



MURPHY CITY COUNCIL AGENDA
SPECIAL CITY COUNCIL MEETING
MAY 24, 2011 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on May 24, 2011, at Murphy City Hall for the purpose of considering the following items. The City Council 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.

Bret Baldwin
Mayor

John Daugherty
Mayor Pro Tem

Colleen Halbert
Deputy Mayor Pro Tem

Dennis Richmond
Councilmember

Scott Bradley
Councilmember

Mike Daniel
Councilmember

Dave Brandon
Councilmember

James Fisher
City Manager

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL & CERTIFICATION OF A QUORUM

PRESENTATIONS

- Presentation to Outgoing Councilmember Mike Daniel

CANVASS OF THE MAY 14, 2011 CITY COUNCIL ELECTION RESULTS

- Consider and/or act upon approval of an ordinance canvassing and declaring the results of the May 14, 2011 City Council Election.

ISSUANCE OF CERTIFICATE OF ELECTION TO NEWLY ELECTED AND RE-ELECTED MAYOR AND COUNCILMEMBERS

ADMINISTER OATH OF OFFICE TO NEWLY ELECTED AND RE-ELECTED MAYOR AND COUNCILMEMBERS

NEWLY ELECTED COUNCILMEMBER IS SEATED AND INTRODUCED

ELECTION OF MAYOR PRO TEM

- Consider and/or act upon nominations and election for Mayor Pro Tem.

ELECTION OF DEPUTY MAYOR PRO TEM

- Consider and/or act upon nominations and election for Deputy Mayor Pro Tem.

PUBLIC COMMENTS

CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Approval of the Minutes from the Regular Meetings of May 3, 2011 and May 17, 2011 and the Special Meeting of May 10, 2011.

INDIVIDUAL CONSIDERATION

1. Hold a public hearing and consider and/or act on approval of an ordinance amending PD (Planned Development) District No. 10-05-841 for Retail Uses by revising the approved concept plan with conditions on property located at the northwest quadrant of FM 544 and North Murphy Road. (**Zoning File 2011-02**)
2. Consider and/or act on the site plan application of Murphy Plaza, L.L.C. (aka Walmart Real Estate Business Trust) requesting approval of a site plan on property zoned PD (Planned Development) District No. 10-05-841 for Retail Uses located at the northwest quadrant of FM 544 and North Murphy Road.

CITY MANAGER/STAFF REPORTS

- May 26 10-12 Mobile Office Hours for Congressman Sam Johnson at City Hall
- May 30 City offices closed in observance of Memorial Day
- May 31 Special City Council meeting, goal setting and FY 2012 budget
- June 3 Dedication of the Collin County Historical Marker for William Murphy
- June 3 Picnic by the Pond Concert Series – *Radiant Fall Out*
- June 7 Regular Council Meeting

EXECUTIVE SESSION

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding development issues.

RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding development issues.

ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, TX 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on May 20, 2011 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.

Aimee Nemer, TRMC, MMC
City Secretary

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 anemer@murphytx.org.

Canvass of the May 14, 2011 Election Results

- **Consider and/or act upon approval of an ordinance declaring the results of the Official Canvass of the May 14, 2011 City Council Election.**

Motion to approve an ordinance declaring the results of the May 14, 2011 as tallied in the Canvass Documents to be that:

Bret M. Baldwin is elected Mayor to a three year term of office with the 336 votes on an unopposed ballot; and

John Daugherty is elected Councilmember Place 3 to a three year term of office with 314 votes on an unopposed ballot; and

Bernard Grant is elected Councilmember Pace 5 to a three year term of office with 242 votes on an opposed ballot.

Attachments

- 1) Ordinance
- 2) Canvass Documents (to be provided by Collin County on May 20)

Submitted and Approved by Aimee Nemer, City Secretary _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, CERTIFYING THE ELECTION RESULTS FOR THE MAY 14, 2011 GENERAL ELECTION; DECLARING THE RESULTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council ordered an election to be held on May 14, 2011 for the purpose of electing the Mayor, Council Member Place 3, and Council Member Place 5 to a three (3) year term of office, pursuant to the City of Murphy, Texas Home-Rule Charter; and

WHEREAS, only duly qualified resident voters of the City of Murphy, Texas, voted at the general election called and held on May 14, 2011; and

WHEREAS, section 67.003 of the Texas Election Code provides that each local canvassing authority shall convene not earlier than the eighth (8th) day or later than the eleventh (11th) day after election day for the purpose of canvassing the election results; and

WHEREAS, section 67.004(a) of the Texas Election Code also provides that only two (2) members of City Council are needed and constitute a quorum for the purpose of canvassing election results; and

WHEREAS, a quorum of the City Council met on Tuesday, May 24, 2011, and duly canvassed the election returns of the above mentioned election, hereby attached as *Exhibit A*.

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

Section 1. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. That the City Council officially finds and determines an election was duly ordered to be held in the City of Murphy, Texas on the 14th day of May, 2011, for the purpose of electing the Mayor, Council Member Place 3, and Council Member Place 5 to three (3) year term of office and that proper notice of said election was duly given; that proper election officers were duly appointed prior to said election; that said election has been made and delivered; and that the City Council has duly canvassed said returns all in accordance with law.

Section 3. That the City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at said election, and following votes were cast at said general election, and that the canvass of the votes cast in said election and returns thereof, which is attached hereto as *Exhibit A*, were made in accordance with the law.

Section 4. Pursuant to the applicable provisions of the Texas Local Government Code, Texas Election Code, and the City of Murphy, Texas Home-Rule Charter, the City Council officially finds and determines and declares the results of said election to be that:

- (1) **Bret M. Baldwin** is elected **Mayor** to a three (3) year term of office by majority vote of the voters; and
- (2) **John Daugherty** is elected **Council Member for Place 3** to a three (3) year term of office by majority vote of the voters; and
- (3) **Bernard Grant** is elected **Council Member for Place 5** to a three (3) year term of office by majority vote of the voters; and

Section 5. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. Repealer Clause. Any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 7. Effective Date. This Ordinance shall be effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, on this the 24th day of May, 2011

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

Exhibit A
Canvass Documents

Mayor - Murphy		
	Total	
Number of Precincts	3	
Precincts Reporting	3	100.0 %
Vote For	1	
Times Counted	435/9173	4.7 %
Total Votes	336	
Times Blank Voted	99	
Times Over Voted	0	
Number Of Under Votes	0	
<hr/>		
Bret M. Baldwin	336	100.00%
City Council, Place 3 - Murphy		
	Total	
Number of Precincts	3	
Precincts Reporting	3	100.0 %
Vote For	1	
Times Counted	435/9173	4.7 %
Total Votes	314	
Times Blank Voted	121	
Times Over Voted	0	
Number Of Under Votes	0	
<hr/>		
John Daugherty	314	100.00%
City Council, Place 5 - Murphy		
	Total	
Number of Precincts	3	
Precincts Reporting	3	100.0 %
Vote For	1	
Times Counted	435/9173	4.7 %
Total Votes	402	
Times Blank Voted	33	
Times Over Voted	0	
Number Of Under Votes	0	
<hr/>		
John Wideman	160	39.80%
Bernard Grant	242	60.20%

Issuance of Certificate of Election

- **Mayor Pro Tem Daugherty will issue the Certificate of Election to Mayor Baldwin**
- **Mayor Baldwin will issue the Certificate of Election to Councilmember John Daugherty and Councilmember Bernard Grant.**

Submitted and Approved by Aimee Nemer, City Secretary _____

Administer Oath of Office

- **City Secretary will administer Oath of Office to Mayor Baldwin**
- **City Secretary will administer Oath of Office to Councilmember John Daugherty**
- **City Secretary will administer Oath of Office to Councilmember Bernard Grant**

Submitted and Approved by Aimee Nemer, City Secretary _____

ELECTION OF MAYOR PRO TEM

- **Consider and/or act upon a nomination and election for Mayor Pro Tem.**
 1. **Mayor Baldwin will call for nominations for the Mayor Pro Tem.**
 2. **Councilmembers may make a motion to nominate any councilmember to serve as Mayor Pro Tem. If there is no second, the motion dies. If there is a second, the motion stays on the table. NO VOTE IS TAKEN AT THIS POINT.**
 3. **Mayor Baldwin will call for any other nominations. After all nominations are made and seconded, Mayor Baldwin will state that nominations are closed and proceed with voting on each motion in the order it was received. Once a nomination is voted on and receives the majority of votes, no other nominations are voted on.**
 4. **If no nomination receives the majority of votes, then Mayor Baldwin will reopen the nominations.**

City of Murphy Charter:

SECTION 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

(1) The Mayor shall attend and preside at meetings of the City Council, and shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council and shall have a vote as a member thereof, on legislative or other matters, unless otherwise prohibited by law, and shall have no power to veto.

(2) The Mayor shall also represent the City in intergovernmental relationships, and shall perform other duties specified by the City Council, imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor, the City Manager, or designee shall sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation.

(3) The Mayor Pro-Tem shall be a Council Member elected to be the Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

(4) The Deputy Mayor Pro-Tem shall be a Council Member elected to be the Deputy Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

Submitted and Approved by Aimee Nemer, City Secretary _____

ELECTION OF DEPUTY MAYOR PRO TEM

- **Consider and/or act upon a nomination and election for Deputy Mayor Pro Tem.**
 1. **Mayor Baldwin will call for nominations for the Deputy Mayor Pro Tem.**
 2. **Councilmembers may make a motion to nominate any councilmember to serve as Deputy Mayor Pro Tem. If there is no second, the motion dies. If there is a second, the motion stays on the table. NO VOTE IS TAKEN AT THIS POINT.**
 3. **Mayor Baldwin will call for any other nominations. After all nominations are made and seconded, Mayor Baldwin will state that nominations are closed and proceed with voting on each motion in the order it was received. Once a nomination is voted on and receives the majority of votes, no other nominations are voted on.**
 4. **If no nomination receives the majority of votes, then Mayor Baldwin will reopen the nominations.**

City of Murphy Charter:

SECTION 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

(1) The Mayor shall attend and preside at meetings of the City Council, and shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council and shall have a vote as a member thereof, on legislative or other matters, unless otherwise prohibited by law, and shall have no power to veto.

(2) The Mayor shall also represent the City in intergovernmental relationships, and shall perform other duties specified by the City Council, imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor, the City Manager, or designee shall sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation.

(3) The Mayor Pro-Tem shall be a Council Member elected to be the Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

(4) The Deputy Mayor Pro-Tem shall be a Council Member elected to be the Deputy Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

Submitted and Approved by Aimee Nemer, City Secretary _____

DRAFT

**MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas**

**May 3, 2011
6:00 P.M.**

CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:01 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Baldwin gave the invocation and led the Pledge of Allegiance.

ROLL CALL & CERTIFICATION OF A QUORUM

Secretary Nemer certified a quorum with the following:

Council Present

Mayor Bret Baldwin
Mayor Pro Tem John Daugherty
Deputy Mayor Pro Tem Halbert
Councilmember Scott Bradley
Councilmember Dave Brandon
Councilmember Dennis Richmond
Councilmember Mike Daniel

PROCLAMATIONS & PRESENTATIONS

Mayor Baldwin issued the following proclamations with the assistance of Student Mayor Evann Ogburn, a MYGov Day participant.

- **Proclamation recognizing National Public Service Week**
- **Proclamation recognizing Municipal Clerks Week**
- **Proclamation designating May 4, 2011 as MYGov Day – Murphy Youth in Government**

PUBLIC COMMENTS

Ms. Katie Westhora addressed Council regarding utility power lines and requested the City consider funding and solutions for burying the lines at major intersections and using landscaping to screen them in other areas.

CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- Approval of the Minutes from the Special Joint Work Session of April 12, 2011 and the Regular Meeting of April 19, 2011.**
- Consider and/or act upon approval of a resolution authorizing the City Manager to execute Change Order No. 3 to convert/improve the landscape beds in the FM 544 medians.**
- Consider and/or act upon authorizing the City Engineer to solicit bids for the McCreary Road expansion project and culvert repairs on North Maxwell Creek Road.**

D. Consider and/or act upon approval of a resolution authorizing the City Manager to execute Amendment No. 3 to the WHR Architects Contract for transferring reimbursement expenses for construction administration travel and review.

E. Consider and/or act upon approval of an ordinance amending Section 78-57(a)–(d) of the City of Murphy Code of Ordinances eliminating references to time limits within school speed zones.

Council Action

Councilmember Brandon requested to pull items B and D from the Consent Agenda to be considered individually. Councilmember Halbert moved to approve the remaining Consent Agenda, Items A, C, and E, as presented. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

B. Consider and/or act upon approval of a resolution authorizing the City Manager to execute Change Order No. 3 to convert/improve the landscape beds in the FM 544 medians.

Council Action

There was no action on this item. Council requested more detailed information, options for grasses, and a sketch of proposed landscaping.

D. Consider and/or act upon approval of a resolution authorizing the City Manager to execute Amendment No. 3 to the WHR Architects Contract for transferring reimbursement expenses for construction administration travel and review.

Council Action

Councilmember Brandon expressed concerns about the amount of travel funds. Councilmember Daugherty moved to approve as presented. Councilmember Bradley seconded the motion. A vote was taken and passed, 6-1 with Councilmember Brandon voting in opposition.

INDIVIDUAL CONSIDERATION

1. Consider and/or act upon approval of a resolution authorizing the City Manager to execute a contract with Specialty Land Services, LLC to acquire easements/land for McCreary Road and North Murphy Road expansion projects.

Council Action

Councilmember Halbert moved to approve a resolution authorizing a contract not to exceed \$87, 000.00. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

2. Consider and/or act upon approval of a resolution authorizing the City to allow community groups/volunteers to certify city parks as Wildlife Habitats under the National Wildlife Federation program as a *Friends of the Parks* project.

Council Action

There was no action on this item. Council requested additional information.

CITY MANAGER/STAFF REPORTS

Assistant City Manager Jeff Bickerstaff reported on the following:

- **May 10, 2011 Special City Council Meeting, City Manager Evaluation**
- **May 14, 2011 Election Day**
- **May 17, 2011 Regular City Council meeting, Canvass and Oaths**
- **May 20, 2011 at North Hill Park, Moonlight Movies - *Despicable Me*.**

DRAFT

May 21, 2011 Chamber of Commerce Spring Fever

- May 24, 2011 Special City Council meeting, Utility Fund
- May 31, 2011 Special City Council meeting, goal setting and FY 2012 budget

EXECUTIVE SESSION

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding development issues.

Council Action

Council convened into Executive Session at 6:40 p.m.

RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding development issues.

Council Action

Council reconvened into Regular Session at 7:53 p.m. There was no action as a result of the Executive Session.

ADJOURNMENT

With no further business, the meeting was adjourned at 7:53 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

DRAFT

**MINUTES
SPECIAL CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas**

**May 10, 2011
7:00 P.M.**

CALL TO ORDER

Mayor Baldwin called the meeting to order at 7:00 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Baldwin gave the invocation and led the Pledge of Allegiance.

ROLL CALL & CERTIFICATION OF A QUORUM

The following were present: Mayor Bret Baldwin, Mayor Pro Tem John Daugherty, Deputy Mayor Pro Tem Colleen Halbert, Councilmember Scott Bradley, Councilmember Dave Brandon, Councilmember Dennis Richmond, and Councilmember Mike Daniel.

PUBLIC COMMENTS

No public comments were submitted.

EXECUTIVE SESSION

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.074 Personnel Matters – Evaluation of the City Manager.

Council Action

Council convened into Executive Session at 7:02 p.m.

RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

§551.074 Personnel Matters – Evaluation of the City Manager.

Council Action

Council reconvened into Regular Session at 10:31 p.m. No action was taken as a result of the Executive Session.

ADJOURNMENT

With no further business, the meeting was adjourned at 10:31 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

Issue

Hold a public hearing and consider and/or act on approval of an ordinance amending PD (Planned Development) District No. 10-05-841 for Retail Uses by revising the approved concept plan with conditions on property located at the northwest quadrant of FM 544 and North Murphy Road. (**Zoning File 2011-02**)

Owner(s):

Murphy Plaza, L.L.C.

Zoning History

Ordinance No. 00-10-504 – Adopted October 16, 2000, which changed the zoning from LC/R (Light Commercial/Retail) District to TC (Town Center) District).

Ordinance No. 05-07-664 – Adopted July 25, 2005, which changed the zoning from TC (Town Center) District to PD (Planned Development) District for Retail Uses.

Ordinance No. 10-05-841 – Adopted May 17, 2010, which amended PD (Planned Development) District No. 05-07-664 by revising the concept plan and certain development conditions.

