

COUNCIL MINUTES
JANUARY 6, 2015 CITY COUNCIL MEETING

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 pm.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Barna gave the invocation and led the Pledge of Allegiance to the United States flag.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Susie Quinn, City Secretary, certified a quorum with the following Councilmembers present:

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

4. PUBLIC COMMENTS

John Daugherty, resident spoke during the Public Hearing on Agenda Item 6.C.

5. 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. Consider approval and/or corrections to the minutes of the November 18, 2014 Regular City Council Meeting.
- B. Consider approval and/or corrections to the minutes of the December 2, 2014 Regular City Council Meeting.
- C. Consider approval and/or corrections to the minutes of the December 9, 2014 Special City Council Meeting ratifying the terms of office for each appointment as stated in the minutes.

COUNCIL ACTION (5.A, 5.B, and 5.C.):***APPROVED***

Mayor Pro Tem Bradley moved to approve the consent agenda as presented. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

6. INDIVIDUAL CONSIDERATION

- A. Consider and/or act on the application of Eric Langford, on behalf of the property owner, Champion Langford Partners, for approval of a site plan, building elevations, landscape plan and construction plat, on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923. This property is located at 313 E FM 544.

Staff made a brief presentation, stating this item has been before Council previously and that the confirmed tenants will be Dunkin Donuts and Nothing Bundt Cake. Mayor asked for discussion and then called for a vote

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the application of Eric Langford, on behalf of the property owner, Champion Langford Partners, for approval of a site plan, building elevations, landscape plan and construction plat, on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) No. 12-10-923. This property is located at 313 E FM 544. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Consider and/or act on the application of property owner David Howard requesting approval of a site plan, landscape plan, building elevations and construction plat for an Assured Self Storage at the southwest corner of Murphy Road and Betsy Lane.

Staff gave a brief back ground to Council. The applicant has been working with the City for about eighteen months. Staff mentioned that the applicant understands they are financially responsible for installation of the sewer line and the underground detention as well as maintenance. All the requirements of the PD have been met.

Council discussed the fencing exchange to take place with the property owners. A masonry fence is required and the wooden fences for the residents will need to be removed as the City of Murphy does not allow back to back fences. The maintenance of the masonry fence will be the responsibility of Assured Self Storage.

COUNCIL ACTION (6.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the application of property owner David Howard requesting approval of a site plan, landscape plan, building elevations and construction plat as submitted with the following considerations: The City is not responsible for sewer lines to the flag lot; the City is not responsible for maintenance for the underground detention; the agreements with residents for the replacement of their wood fences with lock stone fencing provided by Assured Self Storage will be made prior to the issuing of construction permits; the masonry fence will replace all wood fencing from Murphy Road to Wellington Lane with none of the original wood fencing to remain. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- C. Hold a public hearing and consider and/or act on the application of Saritha Yeddula, Charlotte Dye, Kelly Smith/Orange-Birmingham, LLC requesting to amend PD Ordinance No. 12-06-914 including a change in zoning of approximately 6.3 acres from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses and amending the Concept Plan, Landscape Plan and Planned Development Conditions. This property is located at SWC FM 544 and McCreary Road.

Because of the complexity of this item, the staff report is included verbatim; including possible changes (noted in red) to Exhibit B, no other exhibits referenced are included in these minutes. Applicant is requesting this item to be forwarded to the January 20, 2015 meeting for a vote. In June 2012, the City Council approved Planned Development District Ordinance No. 12-06-914. This ordinance includes Planned Development District Conditions and a concept plan depicting three retail buildings on approximately 11 acres at the SWC corner of McCreary and FM 544. However, at the time, there were no immediate plans to develop the property as such with the exception of FM 544 frontage/southwest corner which is now a CVS.

Staff report from agenda packet:

Summary

The property owners involved have submitted an application in order to make the necessary edits to the existing Planned Development District to accommodate various amendments.

The proposed use for the property is intended to provide for Retail uses and the Planned Development District Ordinance already in place is the zoning that governs the property.

The applicants are requesting to amend the PD Ordinance No. 12-06-914:

- To now include an additional approximately 6.3 acres into the Planned Development District, re-zoning the 6.3 acres from Single Family Residential (SF-20) and incorporating these acres into the Planned Development District.
- Amending the Concept Plan exhibit to include the additional approximately 6.3 acres and identify an amended site layout
- Amending the Landscape Plan exhibit to accommodate the additional acreage and amended Concept Plan layout
- Amending the Planned Development Conditions

Considerations

Planned Development District Conditions

The applicant has requested modifications to the existing Planned Development Conditions in PD Ordinance No. 12-06-914 as attached and shown in Exhibit B.

