



Murphy Planning and Zoning Commission Regular Meeting Minutes  
206 North Murphy Road  
Murphy, Texas 75094  
September 22, 2014

**CALL TO ORDER**

Chairman Levy called the meeting to order at 6:00 p.m.

**ROLL CALL & CERTIFICATION OF A QUORUM**

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

Commissioners Absent: Matthew Thekkil

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

Lori C. Knight certified a quorum.

**PUBLIC COMMENTS**

There were no public comments.

**INDIVIDUAL CONSIDERATION**

1. Approval of the Minutes from the August 25, 2014 regular meeting.

Chairman Levy removed the Minutes from the August 25, 2014 regular meeting from the agenda until the next Planning and Zoning Meeting.

2. Hold a public hearing and consider and/or act on the application of Wade and Michelle Wilson, requesting a variance to Section 28-132(2) of the Code of Ordinances/Development Standards, to allow less than the *'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes'* and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

**Staff Discussion**

Kristen Roberts stated that Mr. and Mrs. Wilson had submitted an application for their home at 150 Skyline requesting a variance to allow less than the required 85% exterior of brick, stone, brick veneer or stone veneer. Ms. Roberts stated that the property and surrounding neighborhoods are zoned SF-E (Single Family Estate) with lots/tracts of no less than 40,000 square feet.

Wade Wilson, 150 Skyline

Mr. Wilson spoke and offered details on the existing home in addition to details on this variance request for the new home they intend to build.

Chairman Levy asked if there had been any consideration to going with brick in the front elevation or any other options other than just the variance. Mr. Wilson stated that they could go with brick and that it would be less expensive than what they had in mind. Mr. Wilson stated that the intent of the code was fire or fire resistant and with that in mind, the material they chose is fire resistant.

Brenda McDonald, Assistant City Attorney

Mrs. McDonald stated that she wanted to clarify the use of the word *variance* in this particular instance because it is very confusing due to the fact that the standard isn't the traditional Board of Adjustments variance where the applicant needs to show a hardship. This type of a *variance* allows one to use the provisions of the ordinance where it can vary.

**PUBLIC HEARING OPENED AT 6:21 P.M.**

1. Greg Matocha – 151 Moonlight Drive – In Favor of the variance
2. Jeanette M. Miller – 147 Skyline Drive - In Favor of the variance
3. Don Kiertscher – 416 Skyline Drive - Opposed the variance
4. Betty Spraggins – 336 Sycamore Drive– In Favor of the variance

**PUBLIC HEARING CLOSED AT 6:30 P.M.**

**Commission Action**

Commissioner Hemphill made a motion to approve the variance requested by Wade and Michelle Wilson. Commissioner Hooper seconded the motion. The motion to approve the requested variance passes 4-2 with Chairman Levy and Secretary Holcomb denying the requested variance.

3. Hold a public hearing and consider and/or act on the application of Champion Langford Venture requesting approval of a SUP (Specific Use Permit) to allow a drive-thru window for a Dunkin Donuts restaurant on property zoned PD (Planned Development) District No. 12-10-923 for Retail Uses on Lot 3, Block C, Murphy Marketplace East Addition (North Maxwell Creek and FM 544), applicant being Dunkin Donuts on behalf of the property owner Champion Langford Venture.

**Staff Discussion**

Kristen Roberts stated that the applicant is requesting a Specific Use Permit (SUP) and Concept Plan for a drive-thru for a Dunkin Donuts restaurant that would be adjoined to a Nothing Bundt Cake on the subject property. The current Planned Development District allows a drive-in restaurant only with the approval of a SUP. Ms. Roberts stated that this particular item had come before the Commission back in 2013.

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**PUBLIC HEARING OPENED AT 6:39 P.M.**

1. Jennifer Berthiaume, 416 Woodcrest Circle- **Opposed** to the SUP request

**PUBLIC HEARING CLOSED AT 6:43 P.M.**

**Commission Action**

Secretary Holcomb made a motion to deny the request of a SUP to allow a drive-thru window for a Dunkin Donuts restaurant. Vice-Chairman King seconded the motion to deny the SUP. Motion passed to deny the request of a SUP by 4-2 with Commissioners King, Holcomb, Hemphill and Hooper in favor of the denial; Chairman Levy and Commissioner Johnson voting against the denial.

4. Hold a public hearing and consider and/or act on the application of the City of Murphy to zone the subdivision known as Windy Hill Farms – Phase 1 and generally located west of Heritage Parkway and north of FM 544 as a Planned Development (PD) District for SF-15 (Single Family 15 Residential) uses with a minimum lot size of 9,500 square feet, a minimum average lot width of 85 feet and a minimum front yard setback of 25 feet.

**Staff Discussion**

Kristen Roberts stated that the City of Murphy is conducting the zoning of Windy Hill Farms, Phase 1 to correct some errors that occurred in years past dating back to 2000. Ms. Roberts stated that while the zoning map indicates that Windy Hill Farms Phase 1 was zoned by Ordinance 99-01-444, a review and research of the actual ordinance indicated that it applied to other parts of Windy Hill Farms but NOT to Phase 1. This is why the City is now initiating a zoning case to actually zone the property in Windy Hill Farms Phase 1. The proposed ordinance has been drafted to formally approve the development pattern of the existing homes in Phase 1 and the PD is attached. Ms. Roberts also stated that this is the first of two steps in correcting the zoning. The second step would be a re-plat however that will come sometime in the near future.

**PUBLIC HEARING OPENED AT 6:54 P.M.**

1. Kimberly Zeck – 221 Sheila Avenue, Murphy

Ms. Zeck had questions specific to the zoning request and history of the issue being addressed.

**Brenda McDonald – City Assistant Attorney**

Mrs. McDonald stated that the City had limited record of how this situation occurred. She believes that someone might have assumed that the setbacks were 25 ft. because of the fact that over 70 homes were constructed with a 25 ft. setback. She stated that even if the re-plats had been processed correctly and recorded correctly, procedurally they are not adequate because there is no zoning on the property.

**PUBLIC HEARING CLOSED AT 7:03 P.M.**

**Commission Action**

Commissioner Hemphill made a motion to approve the application of the City of Murphy to zone the subdivision known as Windy Hill Farms – Phase 1 as a Planned Development District for SF-15 uses with a minimum lot size of 9,500 square feet, a minimum average lot width of 85 feet and a minimum front yard setback of 25 feet. Commissioner Johnson seconded the motion. The motion passes 6-0.

**ADJOURNMENT**

With no other business before the Commission, Chairman Levy adjourned the meeting at 7:08 p.m.

**APPROVED:**

  
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Ty Holcomb, Secretary

Attest:  
  
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Secretary