Background

On May, 17, 2010 the City Council adopted Ordinance No. 10-05-841, which amended Planned Development District No. 05-07-664 (adopted on July 25, 2005) by approving a concept plan (approximately 172,000 square feet) and amending the development conditions regarding landscaping and signage. The applicant would like to construct a Walmart store on the subject property. The applicant has submitted a concept plan, concept landscape plan, building elevations and a signage plan for review with the Planned Development application. The concept plan approved in 2010 does not allow the site layout proposed by Walmart. Therefore, the applicant has submitted a zoning application to amend the approved concept plan and to modify certain development conditions.

Surrounding Land Use and Zoning

	Existing Land Use	Existing Zoning
North	Single Family	PD (Planned Development) District
South	Retail	R, PD District for Retail
East	Retail	PD District for Retail
West	Self Storage/Retail	Light Commercial

Comprehensive Plan

The 2008 Future Land Use Plan recommends High Intensity Retail for the subject property. Areas appropriate for this type of land use type are intended to provide for a variety of more regional-serving retail trade and personal/business services. Generally, businesses within this use would have large single-use buildings, commonly referred to as “big-box” stores. The proposed Planned Development District is consistent with the recommendations of the 2008 Future Land Use Plan.

Transportation Strategy

- **The Thoroughfare Plan** – The 2008 Thoroughfare Plan shows FM 544, a Type A Major Arterial adjacent to the site to the south. The Plan shows North Murphy Road (FM 2551), a Type A Major Arterial adjacent to the site to the east.
- **Traffic Impact Analysis** – Based on the current zoning and the requested amendment to the Planned Development District, a Traffic Impact Analysis (TIA) was required as the requested amendment will increase traffic to the site and the surrounding area. A TIA was submitted and all suggested improvements have been incorporated into the concept plan.
- **Access** – Access to the development will be provided from both FM 544 and North Murphy Road (FM 2551).

Existing Utilities

- **Water** – There is a 10-inch water line along FM 544 and an 8-inch water line along North Murphy Road (FM 2551). Service will need to be extended into the site at the time of development.
- **Sanitary Sewer** – There is a 10-inch sanitary sewer line along North Murphy Road (FM 2551). A 6-inch sanitary sewer stub-out was constructed along FM 544 as part of the FM 544 expansion.
- **Schools** – The subject property lies within the Plano Independent School District. The Plano Independent School District has not indicated an immediate need for a school in this area.

Report from the Murphy Police Department

TO: Mr. James Fisher, City Manager
FROM: Chief G. M. Cox
SUBJECT: Review of Issues Relating to Wal-Mart Locating in Murphy

It seems that many citizens are concerned with the general welfare of the city and crime, specifically, if Wal-Mart locates a Super Center in Murphy. My task is not so much to add my opinion to that of those who have done so already, although I am sure I will, but primarily it is to provide a more objective review of what we might expect if Wal-Mart does build here.

First, I want to answer the supposition that the MPD will have more calls from Wal-Mart than we do now. Clearly, what we have now is a vacant field with little or no calls for service being generated. Thus, we will, no doubt, experience a greater call load if it is built than if it were not built. Now, the question goes to how much might our call load go up? That is a very difficult question to answer. However, if we utilize the numbers provided in “Crime and Wal-Mart – “Is Wal-Mart Safe?: An Analysis of Official Police Incidents at Wal-Mart Stores,” not that using these numbers adds credence or validity to the report or the numbers, we might expect to have

about 315 extra calls per year (21,741/69)¹. That is less than one extra call per day. My guess is that our calls for service at the location would be higher than this. Allow me to add that extrapolation of information from a source that has a very high probability of credibility, validity and accuracy issues is problematic. Utilizing aggregate data to project what might happen at a single location is subject to extreme error.

Our estimated cost per call is about \$90.33². Therefore, our estimated cost for the year would be about \$28,453. This does not mean that our budget will have to be increased by this amount. However, please keep in mind that cost per call goes down as we get more calls. This is akin to economy-of-scale economics. In reality, one more call per day, will not cause an undue hardship on our patrol units or operations center. It could create a greater demand on our criminal investigation division due to an anticipated increase of hot check and shoplifting type crimes, which are labor intensive for CID.

My own experience in dealing with the arrival of a Super Wal-Mart is that shoplifting, internal theft and hot checks will be the most common types of crimes experienced. If the planned store for Murphy includes a gas station, "drive off" thefts of gas could increase as well. There are clear and proven tactics that we would suggest or even demand Wal-Mart implement to prevent or reduce the chances of these types of crimes, such as, pay-before-pump, requiring thumb prints on checks, and better background checks for employees. My experience with Wal-Mart and their security personnel is that it and they are very good at creating a proactive environment for crime prevention with state of the art video and electronic monitoring systems. I have not heard anything at this stage that would lead me to believe that the management of the proposed Wal-Mart would not follow these procedures.

I know that citizens are concerned that crime in the neighborhoods surrounding Wal-Mart might go up, and rightfully so. Generally speaking, there is little data to support this concern. While some types of crime can be anticipated at any new retail establishment, particularly one of the size and draw of a Super Wal-Mart, there are no facts that would support that crime will, likewise, go up in the remainder of the city or adjacent neighborhoods.

I have also heard that traffic congestion is a concern in this area. Everyone who lives in Murphy, Plano or Wylie understands the traffic flow problems associated with FM 544. It is a busy roadway, no doubt about and there is little doubt that a Super Wal-Mart will add to that congestion. However, as all citizens know who utilize FM 544, most of the congestion is associated commuter patterns, not shopping traffic. FM 544 is reasonably calm, traffic flow is even and manageable at most times other than at the a.m. and p.m. rush of traffic related to people traveling to and from work. Plus, people will, most likely, adjust their shopping times or through travel to avoid the congestion periods or they will, simply, go shopping, thereby taking themselves out of the congestion cycle for a period of time (it takes to shop).

I have heard that some citizens do not believe that Wal-Mart is a good corporate neighbor. I must disagree with this assessment. During my short tenure in Murphy the Wal-Mart Neighborhood Market has donated to the MPD over \$3,000 to augment the budget or purchase items not provided for in the annual operating budget. Since opening, it has donated \$9,500 to the MPD. I know that the Market has also made contributions to the Murphy Fire Department. Furthermore, when a need is expressed to support a city or community function, the Neighborhood Market has

¹ WakeUpWalMart.com, Washington D. C., 5/1/06

² MPD, 5/10 Year Plan, G. M. Cox, 3/2011

regularly contributed supplies or made contributions to the event. In my opinion, backed up by observable action, Wal-Mart is a good corporate neighbor/citizen.

In anticipation of the kinds of emotions that seem to attach to the announcement of a Wal-Mart coming to a city or town, I contacted several police chiefs in the area who have experienced a new Super Wal-Mart being built in their cities. The following is the gist of their comments:

We encountered the same fears here in McKinney when the old WalMart was going to close and a new larger proposed Super WalMart was going to open near the older one. We now have 3 Super WalMarts and one Sam's Wholesale Club.

Basically, once all of the crime stats are gathered there is an expected increase over when the acreage was nothing but a vacant field. Additionally, when drilling into those numbers, the only increase in calls in that geographic area is at the WalMart itself, i.e. shoplifters, customer BMVs, etc. Those numbers are not that significant. There has been no crime or call load impact to the surrounding neighborhoods.

WalMart and Sam's have always been good neighbors and frequently donate funds and products to the Public Safety divisions.

Moreover, when we received the Hurricane Katrina evacuees in McKinney, WalMart delayed the demolition of their older vacant building (mentioned above) and spent substantial money into converting their old building into an evacuation center. They kept it open for numerous weeks until the evacuees could be permanently relocated. They received visits and praise from many, most notably State Senator Florence Shapiro and U. S. Senator John Cornyn.

WalMart is alright in my book.

Chief Doug Kowalski, McKinney PD

I echo Doug's comments...our Super Wal-Mart has certainly had more of a positive than negative impact on our community in the (3) years they've been here....in all respects. I would of course encourage the PD's interaction during construction and approval processes in order to assure on-site security and heavy use of cameras and signage both inside and in the parking lot. Fairly normal for them but it doesn't hurt to gain that level of support for your concerns.

Also push for the "open space" high-end model, it has lower racks and wider aisles that deter thefts...this may be their new standard, but if your council wants to see a "really nice" example of a non-traditional Wal-Mart with heavy emphasis on "sushi, deli" and wine...give me a shout! Truly amazing.

Last year we responded to 233 calls for service and approximately 21 offenses at that location. Virtually "no" (from what we can tell) impact upon surrounding neighborhoods, other than their bending over backwards to satisfy adjoining residents with trails, trees, lighting, and landscaping, sensitivity to noise and light pollution, a million dollars to save a 300 year old oak tree, etc., during construction.

Plus, as Doug mentioned, they are very...very...good to Public Safety!

Chief Ed Obara, Highland Village PD

I can get the numbers, but there wasn't any significant proof of such in the surrounding neighborhoods. Both of ours were preceded by the same complaints.

Chief Todd Renshaw, Frisco PD

In summary, given the current and expected building design of the proposed Super Wal-Mart, I would not anticipate a large increase in crime or calls for service. Neighborhoods should not be negatively impacted by any crime related calls encountered at the Wal-Mart if it comes here. However, it is anticipated that the demand on CID will likely go up considerably, which may involve increasing the number of detectives assigned to this division. Traffic will increase in the area, however, shoppers and travelers will adjust their driving habits according to their threshold for inconvenience. Traffic accidents could go up slightly as traffic merges on to FM 544 from the parking lot of Wal-Mart. Finally, Wal-Mart has proven to be a good corporate neighbor and citizen. There is little reason to believe that this store would not be.

Considerations

1. The site plan indicates that the proposed Walmart store would contain 181,787 square feet, with 909 parking spaces required and 814 parking spaces provided. The applicant has requested to reduce the required number of parking spaces in order to provide a wider landscape buffer along FM 544 and to increase the overall amount of landscaping in the parking lot. Staff has reviewed this request and offers no objection as the reduction in parking spaces will not adversely affect parking capacity or traffic circulation.
2. The maximum height allowed in the R (Retail) District (the Planned Development District is based in the R District) is 35 feet. The proposed building at its highest point is 37 feet. The applicant is requesting to increase the maximum allowed height to 40 feet. Due to the fact that only a small portion of the building will exceed the current maximum height of 35 feet, staff offers no objection to the requested height increase.
3. The landscape plan indicates that the site contains 901,738 square feet of area. The landscape standards require that at a minimum, 20 percent of the lot area be landscaped (equating to a pervious area of 20 percent). The landscape plan indicates that 206,537 square feet will be landscaped or 22.9 percent of the lot will be landscaped. The parking lot area will have approximately 38,225 square feet landscaped. FM 544 is required to have a minimum average landscape buffer width of 25 feet. A 25 foot wide buffer is provided. Based on approximately 497 linear feet of frontage, 10 large trees and 30 ornamental trees are required, with 11 large trees and 40 ornamental trees provided. North Murphy Road is required to have a minimum landscape buffer width of 25 feet. A 25 foot wide buffer is provided. Based on approximately 121 linear feet of frontage, 3 large trees and 10 ornamental trees are required, with 3 large trees and 13 ornamental trees provided. The landscape plan is in general compliance with the Planned Development District.
4. Building elevations submitted indicate that the proposed Walmart will have building materials made up of architectural masonry (concrete built to look like brick but built for greater structural integrity [I have asked them to bring a sample]), and EIFS with alternative off white, medium tan, medium red and dark red colors. During the work session held on April 12, 2011, banding features along the top half of the building were discussed. The architect has submitted plans that include these banding features. The Planned Development District requires at least two masonry materials be used; architectural masonry and EIFS are proposed to be used.
5. The applicant is proposing to erect a monument sign adjacent to FM 544 and North Murphy Road. The total square footage of the sign base is approximately 190 square feet with the actual Walmart sign occupying approximately 95 square feet.
6. Staff has met with representatives of Walmart several times to discuss concerns associated with the inclusion of a surface detention pond adjacent to North Murphy Road. The following highlights issues that have been addressed.
 - Landscaping – The proposed detention pond would be landscaped with Bald Cypress trees. Landscape islands in the parking lot would contain Bald Cypress, oaks and Cedar Elm trees.

- Drainage – A majority of the site is designed to drain to the proposed detention pond adjacent to North Murphy Road. The western third of the site is proposed to drain to the KCS/DART railroad.
- Detention Pond – The proposed development cannot increase the amount of water runoff that occurs today in its natural state. Because the site will greatly increase the amount of impervious surface, the amount of runoff will increase. Therefore, increased water flow must be detained in order to release water in a controlled manner.
- The design of the detention pond is such that during dry periods, no water will be present and will function as open space. Capacity downstream is such that detention is unavoidable.

7. The existing Walmart Neighborhood Market will close if the proposed Walmart is approved and once the store is open for business. Walmart Real Estate Business Trust will market the property to other potential tenants. The gasoline operation (Murphy Oil) in front of Walmart Neighborhood Market will stay at its current location. Walmart sold its interest in Murphy Oil several years ago.

8. The subject property is located on a prominent corner, the last major corner at the intersection of FM 544 and North Murphy Road not yet developed. This corner is appropriate for high intensity retail uses as recommended by the Comprehensive Plan, which is intended to provide for a variety of more regional-serving retail trade and personal/business services. The proposed Walmart store is consistent with the recommendations of the Comprehensive Plan.

Financial Consideration

Sales Tax Revenue details

The current annual sales tax revenue generated by taxable sales within the City of Murphy is:

Total Annual Taxable Sales = \$90.5M

City of Murphy receives 2% of that total annually = \$1.81M

General Fund receives 1% of the \$90.5M = \$905,000

4A receives ½% of \$90.5M = \$452,500

4B receives ½% of \$90.5M = \$452,500

Using the same calculations as above and based on the estimated taxable sales of \$70M from the proposed Wal-Mart the City could received the following additional sales tax dollars: Total

City of Murphy receives 2% of \$70M = \$1.4M

General Fund receives 1% of \$70M = \$700,000

4A receives ½% of \$70M = \$350,000

4B receives ½% of \$70M = \$350,000

Based on our current sales tax projection and the projected sales tax from the proposed Wal-Mart the City could receive the following sales tax dollars:

City of Murphy receives 2% of (\$90.5M + \$70M) = \$3.21M
General Fund receives 1% of the \$160.5 = \$1.6M
4A receives ½% of the \$160.5 = \$802,500
4B receives ½% of the \$160.5 = \$802,500

Property Tax Revenue details

Assuming a \$15M site improvement on the property with the proposed Wal-Mart and based on FY2011 Property Tax rate of \$0.565, the City of Murphy would begin receiving approximately \$84,750 annually in new Property Tax Revenues. (\$15M x \$0.00565)

Additionally, once the property turns over from AG to Commercial, the City will receive a lump sum rollback tax payment. This is calculated by taking:

[Market Value – Ag Value x Murphy’s Tax Rate for each year five years back + interest]

Economic Development and Retail Trade Area of Murphy

Murphy’s Retail Trade Area consists of consumers that are shopping and eating in Murphy on a regular basis. It’s identified by looking at the consumers of existing Murphy businesses as well as the buying and driving patterns of consumers in Murphy. Another trade area consideration is Murphy’s direct competition (ex: Wylie, Firewheel). A Wal-Mart would significantly increase the City of Murphy’s Retail Trade Area. None of Murphy’s current retailers have as large a market as Wal-Mart and it will pull in consumers that otherwise wouldn’t stop to spend in Murphy.

In addition to expanding the Retail Trade Area for the City, it realistically expands the trade area for current Murphy businesses and they can hone in on marketing to this new consumer traffic. According to our retail consultant, studies have shown that an average of 7-10 new businesses come to a community as a result of a new Wal-Mart. One assumption regarding Wal-Mart’s desire to locate in Murphy could include the concept that Target is cutting-off much of the Murphy traffic that was traveling east to shop at the Wylie unit that can now be captured in Murphy.

Over the past few years, Murphy staff has been actively pursuing numerous retailers. Unfortunately during that time, Murphy’s market, in addition to the downturn in the economy, was not at level that attracted many of those retailers. However with many factors including market improvements, new Census numbers and the renewed economy, Murphy has the interest of a well-known established national retailer. This potential of increased consumer traffic has put Murphy on the map for numerous new businesses that are now interested in Murphy, including the potential space currently home to Wal-Mart Neighborhood Market that would become available. Staff has secured meetings with many of these businesses at the upcoming retail trade conference due to the potential of Wal-Mart in our community. The call interest has increased over the past few weeks and common interest has been centered on the possible Wal-Mart development.