The items that are shown in the following sections (and noted in red in Exhibit B) are the requested amendments as underlined and inclusive of the revisions by the Planning & Zoning Commission, applicant and staff on December 29, 2014 as *italicized*. Additionally, any verbiage shown as a strikethrough is to be deleted from the PD.

Staff recommends going through each item to allow for discussion with the applicant, staff and City Council.

1. V. Development Plans: C. Exterior Elevations

- a. Exterior Elevation Plan: ~~Development shall be in general conformance with the approved exterior elevations as set forth in Exhibit E; or as shown on the exterior color elevations submitted during site plan approval process. However, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.~~ *Development shall conform to City of Murphy code and Planned Development District requirements as noted herein subject to site plan approval.*

- i. Note: Exhibit E and references to Exhibit E are deleted from the Planned Development District.
- ii. Note: The elevations shown in Exhibit E were done with no particular development in mind. The applicant does not have elevations at this stage of the zoning change request. The verbiage above requires any submittal to adhere to the City's exterior construction code requirements.

2. V. Development Plans: D. Signage Plan

- a. Signage Plan: Development shall be in general conformance with the approved signage plan as set forth in Exhibit F; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail. The Signage Plan may be amended and altered to include additional signage at the time of Site Plan approval to accommodate the anchor and pad sites.

3. V. Development Plans: E.

- a. Concept Plan, Landscape Plan, Exterior Elevation 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 and approved for a portion of the development, then the Concept Plan shall be deemed to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan. This period shall be extended for a maximum of two (2) additional one (1) year periods with a request in writing to the City Manager subject to his approval.
 - i. Note: Staff had initially requested this extension be limited to one year. After detailed discussion with the applicant and Commission, consideration was given to possible delays working with state and federal agencies and was extended by one additional year.

4. VI. Specific Regulations: A. Permitted Uses:

- a. Modify the Food or Grocery Store (SUP) requirement to be an allowed use by right. SUP requirement removed.
- b. Add Fuel Center as an accessory use to a Grocery Store
- c. Add Car Wash as an accessory use to a Fuel Center
- d. Add Dry Cleaners (SUP)
 - i. Dry cleaners to be added as use with SUP requirement

- e. Add Drive Thru (SUP) to Restaurant Use (not allowed to face residential property)
 - i. Drive Thru to be added as use with SUP requirement
5. VI. Specific Regulations: B. Area and Yard Regulations.
- a. (2) Minimum Lot/Tract Width: Minimum frontage requirements for lots adjacent to either FM 544 or McCreary Road shall be 90'. This was 100'.
 - b. (4) Pad Sites: The maximum number of pad sites allowed along FM 544 shall be three (3). This was two (2).
 - i. Note: The boundary size and configuration of the overall property has increased.
6. VI. Specific Regulations: E. Building Height
- a. All structures shall have a maximum building height of thirty-five (35) feet except that the maximum height may be increased to forty-five (45) feet ~~for the anchor building or~~ to allow for architectural elements.
 - i. Note: The applicant is requesting the maximum building height be increased and has requested further discussion with City Council on this item.
7. VI. Specific Regulations: F. Minimum Exterior Construction Standards, Building Materials and Design
- a. All structures, including all building elevations, shall be constructed utilizing a ~~complimentary unified design that is substantially consistent with the approved Exterior Elevation Plan (Exhibit E). City code and Planned Development District requirements noted herein.~~
 - b. ~~All exterior elevations shall utilize a complimentary unified design as shown on the approved Exterior Elevation Plan (Exhibit E). At least two masonry materials shall be used in addition to glass on any single building. The following masonry materials shall be allowed:~~
 - i. Add Split Face CMU with integral color and painted CMU
 - ii. Note: Exhibit E and references to Exhibit E are deleted from the Planned Development District.
 - iii. Note: The elevations shown in Exhibit E were done with no particular development in mind. The applicant does not have elevations at this stage of the zoning change request. The verbiage above to be included

requires any submittal to adhere to the City's exterior construction code requirements.

