



MURPHY PLANNING AND ZONING COMMISSION AGENDA
REGULAR PLANNING AND ZONING COMMISSION MEETING
FEBRUARY 23, 2015 AT 6:00 PM, CITY HALL, COUNCIL CHAMBERS
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094

NOTICE is hereby given of a meeting of the Planning and Zoning Commission of the City of Murphy, Collin County, State of Texas, to be held on February 23, 2015 at Murphy City Hall for the purpose of considering the following items. The Planning and Zoning Commission 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.

CALL TO ORDER

ROLL CALL & CERTIFICATION OF A QUORUM

Jon King
Chair

SEAT ALTERNATES AS NEEDED

Steve Levy
Vice Chair

PUBLIC COMMENTS

Camille Hooper
Secretary

INDIVIDUAL CONSIDERATION

John Johnson
Commissioner

1. Consider and/or act on the minutes from the regular January 26, 2015 Planning & Zoning Commission meeting.
2. Hold a public hearing and consider and/or act on the application of application of Murphy Four Venture, LP requesting approval of an amendment to the Concept Plan for PD (Planned Development) District No. 12-10-923 Murphy Marketplace to include a proposed layout for the property at the northeast corner of Maxwell Creek and FM 544.
3. Discussion of proposed Calloway's Nursery site development.

Lloyd Jones
Commissioner

Greg Mersch
Commissioner

Don Reilly
Commissioner

Gary Maxon
Alternate

ADJOURNMENT

Mahendra Parikh
Alternate

I certify that this is a true and correct copy of the Murphy Planning and Zoning Commission Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted February 20, 2015 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.

Kristen Roberts
Director of Community Development

Kristen Roberts
Director of Community
Development

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 squinn@murphytx.org.



Murphy Planning and Zoning Commission Regular Meeting Minutes
206 North Murphy Road
Murphy, Texas 75094
January 26, 2015

CALL TO ORDER

Commissioner Levy called the meeting to order at 6:03 p.m.

ROLL CALL & CERTIFICATION OF A QUORUM

Commissioners Present: Steve Levy, Jon King, Camille Hooper, John Johnson, Lloyd Jones, Greg Mersch and Gary Maxon

Commissioners Absent: Don Reilly

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

Lori C. Knight certified a quorum. Alternate Gary Maxon was seated at 6:11 after taking his oath.

ELECTION OF OFFICERS

Chairman: John Johnson nominated Jon King to serve as Chairman. With no other nominations, a vote was taken and passed 7-0.

Vice Chairman: Camille Hooper nominated Steve Levy to serve as Vice Chairman. With no other nominations, a vote was taken and passed 7-0.

Secretary: Jon King nominated Camille Hooper to serve as Secretary. With no other nominations, a vote was taken and passed 7-0.

PUBLIC COMMENTS

Jaqueline Hawkins, 605 Taylor Trail; Murphy

Mrs. Hawkins stated that when turning onto Heritage Pkwy, the plants and bushes by the trees in the median are dangerous to drivers. Mrs. Hawkins stated that when you make a turn, you cannot see oncoming traffic especially at night.

INDIVIDUAL CONSIDERATION

1. Approval of the Minutes from the December 29, 2014 regular meeting.

Commission Action

Vice Chair Levy made a motion to approve the minutes from December 29, 2014. Commissioner Jones seconded the motion. Motion passed.

2. Hold a public hearing and consider and/or act on the application of the City of Murphy to re-plot the existing subdivision known as Windy Hill Farms – Phase 1, generally located west of Heritage Parkway and north of FM 544; to remove platted building lines and establish the front building setback in accordance with the City’s Ordinance No. 14-10-988, adopted by the City of Murphy on October 7, 2014.

In addition, as a part of the re-plot, the City is requesting a waiver of Section 70-132(a) of the Murphy Code of Ordinances, requiring that monuments be set at the corner of each block within the Windy Hills Farm subdivision.

Staff Discussion

Kristen Roberts stated that on September 22, 2014, the Planning & Zoning Commission approved an ordinance zoning the subdivision known as Windy Hill Farms – Phase 1. This was done to correct the errors that occurred in the years past dating back to the year 2000. Now it reflects the actual constructed conditions within the neighborhood. The City is requesting a waiver of the requirement of Section 70-132(a) to set monuments at the corner of each block in this subdivision. The City Council favorable considered the City Engineer’s recommendation at its January 6, 2015 meeting.

Ms. Roberts stated that with this last piece of the process, the City is re-platting the existing subdivision known as Windy Hill Farms – Phase 1, located west of Heritage Parkway and north of FM 544. This removes platted building lines and establishes the front building setbacks in accordance with the City’s Ordinance No. 14-10-988. State and City law requires property owners to sign and notarize the re-plot if they wish.

Ms. Roberts stated that the City Engineer and the City’s Assistant Attorney were present if the Commission or residents had any questions.

PUBLIC HEARING OPENED AT 6:24 P.M.

Tonya Gray; 600 Karen Pass, Murphy

Mrs. Gray asked what did it mean by waiving the monuments and where is the 5 ft. difference in the setbacks?

Brenda McDonald, Assistant City Attorney, explained in detail what was included in this waiver request.

Chairman King read off the reply forms that were received in the mail:

- Bryan Patton- In Favor
- Alisa Allen – In Favor
- April Monk- In Favor
- Gary Siegel – In Favor
- Steve Shook – Opposed

PUBLIC HEARING CLOSED AT 6:27 P.M.

Commission Action

Commissioner Jones made a motion to approve the re-plat of Windy Hills Farms-Phase1, to remove platted building lines and establish the front building setback in accordance with the City's Ordinance No. 14-10-988, adopted by the City of Murphy on October 7, 2014 and approve the City's request for a waiver of Section 70-132(a) of the Murphy Code of Ordinances requiring that monuments be set at the corner of each block within the Windy Hill Farms subdivision. Vice Chair Levy seconded the motion. Motion passed 7-0.

3. Hold a public hearing and consider and/or act on the application of Ryan Betz requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

Staff Discussion

Kristen Roberts stated that for approximately six years, staff has worked closely with the former and current property owners on numerous potential developments for this particular site most recently being in the summer of 2013. Since that time, staff has been working closely with the new owner of this property on possible site layouts. The new property owner/developer submitted a development application for a rezoning of the property and creation of a Planned Development District. Ms. Roberts stated that the new property owner/developer has been in communication with various neighbors in the residential neighborhood directly west of the site.

Additionally, he has met one on one with neighborhood groups to discuss his proposed site and offered to work together on various concerns. The applicant is requesting going from SF 20 to a Planned Development with conditions.

- o Keith Yuck, 127 S Maxwell Creek – Opposed
- o Michael Goggins, 112 S. Maxwell Creek – Opposed
- o Diane Waller, 133 S. Maxwell Creek – Opposed
- o Jennifer Berthiaume, 416 Woodcrest Circle – In Favor
- o Richie Earle, 129 Ridgestone Drive – Opposed
- o Chris Koleber, 411 Woodcrest Circle – Opposed

PUBLIC HEARING CLOSED AT 7:25 P.M.

Commission Discussion

Vice Chair Levy asked about the proposed use, paving and screening standards.

Kristen Roberts discussed those items as noted in the proposed PD and concept plan.

Chairman King asked about communication efforts by the property owner with neighboring residents.

There was also discussion on building height, landscaping and access.

Commissioner Johnson commended Mr. Betz and his engineer for their efforts and for communicating with the residents. Mr. Johnson stated that he denied the previous submittal because of the fact that he did not understand why this piece of property cannot be left at its current zoning of SF-20 with single story homes. Commissioner Johnson did say he would vote against it again.

Commission Action

Commissioner Johnson made a motion to deny the application of Ryan Betz requesting a change in zoning from SF-20 to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and PD District requirements on property located southwest of FM 544 and Maxwell Creek. Commissioner Jones seconded the motion. Motion to deny zoning change passes 4-2 with Commissioners Hooper and Levy opposing. Commissioner Gary Maxon abstained.

STAFF UPDATES

Next meeting is February 23, 2015.

ADJOURNMENT

With no other business before the Commission, Chair King adjourned the meeting at 7:57 P.M.

APPROVED:

Steve Levy, Vice-Chair

Attest:

Secretary

Issue

Hold a public hearing and consider and/or act on the application of application of Murphy Four Venture, LP requesting approval of an amendment to the Concept Plan for PD (Planned Development) District No. 12-10-923 Murphy Marketplace to include a proposed layout for the property at the northeast corner of Maxwell Creek and FM 544.

Summary

The applicant is requesting to amend the Concept Plan for Planned Development (PD) District Ordinance No. 12-10-923, Murphy Marketplace, by including a proposed layout for the property at the northeast corner of Maxwell Creek and FM 544 (Race Trac).

Considerations

- No changes to the Planned Development District conditions are being requested.
- This property is within Murphy Marketplace however was not included in the Concept Plan as amended and approved in 2012.
- This proposed layout shows a retail strip center building directly east of Race Trac, as well as two additional building sites to the north of Race Trac.
- The property owner has indicated he has users identified for the building fronting FM 544 however, this consideration item is specific to the concept plan as presented.

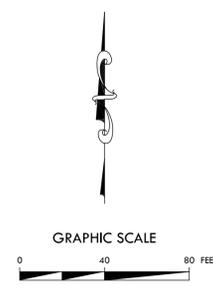
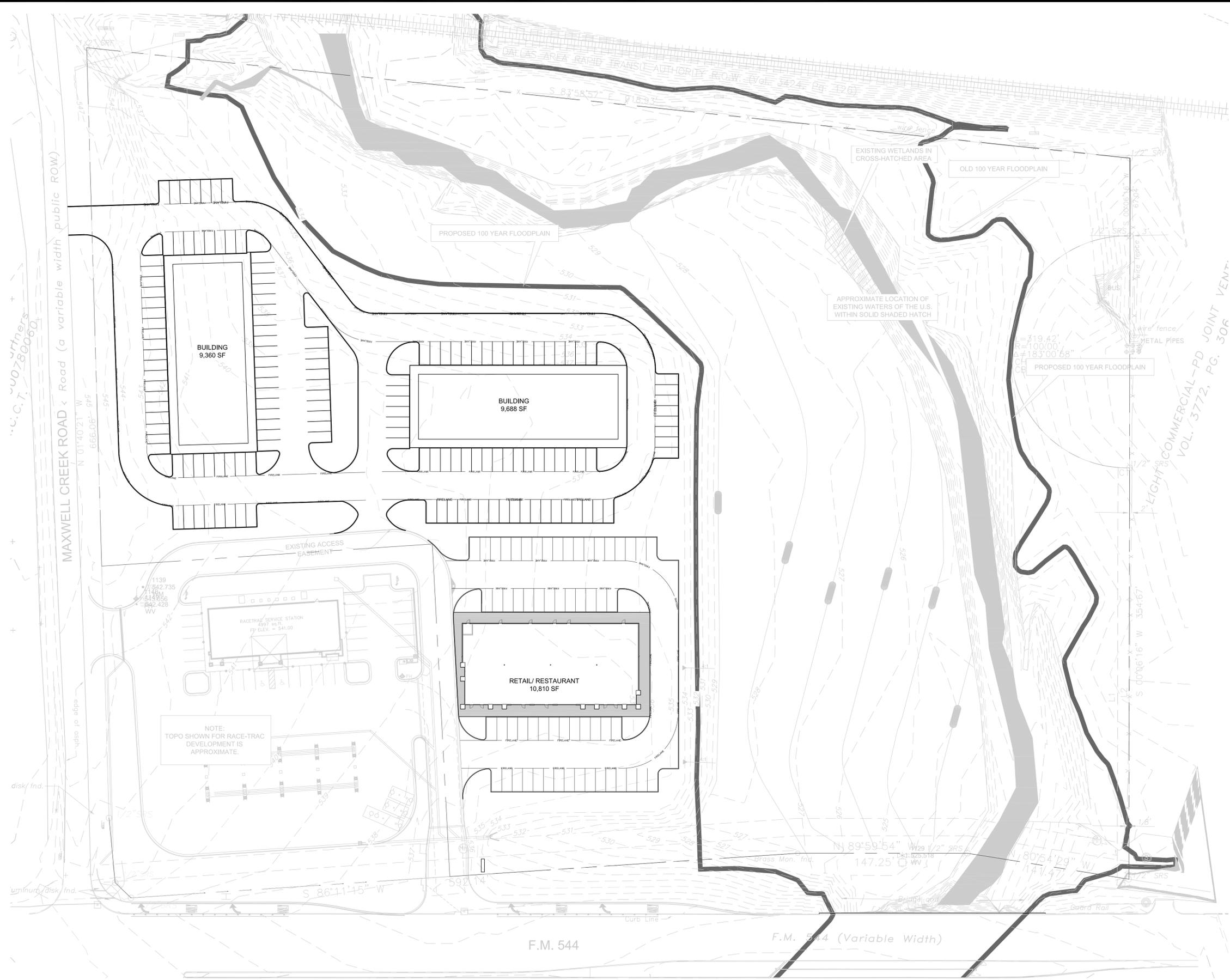
Action

Approve the request to amend the Concept Plan for PD (Planned Development) District No. 12-10-923 Murphy Marketplace to include a proposed layout for the property at the northeast corner of Maxwell Creek and FM 544.

Attachments

Amendment to Concept Plan
All reply Forms to date

FILENAME: EXHIBIT E.dwg PLOTTED BY: Mjgaf Gkwan PLOT DATE: Wednesday, January 14, 2015 PLOT TIME: 4:18:08 PM PLOTTER: Adobe PDF BLMx32 FULL PATH: L:\Projects\2006.058 Murphy\MapSheet05 - Pad 13\Drawings\04 - Exhibit E\Project\2006.058 Murphy MapSheet05 - Pad 13\Drawings\04 - Exhibit E.dwg



THESE PLANS ARE SUBJECT TO REVIEW & APPROVAL BY JURISDICTIONAL ENTITIES.

REVISIONS	DATE	BY

This drawing was prepared by Adams Engineering, Inc. and shall remain the property of Adams Engineering, Inc. Information herein shall be used for the project and site only and shall not be used for any other purpose without the written consent of Adams Engineering, Inc. Adams Engineering, Inc. is not responsible for any errors or omissions in this drawing. Adams Engineering, Inc. is not responsible for any actions taken by anyone other than Adams Engineering, Inc. based on this drawing. Adams Engineering, Inc. is not responsible for any actions taken by anyone other than Adams Engineering, Inc. based on this drawing. Adams Engineering, Inc. is not responsible for any actions taken by anyone other than Adams Engineering, Inc. based on this drawing.

Adams
 910 S. Kimball Avenue ■ Southlake, Texas 76092 ■ (817) 328-3200

MURPHY FOUR
CONCEPT PLAN

TBPE Registration #: F-1002

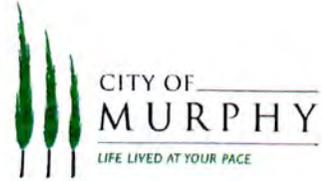
PROJECT MGR. TAM
 PROJECT TECH. LMG
 CHECKED BY

JOB NO. 2006.058
 SHEET NO.

C1

Reply Form

Planning & Zoning Commission/City Council
206 North Murphy Road
Murphy, Texas 75094



This letter is regarding the request for an approval of an amendment to the Concept Plan for PD (Planned Development) District No. 12-10-923 Murphy Marketplace to include a proposed layout for the property at the northeast corner of Maxwell Creek and FM 544.

 ✓ I am **IN FAVOR** of the request to amend the Concept Plan for PD (Planned Development) District No. 12-10-923 Murphy Marketplace to include a proposed layout for the property at the northeast corner of Maxwell Creek and FM 544.

 I am **OPPOSED** to the request to amend the Concept Plan for PD (Planned Development) District No. 12-10-923 Murphy Marketplace to include a proposed layout for the property at the northeast corner of Maxwell Creek and FM 544.

This item will be heard at the **Planning & Zoning Commission on Monday, February 23, 2015 at 6:00 p.m.** and by **City Council on Tuesday, March 3, 2015 at 6:00 p.m.** at Murphy City Hall, in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

On behalf of CHAMPION LANGFORD PARTNERS,
MURPHY FOUR VENTURE
and Allen & Leicks Venture

Travis

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Eric Langford
Name (Please Print)

[Signature]
Signature

5924 TWIN CREEK
Address Dallas TX

2/14/15
Date

Issue

Discussion of proposed Calloway's Nursery site development.

Summary

Calloway's Nursery began in 1987 with the opening of four Calloway's Nursery stores. Today the company operates 18 stores and continues to grow throughout North Texas. Calloway's intends to develop in Murphy on a site fronting FM 544, west of Brand Road and directly west of the railroad tracks.

While no development application has been submitted to date, staff is working closely with John Cosby, Calloway's Vice President of Real Estate, to assist with due diligence on the site and pre-submittal details. Additionally, the Murphy Municipal Development District and City Council approved an incentive application to fund infrastructure construction (water line under FM544) to the site.

Considerations

Given the dense brush and trees on the site and in order to begin site surveying, the city allowed the survey crew to clear underbrush and non-protected trees. Prior to this initial clearing, the area was too dense to conduct a survey. The site has proven to be quite challenging, not only the dense trees currently on the site, but rerouting of the creek and connecting infrastructure to the site.

The intent of Calloway's was to maintain the natural tree cover as much as possible, however, given the numerous site challenges, including development on the full site, the trees existing trees would not remain when developed.

Tree Preservation Ordinance and Considerations

The City's Tree Ordinance details requirements of replacement trees, however, the site as developed will not allow for the hundreds of replacement trees that could possibly be required; nor does the ordinance offer the option, in such a case, for payment to a city tree fund in lieu of replacement.

Note: the actual number would be confirmed following a required tree survey. Many of the trees, however, appear to be hackberries which are not protected trees.

A variance of the replacement tree requirement would be requested of the Planning & Zoning Commission, and ultimately City Council, upon development submittal.

Calloway's is committed to developing with enhanced landscaping on the site and has provided examples of other local developments.

Little Elm – Calloway's had to clear the site in Little Elm prior to development. Recent pictures of the newly installed landscaping have been included.

Southlake – Calloway’s site in Southlake was already a cleared site. Recent pictures of the established landscaping (5 years after installation) have been included.

Discussion

No action on this item. Staff requests discussion as the applicant prepares to submit a development application.

Attachments

Site location map

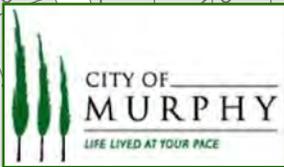
Proposed site layout

City of Murphy Tree Preservation Ordinance

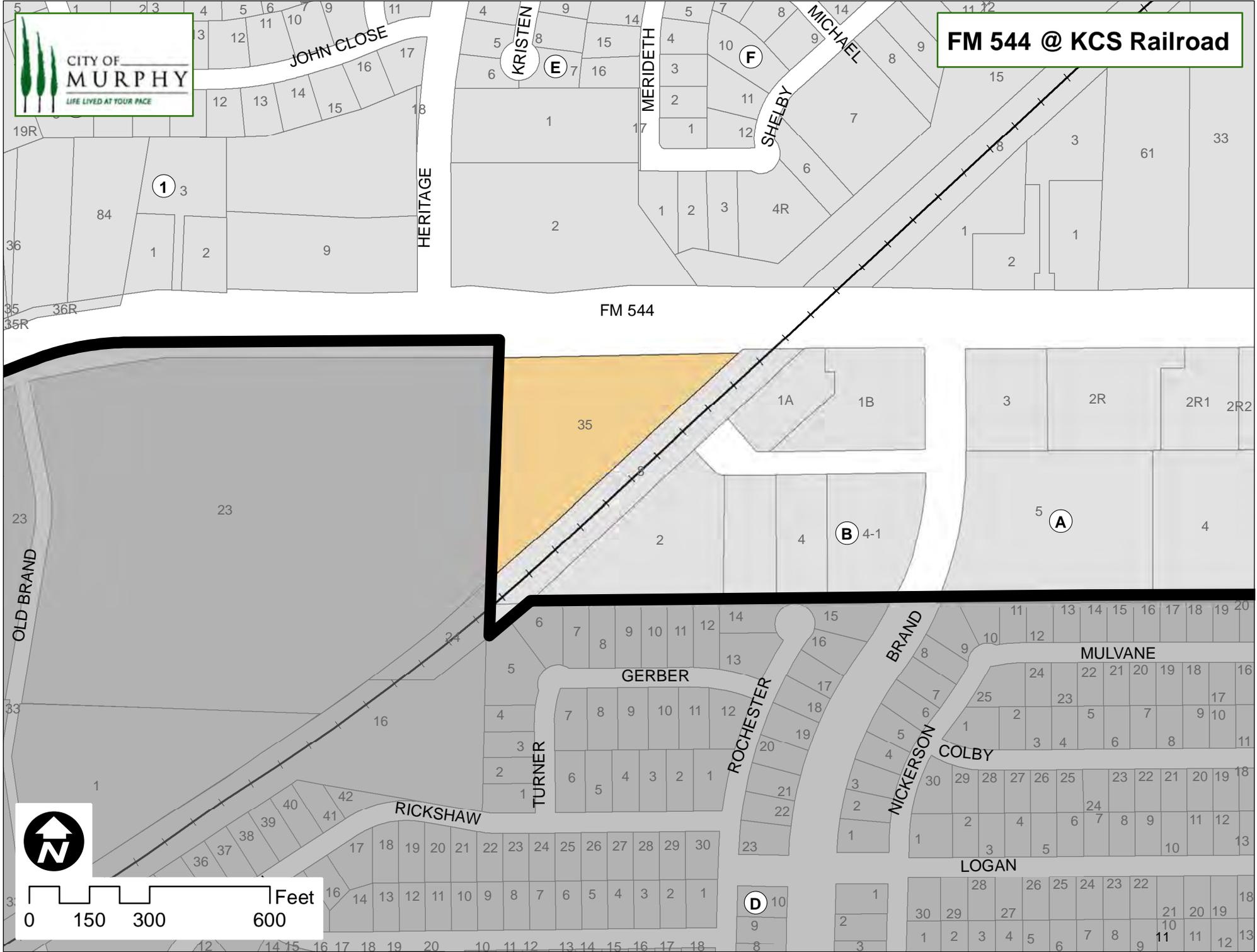
Current site photos

Photo of Calloway’s recently open in Little Elm with new landscaping

Photo of Calloway’s in Southlake with established landscaping (5 years)



FM 544 @ KCS Railroad



EXIST MEDIAN

F. M. 544
(VARIABLE WIDTH R.O.W.)

PROP 35 FT., 6" THICK CONC PVMT W/ CURB
(3,140 S.F.)

FUTURE ROAD - 24 FT., 6" THICK CONC PVMT W/ CURB
(5,950 S.F.)

N88°45'22"E ~ 602.59'

BLOCK "C"

DRAFT

41,000 sq. ft.

DALLAS AREA RAPID TRANSIT AUTHORITY R.O.W.
VOL. 3424, PAGE 126
D.R.C.C.T.

EXIST CONC PVMT

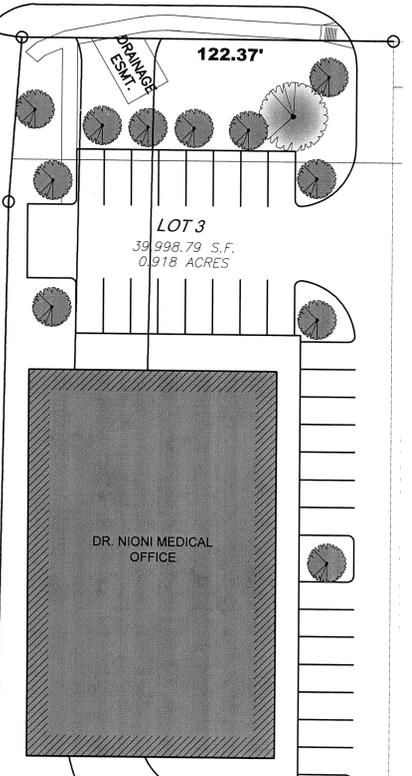
AGRICULTURAL
SAMEH FAMOUS ETAL
19,1516 ACRES
VOL. 2464 PAGE 416



N03°04'40"E ~ 545.45'

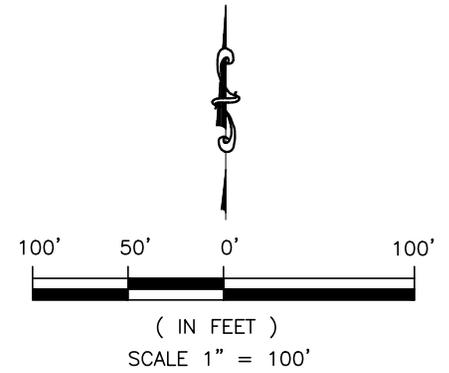
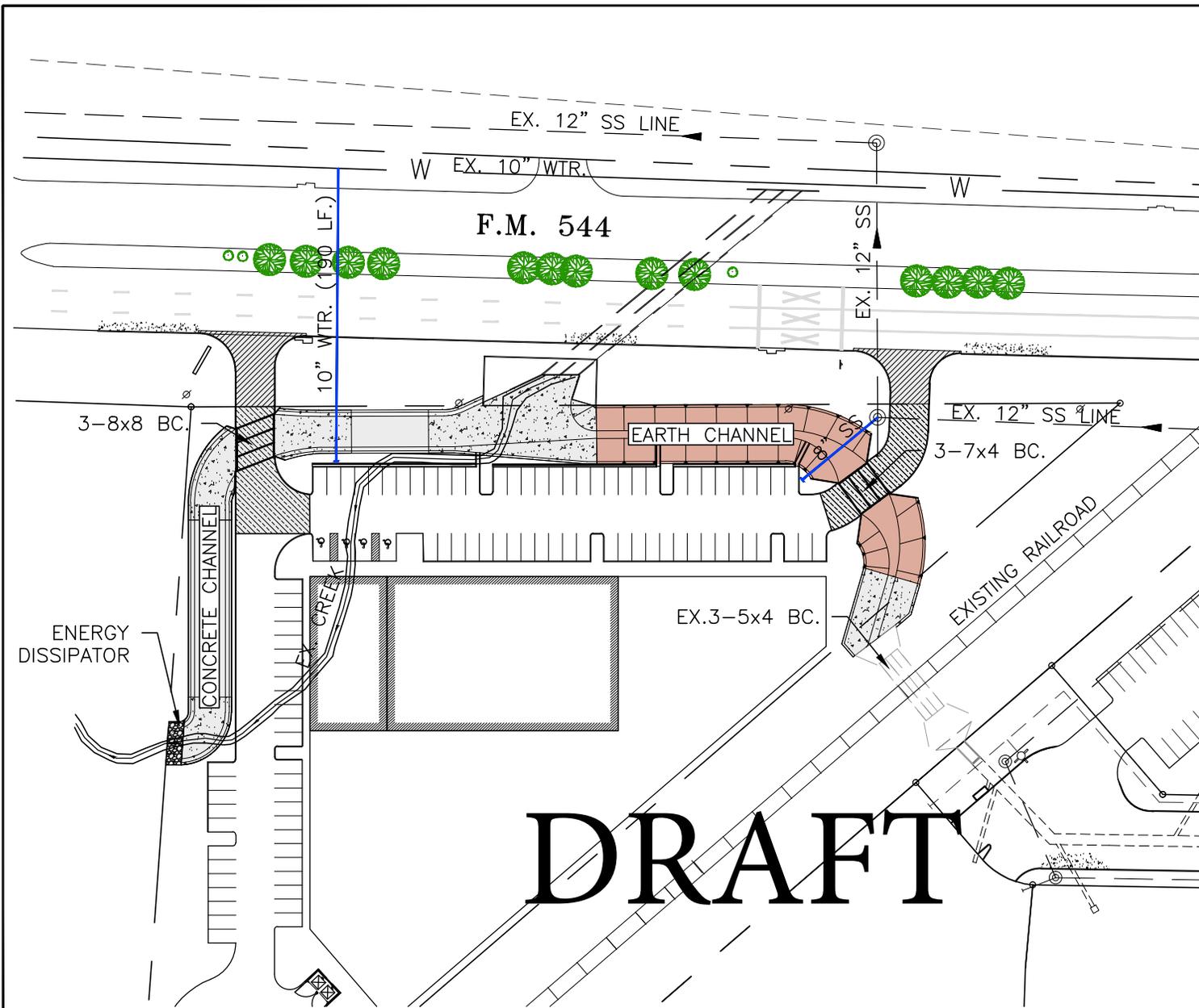
N00°49'20"E ~ 258.08'

BLOCK "B"
LOT 2
BATES ENTERPRISES INC
VOL 5825, PG 3681



LOT 3
39,998.79 S.F.
0.918 ACRES

DR. NIONI MEDICAL OFFICE



LEGEND

-  DRIVEWAY APPROACHES
-  ENTRANCE PAVEMENTS
-  CONCRETE CHANNEL
-  EARTH CHANNEL
-  UTILITY INSTALLATIONS

DRAFT

ASA
ENGINEERING

17819 DAVENPORT ROAD, SUITE 215
DALLAS, TEXAS 75252
(972) 248-9651 FAX (972) 248-9681
TX T.B.P.E. REGISTRATION # F-006974
T.B.P.L.S. FIRM REGISTERED NO. 100433

PROPOSED IMPROVEMENTS

TO SERVE

ALLOWAY'S NURSERY
MURPHY, TX

NOVEMBER 7, 2014 13

ARTICLE VII. - TREE PRESERVATION

Sec. 28-181. - Tree preservation.

- (a) *Application of section.* This section applies to all new residential and nonresidential development within the city.
- (b) *Preservation of existing landscape.* The existing natural landscape character, especially native oaks, elms and pecan trees, shall be preserved to the maximum extent reasonable and feasible. For example, within areas containing a mature stand of trees, developers and builders shall use best efforts to preserve such mature trees. Indiscriminate clearing or stripping of natural vegetation on a property or lot/tract is prohibited. Any part of a site not used for buildings, parking, driveways, walkways, utilities and approved storage areas shall be retained in a natural state, or reclaimed to its natural state, to the greatest extent feasible, or attractively landscaped in a manner that adds aesthetic value to the development and to the community as a whole. Underbrush/undergrowth is allowed to be removed with written approval from the city planner or parks superintendent.
- (c) *Protected and specimen trees.* The removal of any tree with a caliper of three inches or larger, except that of a bois d'arc or hackberry species, or of any specimen tree ten inches or larger, must be specifically requested by the applicant and approved in writing by the city's planner and parks superintendent prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Caliper inches for a single-stem tree shall be the diameter of the trunk measured 6 inches above the ground for a tree having a diameter up to and including eight inches, and measured at four and one-half feet above ground for a tree having a diameter of more than eight inches. Caliper inches for a multi-stem tree shall be the diameter of the trunk measured at the narrowest point below branching when branching occurs higher than 12 inches above the ground. When branching occurs at or lower than 12 inches above the ground, caliper means the diameter of the largest stem plus the average diameter of the remaining stems, measured at four and one-half feet above the ground. Removal of such trees without this approval is expressly prohibited. Prior to the removal of any protected or specimen tree, the property owner must first submit a letter to the city administrator, or his designee, that describes in detail which tree will be removed, how the removal will be performed (and machinery and equipment needed), and the date and time whereupon the anticipated removal will occur. The letter must also include a notarized statement by the owner that the tree to be removed is either not a protected or specimen tree, as defined herein, or that its removal will be in complete conformance with the provisions of this section. Said letter must be submitted at least one week in advance of the removal operation, and written city approval must be obtained prior to commencing the removal operation.
- (d) *Preservation and protection of existing trees.* All existing trees which are to be preserved shall be provided with undisturbed, permeable surface area under and extending outward to the existing dripline of the tree. All protected trees within or next to an excavation site or to a construction site for any building, structure or paving work, shall be clearly marked and guarded with a good substantial fence, frame or box not less than four feet high and surrounding the entire protected zone of the tree. The barriers shall be approved by the city planner and parks superintendent, and shall be in place before any site clearance or other site disturbing activity commences. Any barrier with lesser dimensions than those specified above shall be subject to approval by the city planner and parks superintendent. All building material, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, and other materials shall be kept outside the barrier. Barriers shall remain in place until the final building and landscape site inspections are satisfactory completed and the certificate of occupancy has been issued for the premises.
- (e) *Permit requirement for excavations, trenching, pavings, etc.* No person shall excavate any ditches, tunnels or trenches, or place any paving or construction material, or drive any type of machine within the protective zone, or within the dripline, of any protected tree without first obtaining a written permit from the city planner and parks superintendent.
- (f) *Damage prohibited.* Unless specifically authorized by the city planner and parks superintendent, no person shall intentionally damage, cut, carve, transplant or remove any protected tree; attach any rope, wire, nails, advertising posters or any other contrivance to any protected tree; allow any gaseous, liquid or solid substance which is harmful to such plants to come in contact with any protected tree or with any of the area within its dripline; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any protected tree.
- (g) *Removal of existing trees.* The removal of an existing tree from a development site must be in accordance with this and all other applicable ordinances of the city.
- (h) *Exceptions.*
- (1) *Dangerous conditions.* If the owner determines that an emergency situation exists that requires the immediate removal of a tree to protect the safety of persons or property, then the owner may remove the tree only to the

extent necessary to eliminate the dangerous situation without a tree removal permit. However, the owner must immediately apply for a tree removal permit.

- (2) *Utility companies.* Utility companies franchised by the city in easements or rights-of-way accepted by the city or otherwise authorized to provide utility service may remove protected trees that endanger public safety and welfare by interfering with utility service. Any trimming and/or removal of protected tree by a utility company require written approval by the city planner and parks superintendent.
 - (3) *City property.* City property shall not be subject to this section. City property, including rights-of-way, streets, and easements for public purpose, parks, and any other property under the jurisdiction of the city, shall be regulated by the requirements of this Code.
 - (4) *Single-family residential property.* Developed property which is zoned in a single-family residential classification and where an existing residence is located shall not be subject to this section.
- (i) *Tree credits.*
- (1) *Negative tree credits.* For every protected tree removed, including fence row trees, the owner shall receive negative tree credits or shall be required to plant replacement trees as follows:
 - (a) Trees six to ten caliper inches, two negative credits for each caliper inch.
 - (b) Trees 10.1 to 15 caliper inches, four negative credits for each caliper inch.
 - (c) Trees 15.1 to 24 caliper inches, six negative credits for each caliper inch.
 - (d) Trees 24.1 caliper inches or larger, eight negative credits for each caliper inch.
 - (2) Replacement trees shall be not less than three caliper inches. All replacement trees shall conform to the standards of the approved plant list for the city and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. This requirement shall be in addition to the requirements of this division.

(Ord. No. 09-05-797, § 2, 5-18-2009)

Sec. 28-182. - Approved plant list.

"Recommended Landscape Plant Materials for North Central Texas" by the Collin County Extension Agent's office in Collin County lists approved plants for this jurisdiction.

(Ord. No. 09-05-797, § 2, 5-18-2009)

Sec. 28-183. - Variance procedure.

- (a) The planning and zoning commission shall hold a public hearing on any request for a variation or exception to the standards provided by this article. The planning and zoning commission may not recommend a variation or exception unless the planning and zoning commission determines that the variation or exception will not substantially alter the intent of the standards established by this article.
- (b) All recommendations of the planning and zoning commission under this article shall be forwarded to city council. When the planning and zoning commission denies a request for a variation or exception to the standards set forth in this article, a hearing before the city council shall be set only if a written appeal is filed by the applicant with the city manager or his/her designee within 15 days of the date of the denial.

(Ord. No. 09-05-797, § 2, 5-18-2009)

Secs. 28-184—28-200. - Reserved.



Century21
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PAD SITES FOR SALE
LARRY HARBOUR
214.908.4242
DAN LOONEY
214.423.3094











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CITY OF MURPHY



B



CALLOWAYS



CALLOWAY'S

FIRE LANE NO PARKING