For many years, there have been negative impacts on new retail development in Texas/DFW Area: the recession; retailer closing/bankruptcies; abundance of available retail space. However, after several years of a down economy, developers have a renewed optimism and interest in new development given the uptick in available financing and available properties. Murphy is a community retail destination and not a regional destination. This means its trade area or draw area primarily includes the communities surrounding Murphy in addition to Murphy itself. In turn, Firewheel Town Center and The Village at Allen/Fairview are regional destinations. This can be attributed to the road systems that connect to regional population bases.

Depending on the retailer and their specific requirements – they may look for an existing retail space in a strip center (inline location), pad sites (usually 1+ acres for freestanding buildings – retail or restaurant) or acreage. Smaller retailers typically look for existing inline space while certain retailers and restaurants like pad sites because they want their “own identity.” For larger tracts of land (22 acre example) – they are oftentimes developer-driven. A rule of thumb to follow is most larger sites are developer-driven; in this case, the developer is Wal-Mart.

Planning and Zoning Commission Action

Commissioner Merrifield moved to approve the application of Murphy Plaza, L.L.C. (aka Walmart Real Estate Business Trust) requesting to amend PD (Planned Development) District No. 10-05-841 for Retail Uses by revising the approved concept plan with conditions on property located at the northwest quadrant of FM 544 and North Murphy Road (Zoning File 2011-02) contingent upon the following:

- Eliminate the “S” drive on either side of the main entrance adjacent to FM 544;
- Provide additional trees between the proposed store and Lot 2 to better screen the east truck dock;
- Encase the sign face in brick (matching the store);
- Include masonry banding features on all four elevations;
- Include a minimum of 15% brick or other masonry material on the east and west elevations.

Secretary King seconded the motion. Motion passed 4-0.

Staff Recommendation

Motion to approve the application to amend the Planned Development District No. 10-05-841 contingent upon the following.

- Revising the concept plan as submitted,
- Increasing the maximum height of buildings from 35 feet to 40 feet,
- Decreasing the required parking from 909 parking spaces to 814 parking spaces
- Allow the divided median to be eliminated at the entrance on FM 544.

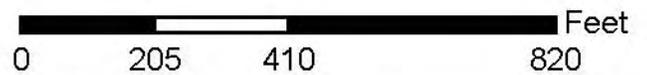
Attachments

- 1) Location Map
- 2) Aerial Map
- 3) Proposed Ordinance
- 4) Exhibit A – Legal Description
- 5) Exhibit B – Planned Development Conditions
- 6) Exhibit C - Concept Plan
- 7) Exhibit D - Concept Landscape Plan
- 8) Exhibit E - Building Elevations
- 9) Exhibit F - Signage Plan

Submitted and Approved by James Fisher, City Manager _____



Aerial Map Zoning File 2011-02



ORDINANCE NO. _____

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 AMENDING AN EXISTING PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON A 24.032 ACRE TRACT OF LAND SITUATED IN THE GEORGE H. PEGUES SURVEY, ABSTRACT NO 699, 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, APPROVING PLANNED DEVELOPMENT STANDARDS HERETO 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 amend a Planned Development District for Retail Uses for the property described as a 24.032 acre tract of land situated in the George H. Pegues Survey, Abstract No. 699, 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 24th day of May, 2011.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

EXHIBIT A

The following three tracts of land, containing approximately 22.257 acres:

Tract 1

SITUATED in the State of Texas, County of Collin and City of Murphy, being part of the George H. Pegues Survey, Abstract No. 699, being part of a 32.388 acre tract of land recorded in Volume 1017, Page 589 of the Collin County Deed Records with herein described premises being more particularly described as follows:

BEGINNING at a Roome capped 1/2-inch iron rod set in the curving south right-of-way line of a D.A.R.T. Railway marking the northwest corner of said premises from which a Votex capped iron rod found marking the northeast corner of a 8.0400 acre tract bears South 02 degrees 12 minutes 34 seconds West, 4.94 feet;

THENCE with the south right-of-way line of said D.A.R.T. Railway as follows:

Northeasterly along a curve to the right having a central angle of 10 degrees 26 minutes 44 seconds with a radius of 1835.00 feet, for an arc distance of 334.54 feet (chord = North 82 degrees 34 minutes 25 seconds East, 334.07 feet) to a 1-inch iron rod found;

South 01 degree 52 minutes 08 seconds East, 50.00 feet to a 5/8-inch iron rod found;

Southeasterly along a curve to the right having a central angle of 08 degrees 07 minute 42 seconds with a radius of 1785.00 feet, for an arc distance of 253.23 feet (chord = South 87 degrees 47 minutes 19 seconds East, 253.02 feet) to a Roome 1/2-inch capped iron rod set marking the end of said curve;

South 83 degrees 55 minutes 45 seconds East, 428.93 feet to a 1/2-inch iron rod found marking the northeast corner of said premises;

THENCE with an east line of said premises, South 01 degree 17 minutes 35 seconds West, 363.04 feet to a 5/8-inch iron rod found for corner;

THENCE with a south line of said premises, North 87 degrees 31 minutes 49 seconds West, 31.81 feet to a Roome capped 1/2-inch iron rod set for corner;

THENCE with an east line of said premises as follows:

South 02 degree 02 minutes 37 seconds West, 201.38 feet to a 5/8-inch iron rod found for corner;
South 01 degree 50 minutes 24 seconds West, 60.81 feet to a Roome 1/2 inch capped iron rod set marking the northeast corner of Walgreens-FM 544 Addition, an addition to the City of Murphy recorded in Volume M, Page 172 of the Collin County Plat Records;

THENCE with a south line of said premises and the north line of said Walgreens-FM 544 Addition, North 88 degrees 34 minutes 15 seconds West, 221.68 feet to a Nathan Meier capped

iron rod found marking the northwest corner of said addition and an interior corner of said premises;

THENCE with the west line of said addition and an east line of said premises, South 01 degree 25 minutes 45 seconds West, 13.73 feet to a Roome capped 1/2-inch iron rod set marking the northeast corner of a 4.00 acre tract recorded in Volume 484, Page 11 of the Collin County Deed Records;

THENCE with the north line of said 4.00 acre tract and a south line of said premises, North 89 degrees 31 minutes 18 seconds West, 417.42 feet to a Roome capped 1/2-inch iron rod set marking the northwest corner of said 4.00 acre tract;

THENCE with an east line of said premises and the west line of said 4.00 acre tract, South 01 degree 26 minutes 09 seconds West, 371.60 feet to a Roome capped 1/2-inch iron rod set for corner in the curving north right-of-way line of F.M. 544 (variable width right-of-way);

THENCE southwesterly along a curve to the right having a central angle of 02 degrees 22 minutes 31 seconds with a radius of 8591.75 feet, for an arc distance of 356.19 feet (chord = South 87 degrees 56 minutes 09 seconds West, 356.17 feet) to a Votex capped iron rod found marking the most westerly southwest corner of the herein described premises and the southeast corner of a 5.6770 acre tract recorded under County Clerk No. 99-0070254 of the Collin County Land Records;

THENCE with the most westerly west line of said premises, the east line of said 5.6770 acre tract and 8.0400 acre tract, North 02 degree 12 minutes 34 seconds East, passing 1070.40 feet said Votex capped iron rod and continuing for a total distance of 1075.34 feet to the point of beginning and containing 18.764 acres of land.

Tract 2

Non-exclusive easement for access, benefitting Tract I, created pursuant to that certain Easement Agreement dated October 12, 1999, executed by LSI 544, L.P. and Murphy Joint Venture, recorded in Volume 4524, Page 0711, as re-recorded in Volume 4583, Page 0678, Land Records, Collin County, Texas.

Tract 3

SITUATED in the State of Texas, County of Collin and City of Murphy, being part of the George H. Pegues Survey, Abstract No. 699, being part of a 43.83 acre tract of land recorded in Volume 484, Page 11 of the Collin County Deed Records with herein described premises being more particularly described as follows:

BEGINNING at a Nathan Meier capped iron rod found in the north right-of-way line of F.M. 544 (variable width right-of-way) marking the southwest corner of Walgreen-FM 544 Addition, an addition to the City of Murphy recorded in Volume M, Page 172 of the Collin County Plat Records;

THENCE with the north right-of-way line of F.M. 544 and the south line of said premises as follows:

South $88^{\circ}13'55''$ West, 356.75 feet to a Roome capped $\frac{1}{2}$ inch iron rod set marking the beginning of a curve to the right;

Southwesterly along said curve to the right having a central angle of $00^{\circ}06'07''$ with a radius of 9614.00 feet, for an arc distance of 17.13 feet (chord = South $87^{\circ}31'55''$ West, 17.13 feet) to a Roome capped $\frac{1}{2}$ -inch iron rod set marking a point of reverse curve;

Southwesterly along a curve to the left having a central angle of $00^{\circ}16'01''$ with a radius of 9489.00 feet, for an arc distance of 44.21 feet (chord = South $87^{\circ}36'58''$ West, 44.21 feet) to a Roome capped $\frac{1}{2}$ -inch iron rod set marking the southwest corner of said premises;

THENCE with the west line of said premises, North $01^{\circ}26'09''$ East, passing at 1.75 feet a Roome capped $\frac{1}{2}$ -inch iron rod set marking a right-of-way corner and an east line of an 18.764 acre tract and continuing for a total distance of 373.35 feet to a Roome capped $\frac{1}{2}$ -inch iron rod set marking the northwest corner of said premises and an interior corner of said 18.764 acre tract;

THENCE with the north line of said premises and a south line of said 18.764 acre tract, South $89^{\circ}31'18''$ East, 417.42 feet to a Roome capped $\frac{1}{2}$ -inch iron rod set marking the northeast corner of said premises a southeast corner of said 18.764 acre tract and being in the west line of the aforementioned Walgreen-FM 544 Addition from which its northwest corner bears North $01^{\circ}25'45''$ East, 13.73 feet;

THENCE with the east line of said premises and the west line of said addition, South $01^{\circ}25'45''$ West, 356.27 feet to the point of beginning and containing 3.493 acres of land.

EXHIBIT B

ZONING FILE NO. 2011-02

**Northwest Quadrant
FM 544 and North Murphy Road (FM 2551)**

PLANNED DEVELOPMENT CONDITIONS

- I. Statement of Intent:** The intent of this Planned Development District is to provide high quality retail development that is generally consistent with the Comprehensive Plan.
- 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 the following uses.
- Larger anchor uses
 - Grocery Store
 - Family, sit-down restaurants
 - Upscale retail shops
 - Individual pad site uses
- III. Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 04-05-610, as amended, except as specifically provided herein.
- IV. General Regulations:** All regulations of the R (Retail) District set forth in Section 29 of the Comprehensive Zoning Ordinance 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. Landscape Plan: Development shall be in general conformance with the approved landscape plan set forth in Exhibit D; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
- C. Signage Plan: Development shall be in general conformance with the approved signage plan as set forth in Exhibit E; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail.
- D. Concept Plan, Landscape Plan, and Signage Plan approval shall be for a period of one 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. However, if no site

EXHIBIT B

plan has been submitted for at least of portion of the development, then the Concept Plan shall be valid for a period of one year from the date of adopting ordinance. Site plans shall be valid for a period of one year from the date of City Council action on the plan.

- E. 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. Amusement Services (Indoors) (SUP)
 2. Antique Shop
 3. Art Dealer/Gallery
 4. Artist Studio
 5. Automotive Driving School (SUP)
 6. Bakery (Retail)
 7. **Bank or Credit Union (one freestanding only) (SUP)**
 8. Barber/Beauty Shop
 9. Barber/Beauty Shop College (SUP)
 10. Book Store
 11. Cafeteria
 12. Church/Place of Worship
 13. Civic Club
 14. Clinic (Medical)
 15. Computer Sales
 16. Confectionery Store (Retail)
 17. Department Store
 18. Dinner Theatre (SUP Only)
 19. Electronics (Retail)
 20. Financial Services (Advice/Invest)
 21. Florist
 22. Food or Grocery Store **(SUP)**
 23. Furniture Sales (Indoor)
 24. Governmental Building (Municipal, State or Federal)
 25. Hardware Store
 26. Health Club (Indoors) (SUP Only)
 27. Home Improvement Center (SUP)
 28. Insurance Agency Offices
 29. Laundry/Dry Cleaning (Drop Off/Pick Up Only)
 30. Library (Public)

EXHIBIT B

EXHIBIT B

31. Motion Picture Theatre
32. Museum (Indoors Only)
33. Non-Profit Activities By Church
34. Offices (Brokerage Services)
35. Offices (Health Services)
36. Offices (Legal Services)
37. Offices (Medical Office)
38. Offices (Professional)
39. Pet Shop/Supplies
40. Pharmacy **(SUP)**
41. Photo Studio
42. Photocopying /Duplicating
43. Real Estate Offices
44. Restaurant
45. Restaurant (Drive-In/Drive Thru) (SUP)
46. Retail Store
47. School, (K-12) (Public)
48. School, Vocational
49. Skating Rink (Ice)
50. Tailor Shop
51. Theatre (Live Drama)
52. Travel Agency

The following uses shall be permitted as part of a Retail Store exceeding 100,000 square feet (along with other uses customarily included in such large scale Retail Stores):

1. Alcoholic Beverage Retail Sales
2. Automatic Teller Machines (ATMs)
3. Bike Sales and/or Repair
4. Garden Shop
5. Handicraft Shop
6. Lawnmower Sales and/or Repair
7. Needlework Shop
8. Plant Nursery (Retail Sales/Outdoor Storage)
9. Video Rental/Sales
10. Temporary Outdoor Retail Sales/Commercial Promotion

B. Area Regulations:

1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract area required.

Minimum Lot/Tract Width: 170 feet.
2. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.

EXHIBIT B

EXHIBIT B

3. Pad Sites: The maximum number of pad sites allowed along FM 544 shall be two (2). The maximum number of pad sites allowed along North Murphy Road (FM 2551) shall be three (3).
- C. Parking, Driveways and 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 for a Retail Store with a floor area greater than 100,000 square feet located on Lot 1 shall be as shown on Exhibit C. The number of required parking spaces for all other uses and lots shall be dependent upon the use and shall meet the requirements of the City of Murphy Comprehensive Zoning Ordinance.
 4. No required parking space may be occupied by signs, merchandise, or display items at any time except by specific 30 day permit.
 5. A special "signature" paving treatment shall be established as shown on the approved concept plan (Exhibit C). Appropriate locations for the special paving treatment shall include street intersections, pedestrian crosswalks and driveway openings.
 6. Sidewalks along FM 544 and Murphy Road (FM 2551) shall be **8** feet in width.
- D. Loading and Unloading
1. Truck loading berths and apron space shall only be required for space that totals 30,000 square feet or more and shall not be located on the street side of any building.
 2. Truck loading berths 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 the standards set forth in Chapter 28, Code of Ordinances, except as provided below.
1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with the approved Exterior Elevation Plan.

EXHIBIT B

EXHIBIT B

2. All exterior elevations shall utilize a unified design. The following masonry materials shall be allowed:
 - a. Brick
 - b. Cast Stone
 - c. Scored & Textured concrete tilt wall
 - d. EIFS and Stucco (limited to no more than 12% total)
 - e. Integral-color split-face CMU
 - f. Stone/simulated stone
 3. The use of primary or garish colors shall not be predominately used on the exterior façade of any structure. Corporate identities shall be allowed with owner review and approval.
 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 immediately adjacent public dedicated street by an architecturally sound method.
 5. Each commercial building, complex of buildings or separate commercial business enterprise 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. In all cases, mechanical equipment on roofs and outcroppings shall be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.
- F. Landscape Standards. Landscaping shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.
1. Landscaping shall generally be as shown on the approved Landscape Plan (Exhibit D). 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 for the specific 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 a minimum of 20 feet in depth, with an average depth of 25 feet adjacent to the right-of-way of FM 544 and a minimum 25 feet in depth adjacent to Murphy Road (FM 2551).**

EXHIBIT B

EXHIBIT B

No parking may be placed within any landscape buffer. Pedestrian easements and sidewalks may be located within a landscape buffer.

3. A landscape buffer shall be provided for an average of fifteen (15) feet in depth adjacent to the Southern Pacific /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 six (6) feet by six (6) 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 twenty (20) spaces in length.
 2. An additional 7% open space shall be provided. This 7% will be for the entire development and not necessarily on a lot by lot basis. The 7% area will consist of two or more of the following amenities:
 - a. Pedestrian walkways
 - b. Benches
 - c. Gazebo
 - d. Constant level pool
 - e. Landscape material
 - f. Hardscape
 - g. Pedestrian lighting

G. Screening. Screening shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. All screening at the rear (north) of the property will be a live screen where required. Plant materials shall conform to the standards of the approved plant list in Section 50 and the current edition of the "American

EXHIBIT B

EXHIBIT B

Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen.

2. All truck docks/loading areas for anchor stores shall be screened from view through the use of 8-foot high masonry walls (which are the same colors and materials as main building). All truck docks/loading areas for pad sites shall be screened from view through the use of 8-foot high masonry walls (which are the same colors and materials as the main building) and shall have living screens (eight foot height and at least 75 percent density within three years of planting).
 3. Outside seasonal displays shall be permitted within the Planned Development District. Outside storage shall not be permitted with the Planned Development District.
- H. Site Lighting: Lighting shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.
1. Site lighting fixtures used along entrance driveways and parking areas shall be uniform and a consistent design within the development. Lighting standards for illuminating these areas shall be no taller than 30 ft. high. However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.
- I. Signage and Graphics. Signage will comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.
1. General
 - a. All signage for the Planned Development District shall be allowed as shown on the approved Signage Plan (Exhibit E).
 - b. Single Tenant Monument Signs-One (1) monument sign shall be allowed on each pad site and shall be limited to a maximum sign area of 40 square feet and a maximum structure area of 80 square feet.
 - c. Shopping center signs-Two (2) shopping center signs shall be permitted as shown on the approved Signage Plan (Exhibit E). Each shopping center sign shall be limited to a maximum sign area of 300 square feet and a maximum structure area of 500 square feet.
 2. Single Tenant Monument Signs

EXHIBIT B

EXHIBIT B

- a. Monument signs shall identify individual tenants or uses within a pad site. Monument signs shall be a maximum of seven (7) feet tall.
 - b. All single tenant monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Single tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
 - c. Monument signs shall be located at a set back distance of not less than eight (8) feet from the right-of-way line of any adjacent street and maybe incorporated within the landscaping area or buffer.
 - d. Construction of monument signs shall include a base of material similar to the material used for buildings.
3. Shopping Center Signs
- a. Shopping center signs shall be constructed at a height not to exceed thirty-five (35) feet.
 - b. The base of the shopping center sign shall be located at a set back distance of not less than eight (8) feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.
 - c. All shopping center signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Pylon signs may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
 - d. Construction of shopping center signs shall include a base of material similar to the material used for buildings.
4. Temporary Marketing Signage
- a. One (1) quality temporary marketing sign shall be permitted on the development on FM 2551 (Murphy Road) and on FM 544. These signs shall for a term of twelve (12) months from the date of installation.
 - b. The maximum signage area will be 64 square feet. The maximum height shall be 8 feet.
 - c. All other temporary signage 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

EXHIBIT B

J. Open Space

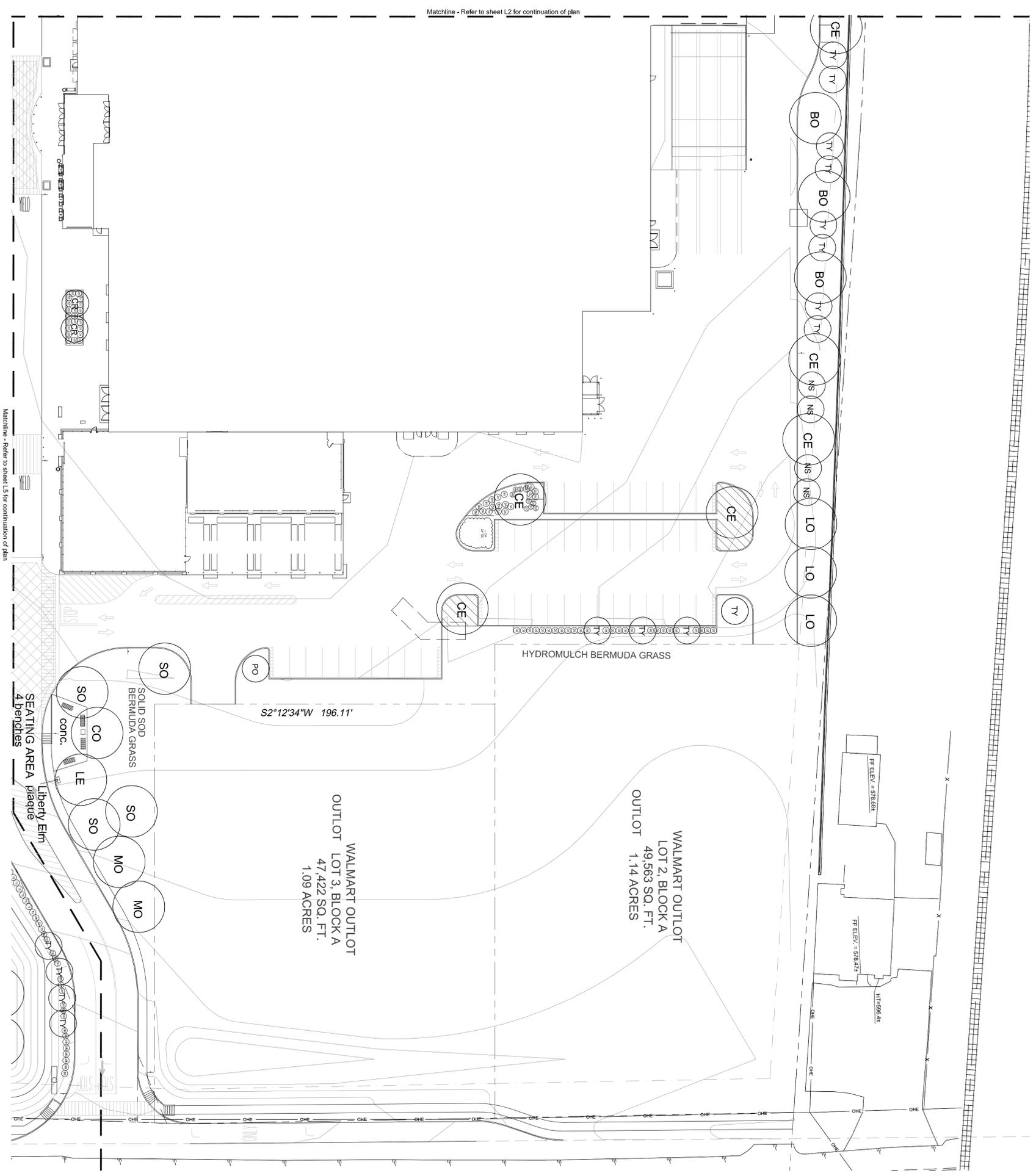
1. All open space amenities shall use a unified design as shown on the approved Amenities Plan. Development within the Planned Development District should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Tract at the pedestrian level.
 - a. **Outdoor Seating.** Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and shall be approved with the site plan. The outdoor seating area may be included as a portion of the 7% open space requirement as stated in (b.) below.
 - b. An additional 7% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 7% may be located adjacent to the required setbacks or landscaping at the ROW and property lines or in front or in some cases to the side of the structure. The additional open space percentage may not include the building footprint or vehicular parking lot. This area and associated amenities shall be approved on the site plan. At least one of the following amenities shall be located within the additional 5% open space area and count towards the required percentage.
 1. Water feature, such as a fountain or detention pond with constant water level.
 2. Plaza or courtyard with art sculpture piece.
 3. Outdoor patio or gazebo with seating area.
 4. Other areas for pedestrian congregation, as may be approved on the site plan.
2. Outside seasonal displays shall be permitted within the Planned Development District. Outside storage shall not be permitted within the Planned Development District.

VII. **Special Regulations:**

- A. Right Turn Deceleration Lanes: A right turn deceleration lane shall be required for the median divided driveway on FM 544 at the time construction begins on any pad site along FM 544. A right turn deceleration lane shall be required for the south driveway on FM 2551 (North Murphy Road) at the time construction begins on any pad site along FM 2551 (North Murphy Road).

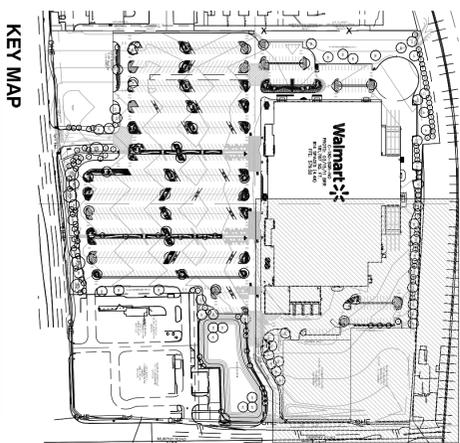
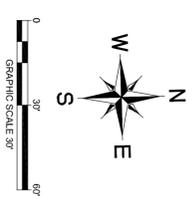
EXHIBIT B

- B. 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.
- C. Cross-Access Requirement: A joint access (i.e.-ingress, egress) easement shall be provided to minimize the number of driveway openings along FM 544 and FM 2551 (Murphy Road). 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.



Matchline - Refer to sheet L5 for continuation of plan

Matchline - Refer to sheet L2 for continuation of plan



TREE LEGEND

Code	Tree Name
LO	Live Oak
BO	Bur Oak
SO	Shumard Oak
CE	Cedar Elm
BC	Bald Cypress
TY	Tree Yucca
NS	Nuts R. Stevens
LE	Liberty Elm
CO	Chinquapin Oak
OK	Redbud
PO	Post Oak

FEATURES LEGEND

[Symbol]	Decomposed Granite
[Symbol]	Aspen Laminate
[Symbol]	Boulders: Refer to detail sheet LB

SHRUB LEGEND

RV	Red Yucca
DY	Doyle Yucca
MR	Manzanita
GL	Ghost Liriodendron
BB	Burgundy
RS	Red Spirea
PV	Prunella
RS	Red Spirea
AB	Am. Beauty Berry
CH	Cholla
FA	Fern
DA	Dwarf Anemone
LB	Little Bluestem
IS	Indian Star Opuntia
DB	Dwarf Blue Yucca
CO	Cornus
TS	Teas Sage

LANDSCAPE NOTES

- Site to irrigated with automatic system controlled by an ET based controller. Irrigates to set air irrigated. Perimeter to be rotary/pressure sensor will be installed.
- Install 4" steel edging between all shrub beds and grass areas and between decomposed granite and bed areas.
- The Owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping materials and plants. This shall include, but not be limited to, watering, fertilizing, pruning, and other such activities common to the maintenance of landscaping. All plant material shall be maintained in a healthy year-round condition. The contractor shall be responsible for the trunk diameter in excess of six inches measured four feet above the ground may be replaced with ones of similar variety four feet above the ground on a caliper inch per caliper inch basis (e.g. for a six inch tree, two three inch replacement trees shall be required).

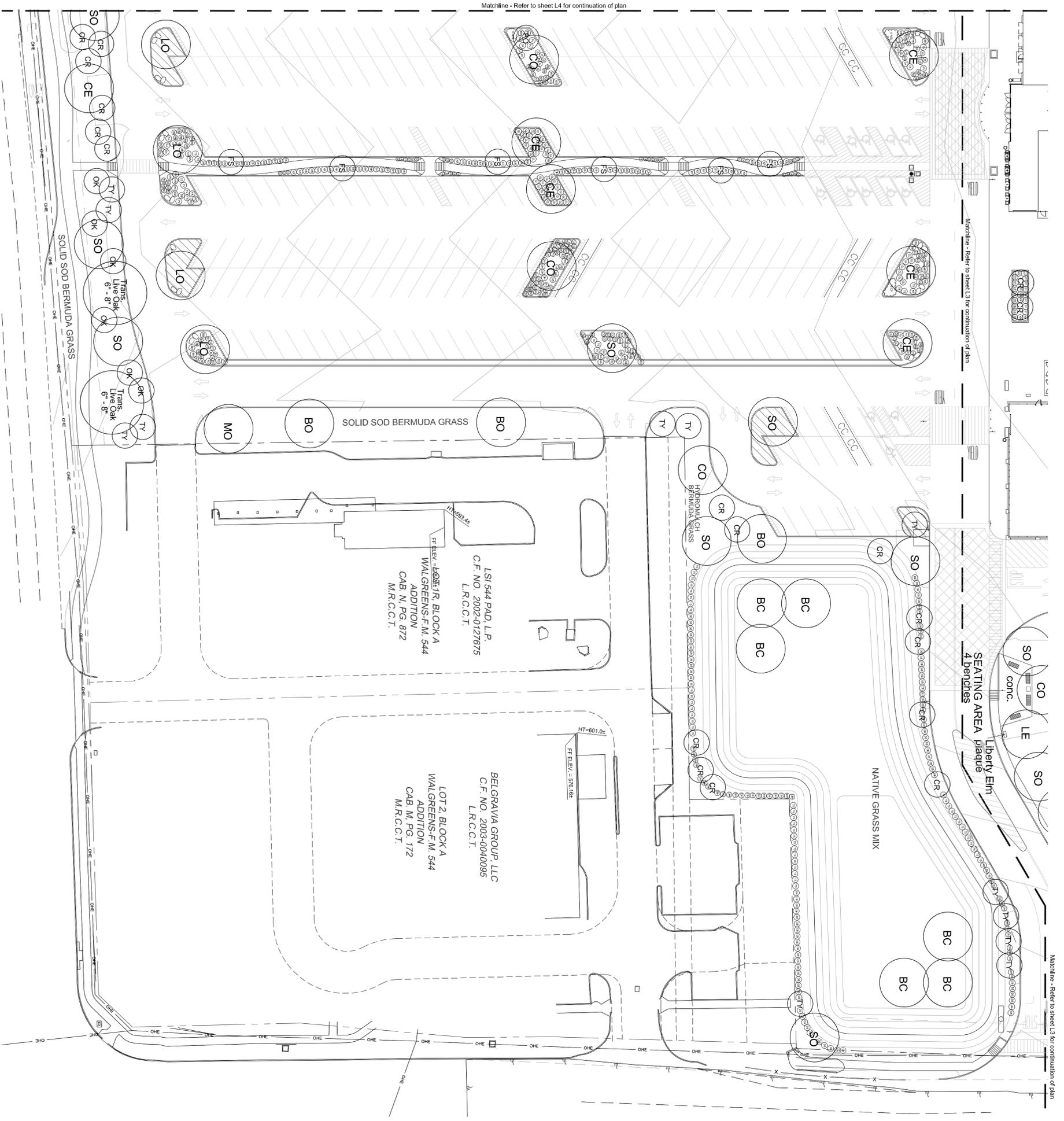
Note: Refer to sheet L6 for Plant List, Planting Methods, Specifications, and Notes

Integration studio
 Landscape Architecture - Sustainable Site Planning - Natural Resource Design
John F. Murphy, ASLA
 1214 S. Linder Ave.
 Suite 244
 The Woodlands, TX 77380
 281.281.8888
 www.integrationstudio.com

Kimley-Horn and Associates, Inc.
 5750 Genesis Court, Suite 200
 Ft. Worth, Texas 76134
 State of Texas Registration No. F-928
 Tel. No. (972) 335-3580
 Fax No. (972) 335-3779

Walmart
 STORE #2973-01
 C-180-SGR-NO
 NWC FM 544 AND MURPHY ROAD
 MURPHY, TEXAS

CONCEPT LANDSCAPE PLAN
 Scale: AS SHOWN
 Designed by: JFM
 Drawn by: JFM, JSF
 Checked by: RLP
 Date: MAY 2011
 Project No. 063362197



TREE LEGEND

- Canopy Trees
- LO Live Oak
- BO Bur Oak
- CE Cedar Elm
- SO Shumard Oak
- BC Bald Cypress
- CO Overcup Oak
- LE Liberty Elm
- CR Crape Myrtle
- OK Red Oak
- TY Tree Tagon
- PO Poinciana
- NS White R. Swans

FEATURES LEGEND

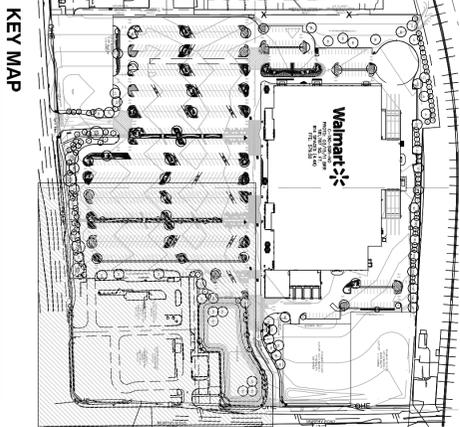
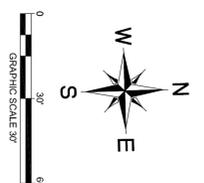
- Decomposed Granite
- Alison Japanese
- Boulders Refer to sheet L3

SHRUB LEGEND

- CR Coral Hollyhedge
- RS River Birch
- RS River Birch
- WM Dwarf Weigela
- GI Dwarf Ligustrum
- BB Dwarf Blueberry
- NCL New-Crested Lantana
- PV Pavane
- RS Red Spirea
- RS Red Spirea
- TS Texas Sage

LANDSCAPE NOTES

- Site to irrigated with automatic system controlled by an ET based controller. Irrigation to be drip/fertigated. Perimeter to be rain/freeze sensor will be installed.
- Install 4" layer of amended hardwood mulch to all planting beds.
- Install 4" steel edging between all shrub beds and grass areas and between decomposed granite and tree areas.
- The Owner, architect and/or their agent, if any, shall be jointly and severally responsible for the maintenance of the landscape. All required landscaping shall be mentioned in a sheet and limited to: mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of healthy and growing condition as is appropriate for the season of the year. The contractor shall provide a minimum of 30 days prior to the start of the project with a written schedule of maintenance. The contractor shall provide a truck diameter of no less than three inches measured four feet above the ground on a collar rich per collar. The truck shall be required.