8. VI. Specific Regulations: H. Screening:

- a. All truck docks/loading areas for anchor stores with a footprint greater than 30,000 square feet shall be screened from view through the use of 12-foot all masonry walls (which are the same colors and materials as main building). A masonry look precast concrete fence and wall system such as Fencecrete®, or approved, may be utilized, provided it matches building exterior finishes. There should be a 12-foot masonry screening wall along the southern boundary with a 10-foot living screen landscape buffer. Additionally, there shall be an 8-foot masonry screening wall along the western boundary with a 10-foot living screen landscape buffer. All other screening of the rear of the site shall be living screens (eight foot height and at least 75 percent density within four years of planting unless such areas are screened from public views by a building.

- i. See Fencecrete® sample attachment

9. VI. Specific Regulations: J. Signage and Graphics

- a. (b) Shared Tenant Monument Signs-*Two (2) monument signs on FM 544 shall be allowed located on Lot 2 and shall be limited to a maximum sign area of 40 square feet per sign. One monument sign on McCreary shall be allowed with a maximum height of seven (7) feet and maximum size of forty (40) square feet per sign.*

- b. 2. Shared Tenant Monument Signs (a): Monument signs shall identify individual tenants or uses within the shopping center. Monument Signs shall be a maximum of ~~eight (8)~~ *seven (7)* feet tall.

10. VI. Specific Regulations: K. Open Space:

- a. Remove the line in (1) All open space amenities shall use a unified design as shown on the approved Amenities Plan.
- b. However, the applicant does understand the intent and expectations for amenity type areas and they have agreed to establish amenity areas in more suitable areas such as along or near the public sidewalks. This will be furthered detailed at time of site plan review.

Concept Plan and Landscape Plan amendments

- 1. The applicant has submitted a revised concept plan for the SWC of McCreary and FM 544.

2. The proposed Concept Plan enlarges the building located south of the property. The Concept Plan also includes a fuel station and car wash on the north lot. Additionally, the Concept Plan shows a building with a drive through on the far west lot.
 - a. As stated in the Code of Ordinances, the Concept Plan is an aid to show anticipated layout of proposed development.
 - b. It should also be noted that majority of the western portion of the Concept Plan is within the floodplain. A flood study at the developer's expense will be completed before any grading improvements within the floodplain.
 - i. The applicant has also visited in person with Mr. Loftice, neighboring property to the west, about any concerns he might have.
 - c. Prior to development, the applicant would be required to submit full site plan and construction plat details for review and consideration.
3. The applicant has submitted an amended Landscape Plan that follows the revised layout of the Concept Plan.
4. A public hearing notification for this proposed zoning change was published in the newspaper as well as notification mailed to the property owners included in the required 200 feet notification radius prior to the December 29, 2014 and January 6, 2015 Public Hearings on this item.

EXHIBIT B
AS AMENDED shown in red

McCreary Marketplace
SW Corner of FM 544 and McCreary Road 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
 - Other retail uses as outlined herein
- 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. Exterior Elevation Plan: **Development shall conform to City of Murphy code and Planned Development District requirements as noted herein subject to site plan approval.**
- D. Signage Plan: Development shall be in general conformance with the approved signage plan as set forth in Exhibit F; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail. **The Signage Plan may be amended and altered to include additional signage at the time of Site Plan approval to accommodate the anchor and pad sites.**
- E. Concept Plan, Landscape Plan, Exterior Elevation 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 and approved for a portion of the development, then the Concept Plan shall be deemed to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan. **This period shall be extended for a maximum of two (2) additional one (1) year periods with a request in writing to the City Manager subject to his approval.**
- F. Site Plan: A Site Plan shall be submitted in accordance with the Requirements set forth in Chapter 86, Article II, and 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
 - 1. Amusement Services (Indoors) (SUP)
 - 2. Antique Shop
 - 3. Art Dealer/Gallery
 - 4. Artist Studio (SUP)
 - 5. Bakery (Retail)
 - 6. Book Store
 - 7. Cafeteria
 - 8. Computer Sales
 - 9. Confectionery Store (Retail)
 - 10. Department Store
 - 11. Dinner Theatre (SUP Only)
 - 12. Electronics (Retail)
 - 13. Florist

14. Food or Grocery Store with Fuel Center as accessory use
15. Furniture Sales (Indoor)
16. Hardware Store
17. Home Improvement Center (SUP)
18. Motion Picture Theatre
19. Pet Shop/Supplies
20. Pharmacy(with Drive-thru)
21. Photo Studio
22. Photocopying/Duplicating
23. Restaurant (with drive-thru (SUP); drive thru not allowed to face residential properties)
24. Retail Store
25. Tailor Shop
26. Theatre (Live Drama) (SUP)
27. Sporting Goods
28. Clothing / Home Goods
29. Car Wash as accessory use to Fuel Center
30. Dry Cleaners (SUP)

