

MURPHY CITY COUNCIL AGENDA
SPECIAL CITY COUNCIL MEETING
JUNE 30, 2015 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



Eric Barna
Mayor

Scott Bradley
Mayor Pro Tem

Owais Siddiqui
Deputy Mayor Pro Tem

Ben St. Clair
Councilmember

Betty Spraggins
Councilmember

Sarah Fincanon
Councilmember

Rob Thomas
Councilmember

James Fisher
City Manager

Susie Quinn
City Secretary

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 June 30, 2015 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.

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on the adoption of an ordinance enacting a temporary moratorium on property development within a defined geographic boundary in the southeastern portion of the City.

6. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will now recess into Executive Session (closed meeting) to discuss the following:

- A. §551.071: Consultation with City's 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 the Texas Open Meetings Act regarding zoning, land use, and open space/parks.
- B. §551.072: To deliberate the purchase, exchange, lease, or value of real property.

7. 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:

- A. §551.071: Consultation with City’s 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 the Texas Open Meetings Act regarding zoning, land use, and open space/parks.
- B. §551.072: To deliberate the purchase, exchange, lease, or value of real property.
- C. Take Action on any Executive Session Items.

8. 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, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on June 26, 2015 by 4:30 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.


Susie Quinn, TRMC
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 squinn@murphytx.org.

Notice of Possible Quorum: There may be a quorum of the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Ethics Review Commission, the Murphy Community Development Corporation, the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission members who may be present at the meeting, but they will not deliberate on any city or board business.

Issue

Hold a public hearing and consider and/or act on the adoption of an ordinance enacting a temporary moratorium on property development within a defined geographic boundary in the southeastern portion of the City.

Summary

The City is beginning the process of revising the Comprehensive Plan and studying the land uses, public facilities, flooding, connectivity, and development of the area near south Maxwell Creek. The area is zoned SF-20 with the exception of several tracts southwest of F.M. 544 and McCreary Road which were recently rezoned to PD-R. Maxwell Creek and its floodplain is the prevailing natural feature in this area and impacts existing and future development in the area. Existing development in the area is low-density residential and includes the Timbers Nature Reserve and Park, but recent development in Wylie and Sachse has created increased interest in development of property fronting on McCreary Road and F.M. 544.

The Comprehensive Plan recommends a future land use plan that balances residential and nonresidential land uses by encouraging the design of non-residential developments to integrate rather than be isolated from surrounding properties while minimizing the impact of such development on residential properties.

The City is in the process of revising its Comprehensive Plan and intends to study existing and future development conditions and land uses in and near the south Maxwell Creek area. Significant development in and around south Maxwell Creek requires the City to determine the best method to protect the area and strengthen the connection between the City's ordinances and the goals and needs of the citizens. The existing regulations are inadequate to prevent new development from being detrimental to the health, safety, and welfare of the City's residents. A temporary moratorium allows the City to address compelling land use and environmental compatibility concerns associated with development activities occurring in and around the south Maxwell Creek area, while reviewing and adopting ordinances to provide for compatible development in order to protect the character of existing residential property while providing for potential development of property along F.M 544 and McCreary Road.

Considerations

It is recommended that the City Council approve the temporary moratorium to City Council in order to suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, or construction on real property in the area near the South Maxwell Creek area, as depicted in the attachment to this summary brief.

The area in which the temporary moratorium will be enacted is bounded on the north by FM 544, on the east by McCreary Road, on the south by the City boundary east of Travis Farm Park and the Southern boundary of Travis Farm Park, and on the west by eastern boundary of Travis Estates, then the northern boundary of Travis Estates to the eastern boundary of 639 Kinney Drive, then the eastern boundary of 639 Kinney Drive, then the southern boundary of 605 Kinney Drive, then the eastern boundary of Skyline Acres #4, then the eastern boundary of Timbers #6-2, then directly north across Oncor property to the eastern boundary of Timbers #104, then the eastern boundary of Timbers #104, then the southern boundary of Timbers #2, then the eastern boundary of Timbers #2,

Board Discussion

On June 22, 2015, the Planning & Zoning Commission held a public hearing and approved this item unanimously.

