF THE PLANNING AND ZONING COMMISSION:

PLANNING AND ZONING COMMISSION MEMBERS PRESENT:

Interim City Secretary Terri Johnson certified a quorum with the following persons present:

City Council Members Present:

Mayor Eric Barna
Mayor Pro Tem Owais Siddiqui
Deputy Mayor Pro Tem Ben St. Clair
Councilmember Scott Bradley
Councilmember Betty Nichols Spraggins
Councilmember Rob Thomas

Councilmembers absent: Councilmember Bernard Grant

Planning & Zoning Commissioners Present:

Chairman Steve Levy
Vice Chair Jon King
Secretary Ty Holcomb
Commissioner Camille Hooper (*arrived at 6:31*)
Commissioner John Johnson
Commissioner Eric Hemphill
Commissioner Thekkil
Commissioner Mersch

P&Z Commissioners Absent: Vice Chair Jon King
Commissioner John Johnson
Alternate Commissioner Lloyd Jones

City Staff Present:

James Fisher, City Manager
Brenda McDonald, Assistant City Attorney
Kristen Roberts, Director of Community & Economic Development
Lori C. Knight, Administrative Assistant
Terri Johnson, Interim City Secretary

MEMBERS OF THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL:

MEMBERS OF THE PLANNING AND ZONING COMMISSION:

1. Hold a public hearing on the request to amend Ord. No. 09-02-785 to consider additional uses and revised development standards on approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785 located on FM 544 approximately 800' west of Heritage Parkway.

PUBLIC HEARING OPENED AT 6:32 P.M.

The following persons addressed the City Council and the Planning & Zoning Commission:

1. Mark Daglish – Opposed
2. Les Tingle – Opposed
3. Sara Sammon – For
4. Gus De La Loye – Neutral
5. Dennis Richmond- For
6. Dana Johnson – For
7. Mary Quilantan – For
8. Pamela Gilleland – For
9. Connie Mathes- For
10. Kurt Avery – For
11. Hector Carbonell – For
12. Don Grubbs – For
13. Greg Yearsley – For
14. David Bottlinger – For
15. Jeff Hanson – For
16. Diane Tingle – For

PUBLIC HEARING CLOSED AT 7:26 P.M.

2. Hold a public hearing on the request to approve a Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.

PUBLIC HEARING OPENED AT 7:27 P.M.

No one spoke in favor of or in opposition to the concept plan.

PUBLIC HEARING CLOSED AT 7:27 P.M.

3. Planning & Zoning Commission consider and/or act on the request to amend Ord. No. 09-02-785 to consider additional uses and revised development standards on approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785 located on FM 544 approximately 800' west of Heritage Parkway.

Staff Discussion

City Manager James Fisher stated that staff recommended approval of amending the PD (Planned Development) to allow vet use without outdoor kennels and to include the verbiage, *“that all development must be at a minimum of 100 feet setback from the creek”*.

Commissioner Thekkil stated that once the development of the vet clinic was approved, he would not support any future development along FM 544 due to the fact that the green belt was diminishing. Mr. Fisher stated that later in the agenda, after the site plan and landscape plan, any future development would have to come back for Planning and Zoning approval.

Commissioner Hemphill stated that on the PD it references screening and fences which are not allowed in the PD. Mr. Fisher stated that a Planned Development allows the flexibility to create a special project for that property. Mr. Fisher stated that if the Commission wanted, they could allow fences and screening.

COMMISSION ACTION

Commissioner Hemphill made a motion revise the Planned Development to allow veterinary clinics with no outside kennels, to provide verbiage that the 100 ft. setback is from the top of the creek bank and amend Section V(E) to allow a wooden fence at the rear of the veterinary use. Secretary Holcomb seconded the motion. The motion carried unanimously.

4. Planning & Zoning Commission consider and/or act on the request to approve a Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.

Staff Discussion

Commissioner Hemphill stated that his concern, for the last three months, has been the left turn lane plans. Mr. Fisher stated that unless the concept plan is approved, TXDOT would not look at the left hand turn plans but he stated that the City Engineer had reviewed and approved them. Commissioner Hemphill also stated his concerns for the sidewalk and the safety of it. Mr. Fisher stated that they have put money in escrow which they have done many times for other projects because of the fact that one doesn't really know where the sidewalk is going to go until everything has been built on a project. Mr. Fisher stated he would not want to put a sidewalk in at this time only to have to have it moved several feet later. Mr. Fisher stated that the developer can take the sidewalk off the concept plan since it is really not known where that sidewalk is going to go.

COMMISSION ACTION

Commissioner Hemphill made a motion to recommend approval of the concept plan subject to the following conditions: remove the sidewalk along FM 544 from the concept plan, add a note requiring escrow of the funds for construction of the sidewalk with such escrow amount to be determined by the City, and requiring that a future 10 foot sidewalk easement will be dedicated at no cost to the City as such time as the sidewalk location is determined – the sidewalk easement will be located outside of proposed building sites shown on the Concept Plan. Secretary Holcomb seconded the motion. The motion carried unanimously.

5. Planning & Zoning Commission consider and/or act on the application of **Lloyd M. Nelson** requesting approval of a site plan, landscape plan, and building elevations for Carbonell Veterinary Hospital on property zoned PD (Planned Development) District No. 09-02-785 on property located on the proposed Lot 1, Block 1, Nelson Addition, approximately 800' west of Heritage Parkway. *This item was tabled at the January 27, 2014 Planning & Zoning meeting.*

Commission Action

Commissioner Hemphill made a motion to remove this item from the table. Commissioner Thekkil seconded motion. The motion carried unanimously.

Staff Discussion

Mr. Fisher stated that staff recommended approval of the proposed Site Plan, Landscape and Tree Replacement Plans, and Building Elevation Plan as submitted. The left turn land approval will have to come from TXDOT.

Commissioner Hemphill stated that a member of the HOA made a reference to the buffer of trees. Mr. Hemphill wondered if perhaps some berms could be placed there with the trees. Mr. Fisher stated that the City would work with Dr. Carbonell and his engineers to see when and if berms would be needed.

COMMISSION ACTION

Commissioner Hemphill made a motion to approve the site plan, landscape plan and building elevations for Carbonell Veterinary Hospital with the following conditions: remove the sidewalk along FM 544 as shown on the site plan, add a note requiring escrow of the funds for construction of the sidewalk with such escrow amount to be determined by the City, and require that a future 10 foot sidewalk easement will be dedicated at no cost to the City at such time as the sidewalk location is determined – the sidewalk easement will be located outside of proposed building show on the site plan. Secretary Holcomb seconded the motion. The motion carried unanimously.

6. Planning & Zoning Commission consider and/or act on the application of **Lloyd M. Nelson** requesting approval of a construction plat for Carbonell Veterinary Hospital on property zoned PD (Planned Development) District No. 09-02-785 on property located on the proposed Lot 1, Block 1, Nelson Addition, approximately 800' west of Heritage Parkway. *This item was tabled at the January 27, 2014 Planning & Zoning meeting.*

Commission Action

Commissioner Hooper made a motion to remove the item from the table. Commissioner Mersch seconded the motion. The motion carried unanimously.

Staff Discussion

James Fisher stated that staff recommended approval of the proposed Construction Plat as submitted. Mr. Fisher stated that staff has addressed all of the Commissions' concerns and outstanding issues.

COMMISSION ACTION

Commissioner Hemphill made a motion to approve the construction plat subject to revising Note 3 to reflect the current zoning on the property. Commissioner Hooper seconded the motion. The motion carried unanimously.

7. City Council consider and/or act on the request to amend Ord. No. 09-02-785 to consider additional uses and revised development standards on approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785 located on FM 544 approximately 800' west of Heritage Parkway.

City Manager James Fisher reported that the Planning & Zoning Commission recommended approval to amend Ord. No. 09-02-785 to allow the list of Permitted Uses to include Veterinary Clinic (no outdoor kennels) and included verbiage regarding 100' setback from the top of the creek bank. The P&Z's recommendation also include revising Section V(E) to allow a wooden fence at the rear of the clinic for veterinary use.

COUNCIL ACTION (Item 7):

APPROVED

Councilmember Thomas moved to approve amendments to Ord. No. 09-02-785 to add veterinary clinic (no outdoor kennels) as a permitted use, to amend Section V(E) to allow a wood fence at the rear of a veterinary clinic use and to require a minimum building setback line of 100 feet from the top of the creek bank. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. *(Reconsidered with new motion after Item 8)*

8. City Council consider and/or act on the request to approve a Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.

City Manager Fisher reported that this item had been approved by the Planning & Zoning Commission at tonight's meeting. The motion approved by P&Z was read by Assistant City Attorney McDonald.

Mayor Pro Tem Siddiqui questioned the current setbacks and the proposed setback from the creek bank. Councilmember Bradley reminded everyone that if any additional development is proposed, it will have to come back to the P&Z and City Council.

A question was raised from the audience about the required wooden fence to be built at the north property line and that person asked that a berm with trees be considered rather than a wooden fence. This required fencing would be constructed behind 120 Collin Court, 121 Sarah Drive, 628 John Close Drive and 632 John Close Drive.

COUNCIL ACTION (Item 8.):

APPROVED

Following discussion of this fence requirement, Councilmember Bradley moved to reconsider the amendments to Ord. No. 09-02-785 (item 7). The motion was seconded by Deputy Mayor Pro Tem St. Clair and passed with the unanimous vote of the City Council.

RECONSIDERATION OF ITEM 7:

City Council consider and/or act on the request to amend Ord. No. 09-02-785 to consider additional uses and revised development standards on approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785 located on FM 544 approximately 800' west of Heritage Parkway.

City Manager Fisher said that the subject at hand was the question about what to do about the 8' board-on-board fence required at the north property line.

Attorney McDonald stated that it would be appropriate for Council to consider the following motion for item 7:

Approve amendments to Ord. No. 09-02-785 to (1) add veterinary clinic (no outside kennels) as a permitted use; (2) to amend Section V(E) to remove the requirement for screening between the north property line and the single family subdivision to the north via construction of an eight (8) foot high board-on-board fence at grade behind 120 Collin Court, 121 Sarah Drive, 628 John Close Drive and 632 John Close Drive, and to allow a wood fence at the rear of the veterinary clinic use; and (3) to require a minimum building setback line of 100 feet from the top of the creek bank. *(Ordinance No. 14-04-975)*

COUNCIL ACTION (Item 7.):

APPROVED

Councilmember Thomas moved to approve said motion presented by the attorney for item 7. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

RESUME DISCUSSION OF ITEM 8:

City Council consider and/or act on the request to approve a Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended, located on FM 544 approximately 800' west of Heritage Parkway.

City Manager Fisher reported that the P&Z Commission had considered this item and recommended it for approval.

Attorney McDonald proposed a motion for Council's consideration.

COUNCIL ACTION (Item 8.):

APPROVED

Mayor Pro Tem Siddiqui moved to approve the Concept Plan subject to the following conditions: (1) remove the sidewalk along FM 544 from the plan; (2) add a note requiring escrow of the funds for construction of the sidewalk with such escrow amount to be determined by the City, and requiring that a future 10 foot sidewalk easement will be dedicated at no cost to the City at such time as the sidewalk location is determined - the sidewalk easement will be located outside of proposed building sites shown on the Concept Plan. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

9. City Council consider and/or act on the application of Lloyd M. Nelson requesting approval of a site plan, landscape plan, and building elevations for Carbonell Veterinary Hospital on property zoned PD (Planned Development) District No. 09-02-785 on property located on the proposed Lot 1, Block 1, Nelson Addition, approximately 800' west of Heritage Parkway.

City Manager Fisher reported that the P&Z Commission had considered this item and recommended it for approval.

Attorney McDonald proposed a motion for Council's consideration.

COUNCIL ACTION (Item 9.):

APPROVED

Mayor Pro Tem Siddiqui moved to approve the site plan, landscape plan and building elevations subject to the following conditions: (1) remove the sidewalk along FM 544 from the plan; (2) add a note requiring escrow of the funds for construction of the sidewalk with such escrow amount to be determined by the City, and requiring that a future 10 foot sidewalk easement will be dedicated at no cost to the City as such time as the sidewalk location is determined - the sidewalk easement will be located outside of proposed building site shown on the Site Plan. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

10. City Council consider and/or act on the application of Lloyd M. Nelson requesting approval of a construction plat for Carbonell Veterinary Hospital on property zoned PD (Planned Development) District No. 09-02-785 on property located on the proposed Lot 1, Block 1, Nelson Addition, approximately 800' west of Heritage Parkway.

The City Manager reported that the Planning & Zoning Commission recommended approval of this item and it was presented for City Council's review and consideration.

COUNCIL ACTION (Item 10.):

APPROVED

Mayor Pro Tem Siddiqui moved to approve the construction plat for Carbonell Veterinary Hospital as recommended by the Planning & Zoning. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

ADJOURNMENT

With no further business, both the City Council and the Planning & Zoning Commission adjourned the joint meeting at 8:39 p.m.

APPROVED BY:

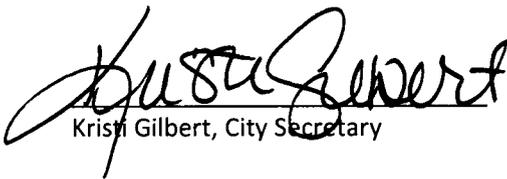


Eric Barna, Mayor



Steve Levy, P&Z Chair

ATTEST:



Kristi Gilbert, City Secretary

Ty Holcomb, P&Z Secretary