B. Area and Yard Regulations

1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract area required.
2. Minimum Lot/Tract Width: Minimum frontage requirements for lots adjacent to either FM 544 or McCreary Road shall be 90'.
3. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.
4. Pad Sites: The maximum number of pad sites allowed along FM 544 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 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 McCreary Road 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 or facing another building without adequate screening.
2. Truck loading berths shall not be located within any required setback or landscape buffer strip.
3. Landscaping is required in front of any loading dock facing public right of way, including the loading dock shown on Phase One development facing FM544.

E. Building Height

Consideration requested by City Council, applicant to address

1. All structures shall have a maximum building height of thirty-five (35) feet except that the maximum height may be increased to forty-five (45) feet to allow for architectural elements.

F. 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 design that is consistent with **City code and Planned Development District requirements noted herein.**
2. 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.
3. 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.
4. 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 there on by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
5. 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.

G. 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 including freeze and rainwater sensor 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 twenty-five (25) feet in depth adjacent to the right-of-way of FM 544, twenty-five (25) feet in depth adjacent to McCreary Road. No parking may be placed within any landscape buffer. Pedestrian easements and sidewalks may be located within a landscape buffer.

3. 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. Landscape islands within the parking lot shall be a minimum of 64 square feet.

1. The traffic island shown on Phase One development shall be landscaped.
2. Phase One construction is to include Open Space as noted in Phase Two.
3. A total of seven (7) 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 seven (7) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed twenty (20) spaces in length.
4. An additional 8% open space shall be provided. This 8% will be for the entire development and not necessarily on a lot by lot basis. The 8% 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

H. 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 (South & West) 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 Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen.
2. All truck docks/loading areas for anchor stores with a footprint greater than 30,000 square feet shall be screened from view through the use of 12-foot all masonry walls (which are the same colors and materials as main building). A masonry look precast concrete fence and wall system such as Fenccrete®, or approved, may be utilized provided it matches building exterior finishes. There should be a 12-foot masonry screening wall along the southern boundary with a 10-foot living screen landscape buffer. Additionally, there shall be an 8-foot masonry screening wall along the western boundary with a 10-foot living screen landscape buffer.
3. Outside seasonal displays shall be permitted within the Planned Development District for no more than 30 days. Outside storage shall not be permitted with the Planned Development District.

I. 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.

J. Signage and Graphics

Signage will comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below. No electronic signs are allowed in Planned Development District.

Signature Sign: Developer shall construct a signature sign depicting "City of Murphy" at the intersection of McCreary Road and FM 544 immediately adjacent (behind) the 50x50 visibility triangle. The signature entrance/ development sign must be 2 or 3 dimensional and conceptually similar to the signature sign located on the north west corner of FM 544 and North Murphy Road in Murphy. The developer shall submit the signature signage plans to the City for approval prior to construction.

1. General

- a. All signage for the Planned Development District shall be allowed as shown on the approved Signage Plan (Exhibit F).

- b. Shared Tenant Monument Signs- **Two (2)** monument signs shall be allowed located on Lot 2 and shall be limited to a maximum sign area of 40 square feet **per sign. One monument sign on McCreary shall be allowed with a maximum height of seven (7) feet and maximum size of forty (40) square feet per sign.**
 - c. Shopping center signs-One (1) shopping center sign shall be permitted as shown on the approved Signage Plan (Exhibit F). The shopping center sign shall be limited to a maximum sign area of 240 square feet.
 - d. All signs must be surrounded by landscaping.
 - e. No signs shall be phased.
2. Shared Tenant Monument Signs
- a. Monument signs shall identify individual tenants or uses within the shopping center. Monument signs shall be a maximum of **seven (7)** feet tall.
 - b. All shared tenant monument signs shall be double-sided, internally illuminated sign panels within a masonry structure. Shared 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 setback distance of not less than five (5) 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 Sign
- a. The shopping center sign shall be constructed at a height not to exceed thirty-five (35) feet upon approval of a building permit of an anchor tenant.
 - b. The base of the shopping center sign shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.
 - c. The shopping center sign shall be double-sided, internally illuminated sign panels 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 McCreary Road and on FM 544. Temporary signs must be approved by the City Manager or designee and are valid for 180 days.

- 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.