John F. Murphy, ASLA

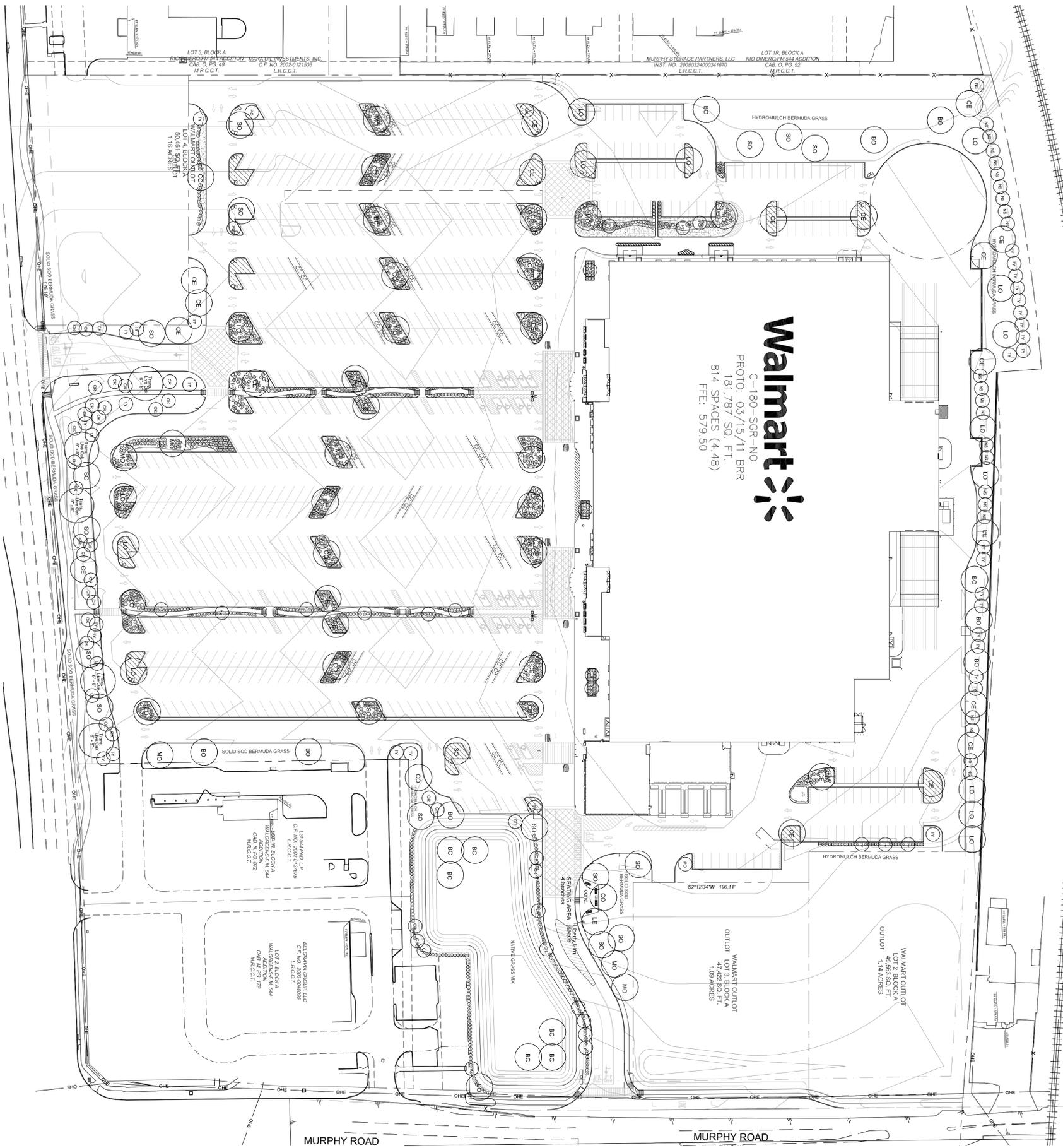
5750 Genesis Court, Suite 200
 Ft. Worth, Texas 76134
 State of Texas Registration No. F-528

Walmart
 STORE #2973-01
 C-180-SGR-NO
 NWC FM 544 AND MURPHY ROAD
 MURPHY, TEXAS

CONCEPT LANDSCAPE PLAN

Scale:	AS SHOWN
Designed by:	JFM
Drawn by:	JFM, JSF
Checked by:	RLP
Date:	MAY 2011
Project No.:	063362197

SHEET
L-5



Walmart
 C-180-SGR-NO
 PROTO: 03/15/11 BRR
 181,787 SQ. FT.
 814 SPACES (4.48)
 FFE: 579.50



TREE LEGEND

- Canopy Trees
- LO Live Oak
- BO Bur Oak
- CE Cedar Elm
- SO Shumard Oak
- BC Bad Grass
- CO Ononchogon Oak
- 3-12' "temple"
- LE Liberty Elm
- CR Crape Myrtle
- OK Redbud
- TY Tree Yucca
- PO Rosemount
- NS Hill R. Sycamore

FEATURES LEGEND

- Decomposed Granite
- Aspen Jasmine
- Boulders: Refer to detail sheet L6

SHRUB LEGEND

- CH Coral Honeysuckle
- FA Flame Acacia
- DA Dwarf Anemone
- SA State Date Grass
- LA Live Oak
- BA Big Bluff
- BB Black-eyed Susan
- DBI Dwarf Indian Hawthorn
- RO Rosemary
- RS Flame Sage
- TS Texas Sage
- AB Am. Beauty Berry

LANDSCAPE NOTES

- Site to irrigated with automatic system controlled by an ET controller. The controller shall be set to water the site on the rainy/freeze sensor will be installed.
- Install 4" steel edging between all shrub beds and grass areas and between decomposed granite and bad areas.
- The Owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, including watering, fertilizing, weeding, pruning, and other necessary maintenance. All plant material shall be maintained in a healthy and growing condition until appropriate replacement is made. The material of similar variety and size, within 50 days, trees with a trunk diameter of no less than three inches measured 4.5 feet above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches measured 4.5 feet above the ground for a six inch tree, two three inch replacement trees shall be required.

Note: Refer to sheet L6 for Plant List, Planting Details, Calculations, and Notes.

1214 S. Lamar Ave.
 Suite 244
 Austin, TX 78704
 512.443.3898
 www.integrationstudio.com

Integration studio
 Landscape Architecture - Sustainable Site Planning - Natural Resource Design

John F. Murphy, ASLA
 2709 S. Lamar Blvd.
 Suite 110
 Austin, TX 78704
 512.443.3898
 www.kimley-horn.com

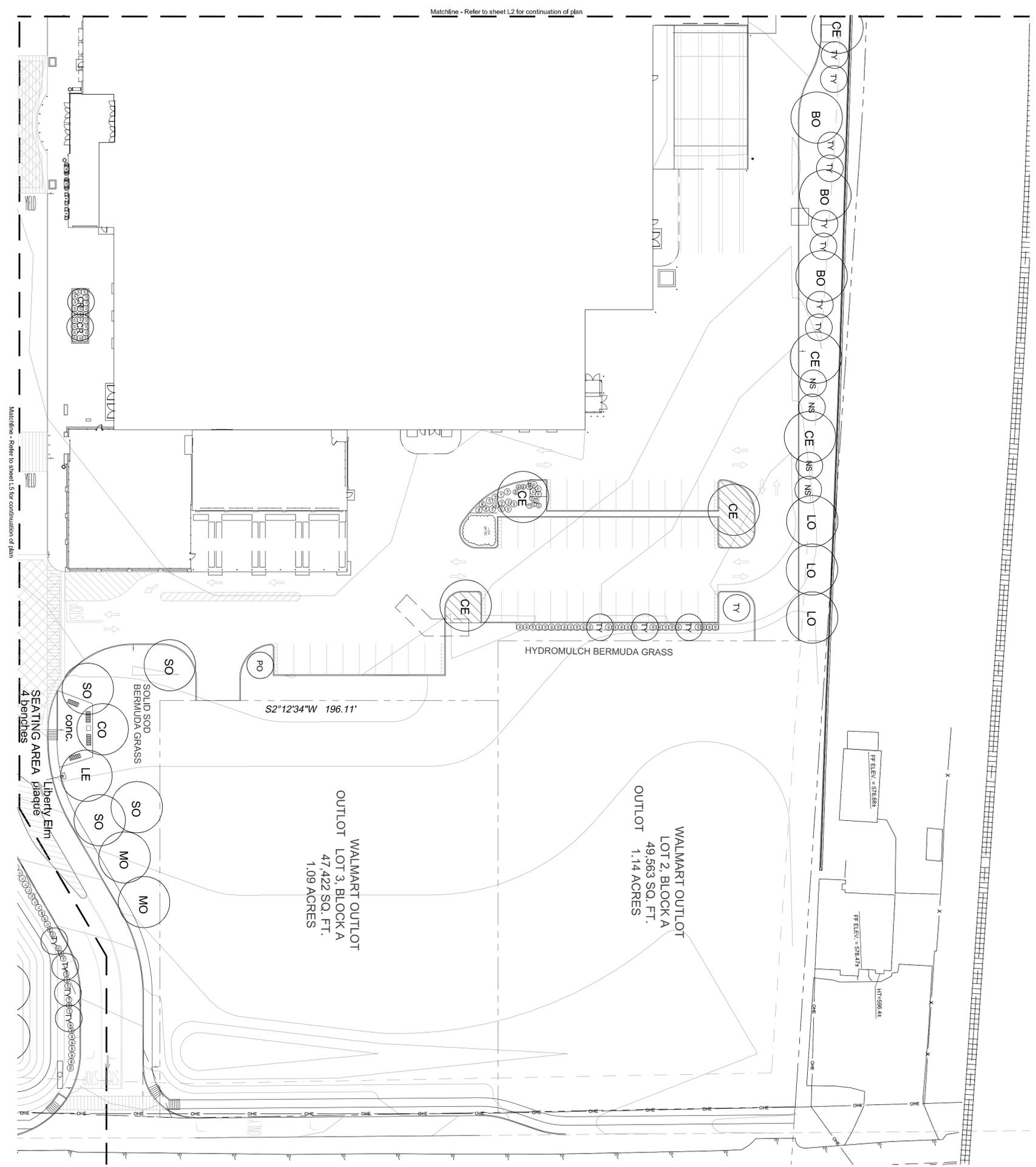
Kimley-Horn and Associates, Inc.
 5750 Genesis Court, Suite 200
 Frisco, Texas 75034
 State of Texas Registration No. F-928
 Tel. No. (972) 335-3580
 Fax No. (972) 335-3779

Walmart
 STORE #2973-01
 C-180-SGR-NO
 NWC FM 544 AND MURPHY ROAD
 MURPHY, TEXAS

OVERALL LANDSCAPE PLAN

Scale:	AS SHOWN
Designed by:	JFM
Drawn by:	JFM, JSF
Checked by:	RLP
Date:	MAY 2011
Project No.:	063362197

SHEET
L-1



TREE LEGEND

Tree Code	Tree Name	Tree Code	Tree Name
LO	Live Oak	BO	Bur Oak
CE	Cedar Elm	SO	Shumard Oak
BC	Bald Cypress	CO	Chinquapin Oak
TY	Tree Yucca	LE	Liberty Elm
NS	Nuts R. Sycamore		

FEATURES LEGEND

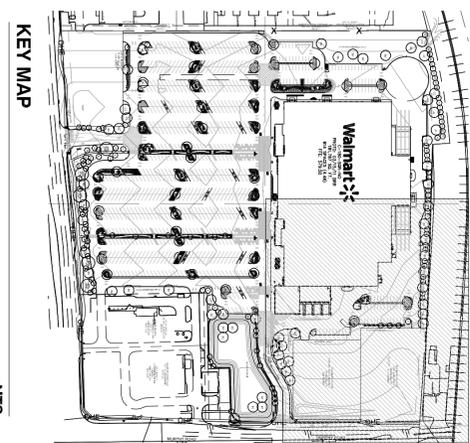
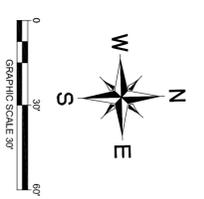
CR	Cremorne	OK	Orchard
TY	Tree Yucca	PO	Post Office
NS	Nuts R. Sycamore		

SHRUB LEGEND

RV	Red Yucca	CH	Coral Hollyhedge
DY	Decorative Yucca	FA	Fern Aucuba
NR	Norfolk Island	DR	Drumstick
GL	Gladiolus	LB	Little Bluestem
BB	Big Bluestem	IS	Indian Star Grass
RB	Red Bark	BS	Black Star Jasmine
PV	Panicum	DB	Decorative Bush
RS	Red Spine	CO	Cornus
AB	Am. Beauty Berry	TS	Texas Sage

LANDSCAPE NOTES

- Site to irrigated with automatic system controlled by an ET based controller. Irrigates to set drip irrigated perimeter to the roadway/curb edge with the irrigation.
- Install 4" steel edging between all shrub beds and grass areas.
- The Owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping materials and plants. This shall include, but not be limited to, watering, fertilizing, pruning, weeding, and other such activities common to the maintenance of landscaping. All plant materials shall be maintained in a healthy condition. Plant materials which are not to be replaced with plant of the same or similar species shall be replaced with plant of a trunk diameter in excess of six inches measured four feet above the ground. The ground may be replaced with grass of similar variety four feet above the ground on a caliper inch per caliper inch basis (e.g. for a six inch tree, two three inch replacement trees shall be required).



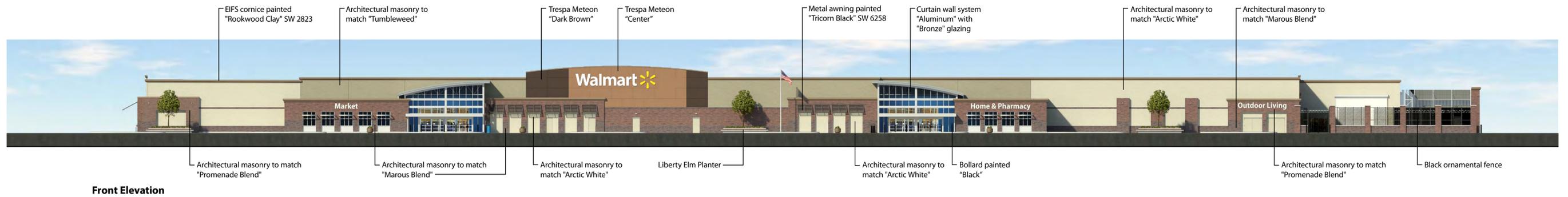
integration studio
 Landscape Architecture - Sustainable Site Planning - Natural Resource Design
John F. Murphy, ASLA
 1214 S. Lunder Ave.
 Suite 244
 The Woodlands, TX 77380
 281.283.8888
 www.integrationstudio.com

Kimley-Horn and Associates, Inc.
 5750 Genesis Court, Suite 200
 Ft. Worth, Texas 76134
 State of Texas Registration No. F-928
 Tel. No. (972) 335-3580
 Fax No. (972) 335-3779

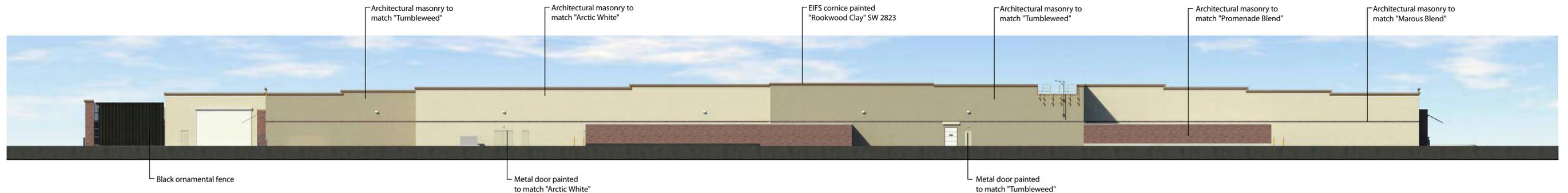
Walmart
 STORE #2973-01
 C-180-SGR-NO
 NWC FM 544 AND MURPHY ROAD
 MURPHY, TEXAS

LANDSCAPE PLAN

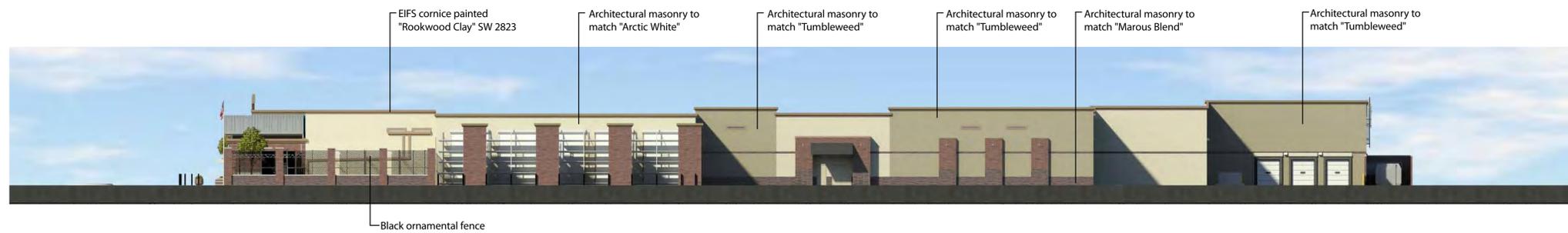
Scale:	AS SHOWN
Designed by:	JFM
Drawn by:	JFM, JSF
Checked by:	RLP
Date:	MAY 2011
Project No.:	063362197



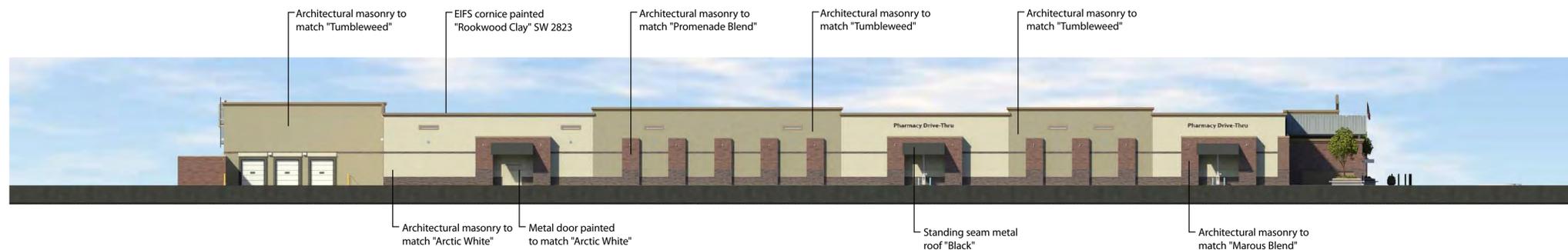
Front Elevation



Rear Elevation



Right Elevation



Left Elevation



Daryl L. Bray #17200
 NOTE: Not for regulatory approval, permitting, or construction.

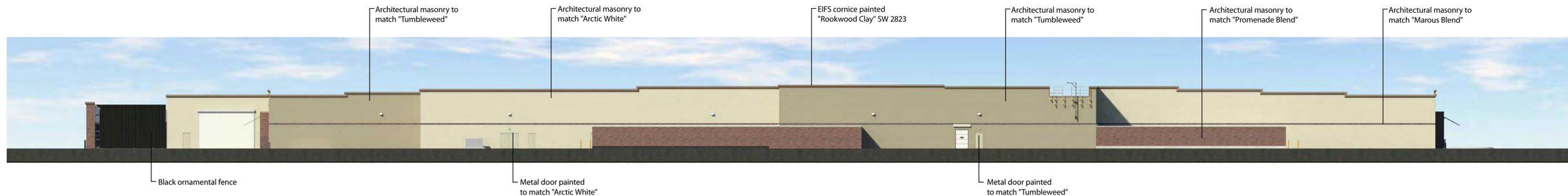
May 17, 2011

Murphy, Texas - Store #2973 - New Store

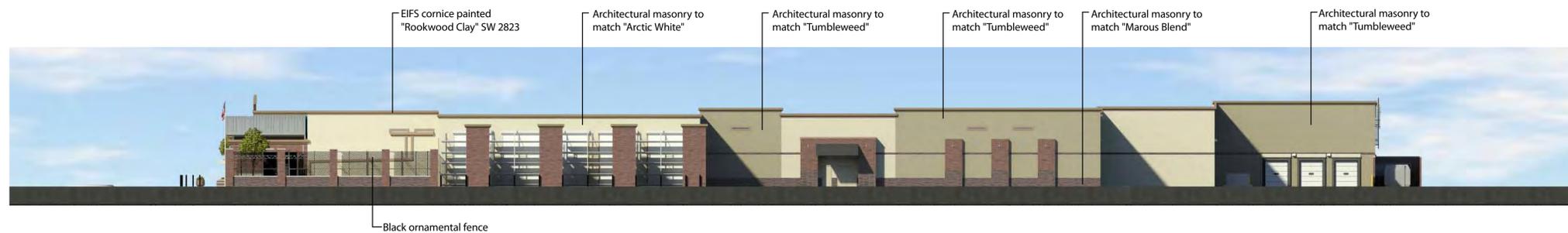
Conceptual Elevations



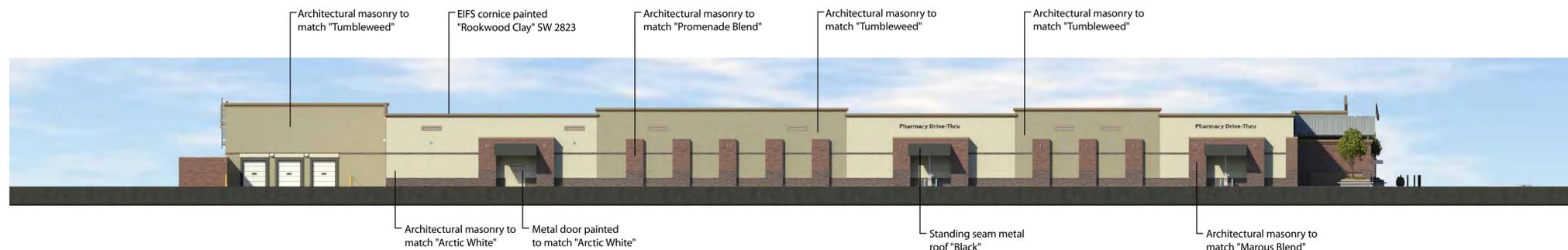
Front Elevation



Rear Elevation



Right Elevation



Left Elevation



Daryl L. Bray #17200
NOTE: Not for regulatory approval, permitting, or construction.

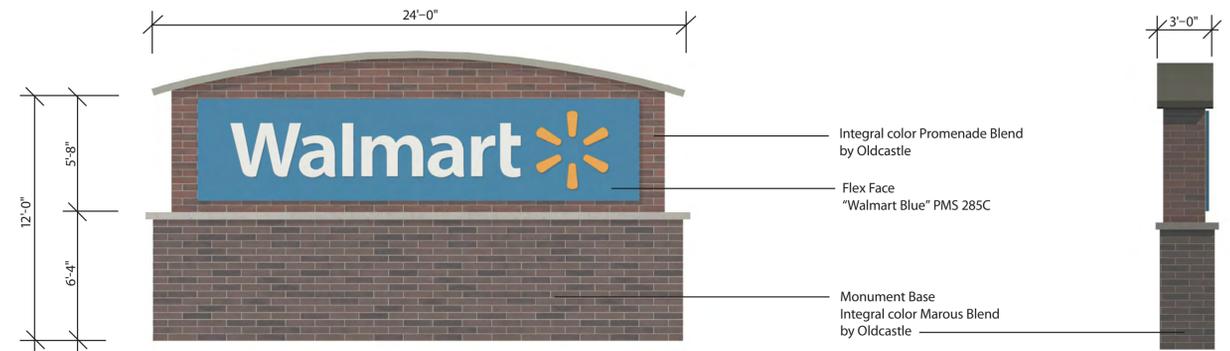
May 17, 2011

Murphy, Texas - Store #2973 - New Store

Elevations

Sign	Qty.	Type	Color	Height	Illumination	Area (S.F.)	Total S.F.
Walmart 	2	Identity	White/Yellow	4'-9"	Internal	95	190

Total Site Signage 190.00



Monument Sign Front Elevation

Side Elevation



Daryl L. Bray #17200
NOTE: Not for regulatory approval,
permitting, or construction.

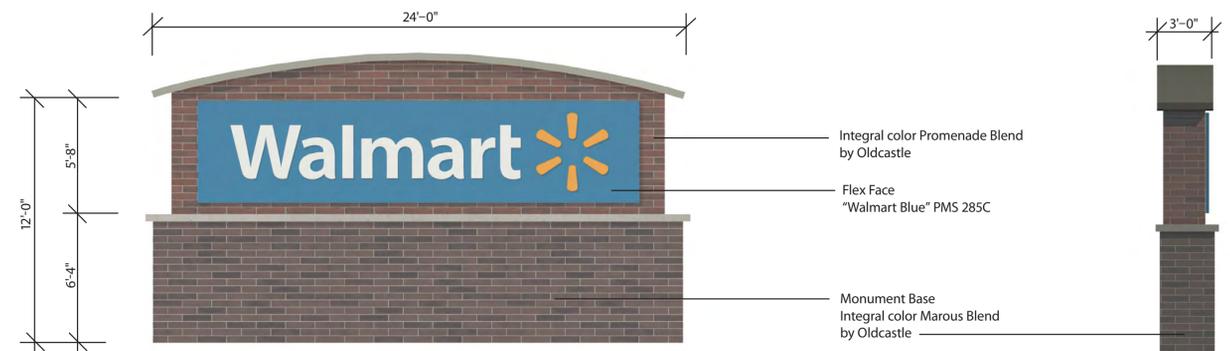
May 17, 2011

Murphy, Texas - Store #2973 - New Store

Conceptual Site Signage Calculations

Sign	Qty.	Type	Color	Height	Illumination	Area (S.F.)	Total S.F.
Walmart 	2	Identity	White/Yellow	4'-9"	Internal	95	190

Total Site Signage 190.00



Daryl L. Bray #17200
NOTE: Not for regulatory approval, permitting, or construction.

May 17, 2011

Murphy, Texas - Store #2973 - New Store

Site Signage Calculations

Issue

Consider and/or act on the site plan application of Murphy Plaza, L.L.C. (aka Walmart Real Estate Business Trust) requesting approval of a site plan on property zoned PD (Planned Development) District No. 10-05-841 for Retail Uses located at the northwest quadrant of FM 544 and North Murphy Road.

Owner(s):

Murphy Plaza, L.L.C.

Zoning History

Ordinance No. 00-10-504 – Adopted October 16, 2000, which changed the zoning from LC/R (Light Commercial/Retail) District to TC (Town Center) District).

Ordinance No. 05-07-664 – Adopted July 25, 2005, which changed the zoning from TC (Town Center) District to PD (Planned Development) District for Retail Uses.

Ordinance No. 10-05-841 – Adopted May 17, 2010, which amended PD (Planned Development) District No. 05-07-664 by revising the concept plan and certain development conditions.

Background

The applicant would like to construct a Walmart store on the subject property. The applicant has submitted a zoning application that includes a concept plan, concept landscape plan, building elevations and a signage plan for review. If the zoning application (Zoning File 2011-02) is approved, the site plan submitted will be in compliance with the amended Planned Development District and the Code of Ordinances.

Comprehensive Plan

The 2008 Future Land Use Plan recommends High Intensity Retail for the subject property. Areas appropriate for this type of land use type are intended to provide for a variety of more regional-serving retail trade and personal/business services. Generally, businesses within this use would have large single-use buildings, commonly referred to as “big-box” stores. The proposed Planned Development District is consistent with the recommendations of the 2008 Future Land Use Plan.

Transportation Strategy

- **The Thoroughfare Plan** – The 2008 Thoroughfare Plan shows FM 544, a Type A Major Arterial adjacent to the site to the south. The Plan shows North Murphy Road (FM 2551), a Type A Major Arterial adjacent to the site to the east.

- **Traffic Impact Analysis** – Based on the current zoning and the requested amendment to the Planned Development District, a Traffic Impact Analysis (TIA) was required as the requested amendment will increase traffic to the site and the surrounding area. A TIA was submitted and all suggested improvements have been incorporated into the concept plan.

- **Access** – Access to the development will be provided from both FM 544 and North Murphy Road (FM 2551).

Existing Utilities

- **Water** – There is a 10-inch water line along FM 544 and an 8-inch water line along North Murphy Road (FM 2551). Service will need to be extended into the site at the time of development.
- **Sanitary Sewer** – There is a 10-inch sanitary sewer line along North Murphy Road (FM 2551). A 6-inch sanitary sewer stub-out was constructed along FM 544 as part of the FM 544 expansion.
- **Schools** – The subject property lies within the Plano Independent School District. The Plano Independent School District has not indicated an immediate need for a school in this area.

Considerations

The site plan application includes, in addition to the site plan, a landscape plan, building elevations and a signage plan.

Planning and Zoning Commission Action

Secretary King moved to approve the application of Murphy Plaza, L.L.C. (aka Walmart Real Estate Business Trust) requesting approval of a site plan on property zoned PD (Planned Development) District No. 10-05-841 for Retail Uses located at the northwest quadrant of FM 544 and North Murphy Road contingent upon:

- Eliminate the “S” drive on either side of the main entrance adjacent to FM 544;
- Provide additional trees between the proposed store and Lot 2 to better screen the east truck dock;
- Encase the sign face in brick (matching the store);
- Include masonry banding features on all four elevations;
- Include a minimum of 15% brick or other masonry material on the east and west elevations.

Commissioner Merrifield seconded the motion. Motion passed 4-0.

Staff Recommendation

Motion to approve the site plan as submitted contingent upon approval of the zoning application (Zoning File 2011-02).

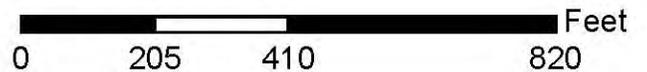
Attachments

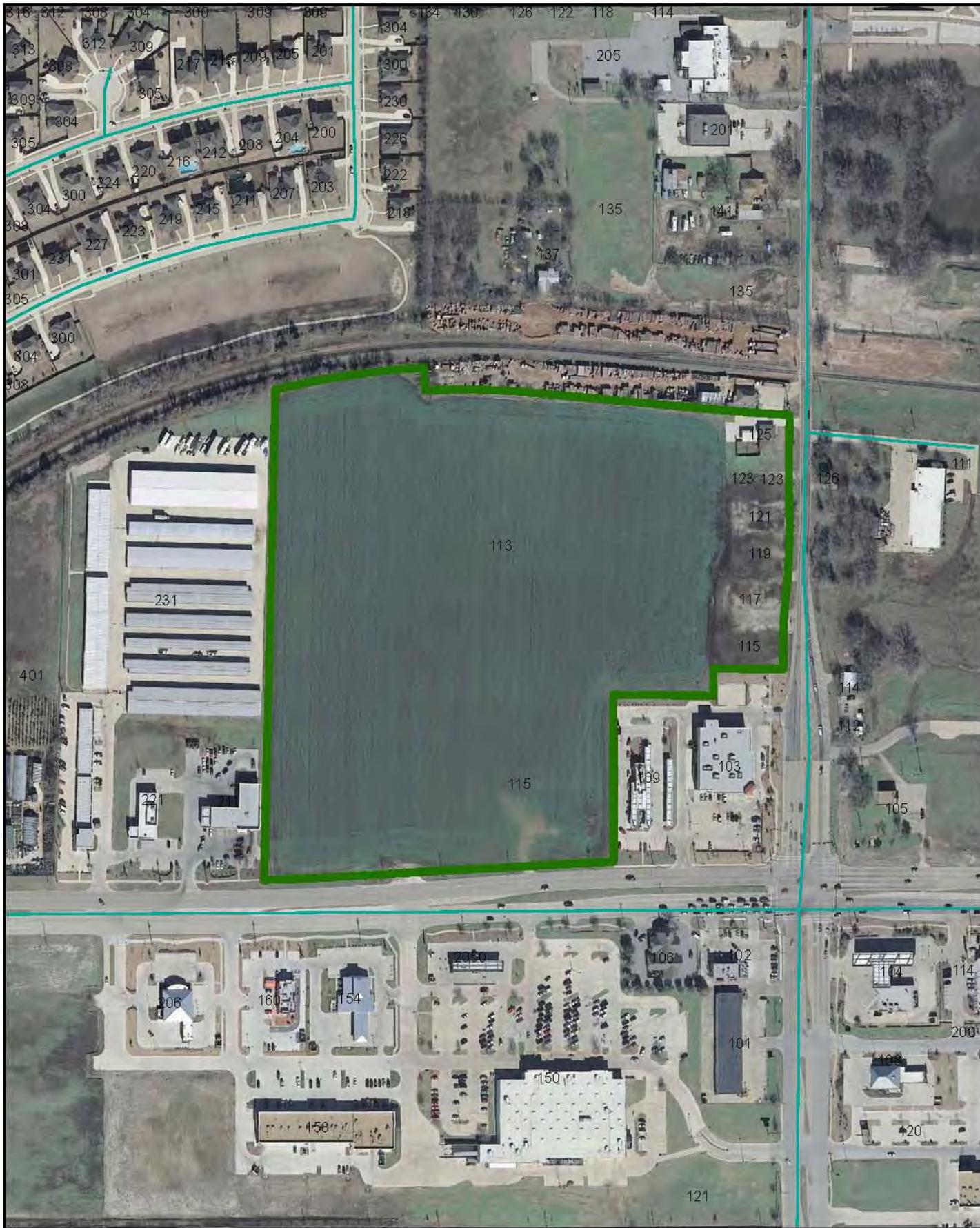
- Location Map
- Aerial Map
- Site Plan
- Landscape Plan
- Building Elevations
- Signage Plan

Submitted and Approved by James Fisher, City Manager_____

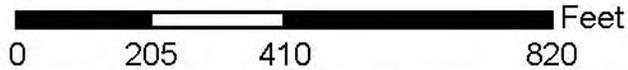


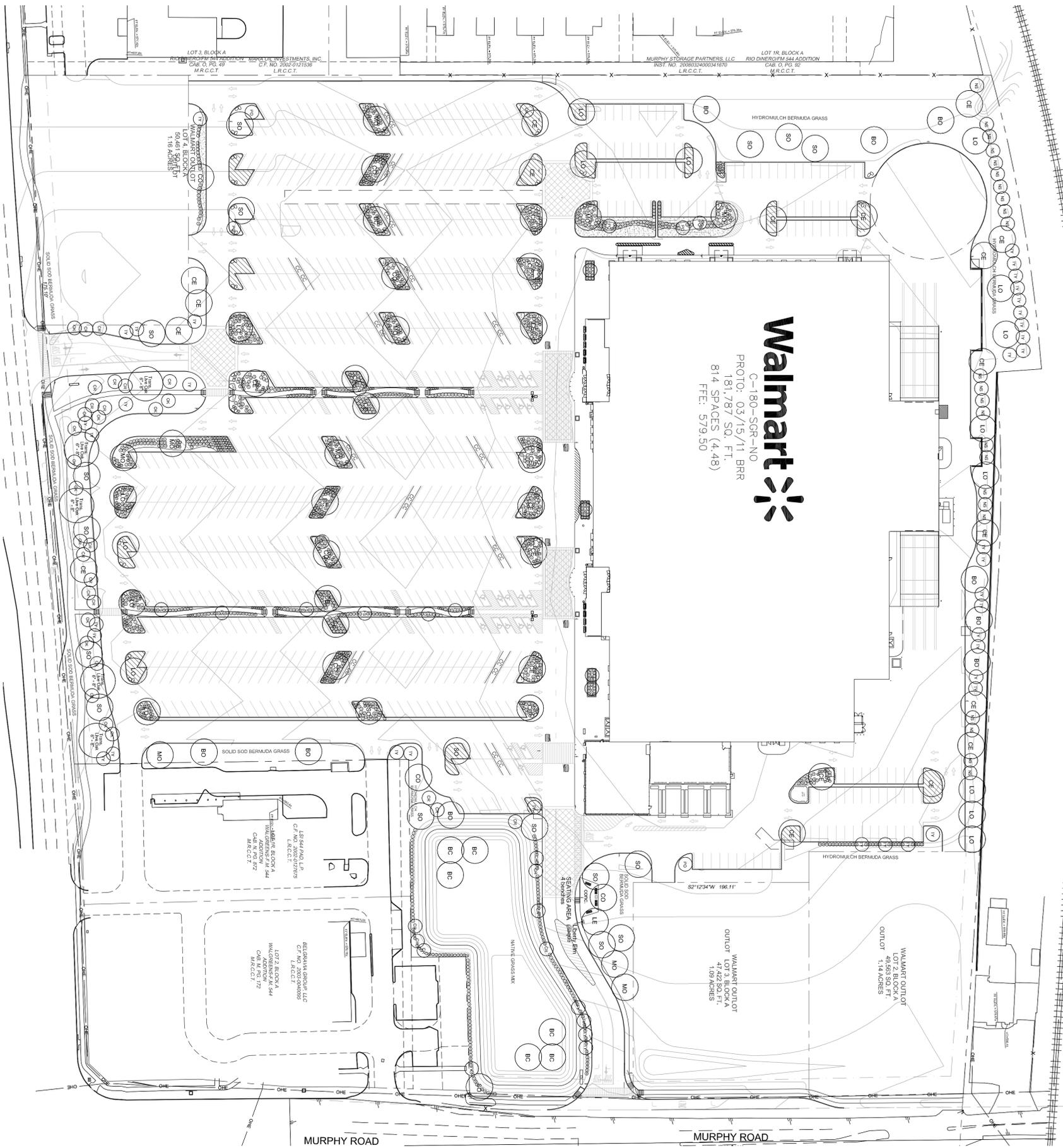
Location Map Zoning File 2011-02





Aerial Map Zoning File 2011-02





Walmart
 C-180-SGR-NO
 PROTO: 03/15/11 BRR
 181,787 SQ. FT.
 814 SPACES (4.48)
 FFE: 579.50

- TREE LEGEND**
- | | | | | |
|---------------------|-------------------|--------------|--------------|-------------------|
| Canopy Trees | LO Live Oak | BO Bur Oak | CE Cedar Elm | SO Shumard Oak |
| BC Bad Grass | CO Ononchogon Oak | LE Live Oak | TY Live Yew | CR Crape Myrtle |
| NS Hill R. Sycamore | OK Redbud | PO Rosemount | LE Live Oak | CO Ononchogon Oak |
- SHRUB LEGEND**
- | | |
|----------------------|---------------------------|
| RV Red Yucca | CH Coral Honeysuckle |
| DV Dwarf Yucca | FA Flame Acacia |
| KY Knockout Rose | DA Dwarf Azalea |
| WM Dwarf Weigela | SS State Date Gardenia |
| BA Big Blueberry | LB Live Blueberry |
| RB Red Butterfly | BS Black Sweet Shrub |
| MK Muskogee Clematis | DBI Dwarf Indian Hawthorn |
| NE New England Aster | RO Rose of Sharon |
| RS Russian Sage | TS Texas Sage |
| AB Am. Beauty Berry | |

- FEATURES LEGEND**
- Decomposed Granite
 - Aspen Jasmine
 - Boulders: Refer to detail sheet L6

- LANDSCAPE NOTES**
- Site to irrigated with automatic system controlled by an ET controller. The controller shall be set to water the site on the rainy/freeze sensor will be installed.
 - Install 4" steel edging between all shrub beds and grass areas and between decomposed granite and bad areas.
 - The Owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, including watering, fertilizing, weeding, pruning, and pest control. All plant material shall be maintained in a healthy and growing condition until appropriate removal. The material of similar variety and size, within 50 days, trees with a trunk diameter of no less than three inches measured at 4.5 feet above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches measured at 4.5 feet above the ground. For a six inch tree, two three inch replacement trees shall be required.

1214 S. Lamar Ave.
 Suite 244
 Austin, TX 78704
 512.453.8898
 www.integrationstudio.com

Integration studio
 Landscape Architecture - Sustainable Site Planning - Natural Resource Design

John F. Murphy, ASLA
 2709 S. Lamar Blvd.
 Suite 110
 Austin, TX 78704
 512.443.3899
 www.kimley-horn.com

Kimley-Horn and Associates, Inc.
 5750 Genesis Court, Suite 200
 Frisco, Texas 75034
 State of Texas Registration No. F-528
 Tel. No. (972) 335-3580
 Fax No. (972) 335-3779

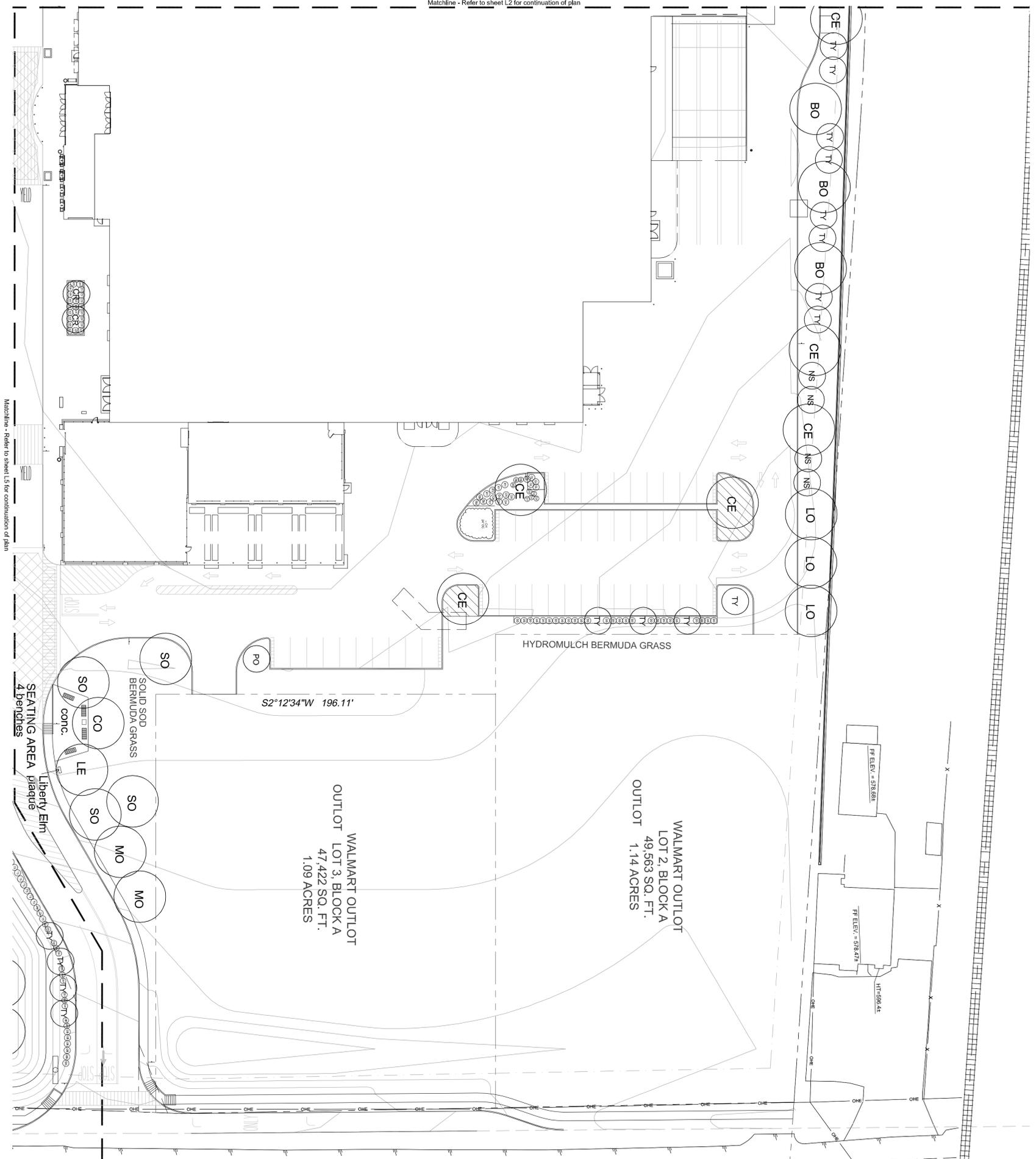
Walmart
 STORE #2973-01
 C-180-SGR-NO
 NWC FM 544 AND MURPHY ROAD
 MURPHY, TEXAS

OVERALL LANDSCAPE PLAN

Scale:	AS SHOWN
Designed by:	JFM
Drawn by:	JFM, JSF
Checked by:	RLP
Date:	MAY 2011
Project No.:	063362197

SHEET
L-1

Matchline - Refer to sheet L2 for continuation of plan



Matchline - Refer to sheet L5 for continuation of plan

TREE LEGEND

Tree Code	Tree Name	Tree Code	Tree Name
LO	Live Oak	BO	Bur Oak
CE	Cedar Elm	SO	Shumard Oak
BC	Bald Cypress	CO	Chinquapin Oak
TY	Tree Yucca	LE	Liberty Elm
NS	Nuts R. Stevens		

FEATURES LEGEND

CR	Crotonia	OK	Orchard
TY	Tree Yucca	PO	Post Office
NS	Nuts R. Stevens		

SHRUB LEGEND

RV	Red Yucca	CH	Coral Hollyhedge
DY	Decorative Yucca	FA	Fern Aucuba
NR	Norfolk Island	DR	Drumstick
GL	Gladiolus	LB	Little Bluestem
BB	Big Blum	IS	Indian Shave Grass
RB	Red Bark	BS	Black Star
PV	Panicle	DB	Decorative Bush
RS	Red Sage	CO	Cornus
AB	Ant. Beauty Berry	TS	Texas Sage

LANDSCAPE NOTES

1. Site to irrigated with automatic system controlled by an ET based controller. Irrigates to be drip irrigated. Perimeter to be rotary/sprinkler system with the exception.
2. Install 4" steel edging between all shrub beds and grass areas.
3. The Owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping materials and plants. This shall include, but not be limited to, watering, fertilizing, pruning, and other such activities common to the maintenance of landscaping. All plant materials shall be maintained in a healthy condition. Plant materials which are not to be replaced with plant of the same or similar species shall be replaced with plant of a trunk diameter in excess of six inches measured four feet above the ground. The ground may be replaced with grass of similar variety four feet above the ground on a caliper inch per caliper inch basis (e.g. for a six inch tree, two three inch replacement trees shall be required).

Note: Refer to sheet L2 for Plant List, Planting Methods, Specifications, and Notes

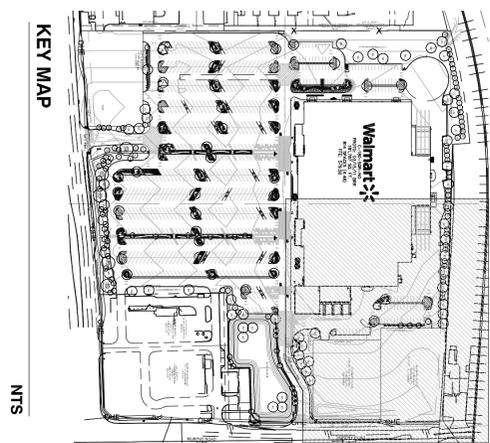
Integration studio
 Landscape Architecture - Sustainable Site Planning - Natural Resource Design
John F. Murphy, ASLA
 1214 S. Lunder Ave.
 Suite 244
 The Woodlands, TX 77380
 281.433.8888 ext. 101
 jfm@integration.com

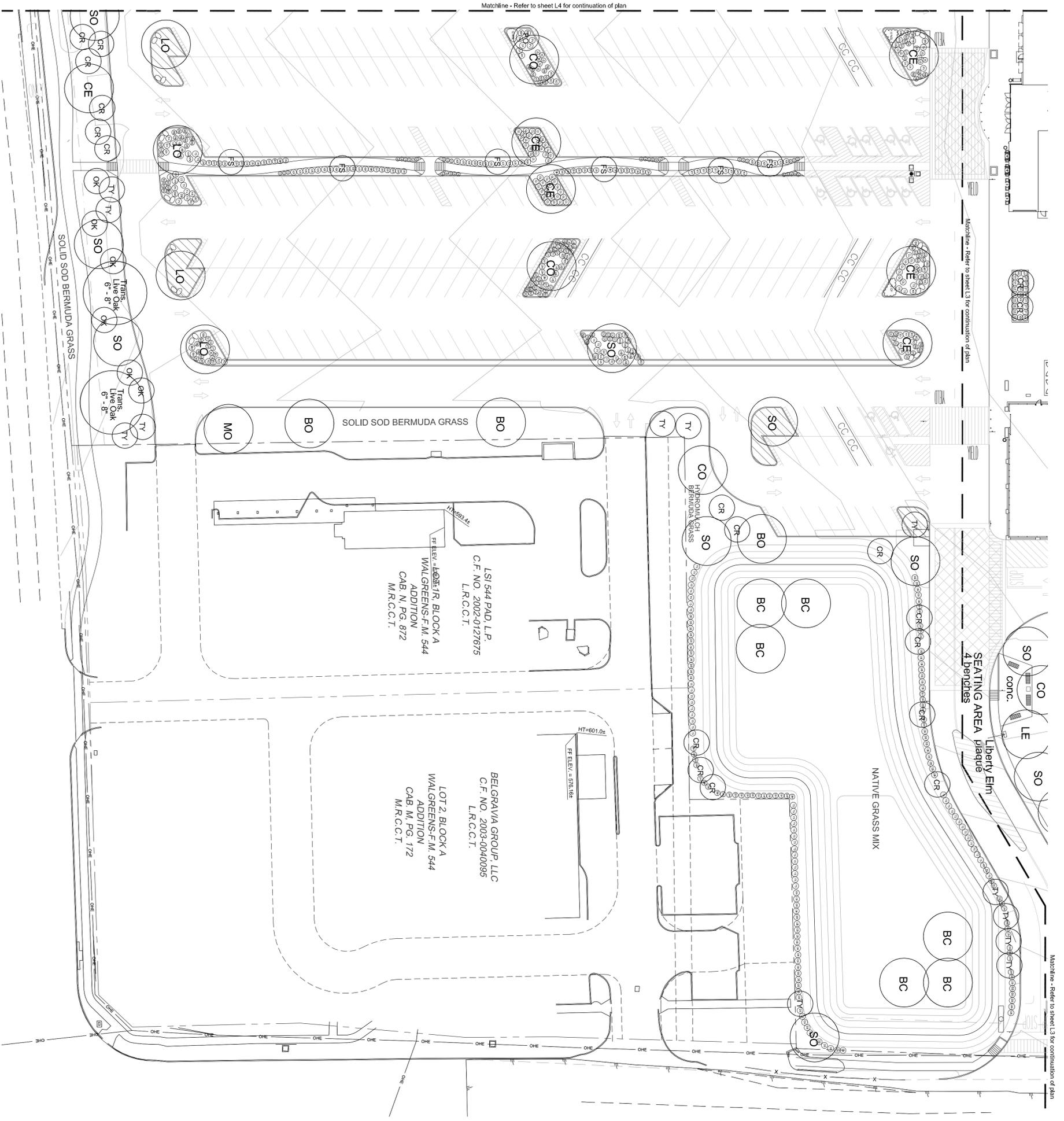
Kimley-Horn and Associates, Inc.
 5750 Genesis Court, Suite 200
 Frisco, Texas 75034
 State of Texas Registration No. F-928
 Tel. No. (972) 335-3580
 Fax No. (972) 335-3779

Walmart
 STORE #2973-01
 C-180-SGR-NO
 NWC FM 544 AND MURPHY ROAD
 MURPHY, TEXAS

LANDSCAPE PLAN

Scale:	AS SHOWN
Designed by:	JFM
Drawn by:	JFM, JSF
Checked by:	RLP
Date:	MAY 2011
Project No.:	063362197





TREE LEGEND

- Canopy Trees
- LO Live Oak
- BO Bur Oak
- CE Cedar Elm
- SO Shumard Oak
- BC Burchard Oak
- CO Chinquapin Oak
- LE Liberty Elm
- HT 12" Trunk
- CR Crape Myrtle
- TY Tree Yucca
- PO Poinsettia
- NS Nellie R. Stevens

FEATURES LEGEND

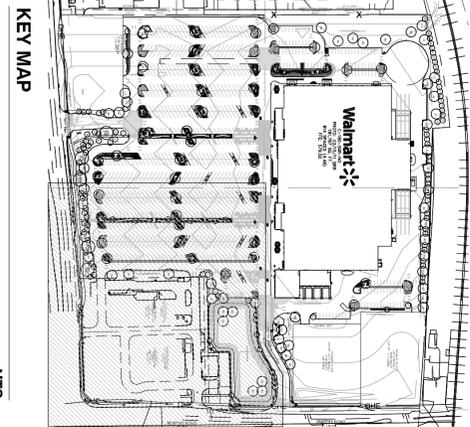
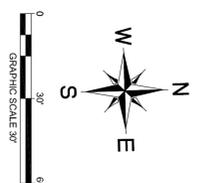
- Decomposed Granite
- Aspen Japanese
- Boulders Refer to sheet L3

SHRUB LEGEND

- RY Red Yucca
- RS Rose of Sharon
- RS Koushou Rose
- WM Dwarf Weigela
- GI Dwarf Ligustrum
- BB Blackberry
- NCL New-Crested Lantana
- PV Pavlova
- RS Russian Sage
- RS Red Spirea
- TS Texas Sage
- CH Coral Bells
- PA Purple Aster
- SG Stone Oak
- LB Little Bluestem
- RS Red Spirea
- BB Dwarf Blueberry
- RO Rose of Sharon
- CO Coreopsis
- TS Texas Sage

LANDSCAPE NOTES

- Site to irrigated with automatic system controlled by an ET based controller. Plants to be drip irrigated. Perimeter to be rain/freeze sensor will be installed.
- Install 4" layer of amended hardwood mulch to all planting beds.
- Install 4" steel edging between all shrub beds and grass areas and between decomposed granite and tree areas.
- The Owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of the landscape. All required landscaping shall be mentioned in a sheet and limited to: mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of healthy and growing condition as is appropriate for the season of the year. The contractor shall provide a minimum of 30 days prior to the start of the project with a trunk diameter in excess of six inches measured four feet, having a trunk diameter of no less than three inches measured four feet above the ground on a caliper inch per caliper rule shall be required.




Integration studio
 Landscape Architecture - Sustainable Site Planning - Natural Resource Design
 John F. Murphy, ASLA
 1214 S. Linder Ave.
 Suite 244
 Tulsa, TX 74201
 918.533.8898 w/fax
 john@integration.com
 3799 S. Linder Blvd.
 Suite 110
 Austin, TX 78704
 512.443.3899 fax
 john@integration.com

Scale:	AS SHOWN
Designed by:	JFM
Drawn by:	JFM, JSF
Checked by:	RLP
Date:	MAY 2011
Project No.:	063362197

LANDSCAPE PLAN


Walmart
 STORE #2973-01
 C-180-SGR-NO
 NWC FM 544 AND MURPHY ROAD
 MURPHY, TEXAS

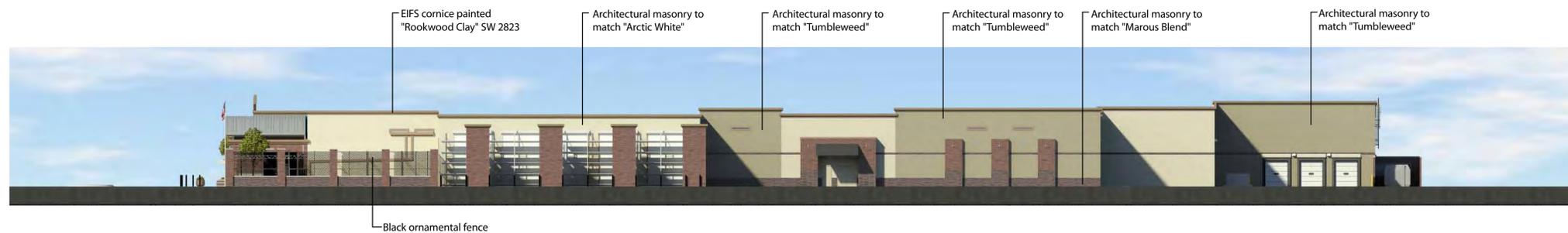

Kimley-Horn and Associates, Inc.
 5750 Genesis Court, Suite 200
 Ft. Worth, Texas 76104
 State of Texas Registration No. F-528
 Tel. No. (972) 335-3580
 Fax No. (972) 335-3779



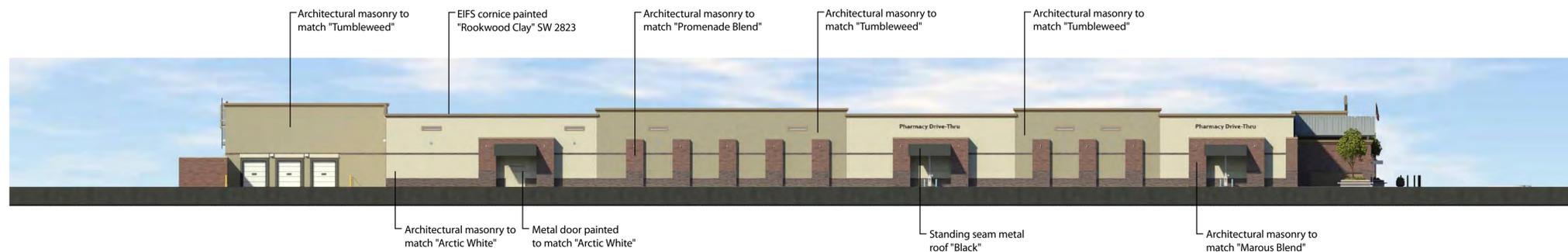
Front Elevation



Rear Elevation



Right Elevation



Left Elevation



Daryl L. Bray #17200
 NOTE: Not for regulatory approval, permitting, or construction.

May 17, 2011

Murphy, Texas - Store #2973 - New Store

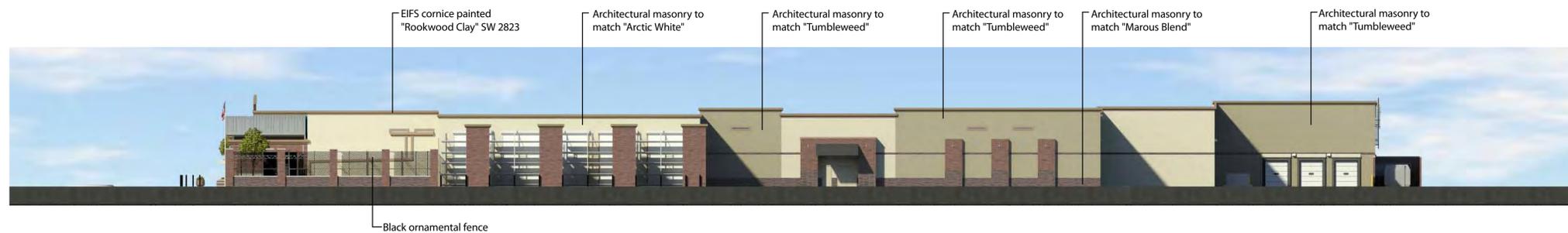
Conceptual Elevations



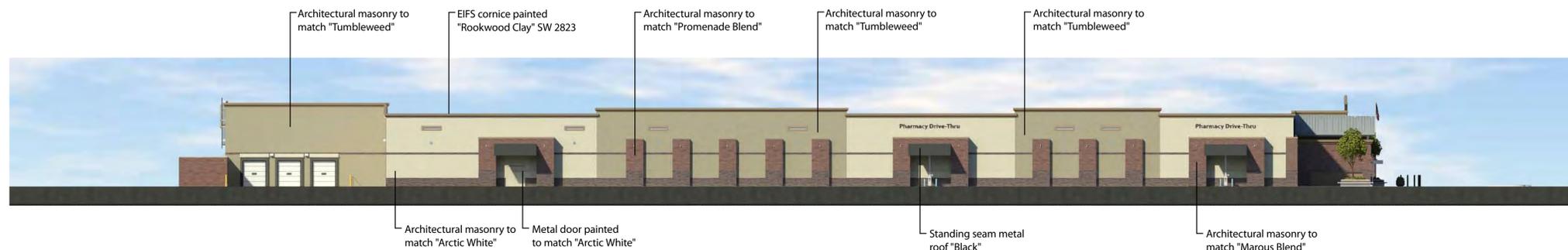
Front Elevation



Rear Elevation



Right Elevation



Left Elevation



Daryl L. Bray #17200
 NOTE: Not for regulatory approval, permitting, or construction.

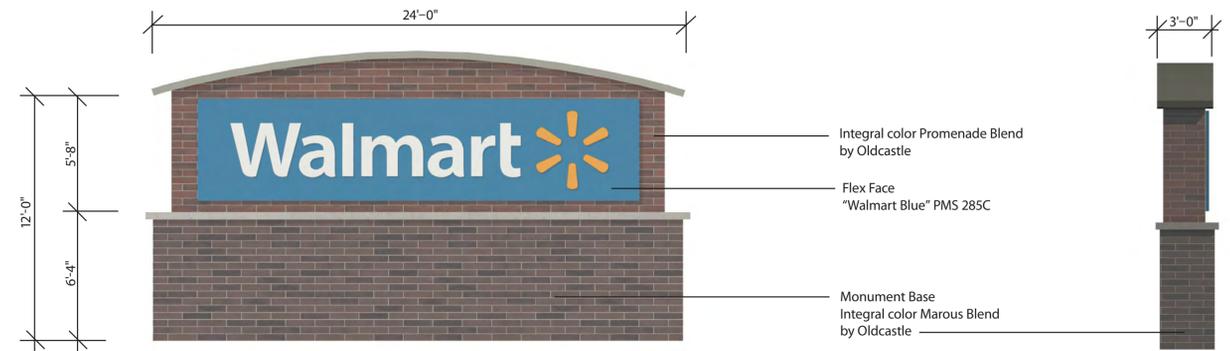
May 17, 2011

Murphy, Texas - Store #2973 - New Store

Elevations

Sign	Qty.	Type	Color	Height	Illumination	Area (S.F.)	Total S.F.
Walmart 	2	Identity	White/Yellow	4'-9"	Internal	95	190

Total Site Signage 190.00



Monument Sign Front Elevation

Side Elevation



Daryl L. Bray #17200
NOTE: Not for regulatory approval, permitting, or construction.

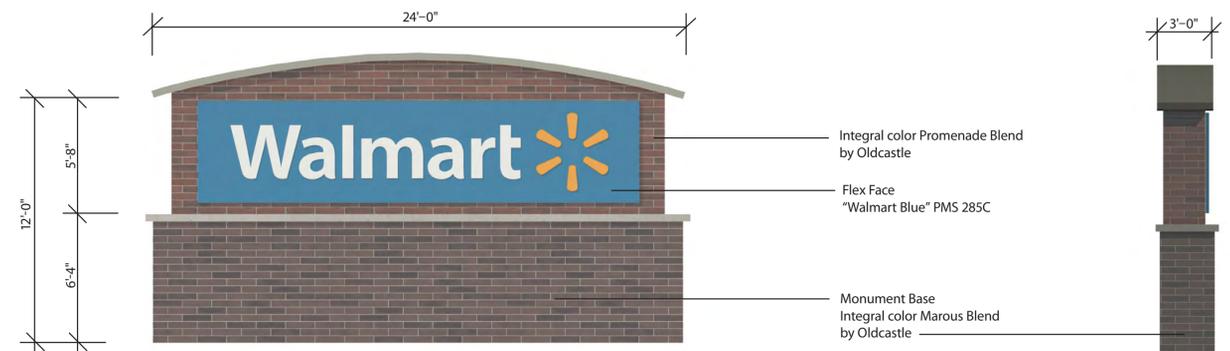
May 17, 2011

Murphy, Texas - Store #2973 - New Store

Conceptual Site Signage Calculations

Sign	Qty.	Type	Color	Height	Illumination	Area (S.F.)	Total S.F.
Walmart 	2	Identity	White/Yellow	4'-9"	Internal	95	190

Total Site Signage 190.00



Monument Sign Front Elevation

Side Elevation



Daryl L. Bray #17200
NOTE: Not for regulatory approval, permitting, or construction.

May 17, 2011

Murphy, Texas - Store #2973 - New Store

Site Signage Calculations