Attachments

Ordinance

AN ORDINANCE ADOPTING AND ENACTING A MORATORIUM ON ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION ON PROPERTY WITHIN A DEFINED GEOGRAPHIC BOUNDARY; PROVIDING FINDINGS OF FACT; PROVIDING EXEMPTIONS; PROVIDING A WAIVER PROCEDURE; PROVIDING FOR A TERMINATION DATE; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Murphy, Texas, finds that it is in the best interest of the City of Murphy (“City”) and its citizens to adopt and enact a moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, or construction on real property in the area near the South Maxwell Creek Corridor, bounded on the north by FM 544, on the east by McCreary Road, on the south by the City boundary east of Travis Farm Park and the Southern boundary of Travis Farm Park, and on the west by eastern boundary of Travis Estates, then the northern boundary of Travis Estates to the eastern boundary of 639 Kinney Drive, then the eastern boundary of 639 Kinney Drive, then the southern boundary of 605 Kinney Drive, then the eastern boundary of Skyline Acres #4, then the eastern boundary of Timbers #6-2, then directly north across Oncor property to the eastern boundary of Timbers #104, then the eastern boundary of Timbers #104, then the southern boundary of Timbers #2, then the eastern boundary of Timbers #2, as further depicted in Exhibit “A” attached hereto and incorporated herein for all purposes (the “South Maxwell Creek Zone”); and

WHEREAS, the City has developed a Comprehensive Plan for development within the City and desires to protect its ability to regulate development within its jurisdiction; and

WHEREAS, the City has started the process of revising the Comprehensive Plan and studying the land use and development in and around the South Maxwell Creek Zone; and

WHEREAS, the City started the process of developing and adopting ordinances that will implement the objectives of the Comprehensive Plan; and

WHEREAS, Maxwell Creek is a major drainage feature of the City and the only creek within the City; and

WHEREAS, the Comprehensive Plan recommends a future land use plan that balances residential and nonresidential land uses; and

WHEREAS, the Comprehensive Plan recommends integrating non-residential developments and neighborhoods by requiring connections into adjacent areas and encouraging the design of non-residential developments to integrate rather than be isolated from surrounding properties while minimizing the impact of such development on residential development; and

WHEREAS, significant growth in and around the South Maxwell Creek Zone requires a determination of the best method to protect the property in and around the South Maxwell Creek Zone; and

WHEREAS, the study and update of City’s development ordinances and procedures is needed in order to clarify and improve planning policies, strengthen the connection between the City’s ordinances and the goals and needs of the citizens, and to protect the health, safety, environment, quality of life, and general welfare; and

WHEREAS, a temporary moratorium is needed to address significant and compelling land use and environmental compatibility concerns associated with development activities occurring in and around the South Maxwell Creek Zone, including residences, retail, commercial, recreational, and other uses; and

WHEREAS, the City is reviewing its municipal ordinances and regulations to provide for an equitable system of regulations relating to development in the South Maxwell Creek Zone in order to protect the interests of existing residential property while providing for opportunities for development of property along significant corridors; and

WHEREAS, the City wants to ensure that that development in the South Maxwell Creek Zone has an acceptable impact on the distinctive character of the community, which is different from that of adjoining areas and municipalities; and

WHEREAS, the application of the City's existing ordinances and regulations is inadequate to prevent new development from being detrimental to the public health, safety, or welfare of the residents of the South Maxwell Creek Zone; and

WHEREAS, the City Council seeks a better understanding of the effects of development within the South Maxwell Creek Zone and needs a reasonable amount of time to study land use management, water management, and planning methods for the purpose of devising a responsible land use plan for the South Maxwell Creek Zone; and

WHEREAS, the City Council seeks public input and professional assistance in order to preserve the community lifestyle in the South Maxwell Creek Zone while also allowing for compatible land uses, enabling free enterprise, and protecting private property rights; and

WHEREAS, in order for the City to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances pertinent to the South Maxwell Creek Zone, and to consider the impact of the ordinances upon future growth, public health and safety, development, and natural environment, the City wishes to implement a moratorium period of 90 days, during which no application for subdivision plats, zoning changes, site planning, development or construction on real property in the South Maxwell Creek Zone will be accepted; and

WHEREAS, the purposes of the temporary moratorium include preserving the *status quo* during the planning process, eliminating incentives for inadequate applications, facilitating consistent planning, avoiding exploitation of any delays inherent in the legislative process, and preventing applications from undermining the effectiveness of the revised ordinances by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development ordinances; and

WHEREAS, the City desires to implement this temporary moratorium for a stated and fixed time period, and to include a waiver provision; and

WHEREAS, the City Council plans to gather and disseminate to the public vital information relating to land use and development in the South Maxwell Creek Zone; and

WHEREAS, the City Council seeks to promote a positive image of the City reflecting order, harmony, and compatible land uses, thereby strengthening the City's commercial, cultural, historical, residential, recreational, and scenic areas; and

WHEREAS, a comprehensive strategy to future development of the South Maxwell Creek Zone will preserve the health, safety and general welfare of the City by providing for orderly growth and coordinated development; and

WHEREAS, all notices and hearings, including a hearing by the Planning and Zoning Commission, have been published and held in accordance with applicable statutes, laws, and regulations; and

WHEREAS, the City Council finds that a moratorium is necessary and prudent in order to protect the status quo in the South Maxwell Creek Zone so that the City Council may adopt the appropriate administrative and regulatory rules and procedures to regulate development in the South Maxwell Creek Zone;

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

Section 1. The recitations contained in the preamble to this ordinance are found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The City hereby approves and enacts this ordinance in order to implement a temporary moratorium on the submission and acceptance of applications for subdivision plats, site development plans, zoning amendments, and development and construction permits for properties within the South Maxwell Creek Zone, an area designated on the map attached as Exhibit "A", which is included in this ordinance for all purposes, until (a) 90 days after enactment of this ordinance, or (b) termination of this ordinance by the City, whichever is sooner. This temporary moratorium is enacted to preserve the *status quo* and (1) assess the existing and future land use for the South Maxwell Creek Zone; (2) evaluate and study methods to allow development while maintaining the character of the South Maxwell Creek Zone; (3) consider the impact of development on surrounding properties in the South Maxwell Creek Zone; (4) adopt ordinances and regulations that allow for compatible development within the South Maxwell Creek Zone. Except as otherwise provided herein, and extending for the duration of this ordinance, no city employee, officer, agent, department, board, or commission of the City shall accept for filing any applications for subdivision plats, site development plans, zoning amendments, development and construction permits for any property located in the South Maxwell Creek Zone. Applications, together with any documents or fees accompanying the applications, which are submitted during the duration of this temporary moratorium, shall be returned to the applicant as unfiled.

Section 3. If the City determines that this 90-day period is insufficient for the City to fully complete the process of developing and adopting ordinances to implement its purposes within the the South Maxwell Creek Zone, this ordinance may be renewed for an additional period of time, not to exceed 90 days, upon a majority vote of the City Council.

Section 4. This ordinance shall not apply to completed applications that were lawfully submitted prior to June 23, 2015. An owner of property within the South Maxwell Creek Zone may request a waiver of the application of this temporary moratorium to a particular project by submitting a written application to the City with the reasons for the waiver request along with supporting documentation. The waiver request must be submitted at least five business days before, but not more than ten days before, a regularly scheduled City Council meeting. The City Council may approve a waiver application, in which case the applicant may submit an application for processing, if one or more of the following conditions are satisfied:

1. **Undue Hardship.** The applicant shall suffer undue hardship if the moratorium is not waived, that being something beyond or in addition to financial hardship; current regulations are adequate to address the proposed type of development and construction; it is in the public interest to allow a limited exception to the moratorium; and authorizing the waiver will not adversely impact the development and character of the South Maxwell Creek Zone.
2. **Development Agreement.** The tract is subject to a valid, written development agreement between the property owner and the City pursuant to which all land use and development

- matters are addressed in a manner that protects the character and development of the South Maxwell Creek Zone.
3. Planned Development District. The tract is zoned as a Planned Development District in which all land use and development matters are addressed in a manner that protects the character and development of the South Maxwell Creek Zone.
 4. Pending Projects. Complete applications for one or more building permits for the proposed project were on file with the City on or before the temporary moratorium became effective.

Section 5. In the case of any conflict between the other provisions of this ordinance and any existing ordinance of the City, the provisions of this ordinance control and all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict.

Section 6. This ordinance and every provision thereof shall be considered severable, and the invalidity of any section, clause, or provision or part or portion of any section, clause or provision shall not affect the validity of any other portion of this ordinance.

Section 7. This ordinance shall take effect immediately from and after its adoption, as the law and Charter in such cases provide, except that beginning on the fifth business day after the date of notice is published in conformity with Texas Local Government Code §212.134(b), a temporary moratorium took effect on June 23, 2015, during which time the City was authorized to shall stop accepting permits, authorizations and approvals necessary for the construction, reconstruction, or other alteration or improvement of property located within the South Maxwell Creek Zone.

PASSED, APPROVED AND ADOPTED after second reading on the _____ day of July 2015.

Eric Barna, Mayor

ATTEST:

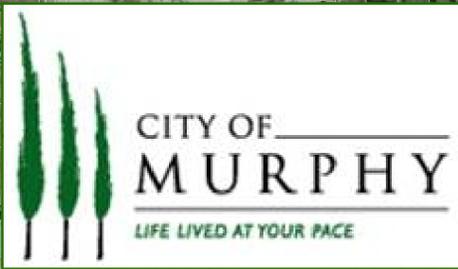
Susie Quinn, City Secretary

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

EXHIBIT A

Map depicting area of South Maxwell Creek Zone



KCS RR

FM 544

Murphy Rd

McCreary Rd

S Maxwell Creek Rd

Kinney Dr

Hawthorne

Ridgeview Dr

Skyline Dr