K. Open Space

- 1. Development with 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. All pedestrian areas and open space must be located away from vehicular traffic areas as reflected on the concept plan attached.
 - 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.
 - b. An additional 8% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 8% 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, and may be approved on the site plan.

VII. Special Regulations:

- A. Right Turn Deceleration Lanes: A right turn deceleration lane shall be required for the driveway on FM 544 at the time construction begins on any pad site along FM 544 and paid for by the developer and/or property owner. A right turn deceleration lane shall be required for the middle driveway on McCreary Road at the time construction begins on the anchor tenant.
- B. Utility Power Lines: Utility distribution and service lines for individual business establishments, buildings, and 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 McCreary 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. Access shall be provided for property to the West of this site for future connectivity.

- D. Outside storage shall not be permitted with the Planned Development District.

- E. Outside display of merchandise and temporary seasonal items: Outside display of merchandise and temporary seasonal items, such as Christmas trees, pumpkins, etc., shall be limited to the following:
 - 1. Shall not be placed/located more than 30 feet from the main building.
 - 2. Shall not occupy any of the parking spaces that are required by this chapter for the primary use of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
 - 3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on site or off site, in any way.
 - 4. Shall not extend into public right-of-way or onto adjacent property.
 - 5. All outside display items shall be removed at the end of business each day, except for large seasonal items such as Christmas trees.
 - 6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

- F. Maintenance: The developer and/or property owner of any part of the Planned Development District shall maintain the property in terms of quality landscape maintenance, trash removal, interior and exterior sign conditions, trash receptacles and other amenities to ensure a consistent high quality development.

Following staff's presentation, Council asked the applicant to make his presentation.

John Rose of Dallas, representing the applicants, stated the business that will be built on the site has been in business for over 107 years. No two buildings are the same. Since each city is unique, so are the buildings that are built in each city. The reason for requesting the vote to be delayed until January 20, 2015 is to protect the property owners who have not finalized the sale of their properties.

Council discussed the fuel center and/or car wash with its location at the entry of the city. The applicant is very willing to work with the city on the aesthetic looks of the fuel center and car wash. The applicant stated that they do not intend to have any sit down restaurants and without the fuel center and car wash, they would not develop the project.

Council expressed appreciation to Planning and Zoning for the three and half hour meeting to work on this project. Questions regarding the two to three year extensions were addressed. Engineering will be consulted to address all flood plain issues.

Fencecrete was discussed and is a concern of Council. It was further stated that the fencing will have a landscape buffer for the entire length of the fence.

Lot 3 could be retail only without specified restaurant or drive through fast food since that area would require an SUP. Council reviews the SUP requests for building out the other lots in the development, and an SUP is the only way a drive through could be approved.

Mayor Barna opened the Public Hearing at 7:08 pm.

John Daugherty, resident, also complemented Planning and Zoning for their work on this proposal. Mr. Daugherty is in favor of the proposal but he wanted to address the Fencecrete issue, as he says it is not pleasing to the eye. He asked Council to require masonry in place of the Fencecrete.

Mayor Barna complimented Kristen Roberts for all her efforts on sorting out the discussions from the Planning and Zoning meeting to make the presentation for this meeting.

Mayor Barna closed the Public Hearing at 7:13 pm.

COUNCIL ACTION (6.C.):

APPROVED

Mayor Pro Tem Bradley moved to postpone action on this agenda item until the January 20th, 2015 regularly scheduled Council meeting. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- D. Consider and/or act on a request for a waiver from Section 70-132(a) of the Murphy Code of Ordinances requiring that monuments be set at the corner of each lot and block within the Windy Hill Farms subdivision.

Staff explained the need for the variance for this item.

COUNCIL ACTION (6.D.):

APPROVED

Mayor Pro Tem Bradley moved to approve the requested waiver from Section 70-132(a) of the Murphy Code of Ordinances requiring that monuments be set at the corner of each lot and block within the Windy Hill Farms subdivision. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- E. Discuss the opportunity of providing dispatch services via an Inter Local Agreement (ILA) with the City of Parker.

Police Chief Cox briefed the Council regarding the history on this item and to bring the proposal to Council to see if the Council is interested in both cities entering into this type of agreement.

Council asked several questions including if this was going to cost the city additional money and if our citizens would have to wait for service if we are answering calls for Parker. Chief explained that the call volume would be about 15,000 calls annually which the majority of the calls will be officers checking in and out and/or running plates and/or making driver's license inquiries. The calls would be for police only and not the City of Parker's fire calls. The cost to Parker is \$25,000 annually plus

Parker will have to change out their radios. The amount was questioned as to how it was derived. Liability issues were discussed. A consensus of Council supports the plan. It was also mentioned that currently the city provides animal control services for Parker.

COUNCIL ACTION (6.E.):

NO ACTION

- F. Consider and/or act upon authorizing the purchase of a 2015 Horton Type I ambulance through BuyBoard in an amount of \$213,346.00 as budgeted in FY2015 capital budget.

Fire Chief Lee briefed Council regarding the history of this item. Recently, an ambulance had to be borrowed from another community as one of the City's two ambulances was in the shop and the other one broke down. Council did approve the expenditure in the FY2015 capital budget. The replacement program for ambulances is four years. The new ambulance will be the primary ambulance. The 2011 ambulance will be the support or reserve ambulance and the 2007 ambulance will be a stripped down reserve to be used if the other two ambulances are out of operation only. The 2007 will be maintained until it reaches its 12th year in 2019 at which time it will be auctioned. Both vehicles have similar mileage on them (approximately 45,000 to 46,000 miles). Hours are tracked as well as mileage. Idle hours are harder on the ambulances than running hours. Community based medical care is the direction that emergency medical care will be going in the future.

COUNCIL ACTION (6.F.):

APPROVED

Mayor Pro Tem Bradley moved to enter into a purchase agreement with BuyBoard and Professional Ambulance Sales & Service of Alvarado, Texas for a new Type I Horton Ambulance in the amount of \$213,346. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- G. Discussion and update on the Safe Routes to School funding program and the Collin County Park Grants for Central Park and the Timbers Nature Preserve.

Staff updated Council regarding the history of these items. The challenge of the Safe Route program is the fact that these are reimbursement type programs and it is not really a grant. Training is essential and several personnel are being trained to complete the massive amount of documentation that has to be filed. It is a very paper intensive, time consuming project which is one reason cities do not apply for these monies but if done properly can be a win-win for the citizens of Murphy as the two awards total \$1,036,815. The authorization to proceed was issued in December with a completion date anticipated in June 2015. The project begins in the Rolling Ridge subdivision and works its way south.

The grants for Murphy Central Park which was completed in April 2014 had financial assistance from the City, Community Development, Murphy Development District, Texas Parks and Wildlife, and Collin County Park Grants. The City was awarded \$400,000 by Collin County for concrete trails and trail connections, south and west pedestrian bridges. The City submitted requests for reimbursement but only received \$233,305.60. We were told that construction work-site prep, erosion control, earthwork, testing, survey, flatwork, etc. – was not eligible. Article IV of the Interlocal Agreement states that "costs related expenses" shall be paid on a dollar for dollar basis. Staff is reviewing, but plan to file an appeal with Collin County Keith Self and the Commissioner's Court. The Mayor has met with Commissioner Cheryl Williams but she claimed that the County

only pays for the “pretty stuff”. I reading the agreement, nothing can be found stating or implying that.

The City also applied for \$600,000 from Collin County Parks and Open Space Project Funding Assistance Program for a Regional Trail Connector Project. We received \$500,000 from Collin County Parks and Open Space Project Funding Assistance Program for the construction of a pedestrian bridge and a 10 foot wide concrete trail. Similar concerns that arose with Central Park may arise, so staff is trying to get in front of this now.

COUNCIL ACTION (6.G.):

NO ACTION

7. CITY MANAGER/STAFF REPORTS

- A. North Murphy Road Construction Update
The pouring of concrete is on hold due to colder weather temperatures.
- B. Chamber of Commerce Annual Banquet on Friday, January 16, 2015
Reminded Council to let staff know if Councilmembers and their spouses will be attending the Chamber of Commerce Annual Banquet, as the City has purchased tables.
- C. Boards and Commission Training to be held Saturday, February 7, 2015
All Board members are encouraged to attend, as it is a great time to have them all together. Council is encouraged to attend. Boards like to hear Council’s perspectives as to what the Council expects from the various boards.
- D. City Council Planning Session
Requested Council to send available dates for March to schedule a meeting to develop a three to five year plan, dates should be sent to City Manager Fisher by Friday, January 16, 2014. A Community Survey would be helpful in developing a long range plan. A Wednesday evening event was suggested followed by an all-day Thursday session.

8. ADJOURNMENT

With no further business, the meeting was adjourned at 8:03 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary