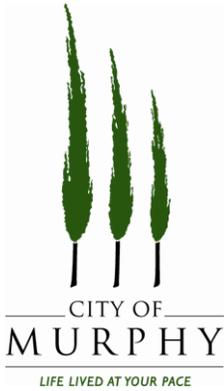


MURPHY PLANNING AND ZONING COMMISSION AGENDA
REGULAR PLANNING AND ZONING COMMISSION MEETING
AUGUST 24, 2015 AT 6:00 PM, CITY HALL, COUNCIL CHAMBERS
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



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 August 24, 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 July 27, 2015 Planning & Zoning Commission meeting.
2. Hold a public hearing and consider and/or act on the application of Cindy Boggs owner of Heritage House of Murphy, requesting a Special Use Permit as required by Ordinance 15-06-994, Section 19, Chapter 86, Appendix A-3, Section 86-662 to increase the allowable residents from six to nine in an Assisted Living Facility at a residential zoned property (SF-9) located at 612 Maize Road.
3. Consider and/or act on the application of property owner McBirney 544 Joint Venture requesting approval of a site plan, landscape plan, building elevations and construction plat for a Denny's restaurant and retail space on property located on the southeast corner of Brand Road and FM 544 at the Murphy Village Addition.
4. Hold a public hearing to discuss the application of Domain Horizon Limited requesting a variance specifically to exterior construction standards and landscaping standards and consider and/or act on the application of Domain Horizon Limited requesting approval of a site plan, landscape plan, and building elevations for a Best Gymnasium at the NWC of FM 544 and McCreary Road.

Lloyd Jones
Commissioner

Greg Mersch
Commissioner

Don Reilly
Commissioner

Mahendra Parikh
Alternate

Kristen Roberts
Director of Community
Development

Lori Knight
Administrative
Assistant

MURPHY PLANNING AND ZONING COMMISSION AGENDA
REGULAR PLANNING AND ZONING COMMISSION MEETING
AUGUST 24, 2015 AT 6:00 PM, CITY HALL, COUNCIL CHAMBERS
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094

5. Hold a public hearing and consider and/or act on the application of Cole Franklin with Skorburg Company, requesting approval of a zoning change from SF-PH (Single Family Residential Patio Home) to a Planned Development District: Single Family Residential – Patio Home and Townhome with a concept plan for Approximately 6.51 acres on property located at the southwest corner of Betsy Road and McCreary Road.
6. Consider, discuss and/or act on an update to the Southeast Study Project.

EXECUTIVE SESSSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the Planning and Zoning Commission 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 group homes.

RECONVENE INTO REGULAR SESSSION

The Planning and Zoning Commission 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 group homes.
- B. Take Action on any Executive Session Items.

ADJOURNMENT

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 August 21, 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.

Lori Knight
Administrative Assistant

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
July 27, 2015

CALL TO ORDER

Chair King called the meeting to order at 6:00 p.m.

ROLL CALL & CERTIFICATION OF A QUORUM

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

Commissioners Absent:

City Staff Present: James Fisher, City Manager
Lori C. Knight, Administrative Assistant

Lori C. Knight certified a quorum. Camille Hooper arrived at 6:10 p.m.

PUBLIC COMMENTS

INDIVIDUAL CONSIDERATION

1. Consider and/or act on the Minutes from the regular June 22, 2015 Planning and Zoning Commission meetings.

COMMISSION ACTION

Commissioner Reilly made a motion to approve the minutes for June 22, 2015. Vice Chair Levy seconded the motion. Motion passed 6-0.

2. Consider and/or act on the application of property owner McBirney 544 Joint Venture requesting approval of a site plan, landscape plan and building elevations for a Denny's restaurant and retail space on property located on the southeast corner of Brand Road and FM 544 at the Murphy Village Addition.

Staff Action

City Manager James Fisher pulled this item from the agenda.

3. Consider and/or act on the application of Murphy Four Venture, LP requesting approval of a site plan, landscape plan, building elevations and construction plat for a proposed retail space located in the northeast corner of FM 544 and Maxwell Creek Road.

Staff Discussion

Mr. Fisher stated that the applicant had submitted a site plan, landscape plan building elevations and preliminary plat that would allow for a proposed retail space. He stated that staff recommended approval of this item.

COMMISSION ACTION

Vice Chair Levy made a motion to approve the application of Murphy Four Venture LP. Commissioner Johnson seconded the motion. Motion passed 6-0.

4. Discuss update on southeast sector study.

Staff Discussion

Mr. Fisher stated that the City had placed a temporary moratorium that will be in place until October 4, 2015. The City has hired a consulting firm to assist in updating the Comprehensive Plan and to work with property owners, City Council, P&Z Commission and staff. The existing regulations are inadequate to prevent new development from being detrimental to the health, safety and welfare of the City's residents. Significant development in and around south Maxwell Creek requires the City to determine what is best for the citizens and the future of the area.

Keith Huyck, 127 S. Maxwell Creek

Mr. Huyck stated that he would like more information regarding the study. He stated that it was pretty obvious that it would likely turn into commercial.

Commissioner Hooper arrives at 6:10 p.m.

Mr. Fisher stated that the word would get out and that this would be a very public effort. Mr. Fisher stated that one of the City's concerns was preserving the amenities such as the trees of the area. He also stated that as things developed, he did not want this to negatively affect the residents around there. He stated that the City wanted everyone to get involved.

ADJOURNMENT

With no other business before the Commission, Chair King adjourned the meeting at 6:14 p.m.

APPROVED:

Jon King, Chairman

Attest:

Secretary

**Planning and Zoning Commission Meeting
August 24, 2015**

Issue

Hold a public hearing and consider and/or act on the application of Cindy Boggs owner of Heritage House of Murphy, requesting a Special Use Permit as required by Ordinance 15-06-994, Section 19, Chapter 86, Appendix A-3, Section 86-662 to increase the allowable residents from six to nine in an Assisted Living Facility at a residential zoned property (SF-9) located at 612 Maize Road.

Summary

The applicant is the owner of a residential care home for senior individuals which is located at 612 Maize in the Maxwell Creek subdivision. At the time of application, the home has five senior individuals residing at the care home and is under the Heritage House of Murphy's care.

The applicant's Special Use Permit request is to increase the allowable six residents to nine residents, which increases the maximum capacity in this location by three.

The home is a 3,200 (3,195) square foot home with six bedrooms. Two of the bedrooms are master suites and four are private bedrooms. The Department of Aging and Disability Services (DADS) has licensed the home. Their Life Safety Code Division has evaluated the metrics (size) of the home and approved it for nine residents. No additional parking is required as the residents do not drive.

Considerations

- Murphy Code of Ordinances requires a Special Use Permit be obtained to allow for more than 6 residents in an Assisted Living Facility within any of the Single Family categories noted in the chart below.

Types of Land Uses	Residential Zoning Districts										Nonresidential Zoning Districts				
	AG	SF-E	SF-20	SF-15	SF-11	SF-9 (PD only)	SF-PH (PD only)	2F (PD only)	SFA (PD only)	MF-12	MHO	NS	R	LC	BP
Assisted Living Facility (≤6 residents)		P	P	P	P	P	P	P	P	P	P	S	S		
Assisted Living Facility (≥7 residents)		S	S	S	S	S	S	S	S	P	S	S	S		

Planning and Zoning Commission Meeting
August 24, 2015

Staff Consideration

- The below considerations from Murphy Fire Rescue are also noted in the attached memo.

- Murphy Fire Rescue (MFR) does not support the increase of residents from six (6) residents to nine (9) residents that are not capable of self-evacuation at this location.

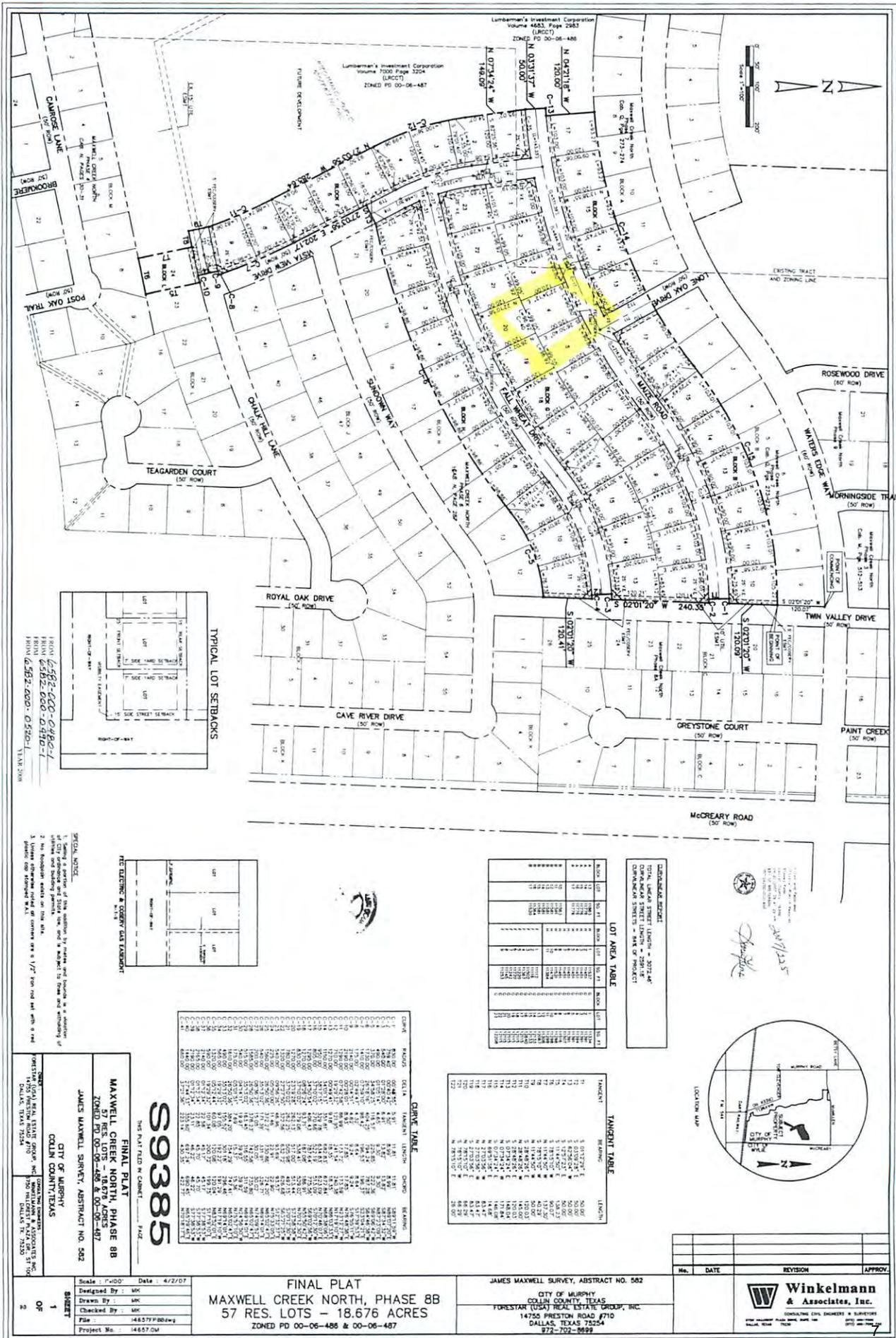
- Murphy Fire Rescue is not appropriately staffed to provide the necessary evacuation of potentially nine (9) residents who require evacuation in a safe manner to insure the safety and wellbeing of the residents. This reasonably puts our firefighters and the facility residents at more risk attempting to provide evacuation for these residents and attempting to control the fire at the same time.

Staff Recommendation

Staff recommends denial of the application of Cindy Boggs owner of Heritage House of Murphy, requesting a Special Use Permit as required by Ordinance 15-06-994, Section 19, Chapter 86, Appendix A-3, Section 86-662 to increase the allowable residents from six to nine in an Assisted Living Facility at a residential zoned property (SF-9) located at 612 Maize Road for the following reasons: The applicant has not shown that the accommodation of nine residents is necessary to make Heritage House of Murphy financially or therapeutically viable, the increase in residents to nine causes an undue financial and administrative burden on the City to provide adequate first responder service to the property, and the impact of the Heritage House of Murphy on its surroundings is greater than that of other uses permitted in the zoning district.

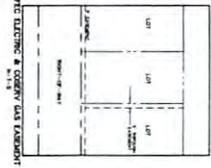
Attachments

Location Map
Memo – Fire Department
Reply Forms



FOR INFORMATION ONLY
 PHONE 682-000-0490-1
 PHONE 682-000-0490-2
 FAX 682-000-0490-3

GENERAL NOTES:
 1. Setting a portion of this plat to reserve and locate in a plat to be filed with the City of Murphy, Texas, and is subject to review and approval by the City of Murphy, Texas.
 2. No building shall be constructed on this site.
 3. Unless otherwise noted, all corners are 1/4" from the set with 9" radius.



DRIVE TABLE

DRIVE	POINTS	DELTA	TANGENT	LENGTH	CHORD	BEARING
1	1	0.00	0.00	0.00	0.00	0.00
1	2	10.00	0.00	10.00	10.00	0.00
1	3	10.00	10.00	14.14	14.14	45.00
1	4	0.00	10.00	10.00	10.00	90.00
1	5	-10.00	10.00	14.14	14.14	135.00
1	6	-10.00	0.00	10.00	10.00	180.00
1	7	0.00	0.00	0.00	0.00	180.00
1	8	10.00	0.00	10.00	10.00	270.00
1	9	10.00	10.00	14.14	14.14	315.00
1	10	0.00	10.00	10.00	10.00	360.00

LOT AREA TABLE

BLOCK	LOT	AREA	ACRES
1	1	1000.00	0.23
1	2	1000.00	0.23
1	3	1000.00	0.23
1	4	1000.00	0.23
1	5	1000.00	0.23
1	6	1000.00	0.23
1	7	1000.00	0.23
1	8	1000.00	0.23
1	9	1000.00	0.23
1	10	1000.00	0.23

TANGENT TABLE

DRIVE	POINTS	DELTA	TANGENT	LENGTH	CHORD	BEARING
1	1	0.00	0.00	0.00	0.00	0.00
1	2	10.00	0.00	10.00	10.00	0.00
1	3	10.00	10.00	14.14	14.14	45.00
1	4	0.00	10.00	10.00	10.00	90.00
1	5	-10.00	10.00	14.14	14.14	135.00
1	6	-10.00	0.00	10.00	10.00	180.00
1	7	0.00	0.00	0.00	0.00	180.00
1	8	10.00	0.00	10.00	10.00	270.00
1	9	10.00	10.00	14.14	14.14	315.00
1	10	0.00	10.00	10.00	10.00	360.00



FINAL PLAT
MAXWELL CREEK NORTH, PHASE 8B
 ZONED PD 00-06-486 & 00-06-487
 JAMES MAXWELL SURVEY, ABSTRACT NO. 582
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS

S9385
 THIS PLAT FILED IN COMBINATION WITH

FINAL PLAT
MAXWELL CREEK NORTH, PHASE 8B
 57 RES. LOTS - 18,676 ACRES
 ZONED PD 00-06-486 & 00-06-487

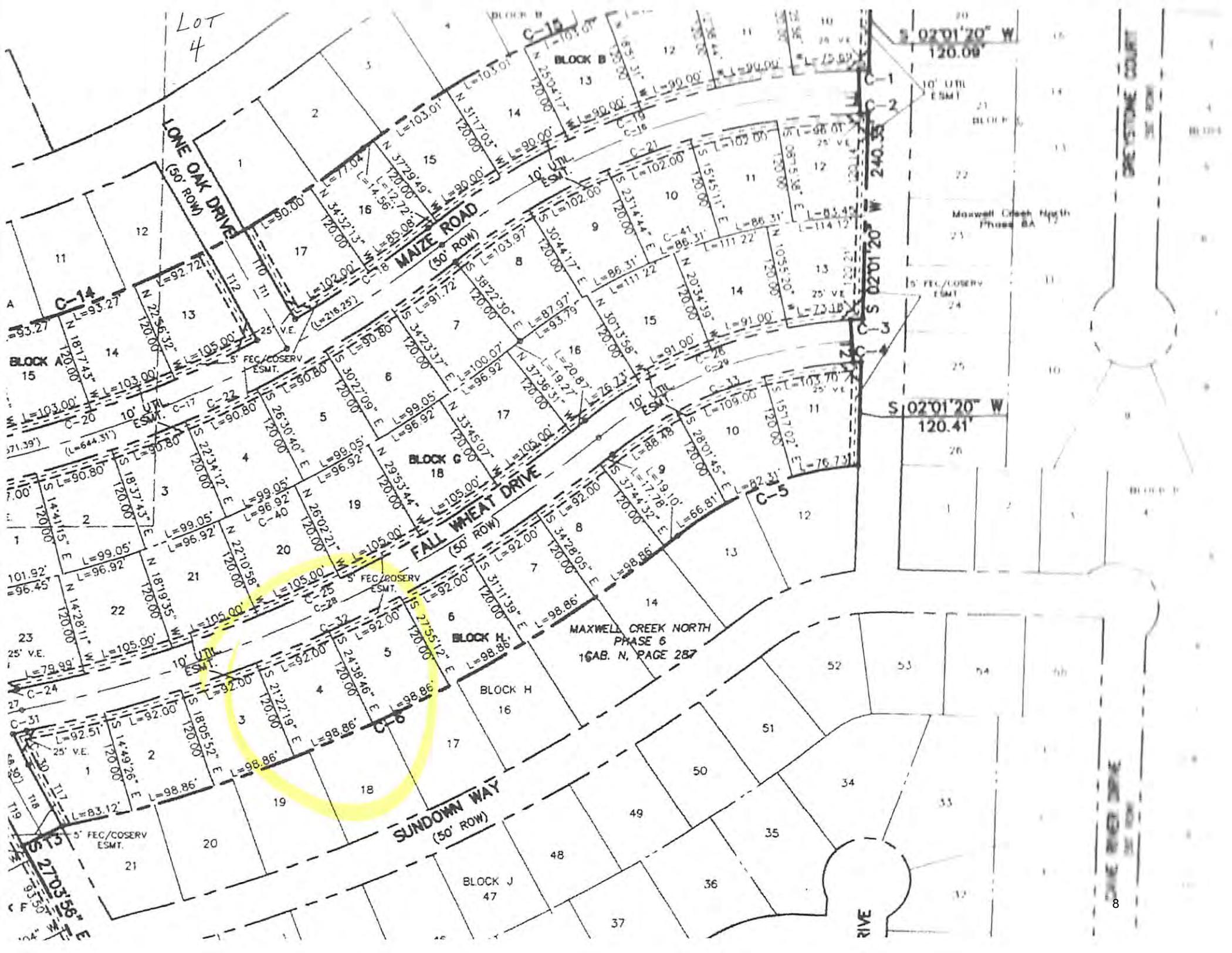
JAMES MAXWELL SURVEY, ABSTRACT NO. 582
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS
 FORESTAR (USA) REAL ESTATE GROUP, INC.
 14755 PRESTON ROAD #710
 DALLAS, TEXAS 75244
 972-702-8622

No.	DATE	REVISION	APPROV.

Winkelmann & Associates, Inc.
 CONSULTING CIVIL ENGINEER & SURVEYOR
 1700 W. WILSON ROAD, SUITE 100
 DALLAS, TEXAS 75244
 972-702-8622



Lot 4



LOT 4

LONE OAK DRIVE
(50' ROW)

MAIZE ROAD
(50' ROW)

FALL WHEAT DRIVE
(50' ROW)

SUNDOWN WAY
(50' ROW)

S 02°01'20" W
120.09'

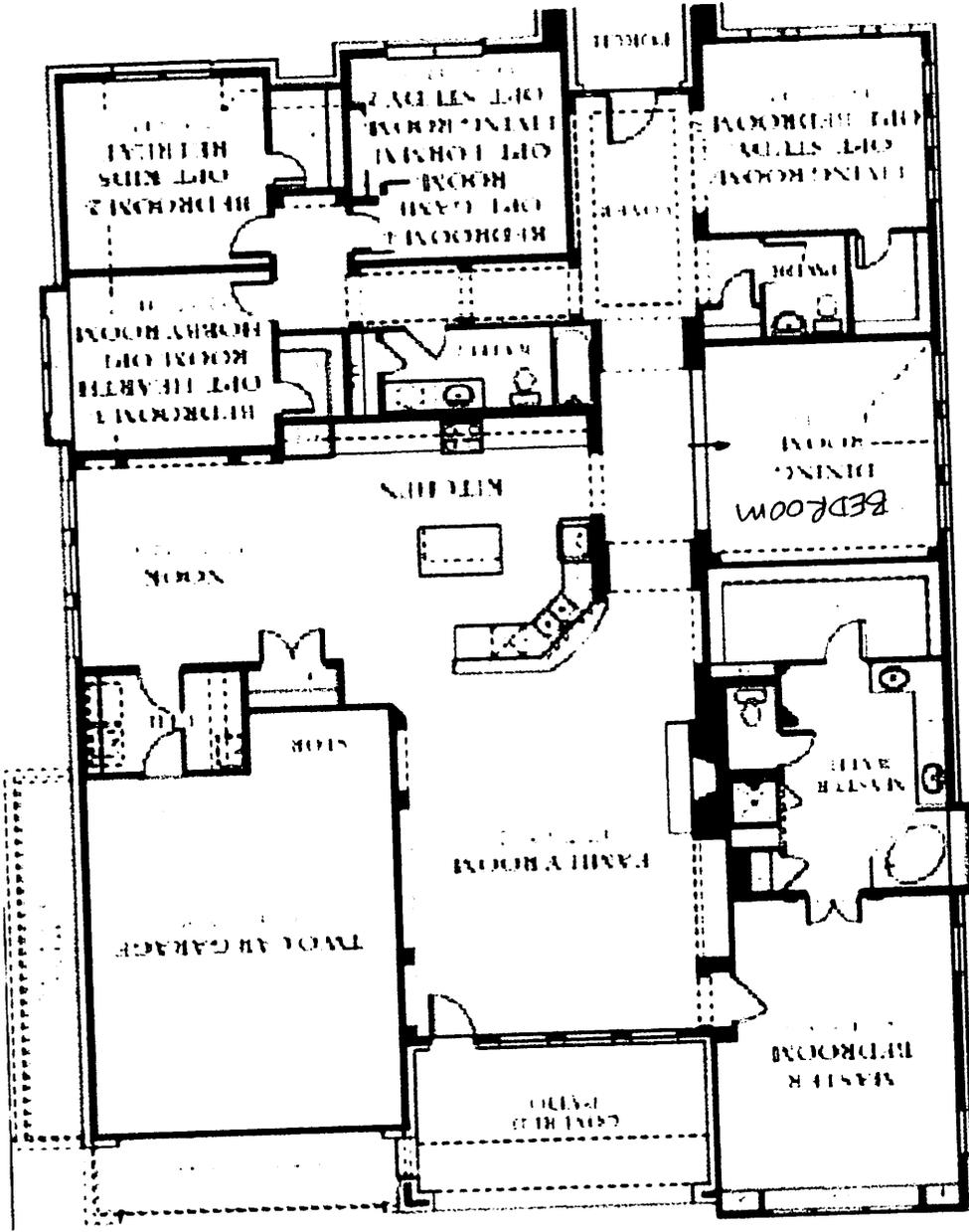
S 02°01'20" W
120.41'

MAXWELL CREEK NORTH
PHASE 6
16AB. N. PAGE 287

SPRINGSTONE COURT

ONE RIVER DRIVE

RIVE



[Home](#)
[Search Web](#)
[Search Mail](#)
[Answers](#)
[Screen](#)
[Flickr](#)
[Mobile](#)
[More](#)

3195 SQ. FT.



Plan Review Comments

SUP
Fire

RECIPIENT: CINDY BOGGS
PROJECT: HERITAGE HOUSE OF MURPHY
LOCATION: 612 MAIZE DRIVE.
REVIEWED BY: PERRY ELLIOTT, FIRE MARSHAL
DATE: JULY 30, 2015
CC: MARK LEE, FIRE CHIEF

Please refer to the following comments:

- Murphy Fire Rescue (MFR) does not support providing a variance to allow the increase of residents from six (6) residents to nine (9) residents that are not capable of self-evacuation at this location. The Department of Aging and Disability Services state certification allows certain in-home assisted living facilities to house patients who are not capable of self-evacuation and; therefore, residents may require help to exit the premise during a true emergency; such as a fast moving fire.
- Should this be allowed; Murphy Fire Rescue is not appropriately staffed to provide the necessary evacuation of potentially nine (9) residents who require evacuation in a safe manner to insure the safety and wellbeing of the residents. This reasonably puts our firefighters and the facility residents at more risk attempting to provide evacuation for these residents and attempting to control the fire at the same time.

From the desk of
Perry Elliott
Fire Marshal

pelliott@murphytx.org
972-468-4300 Office

Reply Form

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



This letter is regarding the request of **Cindy Boggs owner of Heritage House of Murphy**, requesting a Special Use Permit as required by Ordinance 15-06-994, Section 19, Chapter 86, Appendix A-3, Section 86-662 to *increase the allowable residents from six to nine in an Assisted Living Facility* at a residential zoned property (SF-9) located at 612 Maize Road.

 I am **IN FAVOR** of the request for a Special Use Permit to "*increase the allowable residents from six to nine in an Assisted Living Facility*" at a residential zoned property located at 612 Maize Road.

I am **OPPOSED** to the request for a Special Use Permit to "*increase the allowable residents from six to nine in an Assisted Living Facility*" at a residential zoned property located at 612 Maize Road.

This item will be heard at the **Planning & Zoning Commission on Monday, August 24, 2015 at 6:00 p.m.** and by **City Council on Tuesday, September 1, 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.

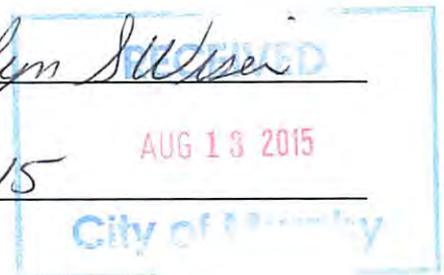
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Carolyn Wisen
Name (Please Print)

608 Fall Wheat
Address

Carolyn Wisen
Signature

8-9-15
Date



Reply Form

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



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X I am **OPPOSED** to the request for a Special Use Permit to *"increase the allowable residents from six to nine in an Assisted Living Facility"* at a residential zoned property located at 612 Maize Road.

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I am concerned about parking & congestion. This is a residential area and that have is a "single family home"

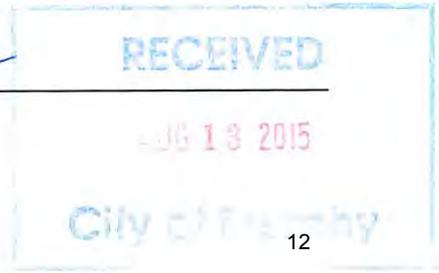
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Daniel McHugh
Name (Please Print)

[Signature]
Signature

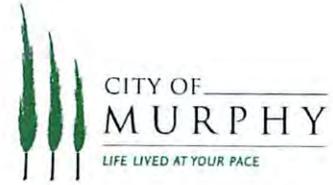
617 Maize Rd.
Address

8/9/15
Date



Reply Form

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



This letter is regarding the request of **Cindy Boggs owner of Heritage House of Murphy**, requesting a Special Use Permit as required by Ordinance 15-06-994, Section 19, Chapter 86, Appendix A-3, Section 86-662 to *increase the allowable residents from six to nine in an Assisted Living Facility* at a residential zoned property (SF-9) located at 612 Maize Road.

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up to the receipt of this letter we were of the opinion that it was an "individual" being taken care of @ 612 Maize Rd not the people. We do not appreciate this "business" operating in our residential neighborhood and feel that they should not be able to operate in Maxwell either but in a location that is zoned for their business.

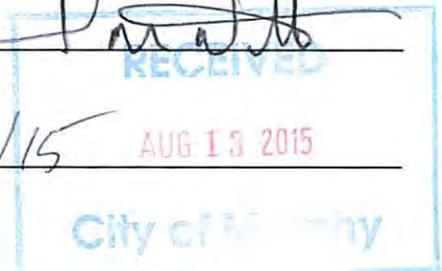
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

DAVID M WATTS
Name (Please Print)

605 MAIZE RD
Address

[Signature]
Signature

8/11/15
Date



Reply Form

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



This letter is regarding the request of **Cindy Boggs owner of Heritage House of Murphy**, requesting a Special Use Permit as required by Ordinance 15-06-994, Section 19, Chapter 86, Appendix A-3, Section 86-662 to *increase the allowable residents from six to nine in an Assisted Living Facility* at a residential zoned property (SF-9) located at 612 Maize Road.

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 X I am **OPPOSED** to the request for a Special Use Permit to *"increase the allowable residents from six to nine in an Assisted Living Facility"* at a residential zoned property located at 612 Maize Road.

This item will be heard at the **Planning & Zoning Commission on Monday, August 24, 2015 at 6:00 p.m.** and by **City Council on Tuesday, September 1, 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.

I LIVE DIRECTLY ACROSS FROM THIS PROPERTY. I WITNESS
INCREASED TRAFFIC, CARS PARKING THE STREET. PEOPLE
COMING & GOING AT ODD HOURS. THIS BUSINESS IS
DISRUPTIVE TO THE COMMUNITY ENVIRONMENT & WILL
LOWER PROPERTY VALUES.

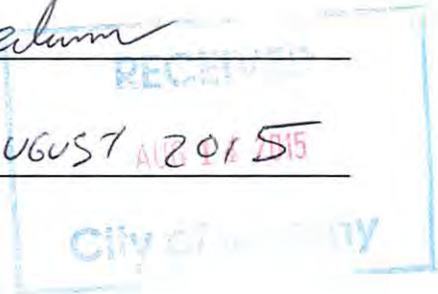
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

JAMES W. BECKMANN
Name (Please Print)

James W Beckmann
Signature

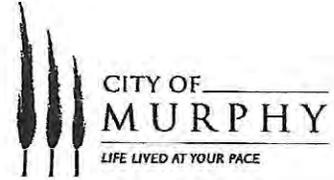
613 MAIZERD MURPHY TX
Address 75094

11 AUGUST 2015
Date



Reply Form

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



This letter is regarding the request of **Cindy Boggs** owner of **Heritage House of Murphy**, requesting a Special Use Permit as required by Ordinance 15-06-994, Section 19, Chapter 86, Appendix A-3, Section 86-662 to *increase the allowable residents from six to nine in an Assisted Living Facility* at a residential zoned property (SF-9) located at 612 Maize Road.

 I am **IN FAVOR** of the request for a Special Use Permit to *“increase the allowable residents from six to nine in an Assisted Living Facility”* at a residential zoned property located at 612 Maize Road.

 X I am **OPPOSED** to the request for a Special Use Permit to *“increase the allowable residents from six to nine in an Assisted Living Facility”* at a residential zoned property located at 612 Maize Road.

This item will be heard at the **Planning & Zoning Commission on Monday, August 24, 2015 at 6:00 p.m.** and by **City Council on Tuesday, September 1, 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.

As indicated above, I am opposed to the request for the Special Use Permit. I also don't understand why I was not informed when Heritage House of Murphy established an assisted living facility for six or less residents near the end of last year or early this year.

I and my attorney, Wade N Hallisey, will attend the Planning & Zoning Commission meeting on Monday, August 24 and, if needed, the City Council meeting on Tuesday, September 1. Additionally, I have enclosed correspondence from my attorney regarding my opposition to the requested Special Use Permit.

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

 JAMES E HANSEN
Name (Please Print)

 James E Hansen
Signature

 605 FALL WHEAT DR
Address

 17 AUGUST 2015
Date

Good morning, Ms. Knight,

I am writing in response to the request by Heritage House of Murphy. My husband and I live at 640 Maize Rd. We are not in favor of them expanding to more than 6 residents.

We have been out of town for a couple weeks and may have missed the official response form. We had a lot of mail to go through. If there is a more official way for my family to express our desire, please let me know.

Thank you,

Oliver and Christina Ferenschuetz
469-441-8906

August 17, 2015

Via Hand-Delivery

Planning and Zoning Commission
City of Murphy
ATTN: Lori Knight
Community Development Department
206 N. Murphy Road
Murphy, Texas 75094

**RE: ZF 2015-03 – 612 Maize Road
Resident Opposition to Special Use Permit Application to Increase
Allowable Number of Residents in Residential (SF-9) Assisted Living
Facility from Six to Nine**

Dear Planning and Zoning Commission Members:

My law firm represents several families in the Maxwell Creek North neighborhood (“Maxwell Creek”) regarding the above-referenced Special Use Permit application. Specifically, my law firm represents Larry and Judy Bolen (617 Fall Wheat), Tom and Kathy Cain (624 (Maize), James and Glynda Hansen (605 Fall Wheat), John and Maureen Uphues (609 Fall Wheat), and Jimmy and Ann Lam (608 Maize).

Cindy Boggs apparently has operated “Heritage House of Murphy,” an assisted living facility, at 612 Maize in Maxwell Creek for a number of months. Initially, the facility presumably operated under a provisional license issued by the Texas Department of Aging and Disability Services (“DADS”). After Heritage House of Murphy recently received its non-provisional license, Ms. Boggs immediately requested the Special Use Permit (“SUP”) to increase the allowable number of patients/residents from six to nine.

My clients’ homes abut the facility or sit on the same block where the facility is located. My clients unequivocally **oppose** the SUP application filed by Ms. Boggs.¹ Moreover, under the

¹ As a threshold matter, the Planning and Zoning Commission (“Commission”) must determine whether Ms. Boggs has both capacity and standing to request a SUP to increase the number of residents in the assisted living facility from six to nine. While Ms. Boggs may operate Heritage House, she does not own the real property located at 612 Maize. Rather, the property is owned by Tim Jackson Custom Homes, LP, as evidenced by the certified copies of Collin County deed records and property tax records that accompany this letter. As the owner of the real property located at 612 Maize, Tim Jackson Custom Homes, LP should be the applicant seeking the SUP. (Per records on file with the

Texas law discussed below, Ms. Boggs cannot increase the number of residents living in the facility beyond six residents.

State Law Prohibits More than Six Patients from Residing in an Assisted Living Facility in a Deed-Restricted Neighborhood

Heritage House is located at 612 Maize, a single-family residence in Maxwell Creek. Maxwell Creek is a deed-restricted neighborhood. The deed restrictions for Maxwell Creek ordinarily prohibit the non-residential use of lots in the neighborhood:

All Affected Lots and dwellings shall be used and occupied for single-family residence purposes. No Affected Lot or dwelling may be used for commercial, institutional, or other non-residential purposes if such use involves the attendance or entry of non-residents upon the Lot or otherwise diminishes the residential character of the Lot or neighborhood. Article VI, MAXWELL CREEK DECLARATION.

No Affected Lot, and no building erected or maintained on any Affected Lot shall be used for manufacturing, industrial, business, commercial, institutional or other non-residential purposes. Article VIII, Section 10, MAXWELL CREEK DECLARATION.

Under the Maxwell Creek Declaration, an assisted living facility like Heritage House of Murphy cannot operate in Maxwell Creek. By receiving payments of \$120 - \$150 per day per resident², the assisted living facility – which rotates staff and is frequently visited by physical therapists, occupational therapists, physicians, and other health care providers³ – is clearly used for a “commercial, institutional, or other non-residential purpose” that “involves the attendance or entry of non-residents upon the Lot.” Moreover, the in-and-out traffic of facility staff, nurses, therapists, doctors, ambulances, other health care providers, and, on occasion, helicopters⁴, diminishes the residential character of the Lot or neighborhood. This is particularly true since this increased traffic occurs within one block of a busy neighborhood elementary school.

So why aren't my clients using the Maxwell Creek Declaration to force Heritage House to move out of Maxwell Creek? For the same reason that Heritage House snuck⁵ into Maxwell Creek and set up shop: The Texas Property Code and Texas Human Resources Code

Texas Secretary of State, Ms. Boggs is not a partner in Tim Jackson Custom Homes, LP.) Even if Ms. Boggs has colorable standing to apply for a SUP, she lacks capacity (as a non-owner) to request a SUP.

² On the internet, Heritage House advertises an “all inclusive rate of \$120-\$150 a day.”

³ Also on the internet, Heritage House identifies “physicians, therapists, [and] nurses” as people who visit their facility.

⁴ Per the enclosed article from the January 29, 2015 issue of the *Murphy Monitor*, a police helicopter was dispatched to the neighborhood to assist police and K-9 units when a resident with Alzheimer’s disease wandered away from 612 Maize on January 15, 2015.

⁵ Ms. Boggs did not reach out to neighbors to let them know that Heritage House was operating until August 13, 2015, two days *after* Maxwell residents living within 200 feet of 612 Maize received a request from the City for input about the SUP application. Per the enclosed *Murphy Monitor* article, Murphy police similarly were unaware of the facility’s operation until the resident with Alzheimer’s disease wandered away from 612 Maize in January.

provide a limited exception to deed restrictions (like the Maxwell Creek Declaration) that would otherwise prevent an assisted living facility from operating in a residential neighborhood. This same exception, however, prohibits an assisted living facility in a deed-restricted neighborhood from housing more than six residents.

Texas Property Code § 202.003 states that a declaration, deed restriction, restrictive covenant, or zoning ordinance cannot be used to prevent the use of a residential home as a statutorily defined “family home”/“community home.”⁶ To qualify as a “community home,” a facility must comply with other requirements of the Community Homes for Disabled Persons Act and be either a community-based residential home or an assisted living facility licensed under Chapter 247 of the Texas Health and Safety Code. See TEX. HUMAN RES. CODE § 123.004(b).

To be clear: A licensed assisted living facility can only operate in a deed-restricted neighborhood if the facility complies with the requirements of Texas Human Resources Code, Chapter 123 – and specifically, Sections 123.005 – 123.008.

Texas Human Resources Code § 123.006, entitled “Limitation on Number of Residents,” provides that “Not more than six persons with disabilities and two supervisors may reside in a community home at the same time.” This statute is unequivocal and mandatory. To be considered a “community home” that can operate in a deed-restricted neighborhood, an assisted living facility **cannot have more than six residents**. Because of this requirement, the Commission must reject the SUP application filed for Heritage House.

The First Court of Appeals in Houston considered this statute in the case of *City of Friendswood v. Registered Nurse Care Home*, 965 S.W.2d 705 (Tex. App.—Houston [1st Dist.] 1998, no pet.). There, the plaintiffs purchased a home in a single-family zoned neighborhood and began to operate an assisted living facility with nine residents. *Id.* at 707. When the City refused to issue a fire permit for the house (citing residence-only zoning restrictions), the owners of the facility obtained a temporary injunction from a trial court to continue to operate the business. *Id.* at 708. After the City appealed, the Court of Appeals specifically noted that Texas Human Resources Code § 123.006(a) limits the number of residents in a community home to six. *Id.* Because the facility housed nine residents, it was in violation of state law and the injunction was dissolved. *Id.*

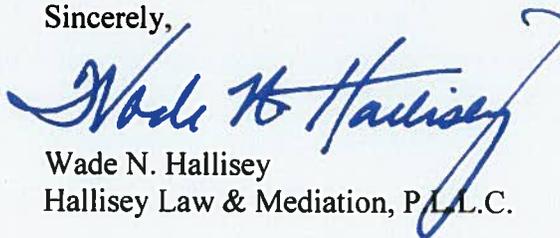
If the Commission approves the SUP application, then the Commission will essentially authorize Heritage House to increase its resident population to a number that is prohibited by state law. Such action would be unacceptable. If Ms. Boggs wants to use the law to sneak into a single-family residential neighborhood and open an assisted living facility, then she must follow the law in order to stay in the neighborhood. No more than six residents can live at 612 Maize if Heritage House wants to continue operating in Maxwell Creek.

⁶ The term “family home” was used in the Texas Disabled Persons Location Act, which was repealed in 1991. It was replaced by the Community Homes for Disabled Persons Act, which is located at Chapter 123, Texas Human Resources Code. Under the newer act, the term “community home” replaced the term “family home.”

Also to be clear: If the Commission recommends that the City grant the SUP application, then my clients will have to enjoin the City from granting the permit. My clients will also have to enjoin Heritage House from relying on the SUP – if granted – to house additional residents, as such action clearly violates the Texas Human Resources Code. Therefore, deny the SUP application. Tell Ms. Boggs that she has to follow all of the law, not just the parts of the law that she uses to her advantage.

I thank the Commission for its attention to this matter. I plan on addressing the Commission at the August 24, 2015 hearing on Ms. Boggs' SUP application. In the interim, please feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "Wade N. Hallisey". The signature is fluid and cursive, with a large loop at the end of the last name.

Wade N. Hallisey
Hallisey Law & Mediation, P.L.L.C.

jh/WNH

Enclosures

**Collin Central Appraisal District Records –
612 Maize Road
2015 and 2016**

PROPERTY 2629071 R 08/22/2007 OWNER ID 622283
 Legal Description MAXWELL CREEK NORTH #8B (CMR), BLK G, LOT 4 OWNERSHIP 100.00%

Ref ID1: 9385 Ref ID2: A00582CN00
 R-9385-00G-0040-1

SITUS 612 MAIZE RD MURPHY, TX 75094

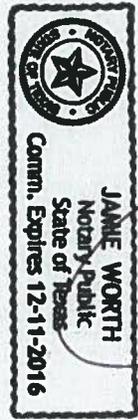
UTILITIES GENERAL
 TOPOGRAPHY LAST APPR. YR MRR
 ROAD ACCESS LAST INSP. DATE 09/29/2014
 ZONING NEXT INSP. DATE
 NEXT REASON

REMARKS

BUILDING PERMITS
 ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL
 09/19/2014 CO 0 A 339,500
 02/13/2014 L 1 A 339,500

SALE DT PRICE GRANTOR DEED INFO
 06/30/2014 ***** WELLS FARGO BANKSWD 20140707000693080
 10/17/2008 ***** STANDARD PACIFIC SWD 20081021001246950
 11/01/2007 ***** FORESTAR (USA) R SWDNL 20071116001554060

PROPERTY APPRAISAL INFORMATION 2015
 TIM JACKSON CUSTOM HOMES LP
 PO BOX 712
 ALLEN, TX 75013-0013 US
 ACRES: EFF. ACRES: APPR VAL METHOD: ARB
 Entites: CAD 100%, CMR 100%, GCN 100%, JCN 100%, SWY 100%
 Values: IMPROVEMENTS 269,000, LAND MARKET + 63,000, MARKET VALUE = 332,000, PRODUCTIVITY LOSS 0, APPRAISED VALUE = 332,800, HS CAP LOSS 0, ASSESSED VALUE = 332,000



COLLIN CENTRAL APPRAISAL DISTRICT
 CERTIFIED COPY
 I hereby certify that this is a true and correct copy of the original document from Appraisal District records.
 Certified by: *[Signature]*
 Notary Public
 Subscribed and sworn before me this date 8/10/15
 in and for the State of Texas
 JAMIE WORTH
 Notary Public
 State of Texas
 Comm. Expires 12-11-2016

SKETCH COMMANDS

SUBD: S9385		NBHD: N4567-A		122.00%		IMPROVEMENT INFORMATION											
#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE
1.	RESIDENTIAL	STCD: A1			3,923.0					223,305							214,373
2.	POOL/SPA*	NO SQFT PROVIDED	STCD: A1	PL3/	450.0	40.20	1	2009	2009	18,090	82%	100%	100%	100%	100%	0.82	14,834

SUBD: S9385		NBHD: N4567-A		100.00%		LAND INFORMATION													
#	DESCRIPTION	CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ	MASS	ADJ	VAL	SRC	IRR	Wells: 0	Capacity: 0	IRR	Acres: 0
1.	Residential Single F	S9385	A1	Y	(100%)	LOT	0.0000 AC	63,000.00	63,000	1.00	1.00	A		63,000				63,000	

COPY
 Open Records
 Construction Style: 1 F, 0 PTS, 0 Foundation, 1 B,W, 0 Exterior Wall, 1 D,P, 0 Interior Finish, 1 C,CT, 0 Plumbing, 1 2,5, 0 Heating/Cooling, 1 CH,CA, 0 Fireplace, 1 4, 0 Number of Rooms, 8 0
 Oil Wells: 0
 AG CLASS AG TABLE AG UNIT PRG AG VALUE
 0.00 0

PROPERTY 2629071 R 08/22/2007
 Legal Description
 MAXWELL CREEK NORTH #98 (CMR), BLK G, LOT 4

OWNER ID 622283
 OWNERSHIP 100.00%

PROPERTY APPRAISAL INFORMATION 2016

Entity	Values
CAD	100%
CMR	100%
GCN	100%
JCN	100%
SWY	100%
IMPROVEMENTS	0
LAND MARKET	+
MARKET VALUE	=
PRODUCTIVITY LOSS	-
APPRAISED VALUE	=
HS CAP LOSS	-
ASSESSED VALUE	=

Ref ID: 9385
 R-9385-00G-0040-1

Ref ID: A00582CN00

ACRES:
 EFF. ACRES:

APPR VAL METHOD: Cost



SITUS 612 MAIZE RD MURPHY, TX 75094

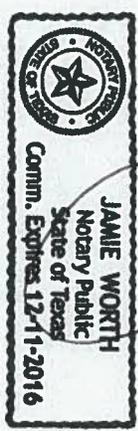
UTILITIES
 TOPOGRAPHY
 ROAD ACCESS
 ZONING
 NEXT REASON

GENERAL
 LAST APPR. YR
 LAST INSP. DATE
 NEXT INSP. DATE

REMARKS

BUILDING PERMITS

ISSUE DT 09/19/2014
 PERMIT TYPE CO
 PERMIT AREA 0
 ST 1
 PERMIT VAL 339,500
 SALE DT 02/13/2014
 PRICE 3195
 GRANTOR WELLS FARGO BANKSWD 20140707000693080
 STANDARD PACIFIC SWD 20081021001246950
 FORESTAR (USA) R SWDNL 20071116001554060



Certified by *Jamie Worth*
 Subscribed and sworn before me this date 8/20/15
 Notary Public
 In and for the State of Texas

COLLIN CENTRAL APPRAISAL DISTRICT
 CERTIFIED COPY
 I hereby certify that this is a true and correct copy of the original document from Appraisal District records.

SKETCH COMMANDS

SUBD: S9385 100.00% NBHD:NA567-A 122.00%

#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	BUILT	EFF YR	COND	VALUE	DEPR	PHYS	ECON	FUNG	COMP	ADJ	ADJ VALUE
1.	RESIDENTIAL	Main Area	R	RV8P/	3,195.0		2008	2008	*		95%	100%	100%	100%	100%	0.95	
		Attached Gar	R	RV8P/	498.0		2008	2008	*		95%	100%	100%	100%	100%	0.95	
		Covered Porc	R	RV8P/	40.0		2008	2008	*		95%	100%	100%	100%	100%	0.95	
		Covered Porc	R	RV8P/	190.0		2008	2008	*		95%	100%	100%	100%	100%	0.95	
					3,923.0					0							0
#551 STANDARD PACIFIC BP SF MA=3180 AG=491 CP=PAIO=221																	
2.	POOL/SPA*	Pool	I	PL3/	450.0		2009	2009	*		78%	100%	100%	100%	100%	0.78	
					450.0					0							0
NO SQT PROVIDED																	

IMPROVEMENT FEATURES

Construction Style	Count	PTS	B,W	D,P	C,CT	2,5	CH,CA
Foundation	1	1	0	0	0	0	0
Exterior Wall	1	1	0	0	0	0	0
Interior Finish	1	1	0	0	0	0	0
Flooring	1	1	0	0	0	0	0
Plumbing	1	1	0	0	0	0	0
Heating/Cooling	1	1	0	0	0	0	0
Fireplace	1	1	0	0	0	0	0
Number of Bedrooms	1	1	0	0	0	0	0
Number of Bathrooms	1	1	0	0	0	0	0
Number of Pools/Spas	1	1	0	0	0	0	0

COPY
 Open Records
 Of Collin County Appraisal District

SUBD: S9385 100.00% NBHD:NA567-A 100.00%
 LAND INFORMATION
 IRR Wells: 0 Capacity: 0
 IRR Acres: 0
 AG CLASS AG TABLE AG UNIT PRG AG VALUE

**Collin County Deed Records –
612 Maize Road**

CTDAL2120ct0000100847

AFTER RECORDING RETURN TO:

Tim Jackson Custom Homes, LP
P. O. Box 712
Allen, Texas 75013

JDAL 2/20 - CT0000100847 - CFA - WR - CTIC

[SPACE ABOVE LINE FOR RECORDING DATA]

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF COLLIN §

THAT THE UNDERSIGNED, Wells Fargo Bank, N.A., Trustee of The Irrevocable Special Needs Trust of Dhevyn Blackburn, dated February 27, 2007 (hereinafter called "Grantor," whether one or more, masculine, feminine or neuter), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to Grantor in hand paid by Tim Jackson Custom Homes, LP, whose mailing address is P. O. Box 712, Allen, Collin County, Texas, 75013 (hereinafter "Grantee," whether one or more, masculine, feminine or neuter), receipt and sufficiency of which is hereby acknowledged, and in further consideration of the execution and delivery by said Grantee of a Promissory Note of even date herewith in the principal amount of Two-Hundred and Forty-Nine Thousand, Six-Hundred Dollars and 00/100 (\$249,600.00), said note payable to the order of Commercial Bank of Texas, N.A. (hereinafter "Mortgagee"), bearing interest at the rate therein provided; said Note containing an attorney's fees clause and various acceleration and maturity clauses in case of default, and being secured by Vendor's Lien and Superior Title retained herein in favor of said Mortgagee, and also being secured by Deed of Trust of even date herewith from Grantee to Raymond H. Rust, III, Trustee, Grantor has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY, unto said Grantee, the following described Property located in Collin County, Texas, and being more particularly described as follows:

Lot 4, Block G, of Maxwell Creek North Phase 8B, an Addition to the City of Murphy, Collin County, Texas, according to the Final Plat thereof recorded in Volume 2007, Page 225, Map Records, Collin County, Texas,

This conveyance is made and accepted subject to any and all easements, reservations, conditions, covenants and restrictive covenants as the same appear of record in the office of the County Clerk of Collin County, Texas, and property taxes from the date hereof and subsequent years, payment of which Grantee assumes.

The vendor's lien against, and superior title to, the property, as assigned herein to Commercial Bank of Texas, N.A., are retained until the note herein described is fully paid according to its terms, at which time this deed shall become absolute. Commercial Bank of Texas, N.A., has, at Grantee's request, paid in cash to Grantor(s) that portion of purchase price of the Property that is evidenced by the Note described above. The first and superior vendor's Lien against and superior title to the Property are retained for the benefit of

WARRANTY DEED



PAGE 1

Commercial Bank of Texas, N.A., and are transferred to Commercial Bank of Texas, N.A., without recourse against Grantor to secure the Note.

TO HAVE AND TO HOLD the Property, including all of Grantor's undivided interest therein and thereto, together with all and singular the rights and appurtenances lawfully accompanying it, by the Grantee, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor and Grantor's heirs, executors, administrators, successors and/or assigns, as the case may be, to WARRANT AND FOREVER DEFEND all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by through or under Grantor but not otherwise, except as to the Reservations From Conveyance and Exceptions to Conveyance and Warranty.

EXECUTED this 30th day of June, 2014.

GRANTOR:
SELLER:

Wells Fargo Bank, NA, Trustee of The Irrevocable Special needs Trust of Dhevyn Blackburn, dated February 27, 2007

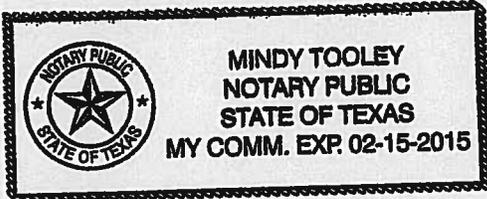
Donna K. Austin
By: Donna K. Austin, Vice President

CORPORATE ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF Tarrant §

KNOW ALL MEN BY THESE PRESENTS:

This instrument was acknowledged before me on this 30th day of June, 2014, by Donna K. Austin, Vice-President of Wells Fargo Bank, N.A., The Irrevocable Special needs Trust of Dhevyn Blackburn, dated February 27, 2007, by and on behalf of said entity.

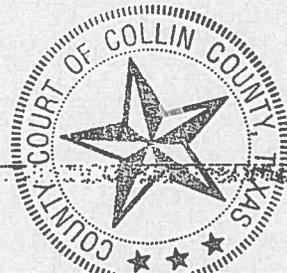


Mindy Tooley
Notary Public, State of Texas
My Commission Expires: 2-15-15

Prepared in the Law Office of:
Kelly W. Milligan, LLC
5000 Legacy Drive, Suite 150
Plano, Texas 75024

WARRANTY DEED

PAGE 2



Murphy Monitor, January 29, 2015



Murphy Monitor

The official newspaper of the city of Murphy

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murphymonitor.com

Volume 11 Issue 2

Murphy, Texas

Thursday, January 29, 2015

C&S Media Publications

3 Sections, 18 Pages

75 cents

Retail development coming to FM 544, McCreary Road

By Julie Taylor
Staff Writer
news@murphymonitor.com

More shopping options will soon be available at the corner of FM 544 and McCreary Road. At its Jan. 20 city council meeting, the council approved an amendment for a planned development at that location.

The amendment included changing zoning for 6.3 acres from single family residential to planned development for retail uses. The property is located just behind CVS facing FM

544, at the entrance of Murphy, coming from Wylie.

The concept plan for the property includes a grocery store for the anchor building; car wash/gas station combination; a small fast-food restaurant; and a small retail space for a dry cleaner or similar business. The fast-food restaurant will not have a drive-thru, unless it is approved through a special use permit.

The application for the amendment was submitted by Saritha Yekhadia, Charlotte Dye, Kelly Smith and Orange-Birmingham, L.L.C.

11-B-B purchased the property for the development, said Leslie Sweet, 11-B-B Public Affairs. "We have no plans to build on this location at this time," she said. "We want to take this opportunity to clearly state that there are no current plans for a market entry into the DFW area for 11-B-B. We have been watching the Dallas-Fort Worth Metroplex market for the last 15 years, and our interest remains to this day. As we review our long-term planning options, it often makes sense to purchase property in advance of our

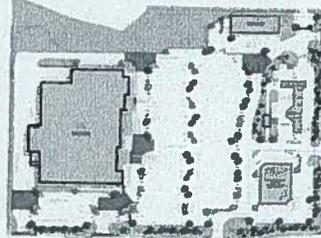
retail real estate needs."

For the time being, Central Market will continue to be 11-B-B's primary focus and growth vehicle for the DFW area, she said.

"We will continue to closely watch the growth of great communities like Murphy in the Metroplex, and we are deciding to purchase sites in advance should the company make a decision to enter the market at some future time," she said.

As part of the amendment,

See RETAIL, page 3A



Courtesy Meek Design Group



That's a wrap

Back Row- left to right Four Murphy students, two first-places and two second-place winners, were announced in Keep Murphy Beautiful's second annual recycling poster contest at the Jan. 20 city council meeting. The categories were kindergarten through fifth grade and sixth through 10th grade. Front row from left are the winners: Thomas Dang (first place), Marygrace Biggs (second place), Tharensa Rathore (second place), and Ava Arvizu (first place). Back row, from left, are: Teresa Thompson, Adana Barber, Dawnelle Roussavall, Klin McCraele, Tim Oliver, Elizabeth Compa, Pat Skizner, Candy McQuiston, and Mayor pro tem Scott Bradley. Top Right The second annual Keep Murphy Beautiful recycling poster contest had almost 100 entries. The entries are being displayed. See full story POSTER 6A



Julie Taylor/Murphy Monitor

Subway robbed, ties to Dallas possible

By Julie Taylor
Staff Writer
news@murphymonitor.com

In a media report, released on Jan. 22, Murphy Police indicated officers were dispatched to the Subway restaurant, located at 280 E. FM 544, Ste. 110, at 7:37 p.m. Thursday, Jan. 15 for a reported armed robbery.

"Witnesses from Yanni's Greek Café, located next door, reported the suspect paced back and forth waiting for a custom-

er to leave before entering the Subway," Chief GM Cox said. "He didn't seem suspicious, so they didn't think anything of it."

Chief Cox said when the suspect entered the restaurant, he brandished a gun and demanded money. The two women working there fled from the restaurant immediately.

"He was able to catch one of the workers before she left, and he demanded she empty the

See SUSPECT, page 2A

City awards bid for trunk sewer line

By Julie Taylor
Staff Writer
news@murphymonitor.com

Construction will begin soon on a parallel trunk sewer line along Maxwell Creek, said City Manager James Fisher. At the Jan. 20 city council meeting, a bid in the amount of \$2,068,007.71 was awarded to P.C. Contractors, LLC of Fort Worth for the project.

"The city began preparing for this project in 2012," Fisher said. "The purpose of this line

is to provide additional capacity for the main sewer line that runs to the regional wastewater treatment plant."

The sale of \$3 million in utility bonds, authorized by the city council, will be utilized to fund the project, he said.

"The estimated \$900,000 remaining is authorized utility bonds will be used for utility fund projects," he said. "These projects will be reviewed by the city staff and engineer and

See WORK, page 3A

Crime rate increases 33 percent, lowest in state

By Julie Taylor
Staff Writer
news@murphymonitor.com

Each year, the FBI conducts Uniform Crime Rate statistics on police departments across the country. Those statistics are published by state each November. The UCR assigns each law enforcement agency a number based on eight different major crimes, which fall under the categories of violent crimes and property crimes committed in

the last year. Murphy's number was 131 for 2013 UCR, which was number three in the state, Police Chief GM Cox said. "However, when you take population into account, that made us the lowest in the state," he said.

Although official UCR statistics have not been published yet for 2014, the police department compiled an annual report and estimates that its UCR increased by 33.59 percent to a total of 175, Cox said.

"Although that is an increase, given our population, that still puts us as having the lowest crime rate in Texas," he said. "Does this increase concern us? Of course it does, and we are taking measures to decrease it."

Cox said violent crime includes murders, rapes, robberies and aggravated assaults. In 2014, Murphy had two murders (zero in 2013), five rapes (two in 2013), one robbery (one in 2013) and seven aggravated assaults (five in 2013).

"Our violent crime definitely increased in 2014," Cox said. "However, I believe it was an anomaly, especially where the murders were concerned. This was not a stranger-on-stranger murder. These people knew each other."

Property crimes include burglary of businesses and homes, theft, motor vehicle theft and arson. In 2014, Murphy had four burglaries of businesses (one in 2013), 10 burglaries of homes (13 in 2013), 141 thefts (104

in 2013), three motor vehicle thefts (zero in 2013) and no arson (zero in 2013).

"The increase in thefts was predicted when the Walmart opened last year, but that was to be expected," Cox said. "I predicted that our thefts would increase by 30 crime due to the Walmart, and that's exactly what happened."

Cox said the majority of thefts at Walmart were due to shoplifting and occurred in November and December. He said the po-

lice department is working with Walmart's loss prevention team to develop a plan to reduce the number of thefts.

"We want to create visibility by having an officer on the premises, so people see us and are less inclined to commit a crime," he said. "Walmart is a big target for crime. We want to change that."

In addition to major crimes, the police department's annual

See POPULATION, page 3A

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Normal 492
479.91 ft.
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www.murphymonitor.com

972-442-5515
972-442-4318 fax
news@murphymonitor.com



'Best of' voting through Jan. 31

Do you have a thirst or hunger to pay tribute to a favorite place to eat, work or play? From accountants to auto repair, workout to annual event or barbecue to Text-Mex, we invite you to pay tribute.

Ballots for the popular "Best of" readers poll are due no later than Jan. 31. Ballot issues are available at the News office at 110 N. Ballard in historic downtown Wylie and ballots can be mailed to the Murphy Monitor, P.O. Box 369, Wylie, TX 75098. Mailed entries must be postmarked by Jan. 31. Original ballots only. No photocopies will be accepted. Winners will be announced in March.

Police make unexpected discovery

By Julie Taylor
Staff Writer
news@murphymonitor.com

Officers were called out to 612 Mainz Road at 6:28 p.m. on Jan. 15, on a report of a missing elderly woman with Alzheimer's disease. What they discovered when they arrived at the residence was more than they expected.

It turns out it wasn't just a case of someone's mother or grand-

mother becoming confused and walking away from her home. The residence on Mainz Road in the Maxwell Creek subdivision is actually a group home for patients with Alzheimer's disease and houses six patients at a time.

On this particular evening, one of the patients, Shirley Dyer, slipped out at the residence while her caregiver's back was turned. With the aid of Garland PD's helicopter and K-9 units from Collin

Creech and Wylie PD, the woman was found within three hours.

"We immediately put out a Silver Alert for her," Police Chief GM Cox said. "We sent out notices through our Code Red system, which sends voicemails, emails and text messages to those who subscribe to it, and we sent out messages through the Nile system. We also announced on a loud

See WOMAN, page 2A



Area briefs

Business Card Exchange

The Murphy Chamber of Commerce holds its Weekly Business Card Exchange from 8 to 9 a.m. every Thursday at Whatnburger, 301 E. FM 544.

City Council meeting
The next Murphy City Council meeting will be held at 6 p.m. Tuesday, Feb. 3 at Murphy City Hall, 206 N. Murphy Road.

Rainbow Trout Roundup

The second annual Rainbow Trout Roundup will be held from 9 to 11:30 a.m., Saturday, Feb. 21 at the pond in front of city hall, 206 N. Murphy Road. Go to the city's website at murphytx.org to register.

Exchange Club

The next Exchange Club meeting will be held from noon until 1 p.m. Monday, Feb. 9 at Country Burger, 104 N. Murphy Road.

Chamber luncheon
The next Murphy Chamber of Commerce monthly luncheon will be held from 11:30 a.m. to 1 p.m. Tuesday, Feb. 17 at the Murphy Activity Center, 201 N. Murphy Road.

Planning & Zoning Commission

The Murphy Planning & Zoning Commission will hold its next meeting at 6 p.m., Monday, Feb. 23, in the City Council Chambers at Murphy City Hall, 206 N. Murphy Road.

Suspect still on the loose

continued from 1A

register, which she did," Cox said. "He was able to get away with \$200."

After he left, the victim notified police of the robbery.

"This is the best outcome we could hope for in an armed robbery," he said. "He did get away with \$200 cash, but no one was hurt. It was not there to harm anyone."

Cox said the police department is discussing the case with Dallas PD, as the case is very similar to more than 20 armed robberies Dallas has experienced since November. In all of those armed robberies, the suspect robbed a Subway or a Little Caesars restaurant and waited until there were no customers.

"It is the same MO (mode of operation)," Cox said. "We are

hoping it is the same guy so we can nail this guy."

Chief Cox said they were able to get good video surveillance of the suspect, as he did not raise his hoodie until 10 seconds into the video. The police were able to get good fingerprints from the crime scene as well.

"If he's in the system, we're going to find him," he said. "We're hoping that our video is better than what Dallas has, because they haven't been able to get a good video of him yet."

The suspect is described as a black male, with black hair and brown eyes. He is 5 feet, 8 inches tall and weighs 175 pounds.

If anyone has any information about the robbery or the suspect, contact the Murphy Police Department at 972-468-4200.



Craig Kelly/City of Wylie

Neighborhood Market opens

Wylie Mayor Eric Hogue, city council members, chamber members, Walmart employees and other residents were present during the Walmart Neighborhood Market ribbon cutting on Jan. 21. Manager Kevin Watts cut the ribbon alongside his wife, Teresa, family members and friends. Approximately 95 new jobs have been created with the business opening. The store is located at 1400 McCreary Road in Wylie and is open 24 hours a day.

Woman found with aid of K-9 units, helicopter

continued from 1A

speaker from the helicopter that she was missing."

Cox said residents in the area were helpful to the investigation as well, as neighbors left their homes with flashlights to help in the search. Dyer was found just a block away on Waters Edge Way, hunkered down behind some bushes. Cox said once the Collin County K-9 picked up her scent, the dog went straight toward her and found her behind the bushes.

"I'm sure our officers walked

right by her and didn't see her," he said. "We were about to set up a perimeter and look for her street by street when the dog found her. She was quite frightened but was not hurt. We did take her in for a medical review though."

Cox said his office was not aware of the group home on Maize Road. He said the business is not in violation of the law, as the facility held a state permit to run the business. However, the state is under no obligation to notify local law enforcement or city officials of

the business. "I want to review our permitting ordinance and see if we can amend it, so we can be aware of businesses such as this in our city," Cox said. "It would be nice to know when we get a call from this address that we're responding to a group home for elderly Alzheimer's patients."

City Manager James Fisher confirmed that the city is looking into amending its ordinance concerning group homes.

"A councilmember brought this issue to the attention of city staff in December and we

hope to have something on a city council meeting agenda by March at the earliest," he said. "We are looking at our ordinances now to determine where we want to add this stipulation about group homes. We have several ordinances that deal with homes and regulations of homes in our city. We want to make sure we put this amendment in the right place."

Chief Cox said the missing elderly incident was reported to Adult Protection Services, so they are made aware of the situation.

Murphy Police Blotter

The Murphy Police Department has released the police blotter for the week of Jan. 17-22. Not all calls for service or traffic stops are reported.

Jan. 17 - Burglary of vehicle, 400 block of Love Bird Lane; burglary of vehicle, 300 block of Love Bird Lane; burglary of vehicle, 200 block of Love Bird Lane; and information report, 100 block of Post Crest Drive.

Jan. 18 - Assault threaten bodily injury, 600 block of Creekside Drive; burglary of

vehicle, 300 block of Love Bird Lane; and information report, 2700 block of Dublin Park Road.

Jan. 19 - Assault causes bodily injury family violence, 600 block of Memorial Hill Way; criminal mischief more than \$50, less than \$500, 100 block of Backshot Court; death investigation, 100 block of Windsor Drive; possession of drug paraphernalia, 100 block of W. FM 544; and theft under \$50, 100 block of W. FM 544.

Jan. 22 - Information report, 100 block of Oakbluff Drive.

Public Notice Q&A

Should government simply post its own public notices online?

Government websites have very low readership. They're notoriously difficult to navigate. And do you really want the government to be responsible for monitoring itself?

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TEXAS

*City of Friendswood v.
Registered Nurse Care Home*
965 S.W.2d 705 (Tex. App.—Houston
[1st Dist.] 1998, no pet.)

City of Friendswood v. Registered Nurse Care Home

Court of Appeals of Texas, First District, Houston

March 12, 1998, Opinion Issued

01-97-01069-CV

Reporter

965 S.W.2d 705; 1998 Tex. App. LEXIS 1758

City of Friendswood, APPELLANT v. Donna & Dennis Strange and Registered Nurse Care Home, APPELLEE

Prior History: [**1] Appeal from the 56th District Court. Galveston, County. Norma Venso.

Disposition: Temporary injunction dissolved..

LexisNexis® Headnotes

Civil Procedure > ... > Jury Trials > Right to Jury Trial > Actions in Equity

Civil Procedure > Remedies > Injunctions > Preliminary & Temporary Injunctions

HN1 To be entitled to a temporary injunction, an applicant must establish she has a probable right upon trial on the merits to the relief sought and a probable injury in the interim. An applicant does not need to establish she will prevail at trial, but need only show she is entitled to preserve the status quo pending a trial on the merits. The only question to be answered at a temporary injunction hearing is whether the applicant is entitled to preserve the status quo pending trial.

Civil Procedure > Remedies > Injunctions > Preliminary & Temporary Injunctions

Civil Procedure > Appeals > Standards of Review

HN2 When reviewing an order granting a temporary injunction, the court will reverse a trial court only if the court finds the trial court clearly abused its discretion in granting the order. A trial court abuses its discretion when it misapplies the

law to established facts or unreasonably concludes an applicant has a probable right to recovery.

Real Property Law > Zoning

HN3 A community home is authorized by statute in any residential area. Tex. Hum. Res. Code Ann. §123.003 (1998). To qualify as a community home, it must be licensed as a personal care facility under chapter 247 of the Health & Safety Code. Tex. Hum. Res. Code Ann. §123.004 (2) (1998).

Real Property Law > Zoning

HN4 A personal care facility is defined as an establishment that (1) furnishes food and shelter to four or more persons unrelated to the proprietor, and (2) provides personal care services, including assistance with meals, dressing, movement, bathing, or other personal needs, administration of medication by a licensed person, or general supervision of the physical and mental well-being of a person in need of help to maintain a private and independent residence in the facility. Tex. Health & Safety Code Ann. 247.002(3), (4) (1998).

Real Property Law > Zoning

HN5 Tex. Hum. Res. Code Ann. § 123.006(a) (1998) limits the number of residents in a community home to six.

Counsel: FOR APPELLANTS: Ramon G. Viada, Houston.

FOR APPELLEES: Anthony P. Griffin, Galveston.

Opinion

[*706] This is an appeal from a temporary injunction¹ entered in favor of Registered Nurse Care Home (RNCH), Donna Strange, and Dennis Strange, the appellees and plaintiffs below, against the City of Friendswood, Texas, the appellant and defendant below. We dissolve the temporary injunction.

In 1995, the Stranges bought a house in an area of Friendswood zoned for single family residences, intending to operate a personal care facility out of the house. About four or five months later, in about September 1995, they began operating RNCH out of the house. In May 1995, Friendswood sent the Stranges a letter saying they were violating zoning ordinances by operating a commercial business in an area zoned for single family residences. The letter said the [**2] Stranges had 30 days to comply with zoning ordinances or charges would be filed. The Stranges continued to operate RNCH, and in 1995 charges were brought against Donna. She was convicted in municipal court and appealed to county court, where the matter is still pending. Charges were again filed against Donna in 1997.

At the hearing on the temporary injunction, the Stranges testified that the State gives personal care facilities a year to become licensed. The Stranges, at time of the hearing, had been trying for over a year to get licensed by the State as a personal care facility. They had not yet filed an application for licensure because the fire marshal's certification is required for the application. They applied for a fire permit, but Friendswood denied the permit, on the ground that they were operating a business in a residential area, which violated city ordinances. Without the fire permit, the Stranges cannot install a required fire alarm system in the house.

[*707] **1. Did the trial court have jurisdiction to grant injunction?**

Friendswood initially argues the trial court lacked jurisdiction to enter the injunction. Friendswood contends a trial court cannot enjoin enforcement [**3] of a penal ordinance unless the plaintiff shows the ordinance was unconstitutional or void *and* that vested property rights will suffer irreparable harm if the ordinance is enforced. Passel v. Fort Worth Indep. Sch. Dist., 440 S.W.2d 61, 63 (Tex. 1969). However, the plaintiffs did not seek to enjoin the enforcement of a criminal statute or a penal ordinance. They did not seek to enjoin any criminal prosecutions by Friendswood. Their amended request for a temporary injunction and the order granting the temporary injunction enjoined Friendswood from requiring the plaintiffs to meet the "single family dwelling" requirement and from denying the plaintiffs a fire permit if the plaintiffs met the fire permit requirements. The trial court did not enjoin Friendswood from continuing with the criminal prosecution of Donna Strange. The trial court had jurisdiction to enter the injunction.

2. Did the trial court abuse its discretion?

HNI To be entitled to a temporary injunction, an applicant must establish she has a probable right upon trial on the merits to the relief sought and a probable injury in the interim. Walling v. Metcalfe, 863 S.W.2d 56, 57 (Tex. 1993); [**4] Henderson v. KRTS, Inc., 822 S.W.2d 769, 773 (Tex. App.--Houston [1st Dist.] 1992, no writ). An applicant does not need to establish she will prevail at trial, but need only show she is entitled to preserve the status quo pending a trial on the merits. Walling, 863 S.W.2d at 58. The only question to be answered at a temporary injunction hearing is whether the applicant is entitled to preserve the status quo pending trial. Henderson, 822 S.W.2d at 773-74.

HN2 When reviewing an order granting a temporary injunction, we will reverse a trial court only if we find the trial court clearly abused its

¹ See TEX. CIV. PRAC. & REM. CODE § 51.014(4) (1998).

discretion in granting the order. Walling, 863 S.W.2d at 58; Henderson, 822 S.W.2d at 773. A trial court abuses its discretion when it misapplies the law to established facts or unreasonably concludes an applicant has a probable right to recovery. Henderson, 822 S.W.2d at 773.

Analysis

In this case, the plaintiffs operate RNCH in a house in a single family residential area. They want to establish RNCH as *HN3* a community home, which is authorized by statute in any residential area. TEX. HUM. RES. CODE § 123.003 (1998). To qualify **[**5]** as a community home, RNCH must be licensed as a personal care facility under chapter 247 of the Health & Safety Code. TEX. HUM. RES. CODE § 123.004(2) (1998). *HN4* A personal care facility is defined as an establishment that (1) furnishes food and shelter to four or more persons unrelated to the proprietor, and (2) provides personal care services, including assistance with meals, dressing, movement, bathing, or other personal needs, administration of medication by a licensed person, or general supervision of the physical and mental well-being of a person in need of help to maintain a private and independent residence in the facility. TEX. HEALTH & SAFETY CODE §§ 247.002(3), (4) (1998). *HN5* Section 123.006(a) limits the number of residents in a community home to six. TEX. HUM. RES. CODE § 123.006(a) (1998).

At the injunction hearing, Dennis testified he and Donna want to have RNCH licensed as a personal care facility. He testified that nine elderly persons live at the residence, and RNCH assists them with bills, dressing, movement, and medication. He said the Fire Marshal inspected the Friendswood home and explained what RNCH needs to do in order to conform with the city code. Dennis stated **[**6]** Friendswood is, in effect, barring them from licensure by refusing to issue a fire permit.

The Stranges testified that they are in a catch-22 situation. As a community home, RNCH are

authorized by statute to operate in a residential district. However, RNCH cannot get licensed as a community home until it meets the State's licensing requirements. It cannot meet the licensing requirements without conforming to Friendswood's fire code. It cannot conform to the fire code without a fire alarm system but the Stranges **[*708]** cannot install the fire alarm system without a fire permit from Friendswood. Friendswood refused to issue the permit because the area was a residential district.

Dennis testified that, before buying in Friendswood, they bought another house in League City, Texas. League City had similar zoning laws and the Stranges had much the same fight with League City over the zoning in the area. However, the Stranges eventually got a license for the League City facility and so assumed they could do the same in Friendswood.

RNCH houses nine residents, thus violating section 123.006(a) of the Texas Human Resources Code, which limits the number of residents in a community home to six. **[**7]** TEX. HUM. RES. CODE § 123.006(a) (1998). This, argues Friendswood, shows the trial court granted an injunction to preserve the status quo when the status quo would not entitle the plaintiffs to ultimate relief. We agree.

We hold the trial court abused its discretion by issuing an injunction that preserved the status quo of nine persons living in the facility because that number exceeds by three the maximum number that could live there under the limited exception granted by state law. TEX. HUM. RES. CODE § 123.006(a) (1998). The plaintiffs were not entitled to preserve the status quo because, at the time of the hearing, the plaintiffs were housing nine elderly persons at the facility in violation of section 123.006(a). If the plaintiffs had been in compliance with the requirements of the Health and Safety Code and the Human Resource Code, they may have been entitled to preserve the status quo.

Nothing in this opinion prevents the plaintiffs from returning to the trial court with another request for injunctive relief to preserve the status quo once they have complied with requirements of the Health and Safety Code and the Human Resource Code.

We sustain Friendswood's issues on [**8] appeal.

We dissolve the trial court's temporary injunction.

Reply Form

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



This letter is regarding the request of **Cindy Boggs owner of Heritage House of Murphy**, requesting a Special Use Permit as required by Ordinance 15-06-994, Section 19, Chapter 86, Appendix A-3, Section 86-662 to *increase the allowable residents from six to nine in an Assisted Living Facility* at a residential zoned property (SF-9) located at 612 Maize Road.

 I am **IN FAVOR** of the request for a Special Use Permit to "*increase the allowable residents from six to nine in an Assisted Living Facility*" at a residential zoned property located at 612 Maize Road.

I am **OPPOSED** to the request for a Special Use Permit to "*increase the allowable residents from six to nine in an Assisted Living Facility*" at a residential zoned property located at 612 Maize Road.

This item will be heard at the **Planning & Zoning Commission on Monday, August 24, 2015 at 6:00 p.m.** and by **City Council on Tuesday, September 1, 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.

*Our neighborhood is a deed-restricted neighborhood - Matwell Creek is a single family residential neighborhood. The assisted living facility is a commercial facility & by no means should the city increase allowable residents from 6 to 9 at 612 Maize Rd. Thank you!
* See attached attorney letter!*

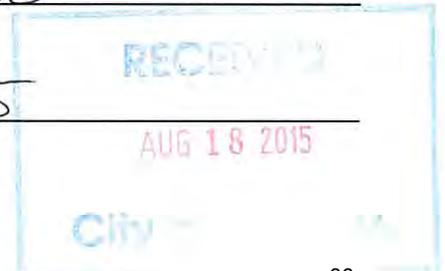
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Thomas & Kathleen Cain
Name (Please Print)

Kathleen Cain
Signature

624 Maize Rd, Murphy TX 75094
Address

8-10-15
Date





MAILING ADDRESS
120 E. FM 544, SUITE 72, PMB 118
MURPHY, TEXAS 75094
OFFICE: (469) 238-0100
FAX: (469) 238-0094

WADE N. HALLISEY
wade@halliseylaw.com
www.halliseylaw.com

August 17, 2015

Via Hand-Delivery

Planning and Zoning Commission
City of Murphy
ATTN: Lori Knight
Community Development Department
206 N. Murphy Road
Murphy, Texas 75094

**RE: ZF 2015-03 – 612 Maize Road
Resident Opposition to Special Use Permit Application to Increase
Allowable Number of Residents in Residential (SF-9) Assisted Living
Facility from Six to Nine**

Dear Planning and Zoning Commission Members:

My law firm represents several families in the Maxwell Creek North neighborhood (“Maxwell Creek”) regarding the above-referenced Special Use Permit application. Specifically, my law firm represents Larry and Judy Bolen (617 Fall Wheat), Tom and Kathy Cain (624 (Maize), James and Glynda Hansen (605 Fall Wheat), John and Maureen Uphues (609 Fall Wheat), and Jimmy and Ann Lam (608 Maize).

Cindy Boggs apparently has operated “Heritage House of Murphy,” an assisted living facility, at 612 Maize in Maxwell Creek for a number of months. Initially, the facility presumably operated under a provisional license issued by the Texas Department of Aging and Disability Services (“DADS”). After Heritage House of Murphy recently received its non-provisional license, Ms. Boggs immediately requested the Special Use Permit (“SUP”) to increase the allowable number of patients/residents from six to nine.

My clients’ homes abut the facility or sit on the same block where the facility is located. My clients unequivocally **oppose** the SUP application filed by Ms. Boggs.¹ Moreover, under the

¹ As a threshold matter, the Planning and Zoning Commission (“Commission”) must determine whether Ms. Boggs has both capacity and standing to request a SUP to increase the number of residents in the assisted living facility from six to nine. While Ms. Boggs may operate Heritage House, she does not own the real property located at 612 Maize. Rather, the property is owned by Tim Jackson Custom Homes, LP, as evidenced by the certified copies of Collin County deed records and property tax records that accompany this letter. As the owner of the real property located at 612 Maize, Tim Jackson Custom Homes, LP should be the applicant seeking the SUP. (Per records on file with the

Texas law discussed below, Ms. Boggs cannot increase the number of residents living in the facility beyond six residents.

State Law Prohibits More than Six Patients from Residing in an Assisted Living Facility in a Deed-Restricted Neighborhood

Heritage House is located at 612 Maize, a single-family residence in Maxwell Creek. Maxwell Creek is a deed-restricted neighborhood. The deed restrictions for Maxwell Creek ordinarily prohibit the non-residential use of lots in the neighborhood:

All Affected Lots and dwellings shall be used and occupied for single-family residence purposes. No Affected Lot or dwelling may be used for commercial, institutional, or other non-residential purposes if such use involves the attendance or entry of non-residents upon the Lot or otherwise diminishes the residential character of the Lot or neighborhood. Article VI, MAXWELL CREEK DECLARATION.

No Affected Lot, and no building erected or maintained on any Affected Lot shall be used for manufacturing, industrial, business, commercial, institutional or other non-residential purposes. Article VIII, Section 10, MAXWELL CREEK DECLARATION.

Under the Maxwell Creek Declaration, an assisted living facility like Heritage House of Murphy cannot operate in Maxwell Creek. By receiving payments of \$120 - \$150 per day per resident², the assisted living facility – which rotates staff and is frequently visited by physical therapists, occupational therapists, physicians, and other health care providers³ – is clearly used for a “commercial, institutional, or other non-residential purpose” that “involves the attendance or entry of non-residents upon the Lot.” Moreover, the in-and-out traffic of facility staff, nurses, therapists, doctors, ambulances, other health care providers, and, on occasion, **helicopters**⁴, diminishes the residential character of the Lot or neighborhood. This is particularly true since this increased traffic occurs within one block of a busy neighborhood elementary school.

So why aren't my clients using the Maxwell Creek Declaration to force Heritage House to move out of Maxwell Creek? For the same reason that Heritage House snuck⁵ into Maxwell Creek and set up shop: The Texas Property Code and Texas Human Resources Code

Texas Secretary of State, Ms. Boggs is not a partner in Tim Jackson Custom Homes, LP.) Even if Ms. Boggs has colorable standing to apply for a SUP, she lacks capacity (as a non-owner) to request a SUP.

² On the internet, Heritage House advertises an “all inclusive rate of \$120-\$150 a day.”

³ Also on the internet, Heritage House identifies “physicians, therapists, [and] nurses” as people who visit their facility.

⁴ Per the enclosed article from the January 29, 2015 issue of the *Murphy Monitor*, a police helicopter was dispatched to the neighborhood to assist police and K-9 units when a resident with Alzheimer’s disease wandered away from 612 Maize on January 15, 2015.

⁵ Ms. Boggs did not reach out to neighbors to let them know that Heritage House was operating until August 13, 2015, two days *after* Maxwell residents living within 200 feet of 612 Maize received a request from the City for input about the SUP application. Per the enclosed *Murphy Monitor* article, Murphy police similarly were unaware of the facility’s operation until the resident with Alzheimer’s disease wandered away from 612 Maize in January.

provide a limited exception to deed restrictions (like the Maxwell Creek Declaration) that would otherwise prevent an assisted living facility from operating in a residential neighborhood. This same exception, however, prohibits an assisted living facility in a deed-restricted neighborhood from housing more than six residents.

Texas Property Code § 202.003 states that a declaration, deed restriction, restrictive covenant, or zoning ordinance cannot be used to prevent the use of a residential home as a statutorily defined “family home”/“community home.”⁶ To qualify as a “community home,” a facility must comply with other requirements of the Community Homes for Disabled Persons Act and be either a community-based residential home or an assisted living facility licensed under Chapter 247 of the Texas Health and Safety Code. See TEX. HUMAN RES. CODE § 123.004(b).

To be clear: A licensed assisted living facility can only operate in a deed-restricted neighborhood if the facility complies with the requirements of Texas Human Resources Code, Chapter 123 – and specifically, Sections 123.005 – 123.008.

Texas Human Resources Code § 123.006, entitled “Limitation on Number of Residents,” provides that “Not more than six persons with disabilities and two supervisors may reside in a community home at the same time.” This statute is unequivocal and mandatory. To be considered a “community home” that can operate in a deed-restricted neighborhood, an assisted living facility **cannot have more than six residents**. Because of this requirement, the Commission must reject the SUP application filed for Heritage House.

The First Court of Appeals in Houston considered this statute in the case of *City of Friendswood v. Registered Nurse Care Home*, 965 S.W.2d 705 (Tex. App.—Houston [1st Dist.] 1998, no pet.). There, the plaintiffs purchased a home in a single-family zoned neighborhood and began to operate an assisted living facility with nine residents. *Id.* at 707. When the City refused to issue a fire permit for the house (citing residence-only zoning restrictions), the owners of the facility obtained a temporary injunction from a trial court to continue to operate the business. *Id.* at 708. After the City appealed, the Court of Appeals specifically noted that Texas Human Resources Code § 123.006(a) limits the number of residents in a community home to six. *Id.* Because the facility housed nine residents, it was in violation of state law and the injunction was dissolved. *Id.*

If the Commission approves the SUP application, then the Commission will essentially authorize Heritage House to increase its resident population to a number that is prohibited by state law. Such action would be unacceptable. If Ms. Boggs wants to use the law to sneak into a single-family residential neighborhood and open an assisted living facility, then she must follow the law in order to stay in the neighborhood. No more than six residents can live at 612 Maize if Heritage House wants to continue operating in Maxwell Creek.

⁶ The term “family home” was used in the Texas Disabled Persons Location Act, which was repealed in 1991. It was replaced by the Community Homes for Disabled Persons Act, which is located at Chapter 123, Texas Human Resources Code. Under the newer act, the term “community home” replaced the term “family home.”

Also to be clear: If the Commission recommends that the City grant the SUP application, then my clients will have to enjoin the City from granting the permit. My clients will also have to enjoin Heritage House from relying on the SUP – if granted – to house additional residents, as such action clearly violates the Texas Human Resources Code. Therefore, deny the SUP application. Tell Ms. Boggs that she has to follow all of the law, not just the parts of the law that she uses to her advantage.

I thank the Commission for its attention to this matter. I plan on addressing the Commission at the August 24, 2015 hearing on Ms. Boggs' SUP application. In the interim, please feel free to contact me with any questions you may have.

Sincerely,



Wade N. Hallisey
Hallisey Law & Mediation, P.L.L.C.

jh/WNH

Enclosures

Reply Form

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



This letter is regarding the request of **Cindy Boggs owner of Heritage House of Murphy**, requesting a Special Use Permit as required by Ordinance 15-06-994, Section 19, Chapter 86, Appendix A-3, Section 86-662 to *increase the allowable residents from six to nine in an Assisted Living Facility* at a residential zoned property (SF-9) located at 612 Maize Road.

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X I am **OPPOSED** to the request for a Special Use Permit to *"increase the allowable residents from six to nine in an Assisted Living Facility"* at a residential zoned property located at 612 Maize Road.

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We do not want this business in our neighborhood. We do not want it to increase its allowable residents from 6 to 9. This will create more traffic, medical staff, etc. This neighborhood is a single family community and should stay that way.

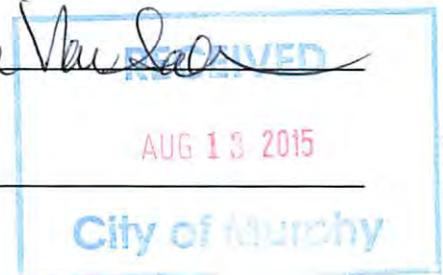
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Tim & Stephanie Van Saders
Name (Please Print)

613 Fall Wheat Dr
Address

Stephanie Van Saders
Signature

8/9/15
Date



Reply Form



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

CITY OF
MURPHY
LIFE LIVED AT YOUR PACE

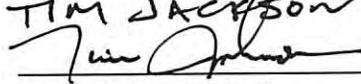
This letter is regarding the request of **Cindy Boggs owner of Heritage House of Murphy**, requesting a Special Use Permit as required by Ordinance 15-06-994, Section 19, Chapter 86, Appendix A-3, Section 86-662 to *increase the allowable residents from six to nine in an Assisted Living Facility* at a residential zoned property (SF-9) located at 612 Maize Road.

 I am **IN FAVOR** of the request for a Special Use Permit to *“increase the allowable residents from six to nine in an Assisted Living Facility”* at a residential zoned property located at 612 Maize Road.

 I am **OPPOSED** to the request for a Special Use Permit to *“increase the allowable residents from six to nine in an Assisted Living Facility”* at a residential zoned property located at 612 Maize Road.

This item will be heard at the **Planning & Zoning Commission on Monday, August 24, 2015 at 6:00 p.m.** and by **City Council on Tuesday, September 1, 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.

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

TIM JACKSON

Name (Please Print)


Signature

612 MAIZE
Address

8/16/2015
Date

Reply Form

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



This letter is regarding the request of **Cindy Boggs owner of Heritage House of Murphy**, requesting a Special Use Permit as required by Ordinance 15-06-994, Section 19, Chapter 86, Appendix A-3, Section 86-662 to *increase the allowable residents from six to nine in an Assisted Living Facility* at a residential zoned property (SF-9) located at 612 Maize Road.

_____ I am **IN FAVOR** of the request for a Special Use Permit to *"increase the allowable residents from six to nine in an Assisted Living Facility"* at a residential zoned property located at 612 Maize Road.

X I am **OPPOSED** to the request for a Special Use Permit to *"increase the allowable residents from six to nine in an Assisted Living Facility"* at a residential zoned property located at 612 Maize Road.

This item will be heard at the **Planning & Zoning Commission on Monday, August 24, 2015 at 6:00 p.m.** and by **City Council on Tuesday, September 1, 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.

7-9 paying "customers" is not a residence. It's a business. This is a neighborhood, and was never intended to be a place of business. 9 residents + caregivers is simply too many people to reside in one house... a neighborhood house.

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

Charles Jimerson Jr.
Name (Please Print)

[Signature]
Signature

620 Fall Wheat Dr.
Address Murphy 75094

8/14/15
Date

Reply Form

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



This letter is regarding the request of **Cindy Boggs owner of Heritage House of Murphy**, requesting a Special Use Permit as required by Ordinance 15-06-994, Section 19, Chapter 86, Appendix A-3, Section 86-662 to *increase the allowable residents from six to nine in an Assisted Living Facility* at a residential zoned property (SF-9) located at 612 Maize Road.

_____ I am **IN FAVOR** of the request for a Special Use Permit to *"increase the allowable residents from six to nine in an Assisted Living Facility"* at a residential zoned property located at 612 Maize Road.

I am **OPPOSED** to the request for a Special Use Permit to *"increase the allowable residents from six to nine in an Assisted Living Facility"* at a residential zoned property located at 612 Maize Road.

This item will be heard at the **Planning & Zoning Commission on Monday, August 24, 2015 at 6:00 p.m.** and by **City Council on Tuesday, September 1, 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.

- increased traffic, parking
- decrease of property value

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

ISTVAN BAUER
Name (Please Print)

Istvan Bauer
Signature

616 MAIZE RD
Address

8/9/15
Date

Issue

Consider and/or act on the application of property owner McBirney 544 Joint Venture requesting approval of a site plan, landscape plan, building elevations and construction plat for a Denny's restaurant and retail space on property located on the southeast corner of Brand Road and FM 544 at the Murphy Village Addition.

Summary

The applicant submitted a site plan, landscape plan, building elevations and construction plat for approval that would allow for development of a Denny's restaurant and retail space. The retail space is being actively marketed and will be a small retail user.

Total square footage of the two proposed buildings is approximately 6,200 square feet; 4,400 square foot proposed for Denny's and 2,000 square feet proposed for retail space.

- The property is zoned PD 09-12-823.
- The proposed restaurant and retail space are permitted uses as noted in the Planned Development District section VI. Specific Regulations, A. Permitted Uses, 49. Restaurant and 51. Retail Store.

Considerations

Site Plan

The proposed site plan has been reviewed by staff and meets the requirements as set forth by the Planned Development District and the Code of Ordinances.

Building Elevations

The proposed building elevation and materials meet requirements as set forth by the Planned Development District.

Landscape Plan

The proposed landscape and materials used have met requirement standards including landscape setbacks as detailed within the Planned Development District.

Construction Plat

The construction plat meets requirements pending the completion of comments currently being addressed by the applicant specific to the engineering documents.

Additional Considerations for Notation

Prior to any signage installation, the sign plans for the building and on the site will be submitted to Customer Service, go through standard staff review to ensure compliance with the Sign Ordinance and Planned Development District and will be permitted separately after staff approved.

Minor engineering and public works comments are being addressed specific to the Engineering Plans for this development and will be completed prior to construction plans submittal.

Staff Recommendation

Staff recommends approval of the site plan, landscape plan, building plans and construction plat as submitted with the considerations as noted in this agenda item.

Attachments

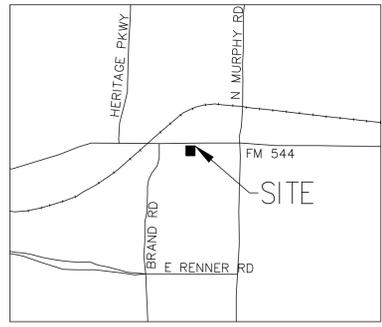
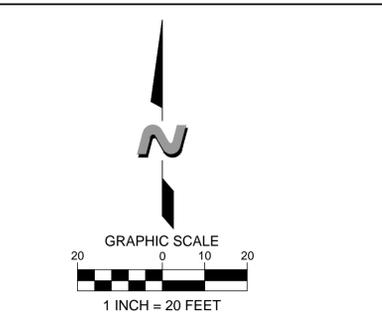
Site Plan

Building Elevations

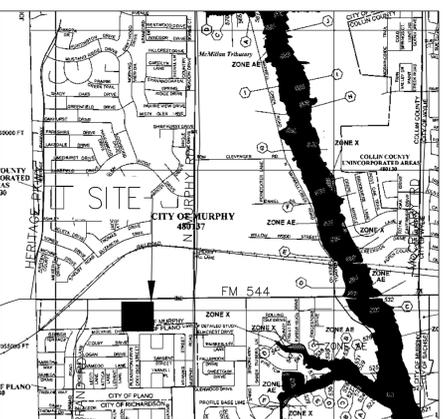
Landscape Plan

Construction Plat

THESE PLANS ARE THE PROPERTY OF PROFESSIONAL SERVICES AND ARE PROTECTED BY COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS INCLUDING COPYRIGHT. THEY MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN CONSENT OF THE DIMENSION GROUP.



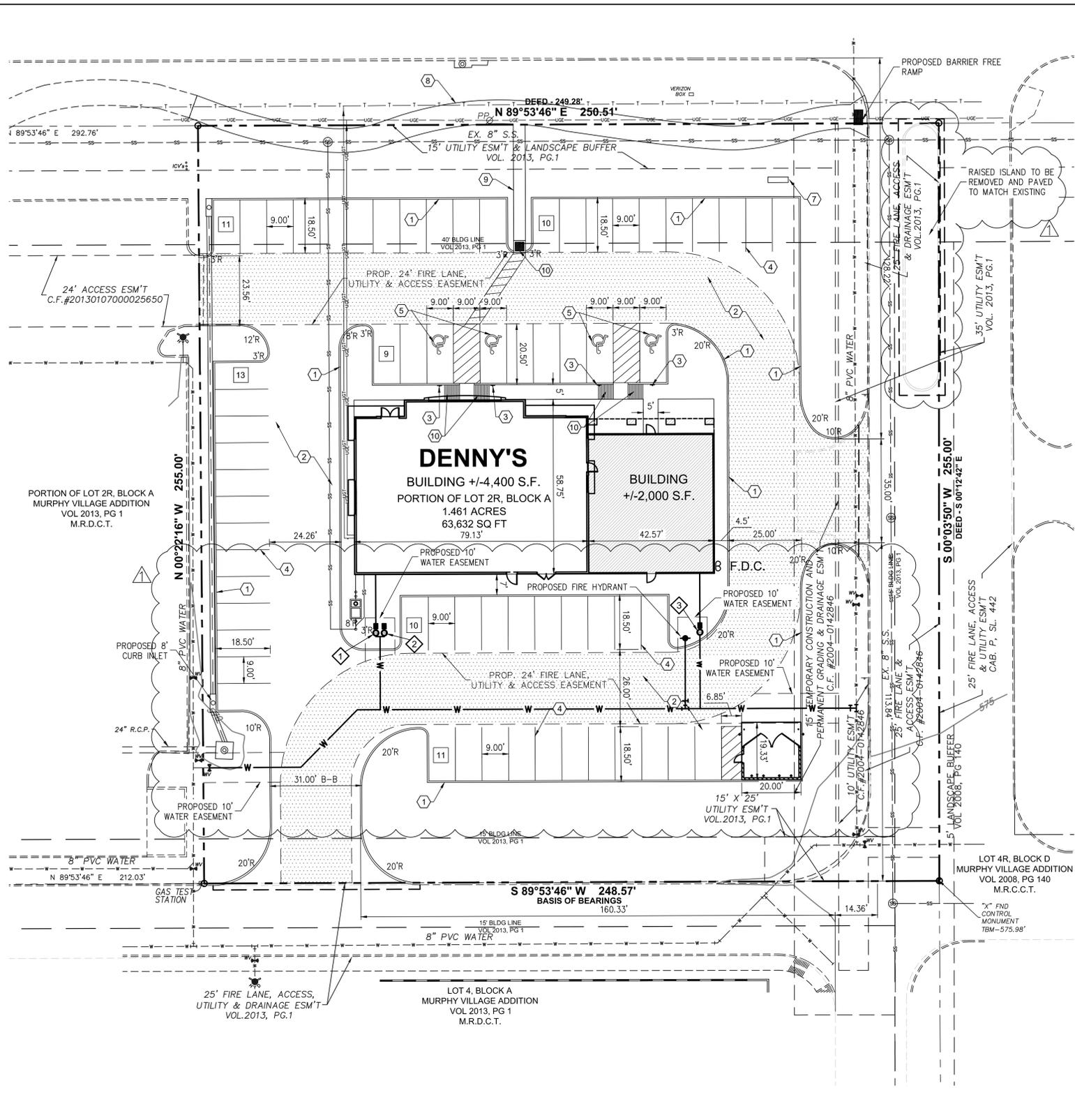
VICINITY MAP
N.T.S.



FEMA MAP
N.T.S.

WATER METER SCHEDULE

ID	TYPE	SIZE	REMARK
1	DOMESTIC	1-1/2"	PROPOSED
2	IRRIGATION	1"	PROPOSED
3	DOMESTIC	1-1/2"	PROPOSED



- SITE PLAN KEY NOTES:**
- CONSTRUCT 6" CURB & GUTTER
 - CONSTRUCT 6" CONCRETE PAVEMENT SECTION (RE: GEOTECH)
 - INSTALL HANDICAP VAN AND CAR SIGN (RE: A.D.A. PLAN)
 - 4" WHITE PAVEMENT SOLID PARKING STRIPES
 - HANDICAP PARKING LOGO
 - STANDARD AREA LIGHT POLE (RE: PHOTOMETRIC PLAN)
 - NEW I.D. MONUMENT SIGN
 - NEW 8' WIDE MEANDERING CONCRETE SIDEWALK
 - NEW 4' WIDE A.D.A. ACCESS SIDEWALK
 - CONSTRUCT TYPE 7 BARRIER FREE RAMP
 - NEW FIRE DEPARTMENT CONNECTION AT BUILDING

FIRE LANE

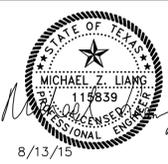
ZONING	R (RETAIL DISTRICT)
PROPOSED USE	RESTAURANT & RETAIL
LOT AREA	63,632 S.F. (1.461 ACRES)
BUILDING SQUARE FOOTAGE	4,400 S.F. RESTAURANT; 2,000 S.F. RETAIL
LOT COVERAGE	10.06%
BUILDING HEIGHT	30'-0"
TOTAL IMPERVIOUS SURFACE	46,308 S.F. OR 73%
PARKING REQUIRED	50 SPACES
PARKING PROVIDED	65 SPACES
HANDICAP PARKING REQUIRED	4 SPACES
HANDICAP PARKING PROVIDED	4 SPACES
LANDSCAPING AREA	17,324 S.F. OR 27%

SITE PLAN
MURPHY VILLAGE ADDITION
LOT 2R, BLOCK A
1.461 ACRES (63,632 SQ. FT) OUT OF THE
JAMES MAXWELL SURVEY, ABSTRACT NO. 580
CITY OF MURPHY, COLLIN COUNTY, TEXAS

SURVEYOR
 TEXAS HERITAGE SURVEYING, INC.
 10610 METRIC DRIVE, SUITE 124
 DALLAS, TEXAS 75243
 CONTACT: DOUG STEWART, R.P.L.S.
 TEL: (214) 340-9700

APPLICANT/ENGINEER
 THE DIMENSION GROUP
 TBPE FIRM # F-8396
 10755 SANDHILL ROAD
 DALLAS, TEXAS 75238
 CONTACT: DANIEL MURPHREE
 TEL: (214) 343-9400

CAUTION NOTICE TO CONTRACTORS
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.



#	DATE	REVISION DESCRIPTION	BY
1	8/13/15	CITY COMMENTS DATED 8/7/15	TGD

project no.	15-304	drawn by	CS
date	07/9/2015	designed by	ML
dwg.	03-15304-SITE PLAN-C3.0	approved by	MS

ARCHITECTURE • CIVIL ENGINEERING • MEP ENGINEERING • PLANNING

THE DIMENSION GROUP

10755 Sandhill Road, Dallas, Texas 75238
 TEL: 214-343-9400 FAX: 214-341-9060 www.DimensionGrp.com

SHEET
SITE PLAN
DENNY'S FM 544 NEAR BRAND ROAD MURPHY, TEXAS
C3.0

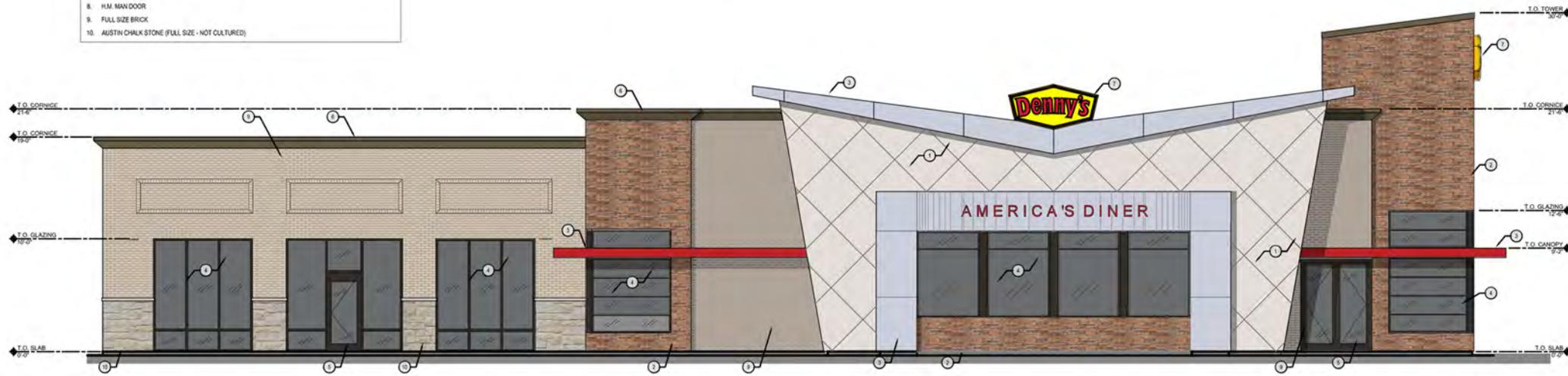
[00-TDC Civil Border: 24x36.dwg] [X-BE2.dwg] Drawing name: L:\Contidential Restaurants\Murphy\315-304_Murphy\02_Civil\Current\03-15304-SITE PLAN-C3.0.dwg Aug 13, 2015 - 1:45pm

KEYNOTES

1. STUCCO
2. FULL SIZE STONE (NOT CULTURED) TO MATCH LOOK OF ELDORADO STONE - MONTECITO CLIFFSTON
3. COMPOSITE PANEL CLADDING: VEE PORTAL METAL PANEL SYSTEM - ALPOLIC - TITANIUM
4. ALUMINUM FRAMED WINDOWS
5. STOREFRONT ENTRY DOOR SYSTEM
6. EIFS CROWN MOULDING
7. DENNY'S SIGN
8. H.M. MAN DOOR
9. FULL SIZE BRICK
10. AUSTIN CHALK STONE (FULL SIZE - NOT CULTURED)

EXTERIOR MATERIALS SUMMARY

EXTERIOR MATERIALS SUMMARY:
 BRICK/STONE: 87.75%
 STUCCO: 8.5%
 METAL: 3.75%

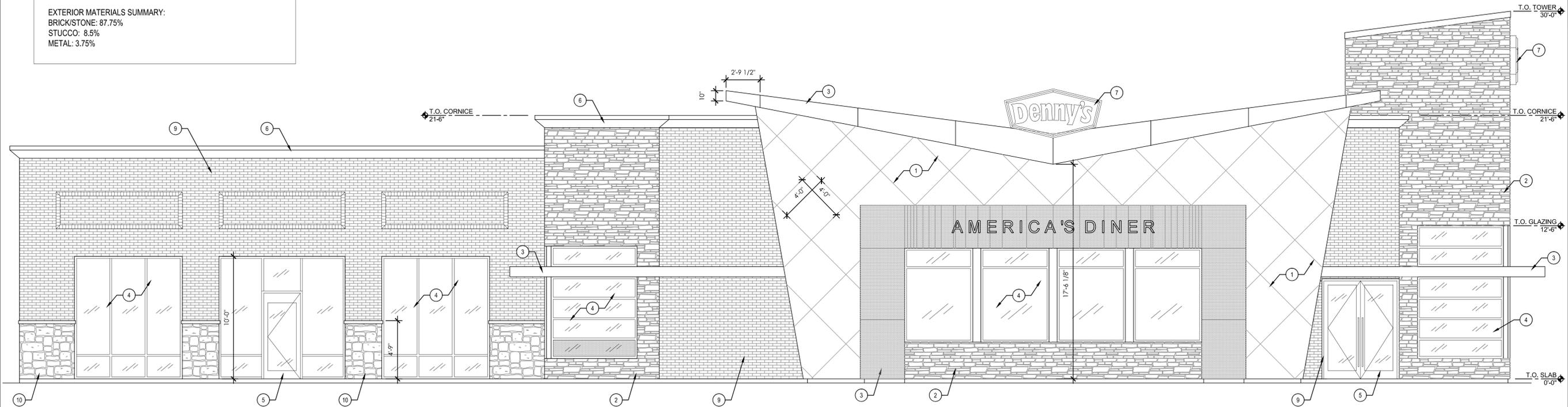


FRONT ELEVATION

PROPOSED DENNY'S
 FM 455 MURPHY, TX

EXTERIOR MATERIALS SUMMARY

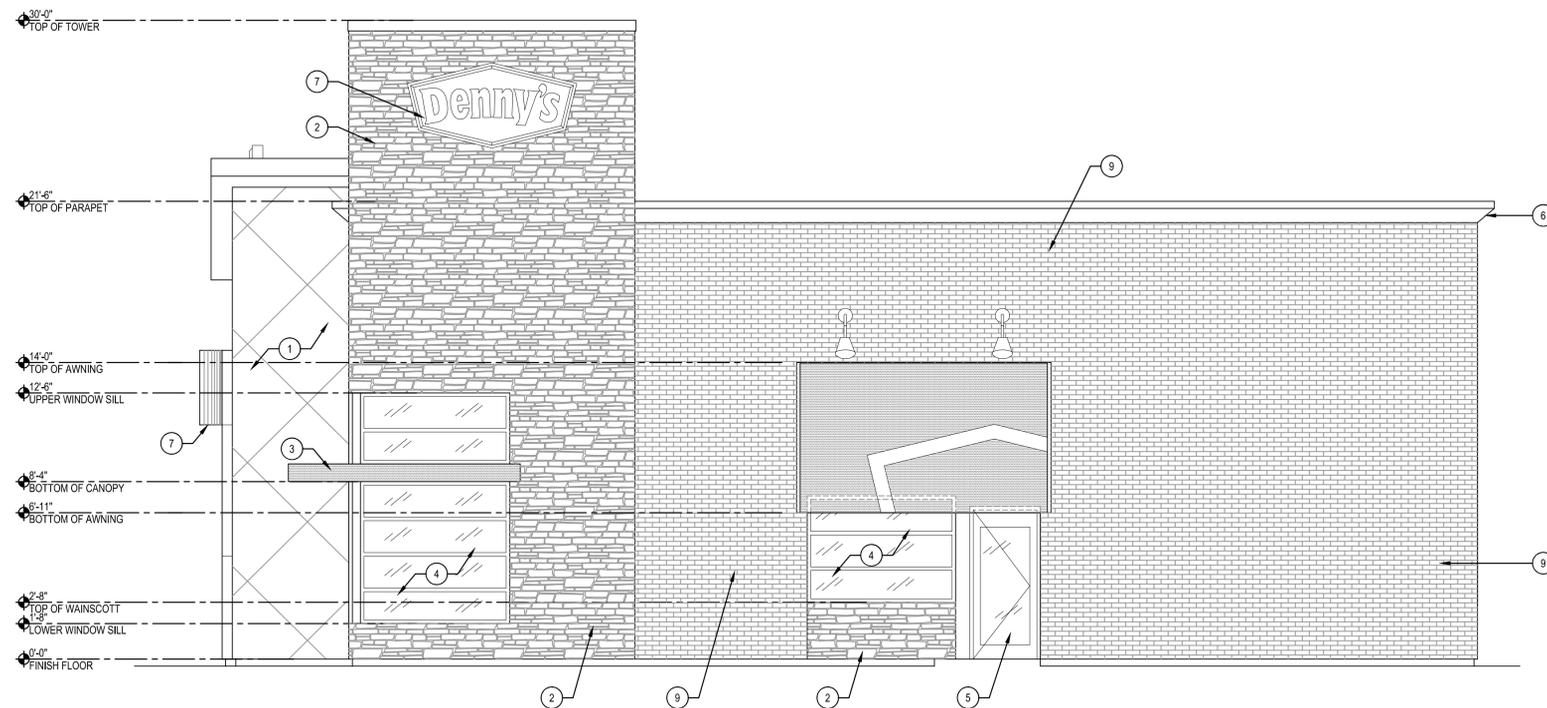
EXTERIOR MATERIALS SUMMARY:
 BRICK/STONE: 87.75%
 STUCCO: 8.5%
 METAL: 3.75%



1 FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

EXTERIOR MATERIALS SUMMARY

EXTERIOR MATERIALS SUMMARY:
 BRICK/STONE: 91.75%
 STUCCO: 6.25%
 METAL: 2.0%



2 RIGHT ELEVATION
 SCALE: 1/4" = 1'-0"

KEYNOTES

1. STUCCO
2. FULL SIZE STONE (NOT CULTURED) TO MATCH LOOK OF ELDORADO STONE - MONTECITO CLIFFSTON
3. COMPOSITE PANEL CLADDING: VEE PORTAL METAL PANEL SYSTEM - ALPOLIC - TITANIUM
4. ALUMINUM FRAMED WINDOWS
5. STOREFRONT ENTRY DOOR SYSTEM
6. EIFS CROWN MOULDING
7. DENNY'S SIGN
8. H.M. MAN DOOR
9. FULL SIZE BRICK
10. AUSTIN CHALK STONE (FULL SIZE - NOT CULTURED)



ISSUE FOR BID
 PURPOSES ONLY

SEC CORNER OF FM 544
 AND BRAND ROAD
 MURPHY, TX

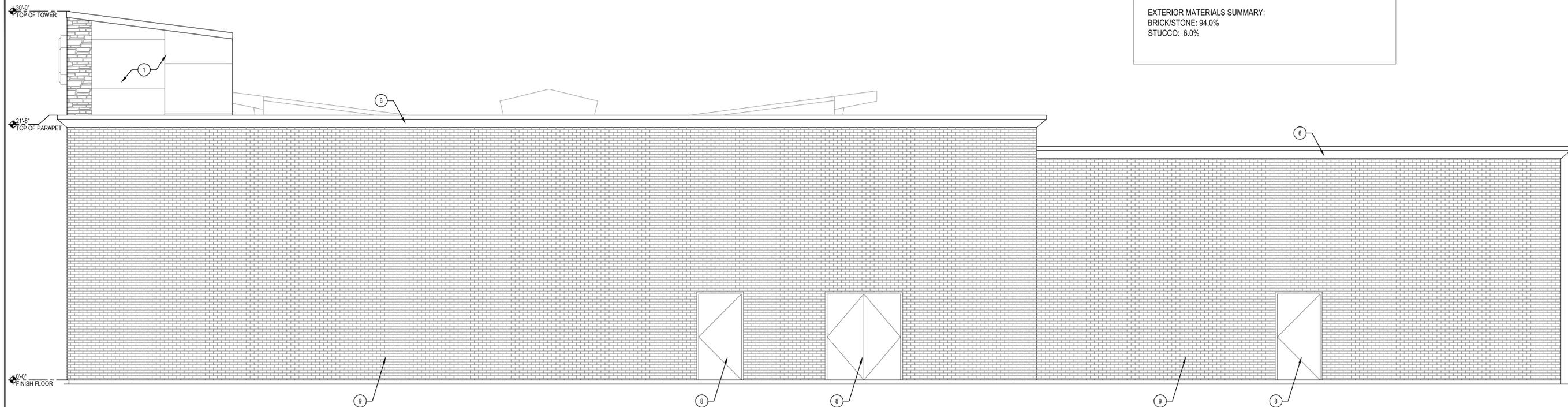
REVISIONS:

PROJECT NUMBER: 15-304

DATE: 07-15-2015

EXTERIOR
 ELEVATIONS

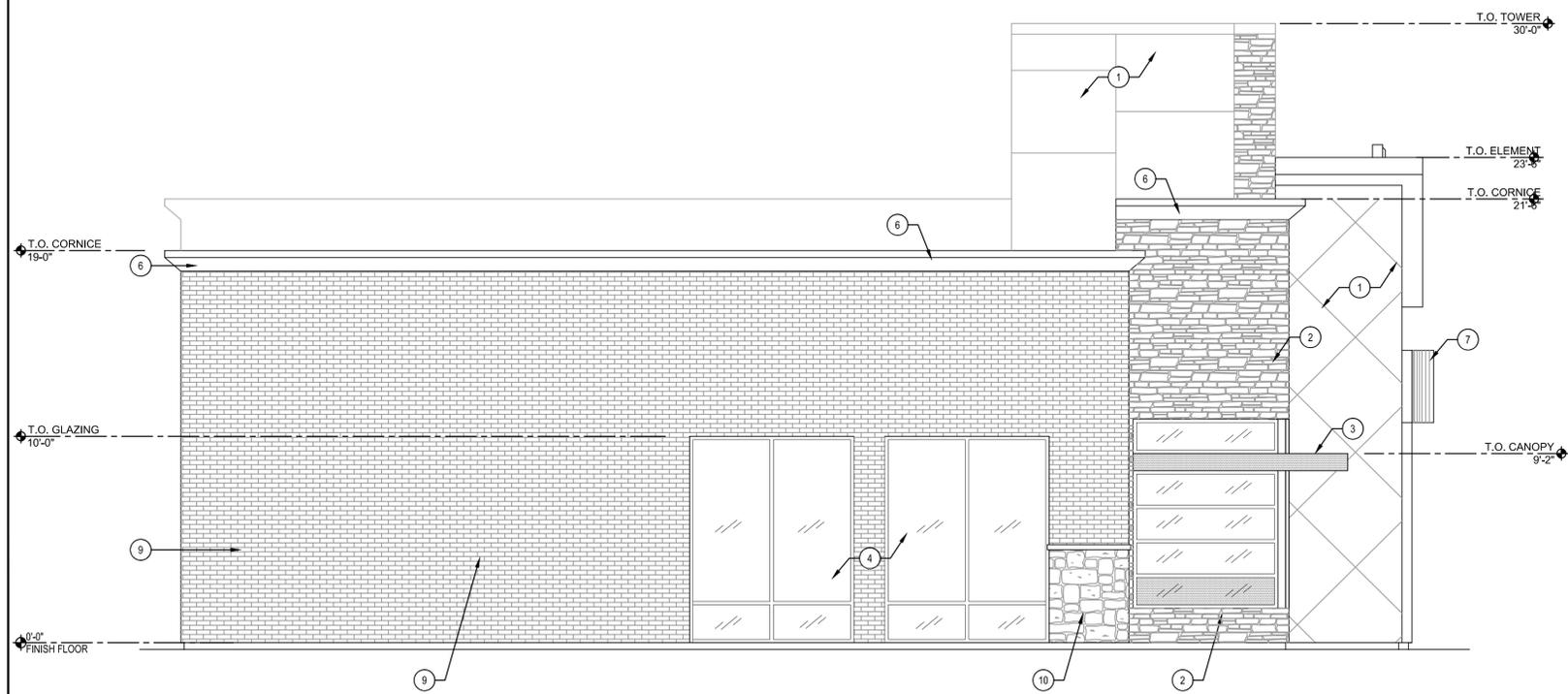
A4.1



EXTERIOR MATERIALS SUMMARY

EXTERIOR MATERIALS SUMMARY:
 BRICK/STONE: 94.0%
 STUCCO: 6.0%

1 REAR ELEVATION
 SCALE: 1/4" = 1'-0"



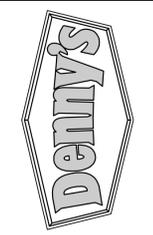
EXTERIOR MATERIALS SUMMARY

EXTERIOR MATERIALS SUMMARY:
 BRICK/STONE: 88.5%
 STUCCO: 9.5%
 METAL: 2.0%

2 LEFT ELEVATION
 SCALE: 1/4" = 1'-0"

KEYNOTES #

1.	STUCCO
2.	FULL SIZE STONE (NOT CULTURED) TO MATCH LOOK OF ELDERADO STONE - MONTECITO CLIFFSTON
3.	COMPOSITE PANEL CLADDING: VEE PORTAL METAL PANEL SYSTEM - ALPOLIC - TITANIUM
4.	ALUMINUM FRAMED WINDOWS
5.	STOREFRONT ENTRY DOOR SYSTEM
6.	EIFS CROWN MOULDING
7.	DENNY'S SIGN
8.	H.M. MAN DOOR
9.	FULL SIZE BRICK
10.	AUSTIN CHALK STONE (FULL SIZE - NOT CULTURED)



**ISSUE FOR BID
 PURPOSES ONLY**

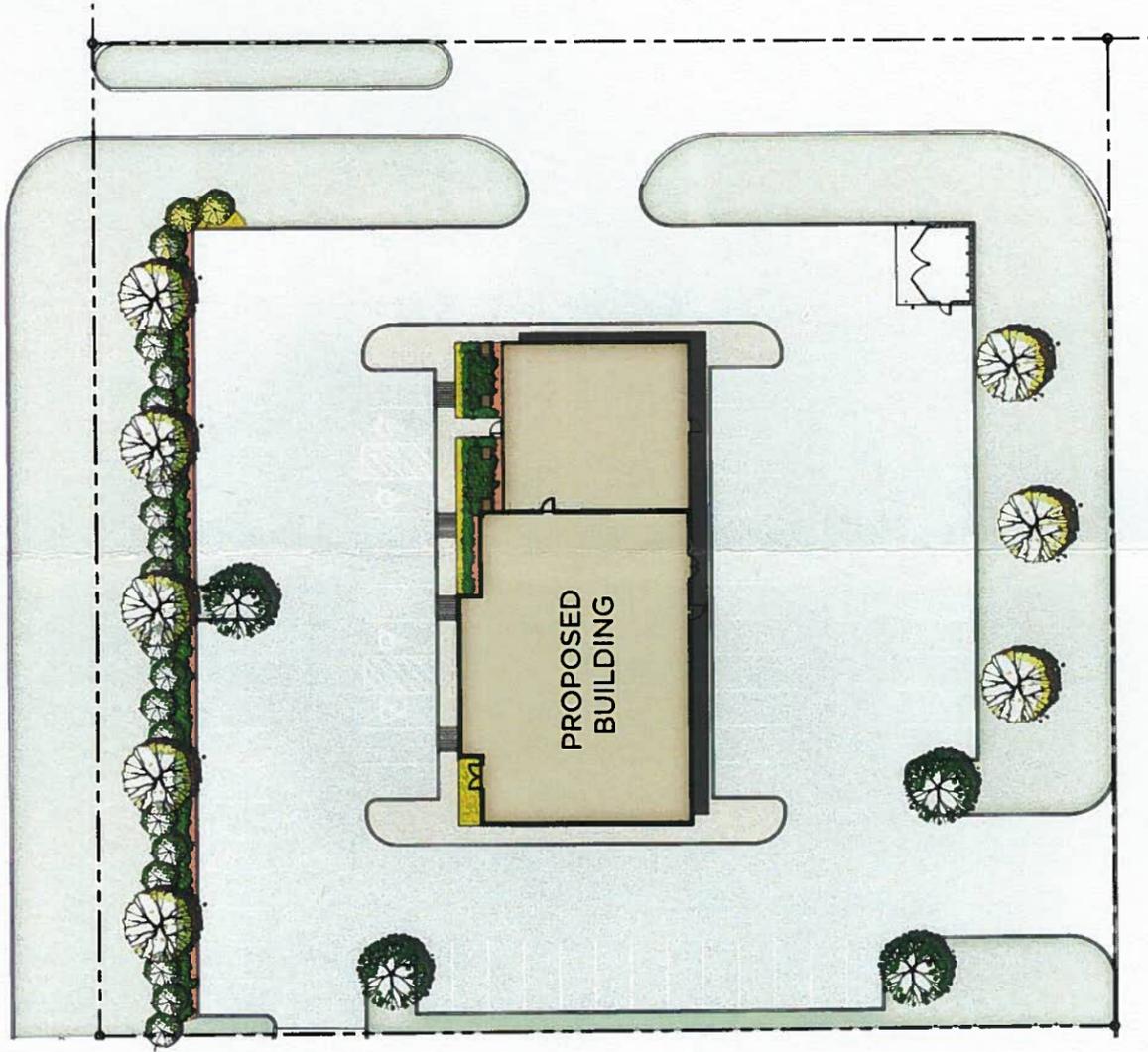
SEC CORNER OF FM 544
 AND BRAND ROAD
 MURPHY, TX

REVISIONS:

PROJECT NUMBER: 15-304
 DATE: 07-15-2015

**EXTERIOR
 ELEVATIONS
 A4.2**

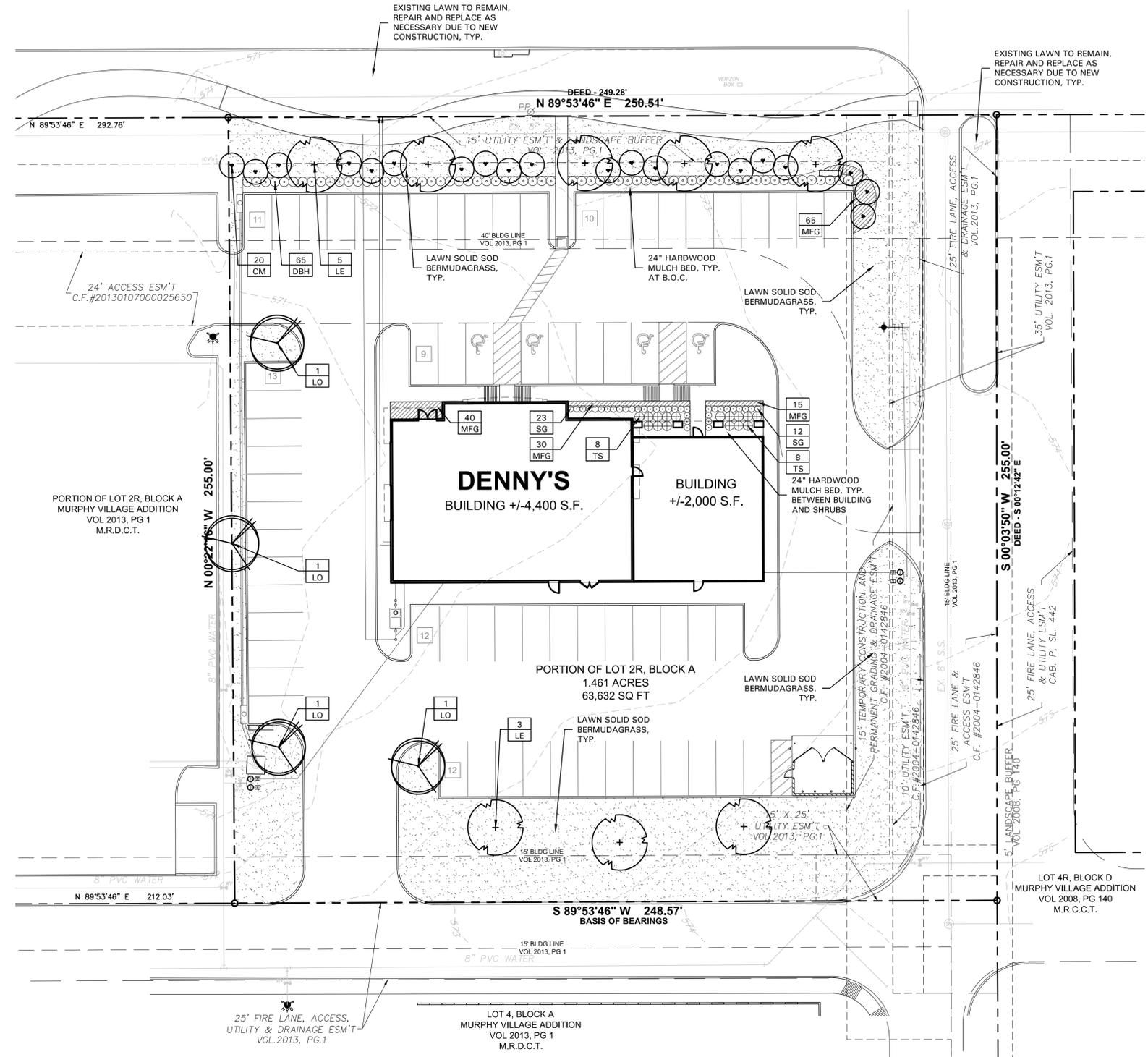
F.M. HWY. NO. 544



RECEIVED
JUN 25 2015
City of Murfreesboro



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PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
TREES					
CM	<i>Lagerstroemia indica</i> 'Natchez'	Crepe Myrtle 'Natchez'	20	30 gal.	container grown, 3-5 trunk, no cross canes, 8' ht., 4' spread, matching
LE	<i>Ulmus parvifolia</i> 'Sempervirens'	Lacebark Elm	8	3" cal.	container grown, 12' ht., 4' spread, 4' branching ht., matching
LO	<i>Quercus virginiana</i>	Live Oak	4	3" cal.	container grown, 12' ht., 4' spread, 4' branching ht., matching
SHRUBS/GROUND COVER					
DBH	<i>Ilex cornuta</i> 'Barfordii' Nama	Dwarf Barford Holly	65	5 gal.	container full, 24" spread, 36" o.c.
MFG	<i>Nassella tenuissima</i>	Mexican Feathergrass	150	1 gal.	container full, 18" o.c.
SG	<i>Salvia greggii</i> 'Red'	Salvia Greggii 'Red'	35	5 gal.	container full, 20" spread, 24" o.c.
TS	<i>Leucophyllum frutescens</i> 'Green Cloud'	Texas Sage 'Green Cloud'	16	5 gal.	container full, 20" spread, 36" o.c.

NOTE: ALL TREES SHALL HAVE STRAIGHT TRUNKS AND BE MATCHING WITHIN VARIETIES. PLANT LIST IS AN AID TO BIDDERS ONLY. CONTRACTOR SHALL VERIFY ALL QUANTITIES ON PLAN. ALL HEIGHTS AND SPREADS ARE MINIMUMS. ALL PLANT MATERIAL SHALL MEET OR EXCEED REMARKS AS INDICATED.

LANDSCAPE NOTES

- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
- CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY LANDSCAPE ARCHITECT OF ANY CONFLICTS. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
- CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
- CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED. LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL FINISHED GRADE IN PLANTING AREAS AND 1" BELOW FINAL FINISHED GRADE IN LAWN AREAS.
- ALL PLANTING BEDS AND LAWN AREAS SHALL BE SEPARATED BY STEEL EDGING. NO STEEL EDGING SHALL BE INSTALLED ADJACENT TO BUILDINGS, WALKS, OR CURBS. CUT STEEL EDGING AT 45 DEGREE ANGLE WHERE IT INTERSECTS WALKS AND CURBS.
- TOP OF MULCH SHALL BE 1/2" MINIMUM BELOW THE TOP OF WALKS AND CURBS.
- ALL LAWN AREAS SHALL BE SOLID SOD BERMUDAGRASS, UNLESS OTHERWISE NOTED ON THE DRAWINGS.
- ALL REQUIRED LANDSCAPE AREAS SHALL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM WITH RAIN AND FREEZE SENSORS AND EVAPOTRANSPIRATION (ET) WEATHER-BASED CONTROLLERS AND SAID IRRIGATION SYSTEM SHALL BE DESIGNED BY A QUALIFIED PROFESSIONAL AND INSTALLED BY A LICENSED IRRIGATOR.
- CONTRACTOR SHALL PROVIDE BID PROPOSAL LISTING UNIT PRICES FOR ALL MATERIAL PROVIDED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.

GENERAL LAWN NOTES

- CONTRACTOR SHALL COORDINATE OPERATIONS AND AVAILABILITY OF EXISTING TOPSOIL WITH ON-SITE CONSTRUCTION MANAGER.
- CONTRACTOR SHALL LEAVE LAWN AREAS 1" BELOW FINAL FINISHED GRADE PRIOR TO TOPSOIL INSTALLATION.
- CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED ON CIVIL PLANS. ADJUST CONTOURS TO ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNIFORM ROUNDING AT TOP AND BOTTOM OF SLOPES AND OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAND.
- ALL LAWN AREAS SHALL BE FINE GRADED, IRRIGATION TRENCHES COMPLETELY SETTLED AND FINISH GRADE APPROVED BY THE OWNER'S CONSTRUCTION MANAGER OR LANDSCAPE ARCHITECT PRIOR TO LAWN INSTALLATION.
- CONTRACTOR SHALL REMOVE ALL ROCKS 3/4" DIAMETER AND LARGER, DIRT CLOUDS, STICKS, CONCRETE SPOILS, ETC. PRIOR TO PLACING TOPSOIL AND LAWN INSTALLATION.
- CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO: MOWING, WATERING, WEEDING, CULTIVATING, CLEANING AND REPLACING DEAD OR BARE AREAS TO KEEP PLANTS IN A VIGOROUS, HEALTHY CONDITION.
- CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY IF NECESSARY.

SOLID SOD NOTES

- PLANT SOD BY HAND TO COVER INDICATED AREAS COMPLETELY. ENSURE EDGES OF SOD ARE TOUCHING. TOP DRESS JOINTS BY HAND WITH TOPSOIL TO FILL VOIDS.
- ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE, FREE FROM UNNATURAL UNDULATIONS.
- WATER SOD THOROUGHLY AS SOD OPERATION PROGRESSES.
- IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, OVER-SEED BERMUDAGRASS SOD WITH WINTER RYEGRASS AT A RATE OF FOUR (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.

MAINTENANCE NOTES

- THE OWNER, TENANT AND THEIR AGENT, IF ANY, SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE.
- ALL LANDSCAPE SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, WATERING, WEEDING AND OTHER SUCH ACTIVITIES COMMON TO LANDSCAPE MAINTENANCE.
- ALL LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS AND OTHER SUCH MATERIAL OR PLANTS NOT PART OF THIS PLAN.
- ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR.
- ALL PLANT MATERIAL WHICH DIES SHALL BE REPLACED WITH PLANT MATERIAL OF EQUAL OR BETTER VALUE.
- CONTRACTOR SHALL PROVIDE SEPARATE BID PROPOSAL FOR ONE YEAR'S MAINTENANCE TO BEGIN AFTER FINAL ACCEPTANCE.

LANDSCAPE TABULATIONS

THE CITY OF MURPHY, TEXAS

SITE LANDSCAPE

- A minimum of twenty (20%) percent of the site shall be pervious, permanently landscaped area.

Total Site Area: 63,632 s.f.
 Required: 12,726 s.f. (20%) Provided: 16,409 s.f. (26%)

STREET BUFFER

- One large shade tree and four small ornamental trees shall be required per fifty (50) linear feet of street frontage.

FM 544 - 251 L.F.
 Required: (5) trees, 3" cal. Provided: (5) trees, 3" cal.
 (20) ornamental trees (20) ornamental trees

PARKING LOT LANDSCAPE

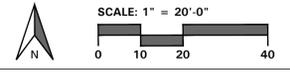
- A minimum of one (1) shade tree shall be planted for every ten (10) parking spaces.
- All parking island shall contain at least one (1) tree.

Total Parking = 68 spaces
 Required: (7) trees, 3" cal. Provided: (7) trees, 3" cal.

LANDSCAPE PLAN
MURPHY VILLAGE ADDITION
LOT 2R, BLOCK A
1.461 ACRES (63,632 SQ. FT) OUT OF THE
JAMES MAXWELL SURVEY, ABSTRACT NO. 580
CITY OF MURPHY, COLLIN COUNTY, TEXAS

SURVEYOR
 TEXAS HERITAGE SURVEYING, INC.
 10610 METRIC DRIVE, SUITE 124
 DALLAS, TEXAS 75243
 CONTACT: DOUG STEWART, R.P.L.S.
 TEL: (214) 340-9700

APPLICANT/ENGINEER
 THE DIMENSION GROUP
 TBPE FIRM # F-8396
 10755 SANDHILL ROAD
 DALLAS, TEXAS 75238
 CONTACT: DANIEL MURPHREE
 TEL: (214) 343-9400



BELLE FIRMA

- 4245 North Central Expy
- Suite 501
- Dallas, Texas 75205
- 214.865.7192 office



#	DATE	REVISION DESCRIPTION	BY
1	7/9/15	1st CITY SUBMITTAL	TGD
2			
3			
4			

project no. 15-304 drawn by APL
 date 07/09/2015 designed by APL
 dwg. approved by KAH

THE DIMENSION GROUP

TBPE FIRM # F-8396

ARCHITECTURE • CIVIL ENGINEERING • MEP ENGINEERING • PLANNING

10755 Sandhill Road, Dallas, Texas 75238
 TEL: 214-343-9400 FAX: 214-341-9060 www.DimensionGrp.com

LANDSCAPE PLAN

DENNY'S
 FM 544 NEAR BRAND ROAD
 MURPHY, TEXAS

SHEET

L1.01

THESE PLANS ARE INSTRUMENTS OF PROFESSIONAL SERVICE. NO PART OF THESE PLANS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF THE DIMENSION GROUP.

SECTION 32 9300 - LANDSCAPE

PART 1 - GENERAL

1.1 REFERENCED DOCUMENTS

- A. Refer to Landscape Plans, notes, details, bidding requirements, special provisions, and schedules for additional requirements.

1.2 DESCRIPTION OF WORK

- A. Work included: Furnish all supervision, labor, materials, services, equipment and appliances required to complete the work covered in conjunction with the landscaping covered in these specifications and landscaping plans, including:
 1. Planting (trees, shrubs and grasses)
 2. Bed preparation and fertilization
 3. Notification of sources
 4. Water and maintenance until final acceptance
 5. Guarantee

1.3 REFERENCE STANDARDS

- A. American Standard for Nursery Stock published by American Association of Nurserymen: 27 October 1980, Edition; by American National Standards Institute, Inc. (Z60.1) - plant material
- B. American Joint Committee on Horticultural Nomenclature: 1942 Edition of Standardized Plant Names.
- C. Texas Association of Nurserymen, Grades and Standards
- D. Hortis Third, 1976 - Cornell University

1.4 NOTIFICATION OF SOURCES AND SUBMITTALS

- A. Samples: Provide representative quantities of sandy loam soil, mulch, bed mix material, gravel and crushed stone. Samples shall be approved by Owner's Authorized Representative before use on the project.

1.5 JOB CONDITIONS

- A. General Contractor to complete the following punch list: Prior to Landscape Contractor initiating any portion of landscape installation, General Contractor shall leave planting bed areas three (3") inches below final finish grade of sidewalks, drives and curbs as shown on the drawings. All lawn areas to receive solid sod shall be left one (1") inch below the final finish grade of sidewalks, drives and curbs. All construction debris shall be removed prior to Landscape Contractor beginning any work.
- B. Storage of materials and equipment at the job site will be at the risk of the Landscape Contractor. The Owner cannot be held responsible for theft or damage.

1.6 MAINTENANCE AND GUARANTEE

- A. Maintenance:
 1. The Landscape Contractor shall be held responsible for the maintenance of all work from the time of planting until final acceptance by the Owner. No trees, shrubs, groundcover or grass will be accepted unless they show healthy growth and satisfactory foliage conditions.
 2. Maintenance shall include watering of trees and plants, cultivation, weeding, spraying, edging, pruning of trees, mowing of grass, cleaning up and all other work necessary of maintenance.
 3. A written notice requesting final inspection and acceptance should be submitted to the Owner at least seven (7) days prior to completion. An on-site inspection by the Owner's Authorized Representative will be completed prior to written acceptance.
- B. Guarantee:

1. Trees, shrubs and groundcover shall be guaranteed for a twelve (12) month period after final acceptance. The Contractor shall replace all dead materials as soon as weather permits and upon notification of the Owner. Plants, including trees, which have partially died to that shape, size, or symmetry have been damaged, shall be considered subject to replacement. In such cases, the opinion of the Owner shall be final.
 - a. Plants used for replacement shall be of the same size and kind as those originally planted and shall be planted as originally specified. All work, including materials, labor and equipment used in replacements, shall carry a twelve (12) month guarantee. Any damage, including ruts in lawn or bed areas, incurred as a result of making replacements shall be immediately repaired.
 - b. At the direction of the Owner, plants may be replaced at the start of the next year's planting season. In such cases, dead plants shall be removed from the premises immediately.
 - c. When plant replacements are made, plants, soil mix, fertilizer and mulch are to be utilized as originally specified and re-inspected for full compliance with the contract requirements. All replacements are to be included under "Work" of this section.
2. The Owner agrees that for the guarantee to be effective, he will water plants at least twice a week during dry periods and cultivate beds once a month after final acceptance.
3. The above guarantee shall not apply where plants die after acceptance because of injury from storms, hail, freeze, insects, diseases, injury by humans, machines or theft.
4. Acceptance for all landscape work shall be given after final inspection by the Owner provided the job is in a complete, undamaged condition and there is a stand of grass in all lawn areas. At that time, the Owner will assume maintenance on the accepted work.

1.7 QUALITY ASSURANCE

- A. General: Comply with applicable federal, state, county and local regulations governing landscape materials and work.
- B. Personnel: Employ only experienced personnel who are familiar with the required work and have direct supervision by a qualified foreman acceptable to Landscape Architect.
- C. Selection of Plant Material:
 1. Make contact with suppliers immediately upon obtaining notice of contract acceptance to select and book materials. Develop a program of maintenance (pruning and fertilization) which will ensure the purchased materials will meet and / or exceed project specifications.
 2. Substitutions: Do not make plant material substitutions. If the specified landscape material is not obtainable, submit proof of non-availability to Landscape Architect, together with proposal for use of equivalent material. At the time bids are submitted, the Contractor is assumed to have located the materials necessary to complete the job as specified.
 3. Landscape Architect will provide a key identifying each tree location on site. Written verification will be required to document material selection, source and delivery schedules to site.
 4. Measurements: Measure trees with branches and trunks or canes in their normal position. Do not prune to obtain required sizes. Take caliper measurements six inches above ground for trees up to and including 4" caliper size, and twelve inches above ground for larger sizes. Measure main body of all plant material of height and spread dimensions,

- do not measure from branch or root tip-to-tip.
- 5. Owner's Authorized Representative shall inspect all plant material with requirements for genus, species, cultivar / variety size and quality.
- 6. Owner's Authorized Representative retains the right to further inspect all plant material upon arrival to the site and during installation for size and condition of root balls and root systems, limbs, branching habit, insects, injuries and latent defects.
- 7. Owner's Authorized Representative may reject unsatisfactory or defective material at any time during the process work. Remove rejected materials immediately from the site and replace with acceptable material at no additional cost to the Owner. Plants damaged in transit or at job site shall be rejected.

1.8 PRODUCT DELIVERY, STORAGE AND HANDLING

- A. Preparation:
 1. Balled and Burlapped (B&B) Plants: Dig and prepare shipment in a manner that will not damage roots, branches, shape and future development.
 2. Container Grown Plants: Deliver plants in rigid container to hold ball shape and protect root mass.
- B. Delivery:
 1. Deliver packaged materials in sealed containers showing weight, analysis and name of manufacturer. Protect plants from deterioration during delivery and while stored on site.
 2. Deliver only plant materials that can be planted in one day unless adequate storage and watering facilities are available on job site.
 3. Protect root balls by heeling in with sawdust or other approved moisture retaining material if not planted within 24 hours of delivery.
 4. Protect plants during delivery to prevent damage to root balls or desiccation of leaves. Keep plants moist at all times. Cover all materials during transport.
 5. Notify Owner's Authorized Representative of delivery schedule 72 hours in advance job site.
 6. Remove rejected plant material immediately from job site.
 7. To avoid damage or stress, do not lift, move, adjust to plumb, or otherwise manipulate plants by trunk or stems.

PART 2 - PRODUCTS

2.1 PLANTS

- A. General: Well-formed No. 1 grade or better nursery grown stock. Listed plant heights are from tops of root balls to nominal tops of plants. Plant spread refers to nominal outer width of the plant, not to the outer leaf tips. Plants will be individually approved by the Owner's Authorized Representative and his decision as to their acceptability shall be final.
- B. Quantities: The drawings and specifications are complimentary. Anything called for on one and not the other is as binding as if shown and called for on both. The plant schedule is an aid to bidders only. Confirm all quantities on plan.
- C. Quality and size: Plant materials shall conform to the size given on the plan, and shall be healthy, symmetrical, well-shaped, full branched and well rooted. The plants shall be free from injurious insects, diseases, injuries to the bark or roots, broken branches, objectionable distortions, insect eggs and larvae, and are to be of specimen quality.
- D. Approval: All plants which are found unsuitable in growth, or are rejected by the Owner's Authorized Representative either before or after planting and shall be removed at the expense of the Landscape Contractor and replaced with acceptable plant as

- specified at no additional cost to the Owner.
- E. Trees shall be healthy, full-branched, well-shaped, and shall meet the minimum trunk and diameter requirements of the plant schedule. Balls shall be firm, neat, slightly tapered and well wrapped in burlap. Any tree loose in the ball or with a broken root ball at time of planting will be rejected. Balls shall be ten (10") inches in diameter for each one (1") inch of trunk diameter, measured six (6") inches above ball. (Nomenclature conforms to the customary nursery usage. For clarification, the term "multi-trunk" defines a plant having three (3) or more trunks of nearly equal diameter.)
- F. Pruning: All pruning of trees and shrubs, as directed by the Landscape Architect prior to final acceptance, shall be executed by the Landscape Contractor at no additional cost to the Owner.

2.2 SOIL PREPARATION MATERIALS

- A. Sandy Loam:
 1. Friable, fertile, dark, loamy soil, free of clay lumps, subsoil, stones and other extraneous material and reasonably free of weeds and foreign grasses. Loam containing Dallasgrass or Nutgrass shall be rejected.
 2. Physical properties as follows:
 - a. Clay - between 7-27 percent
 - b. Silt - between 15-25 percent
 - c. Sand - less than 52 percent
 3. Organic matter shall be 3%-10% of total dry weight.
 4. If requested, Landscape Contractor shall provide a certified soil analysis conducted by an approved soil testing laboratory verifying that sandy loam meets the above requirements.
- B. Organic Material: Compost with a mixture of 80% vegetative matter and 20% animal waste. Ingredients should be a mix of course and fine textured material.
- C. Premixed Bedding Soil as supplied by Vital Earth Resources, Gladewater, Texas; Professional Bedding Soil as supplied by Living Earth Technology, Dallas, Texas or Acid Gro Municipal Mix as supplied by Soil Building Systems, Dallas, Texas or approved equal.
- D. Sharp Sand: Sharp sand must be free of seeds, soil particles and weeds.
- E. Mulch: Double Shredded Hardwood Mulch, partially decomposed, dark brown. Living Earth Technologies or approved equal.
- F. Organic Fertilizer: Fertilaid, Sustane, or Green Sense or equal as recommended for required applications. Fertilizer shall be delivered to the site in original unopened containers, each bearing the manufacturer's guaranteed statement of analysis.
- G. Commercial Fertilizer: 10-20-10 or similar analysis. Nitrogen source to be a minimum 50% slow release organic Nitrogen (SCU) or UFI with a minimum 8% sulfur and 4% iron, plus micronutrients.
- H. Peat: Commercial sphagnum peat moss or partially decomposed shredded pine bark or other approved organic material.

2.3 MISCELLANEOUS MATERIALS

- A. Steel Edging: 3/16" x 4" x 16' - dark green, DURAEDGE® steel landscape edging manufactured by The J.D. Russell Company under its trade name DURAEDGE Heavy Duty Steel.
- B. Staking Material for Shade Trees: refer to details.
- C. Gravel: Washed native pea gravel, graded 1 inch to 1-1/2 inch.
- D. Filter Fabric: 'Mirafri Mirascapes' by Mirafi Construction Products available at Lone Star Products, Inc., (469) 523-0444 or approved equal.
- E. River Rock: "Colorado" or native river rock, 2" - 4" dia.

- F. Decomposed Granite: Base material shall consist of a natural material mix of granite aggregate not to exceed 1/8" diameter in size and shall be composed of various stages of decomposed earth base.

PART 3 - EXECUTION

3.1 BED PREPARATION & FERTILIZATION

- A. Landscape Contractor to inspect all existing conditions and report any deficiencies to the Owner.
- B. All planting areas shall be conditioned as follows:
 1. Prepare new planting beds by scraping away existing grass and weeds as necessary. Till existing soil to a depth of six (6") inches prior to placing compost and fertilizer. Apply fertilizer as per Manufacturer's recommendations. Add six (6") inches of compost and till into a depth of six (6") inches of the topsoil. Apply organic fertilizer such as Sustane or Green Sense at the rate of twenty (20) pounds per one thousand (1,000) square feet.
 2. All planting areas shall receive a two (2") inch layer of specified mulch.
 3. Backfill for tree pits shall be as follows: Use existing top soil on site (use imported topsoil as needed) free from large clumps, rocks, debris, caliche, subsoils, etc., placed in nine (9") inch layers and watered in thoroughly.
- C. Grass Areas:
 1. Blocks of sod should be laid joint to joint (staggered joints) after fertilizing the ground first. Roll grass areas to achieve a smooth, even surface. The joints between the blocks of sod should be filled with topsoil where they are evidently gaped open, then watered thoroughly.

3.2 INSTALLATION

- A. Maintenance of plant materials shall begin immediately after each plant is delivered to the site and shall continue until all construction has been satisfactorily accomplished.
- B. Plant materials shall be delivered to the site only after the beds are prepared and areas are ready for planting. All shipments of nursery materials shall be thoroughly protected from the drying winds during transit. All plants which cannot be planted at once, after delivery to the site, shall be well protected against the possibility of drying by wind and Balls of earth of B & B plants shall be kept covered with soil or other acceptable material. All plants remain the property of the Contractor until final acceptance.
- C. Position the trees and shrubs in their intended location as per plan.
- D. Notify the Owner's Authorized Representative for inspection and approval of all positioning of plant materials.
- E. Excavate pits with vertical sides and horizontal bottom. Tree pits shall be large enough to permit handling and planting without injury to balls of earth or roots and shall be of such depth that, when planted and settled, the crown of the plant shall bear the same relationship to the finish grade as it did to soil surface in original place of growth.
- F. Shrub and tree pits shall be no less than twenty-four (24") inches wider than the lateral dimension of the earth ball and six (6") inches deeper than it's vertical dimension. Remove and haul from site all rocks and stones over three-quarter (¾") inch diameter. Plants should be thoroughly moist before removing containers.
- G. Dig a wide, rough sided hole exactly the same depth as the height of the ball, especially at the surface of the ground. The sides of the hole should be rough and jagged, never slick or glazed.
- H. Percolation Test: Fill the hole with water. If the water level does not percolate within 24 hours, the tree needs to move to another location or have drainage added. Install a PVC stand pipe per

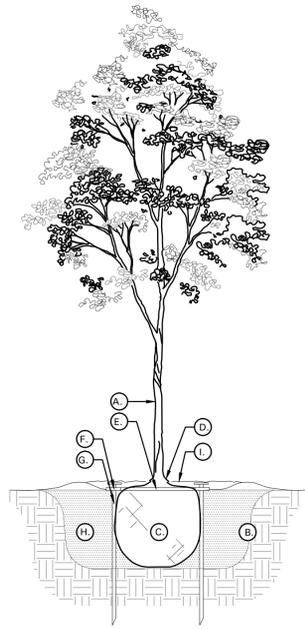
- tree planting detail as approved by the Landscape Architect if the percolation test fails.
- I. Backfill only with 5 parts existing soil or sandy loam and 1 part bed preparation. When the hole is dug in solid rock, topsoil from the same area should not be used. Carefully settle by watering to prevent air pockets. Remove the burlap from the top ½ of the ball, as well as all nylon plastic string and wire. Container trees will usually be root bound, if so follow standard nursery practice of "root scoring".
- J. Do not wrap trees.
- K. Do not over prune.
- L. Mulch the top of the ball. Do not plant grass all the way to the trunk of the tree. Leave the area above the top of the ball and mulch with at least two (2") inches of specified mulch.
- M. All plant beds and trees to be mulched with a minimum settled thickness of two (2") inches over the entire bed or pit.
- N. Obstruction below ground: In the event that rock, or underground construction work or obstructions are encountered in any plant pit excavation work to be done under this section, alternate locations may be selected by the Owner. Where locations cannot be changed, the obstructions shall be removed to a depth of not less than three (3) feet below grade and no less than six (6") inches below the bottom of ball when plant is properly set at the required grade. The work of this section shall include the removal from the site of such rock or underground obstructions encountered at the cost of the Landscape Contractor.
- O. Trees and large shrubs shall be staked as site conditions require. Position stakes to secure trees against seasonal prevailing winds.
- P. Pruning and Mulching: Pruning shall be directed by the Landscape Architect and shall be pruned in accordance with standard horticultural practice following Fine Pruning, Class I pruning standards provided by the National Arborist Association.

1. Dead wood, suckers, broken and badly bruised branches shall be removed. General tipping of the branches is not permitted. Do not cut terminal branches.
2. Pruning shall be done with clean, sharp tools.
3. Immediately after planting operations are completed, all tree pits shall be covered with a layer of organic material two (2") inches in depth. This limit of the organic material for trees shall be the diameter of the plant pit.
- Q. Steel Curbing Installation:
 1. Curbing shall be aligned as indicated on plans. Stake out limits of steel curbing and obtain Owners approval prior to installation.
 2. All steel curbing shall be free of kinks and abrupt bends.
 3. Top of curbing shall be ½" maximum height above final finished grade.
 4. Stakes are to be installed on the planting bed side of the curbing, as opposed to the grass side.
 5. Do not install steel edging along sidewalks or curbs.
 6. Cut steel edging at 45 degree angle where edging meets sidewalks or curbs.

3.3 CLEANUP AND ACCEPTANCE

- A. Cleanup: During the work, the premises shall be kept neat and orderly at all times. Storage areas for all materials shall be so organized so that they, too, are neat and orderly. All trash and debris shall be removed from the site as work progresses. Keep paved areas clean by sweeping or hosing them at end of each work day.

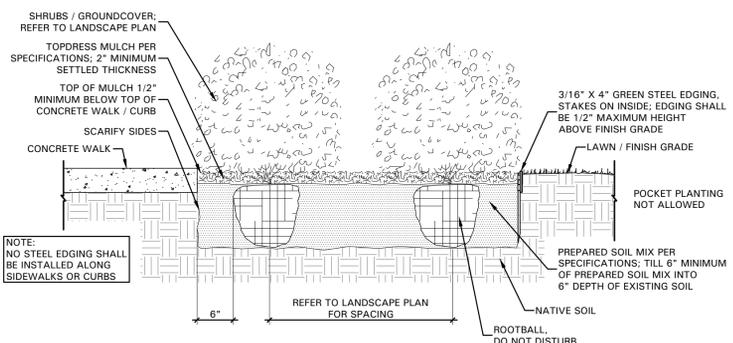
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01 TREE PLANTING DETAIL
NOT TO SCALE

TREE PLANTING DETAIL LEGEND AND NOTES

- A. TREE: TREES SHALL CONFORM WITH LATEST AMERICAN STANDARD FOR NURSERY STOCK, www.arla.org
- B. TREE PIT: WIDTH TO BE AT LEAST TWO (2) TIMES THE DIAMETER OF THE ROOT BALL CENTER TREE IN HOLE & REST ROOT BALL ON UNDISTURBED NATIVE SOIL.
- C. ROOT BALL: REMOVE TOP ½ BURLAP AND ANY OTHER FOREIGN OBJECT; CONTAINER GROWN STOCK TO BE INSPECTED FOR GIRDLING ROOTS.
- D. ROOT FLARE: ENSURE THAT ROOT FLARE IS EXPOSED, FREE FROM MULCH, AND AT LEAST TWO INCHES ABOVE GRADE. TREES SHALL BE REJECTED WHEN GIRDLING ROOTS ARE PRESENT & ROOT FLARE IS NOT APPARENT.
- E. ROOTBALL ANCHOR RING: REFER TO MANUFACTURER'S GUIDELINES FOR SIZING. PLACE ROOTBALL ANCHOR RING ON BASE OF ROOTBALL, TRUNK SHOULD BE IN THE CENTER OF THE RING.
- F. 'U' BRACKET.
- G. NAIL STAKE: REFER TO MANUFACTURER'S GUIDELINES FOR SIZING. INSTALL NAIL STAKES WITH HAMMER OR MALLET FIRMLY INTO UNDISTURBED GROUND. DRIVE NAIL STAKES FLUSH WITH 'U' BRACKET ADJACENT TO ROOTBALL (DO NOT DISTURB ROOTBALL).
- H. BACKFILL: USE EXISTING NATIVE SOIL (no amendments) WATER THOROUGHLY TO ELIMINATE AIR POCKETS.
- I. MULCH: DOUBLE SHREDDED HARDWOOD MULCH 2 INCH SETTLED THICKNESS, WITH 2" HT. WATERING RING; ENSURE THAT ROOT FLARE IS EXPOSED. BELOW GROUND STAKE SHOULD NOT BE VISIBLE.
- J. TREE STAKES: TREE STAKE SOLUTIONS 'SAFETY STAKE' BELOW GROUND MODEL AVAILABLE FROM: Tree Stake Solutions ATTN: Jeff Tuley (803) 676-6143 jeff@treestakesolutions.com www.treestakesolutions.com
- K. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN A COPY OF THE MANUFACTURER'S SPECIFICATIONS PRIOR TO INSTALLATION OF TREE STAKES. CONTRACTOR SHALL REFER TO MANUFACTURER'S INSTALLATION GUIDELINES, SPECIFICATIONS, AND OTHER REQUIREMENTS FOR TREE STAKE INSTALLATION.



02 SHRUB / GROUND COVER DETAIL
NOT TO SCALE

LANDSCAPE SPECIFICATIONS AND DETAILS
MURPHY VILLAGE ADDITION
LOT 2R, BLOCK A
1.461 ACRES (63,632 SQ. FT) OUT OF THE
JAMES MAXWELL SURVEY, ABSTRACT NO. 580
CITY OF MURPHY, COLLIN COUNTY, TEXAS

SURVEYOR
TEXAS HERITAGE SURVEYING, INC.
10610 METRIC DRIVE, SUITE 124
DALLAS, TEXAS 75243
CONTACT: DOUG STEWART, R.P.L.S.
TEL: (214) 340-9700

APPLICANT/ENGINEER
THE DIMENSION GROUP
TBPE FIRM # F-8396
10755 SANDHILL ROAD
DALLAS, TEXAS 75238
CONTACT: DANIEL MURPHREE
TEL:(214) 343-9400



• 4245 North Central Expy
• Suite 501
• Dallas, Texas 75205
• 214.865.7192 office



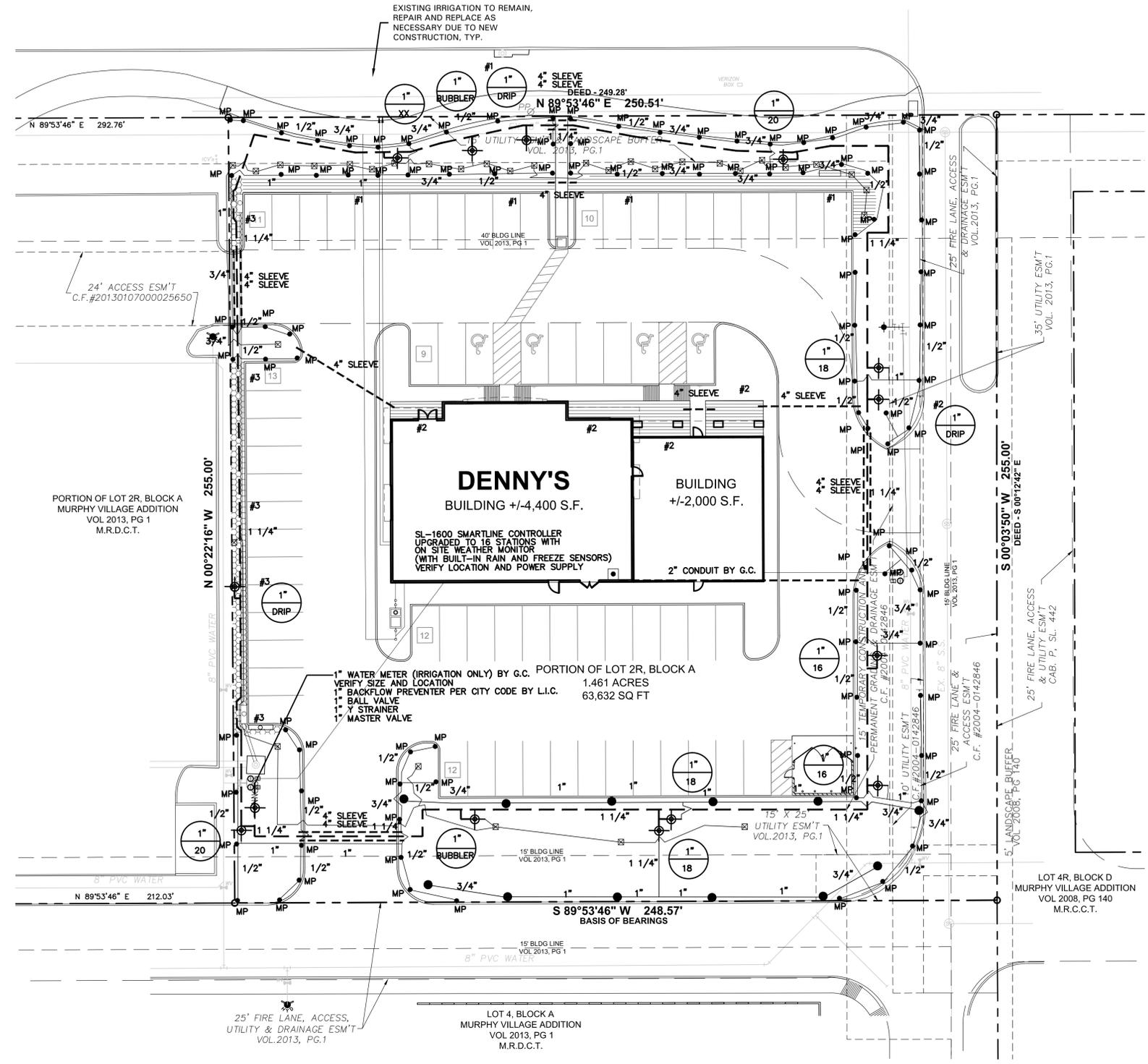
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THE DIMENSION GROUP
ARCHITECTURE • CIVIL ENGINEERING • MEP ENGINEERING • PLANNING
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LANDSCAPE SPECIFICATIONS AND DETAILS
DENNY'S
FM 544 NEAR BRAND ROAD
MURPHY, TEXAS

SHEET
L1.02

THESE PLANS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE DIMENSION GROUP.



SLEEVING NOTES

- SLEEVES SHALL BE FURNISHED AND INSTALLED BY GENERAL CONTRACTOR.
- SLEEVE MATERIAL SHALL BE SCHEDULE 40 PIPE, SIZE AS INDICATED ON PLAN.
- CONTRACTOR SHALL LAY SLEEVES AND CONDUITS AT TWENTY-FOUR (24") INCHES BELOW FINISH GRADE OF THE TOP OF PAVEMENT.
- CONTRACTOR SHALL EXTEND SLEEVES ONE (1') FOOT BEYOND EDGE OF ALL PAVEMENT.
- CONTRACTOR SHALL CAP PIPE ENDS USING PVC CAPS.
- CONTRACTOR SHALL FURNISH OWNER AND IRRIGATION CONTRACTOR WITH AN "AS-BUILT" DRAWING SHOWING ALL SLEEVE LOCATIONS.

IRRIGATION NOTES

- THE IRRIGATION CONTRACTOR SHALL COORDINATE INSTALLATION OF THE IRRIGATION SYSTEM WITH THE LANDSCAPE CONTRACTOR SO THAT ALL PLANT MATERIAL WILL BE WATERED IN ACCORDANCE WITH THE INTENT OF THE PLANS AND SPECIFICATIONS.
- ALL SPRINKLER EQUIPMENT NUMBERS REFERENCE THE WEATHERMATIC EQUIPMENT CATALOG UNLESS OTHERWISE INDICATED.
- TEN DAYS PRIOR TO START OF CONSTRUCTION, IRRIGATION CONTRACTOR SHALL VERIFY STATIC WATER PRESSURE. IF STATIC PRESSURE IS LESS THAN 65 P.S.I., NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY. DO NOT WORK UNTIL NOTIFIED TO DO SO BY OWNER.
- SLEEVES SHALL BE FURNISHED AND INSTALLED BY GENERAL CONTRACTOR. SLEEVE MATERIAL SHALL BE SCHEDULE 40, SIZE AS INDICATED ON PLAN. REFER TO SLEEVING NOTES.
- ALL MAIN LINE AND LATERAL LINE PIPING IN PLANTING AND LAWN AREAS SHALL HAVE A MINIMUM OF 12 INCHES OF COVER. ALL PIPING UNDER PAVING SHALL HAVE A MINIMUM OF 18 INCHES OF COVER. CONTRACTOR TO VERIFY LOCAL FREEZE DEPTHS AND ADJUST DEPTH OF COVER ACCORDINGLY.
- LAWN SPRAY HEADS SHALL BE WEATHERMATIC LX-4 INSTALLED PER DETAIL SHOWN.
- ROTOR HEADS SHALL BE WEATHERMATIC TURBO INSTALLED PER DETAIL SHOWN. (WITH BUILT-IN CHECK VALVE)
- NOZZLES SHALL BE WEATHERMATIC 5500 SERIES, UNLESS OTHERWISE NOTED. IRRIGATION CONTRACTOR SHALL SELECT THE PROPER ARC AND RADIUS FOR EACH NOZZLE TO ENSURE 100% AND PROPER COVERAGE OF ALL LAWN AREAS AND PLANT MATERIAL. NO WATER SHALL SPRAY ON BUILDING.
- ALL NOZZLES IN PARKING LOT ISLANDS AND PLANTING BEDS SHALL BE LOW ANGLE NOZZLES TO MINIMIZE OVER SPRAY ON PAVEMENT SURFACES.
- ELECTRIC CONTROL VALVES SHALL BE WEATHERMATIC 11000 SERIES INSTALLED PER DETAIL SHOWN. SIZE OF VALVES AS SHOWN ON PLAN. VALVES SHALL BE INSTALLED IN VALVE BOXES LARGE ENOUGH TO PERMIT MANUAL OPERATION. REMOVAL OF SOLENOID AND / OR VALVE COVER WITHOUT ANY EARTH EXCAVATION.
- QUICK COUPLING VALVES SHALL BE WEATHERMATIC QV75 INSTALLED PER DETAIL SHOWN. SWING JOINTS SHALL BE CONSTRUCTED USING 3/4" SCHEDULE 80 ELBOWS. CONTRACTOR SHALL SUPPLY OWNER WITH THREE (3) CH75 COUPLERS AND THREE (3) #10HSL SWIVEL HOSE ELLS AS PART OF THIS CONTRACT.
- ALL 24 VOLT VALVE WIRING TO BE UF 14 GAUGE SINGLE CONDUCTOR. ALL WIRE SPLICES ARE TO BE PERMANENT AND WATERPROOF.
- AUTOMATIC CONTROLLER SHALL BE INSTALLED AT LOCATION SHOWN. POWER (120V) SHALL BE LOCATED IN A JUNCTION BOX WITHIN FIVE (5') FEET OF CONTROLLER, LOCATION BY OTHER TRADES. RAIN AND FREEZE SENSORS SHALL BE INSTALLED WITH EACH CONTROLLER.
- THE DESIGN PRESSURE IS 65 PSI.
- ELECTRICAL SPLICES AT EACH VALVE AND CONTROLLER ONLY.
- IRRIGATION IN TEXAS IS REGULATED BY: THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) MC-178 / PO BOX 13087 AUSTIN, TEXAS 78711-3087
- TCEQ'S WEBSITE IS WWW.TCEQ.STATE.TX.US.

IRRIGATION LEGEND

- WEATHERMATIC LX-4 POP-UP LAWN HEAD
- MP HUNTER MP ROTATOR NOZZLE
- WEATHERMATIC TURBO ROTARY FC
- WEATHERMATIC TURBO ROTARY PC
- ⊗ WEATHERMATIC 106.5 BUBBLER (2 PER TREE, TYP.)
- ⊕ WEATHERMATIC 11000 SERIES ELECTRIC VALVE
- ▲ WEATHERMATIC QV75 QUICK COUPLER
- CONTROLLER, SIZE AS INDICATED
- ⊖ WATER METER, SIZE AS INDICATED WITH D.C.A., SIZE AS INDICATED
- PVC SCHEDULE 40 SLEEVING
- - - PVC CLASS 200 MAINLINE
- PVC CLASS 200 LATERAL LINE
- (XXX) VALVE SIZE
- (XXX) GPM
- ▨ NETAFIM TECHLINE#TLDL6-1210 (18" LATERAL SPACING, 12" EMITTER SPACING) PVC LATERAL PIPING SIZED AS REQUIRED INSTALL ALL EQUIPMENT ACCORDING TO MANUFACTURERS SPECIFICATIONS
- ▩ NETAFIM TECHLINE#TLDL6-1210 (18" LATERAL SPACING, 12" EMITTER SPACING) PVC LATERAL PIPING SIZED AS REQUIRED INSTALL ALL EQUIPMENT ACCORDING TO MANUFACTURERS SPECIFICATIONS
- ⊕ (XXX) NETAFIM DISC FILTER #DF100-080 NETAFIM PRESSURE REGULATOR #PRV15025 INSTALL ALL EQUIPMENT ACCORDING TO MANUFACTURERS SPECIFICATIONS

BUBBLER PIPING CHART

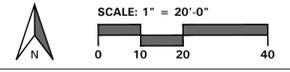
NUMBER OF BUBBLERS	SIZE OF PIPE
1 - 5	1/2"
6 - 10	3/4"
11 - 20	1"
21 - 30	1 1/2"
31 - 40	1 3/4"

SMARTLINE CERTIFIED DESIGN

- THIS IRRIGATION DESIGN FEATURES SMARTLINE CONTROLLER AND WEATHER MONITOR TECHNOLOGY AND UTILIZES "ET" BASED WATER CONSERVATION AUTO ADJUSTING SCHEDULING.
- THE IRRIGATION CONTRACTOR MUST PROGRAM THE CONTROLLER BY SELECTING THE PROPER SPRINKLER TYPE, PLANT TYPE, SOIL TYPE, SLOPE AND SUN / SHADE EXPOSURE FOR EACH ZONE.
- THE IRRIGATION CONTRACTOR MUST CONTACT THE IRRIGATION DESIGNER FOR APPROVAL OF CONTROLLER SETTINGS.
- THE IRRIGATION DESIGNER IS JOHN WINGFIELD (972) 238-1498.
- ALL EQUIPMENT MUST BE INSTALLED AS SPECIFIED. NO EQUIPMENT SUBSTITUTIONS WILL BE PERMITTED.

IRRIGATION PLAN
MURPHY VILLAGE ADDITION
LOT 2R, BLOCK A
1.461 ACRES (63,632 SQ. FT) OUT OF THE
JAMES MAXWELL SURVEY, ABSTRACT NO. 580
CITY OF MURPHY, COLLIN COUNTY, TEXAS

SURVEYOR TEXAS HERITAGE SURVEYING, INC. 10610 METRIC DRIVE, SUITE 124 DALLAS, TEXAS 75243 CONTACT: DOUG STEWART, R.P.L.S TEL: (214) 340-9700	APPLICANT/ENGINEER THE DIMENSION GROUP TBPE FIRM # F-8396 10755 SANDHILL ROAD DALLAS, TEXAS 75238 CONTACT: DANIEL MURPHREE TEL: (214) 343-9400
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BELLE FIRMA
 • 4245 North Central Expy
 • Suite 501
 • Dallas, Texas 75205
 • 214.865.7192 office



#	DATE	REVISION DESCRIPTION	BY
1	7/9/15	1st CITY SUBMITTAL	TGD

project no.	15-304	drawn by	JJW
date	07/09/2015	designed by	JJW
dwg.		approved by	JJW

THE DIMENSION GROUP
 TBPE FIRM # F-8396
 ARCHITECTURE • CIVIL ENGINEERING • MEP ENGINEERING • PLANNING
 10755 Sandhill Road, Dallas, Texas 75238
 TEL: 214-343-9400 FAX: 214-341-9060 www.DimensionGrp.com

IRRIGATION PLAN
 DENNY'S
 FM 544 NEAR BRAND ROAD
 MURPHY, TEXAS

SHEET
L2.01

THESE PLANS ARE INSTRUMENTS OF PROFESSIONAL SERVICE. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF THE DIMENSION GROUP IS PROHIBITED. ALL RIGHTS RESERVED INCLUDING COPYRIGHT. THEY MAY BE REPRODUCED FOR PERSONAL USE ONLY.

SECTION 32 8423 - UNDERGROUND IRRIGATION SLEEVES AND UTILITY CONDUITS

PART 1 - GENERAL

- 1.1 DESCRIPTION
 - A. Provide underground irrigation sleeves as indicated on the drawings.

1.2 RELATED WORK SPECIFIED ELSEWHERE

- A. Section 32 8424 - Irrigation System

1.3 REFERENCED STANDARDS

- A. American Society for Testing and Materials:
 - 1. ASTM - D2441 Poly (Vinyl Chloride) (PVC) Plastic Pipe (SDR-PR)
 - 2. ASTM - D2466 Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Socket Type, Schedule 40.
 - 3. ASTM - D2564 Solvent Cements for Poly Vinyl Chloride Plastic Pipe and Fittings.

PART 2 - MATERIALS

2.1 DEFINITIONS

- A. Sleeve - A pipe within which another pipe is placed for carrying water or other utilities to be installed.
- B. Wire Sleeves - A pipe used to carry low voltage irrigation wires for operation of the electric solenoid valves.

2.2 GENERAL

A. Polyvinyl Chloride Pipe (PVC) - Manufactured in accordance with standards noted herein:

- 1. Marking and Identification - Permanently marked with SDR number, ASTM standard number, and the NSF (National Sanitation Foundation) seal.
- 2. Solvent - As recommended by manufacturer to make solvent-welded joints. Thoroughly clean pipe and fittings before applying solvent.

PART 3 - EXECUTION

3.1 INSTALLATION

- A. Coverage - Provide twenty-four inches (24") minimum cover over top of sleeve from finish grade.
- B. Sleeve Extensions - Extend sleeves one foot (1') past edge of pavement or concrete walls. Install 90 degree elbow on each sleeve end and add additional length of same size pipe to extend above finish grade by twelve inches (12"). Cap pipe ends using duct tape.

3.2 BACKFILL

- A. Compaction - Place backfill over sleeves in six (6") inch lifts. Tamp firmly into place taking care not to damage sleeve. Complete backfill and compaction to prevent any future settlement. Compact to 85% Standard Proctor.
- B. Damage - Repair any damage resulting from improper compaction including pavement repair and replacement.

END OF SECTION

SECTION 32 8424 - IRRIGATION SYSTEM

PART 1 - GENERAL

1.1 SCOPE

- A. Provide complete sprinkler installation as detailed and specified herein, includes furnishing all labor, material, tools, equipment, and related items for the complete and proper

installation of the irrigation system as indicated by the Drawings. All costs associated with the installation, including fees for testing and inspections of the system components are the responsibility of the installer of this irrigation system.

B. Work includes but is not limited to:

- 1. Trenching and backfill.
- 2. Installation of automatic control system.
- 3. Upon completion of installation, supply as-built drawings showing details of construction including location of mainline piping, manual and automatic valves, electrical supply to valves, and specifically the exact location of automatic valves.

C. All sleeves as shown on plans shall be furnished by General Contractor. Meter and power source shall be provided by General Contractor.

1.2 RELATED WORK SPECIFIED ELSEWHERE

- A. Refer to Irrigation Plans for controller, head, and valve locations.
- B. Section 32 8423 - Underground Irrigation Sleeves and Utility Conduits
- C. Section 32 9300 - Landscape
- D. Refer to Landscape Plans, notes, details, bidding requirements, special provisions, and schedules for additional requirements.

1.3 APPLICABLE STANDARDS

A. American Standard for Testing and Materials (ASTM) - Latest edition.

- 1. D2241 Poly (Vinyl Chloride) (PVC) Plastic Pipe (SDR-PR)
- 2. D2464 Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Thread Schedule 80
- 3. D2455 Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 40
- 4. D2487 Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Socket Type, Schedule 80
- 5. D2564 Solvent Cements for Poly (Vinyl Chloride) (PVC) Plastic Pipe and Fittings
- 6. D2287 Flexible Poly Vinyl Chloride (PVC) Plastic Pipe
- 7. F656 Poly Vinyl Chloride (PVC) Solvent Weld Primer
- 8. D2955 Making Solvent - Cemented Joints with Poly (Vinyl Chloride) (PVC) Pipe and Fittings

1.4 MAINTENANCE AND GUARANTEE

- A. The Contractor shall guarantee materials and workmanship for one (1) calendar year after final acceptance by Owner.
- B. Guarantee is limited to repair and replacement of defective materials or workmanship, including repair of backfill settlement.
- C. Provide maintenance of system, including raising and lowering of heads to compensate for lawn growth, cleaning and adjustment of heads, and raising and lowering of shrub heads to compensate for shrub growth for one (1) year after completion of installation.

1.5 SUBMITTALS

- A. Procedure: Comply with Division I requirements.
- B. Product Data: The Contractor shall submit five (5) copies of equipment manufacturer's "cut sheets" and shop drawings for approval by Owner Authorized Representative prior to installation, including, but not limited to the following: sprinkler head, pipe, controller, valves, backflow prevention devices, valve boxes, wire, conduit, fittings, and all other types of fixtures proposed to be installed on the job. The submittal shall include the manufacturer's name, model number, equipment capacity, and manufacturer's installation recommendations, if applicable, for each proposed item.
- C. No work covered under this section may begin until the

Contractor has submitted the required information. No partial submittal shall be accepted and submittals shall be neatly bound into a brochure and logically organized. After the submittal has been approved, substitutions will not be allowed, except by written consent by the Owner Authorized Representative.

D. Shop drawings include dimensions, elevations, construction details, arrangements, and capacity equipment, as well as manufacturer's installation recommendations.

E. Operating and Maintenance Manuals:

- 1. Provide three (3) individually bound manuals detailing operating and maintenance requirements for the irrigation system.
- 2. Manuals shall be delivered to the Owner Authorized Representative no later than ten (10) days prior to completion of the irrigation system.
- 3. Provide descriptions of all installed materials and systems in sufficient detail to permit maintenance personnel to understand, operate, and maintain the equipment.
- 4. Provide the following in each manual:
 - a. Index sheet with Contractor's name, address, telephone number, and contact name.
 - b. Duration of guarantee period. Include warranties and guarantees extended to the Owner by the manufacturer of all equipment.
 - c. Equipment list providing the following for each item:
 - 1) Manufacturer's name
 - 2) Make and model number
 - 3) Name and address of local part's representative
 - 4) Spare parts list in detail
 - 5) Details operating and maintenance instructions for major equipment.

F. Project Record Documents:

- 1. Comply with Division I requirements.
- 2. Locate by written dimension, routing of mainline piping, remote control valves, and quick coupling valves. Locate mainlines by single dimensions from permanent site features provided they run parallel to these elements. Locate valves, intermediate electrical connections, and quick couplers by two dimensions from a permanent site feature at approximately 70 degrees to each other.
- 3. When dimensioning is complete, transpose work to bond paper.
- 4. Submit three (3) copies of the completed as-built drawings, along with a CD with PDF files of the same, to the Owner Authorized Representative prior to final acceptance of the work. Mark drawings "Record Prints Showing Significant Changes". Date and sign drawings.

G. Quick Coupler Keys: Provide three (3) coupler keys with boiler drains attached using brass reducer.

H. Controller Keys: Provide three (3) sets of keys to controller enclosures.

I. Use of materials differing in quality, size, or performance from those specified shall only be allowed upon written approval of the Landscape Architect. The decision shall be based on comparative ability of material or article to perform fully all purposes of mechanics and general design considered to be possessed by item specified.

J. Bidders desiring to make a substitution for specified sprinklers shall submit manufacturer's catalog sheet showing full specification of each type sprinkler proposed as a substitute, including discharge in GPM maximum allowable operating pressure at sprinkler.

K. Approval of substitute sprinkler shall not relieve Irrigation Contractor of his responsibility to demonstrate that final installed sprinkler system shall operate according to intent of originally designed and specified system.

L. It is the responsibility of the Irrigation Contractor to demonstrate that final installed sprinkler system shall operate according to intent of originally designed and specified system. If Irrigation Contractor notes any problems in head spacing or potential coverage, it is his responsibility to notify the Landscape Architect in writing, before proceeding with

work. Irrigation Contractor guarantees 100% coverage of all areas to be irrigated.

1.6 TESTING

- A. Perform testing required with other trades, including earthwork, paving, plumbing, electrical, etc., to avoid unnecessary cutting, patching, and boring.
- B. Water Pressure: This irrigation system has been designed to operate with a minimum static water pressure indicated on Drawings. The Contractor shall take a pressure reading at each water meter prior to beginning construction. Confirm findings to Owner Authorized Representative in writing. If static pressure varies from pressure stated on drawings, do not start work until notified to do so by Owner Authorized Representative.

1.7 COORDINATION

- A. Coordinate installation with other trades, including earthwork, paving, and plumbing to avoid unnecessary cutting, patching and boring.
- B. Coordinate to ensure that electrical power source is in place.
- C. Coordinate system installation with work specified in other sections and coordinate with Landscape Contractor to ensure plant material is uniformly watered in accordance with intent shown on drawings.

PART 2 - PRODUCTS

2.1 GENERAL

A. Mainline: Mainlines are the piping from water source to operating valves. This portion of piping is subject to surges, being a closed portion of sprinkler system. Hydrant lines are considered a part of sprinkler main.

B. Lateral Piping: Lateral piping is that portion of piping from operating valve to sprinkler heads. This portion of piping is not subject to surges, being an "open end" portion of sprinkler system.

2.2 POLY VINYL CHLORIDE PIPE (PVC PIPE)

A. PVC pipe shall be manufactured in accordance with commercial standards noted herein.

B. Marking and Identification: PVC pipe shall be continuously and permanently marked with the following information: manufacturer's name, pipe size, type of pipe, and material, SDR number, product standard number, and the NSF (National Sanitation Foundation) seal.

C. PVC Pipe Fittings: Shall be of the same material as the PVC pipe specified and shall be compatible with PVC pipe furnished.

2.3 COPPER TUBING

A. Hard, straight lengths of domestic manufacture only. Do not use copper tube of foreign extrusion or any so-called irrigation tubing (thin wall).

2.4 COPPER TUBE FITTINGS

A. Cast brass or wrought copper, sweat - solder type.

2.5 WIRE

A. Type UF with 4/64" thick waterproof insulation which is Underwriter's Laboratory approved for direct underground burial when used in a National Electric Code Class II Circuit (30 volts AC or less).

B. Wire Connectors: Waterproof splice kit connectors. Type DBY by 3M.

2.6 SCHEDULE 80 PVC NIPPLES

A. Composed of Standard Schedule 40 PVC Fittings and PVC

meeting noted standards. No clamps or wires may be used. Nipples for heads and shrub risers to be nominal one-half inch (1/2") diameter by eight (8") inches long, where applicable.

B. Polyethylene nipples six (6") inches long shall be used on all pop-up spray heads.

2.7 MATERIALS - SEE IRRIGATION PLAN

- A. Sprinkler heads in lawn area as specified on plan.
- B. PVC Pipe: Class 200, SDR 21
- C. Copper Tubing (City Connection): Type "M"
- D. 24V Wire: Size 14, Type UF
- E. Electric valves: Shall be all plastic construction as indicated on plans.
- F. Backflow Prevention Device: Refer to drawing requirements and flow valve. Coordinate exact location with General Contractor.

PART 3 - EXECUTION

3.1 INSTALLATION - GENERAL

A. Staking: Before installation is started, place a stake where each sprinkler is to be located, in accordance with drawing. Staking shall be approved by Owner Authorized Representative before proceeding with work.

B. Excavations: Excavations are unclassified and include earth, loose rock, rock or any combination thereof, in wet or dry state. Backfill trenches with material removed, provided that the earth is suitable for compaction and contains no lumps, clods, rock, debris, etc. Special backfill specifications, if furnished take preference over this general specification.

C. Backfill: Flood or hand-tamp to prevent after settling. Hand rake trenches and adjoining area to leave grade in as good or better condition than before installation.

D. Piping Layout: Piping layout is diagrammatic. Route piping around trees and shrubs in such a manner as to avoid damage to plantings. Do not dig within ball of newly planted trees or shrubs. In areas where existing trees are present, trenches shall be adjusted on-site to provide a minimum clearance of four (4) feet between the drip line of any tree or trench. The Contractor shall notify the Owner Authorized Representative in writing of a planned change in trench routing from that shown on the drawings.

3.2 PIPE INSTALLATION

A. Sprinkler Mains: Install a four (4") inch wide minimum trench with a minimum of eighteen (18") inches of cover.

B. Lateral Piping: Install a four (4") inch wide minimum trench deep enough to allow for installation of sprinkler heads and valves, but in no case, with less than twelve (12") of cover.

C. Trenching: Remove lumber, rubbish, and large rocks from trenches. Provide firm, uniform bearing for entire length of each pipe line to prevent uneven settlement. Wedging or blocking of pipe shall not be permitted. Remove foreign matter or dirt from inside of pipe before welding, and keep piping clean by approved means during and after laying of pipe.

3.3 PVC PIPE AND FITTING ASSEMBLY

A. Solvent: Use only solvent recommended by manufacturer to make solvent-welded joints. Thoroughly clean pipe and fittings of dirt, dust and moisture before applying solvent.

B. PVC to metal connection: Work metal connections first. Use a non-hardening pipe dope such as Permatex No. 2 on threaded PVC adapters into which pipe may be welded.

3.4 COPPER TUBING AND FITTING ASSEMBLY

A. Clean pipe and fitting thoroughly and lightly sand pipe connections to remove residue from pipe. Attach fittings to tubing in an approved manner using 50-50 soft solid core solder.

3.5 POP-UP SPRAY HEADS

A. Supply pop-up spray heads in accordance with materials list and plan. Attach sprinkler to lateral piping with a semi-flexible polyethylene nipple not less than three (3") inches or more than six (6") inches long.

3.6 VALVES

A. Supply valves in accordance with materials list and sized according to drawings. Install valves in a level position in accordance with manufacturer's specifications. See plan for typical installation of electric valve and valve box.

3.7 WIRING

A. Supply wire from the automatic sprinkler controls to the valves. No conduit will be required for UF wire unless otherwise noted on the plan. Wire shall be tucked under the piping.

B. A separate wire is required from the control to each electric valve. A common neutral wire is also required from each control to each of the valves served by each particular control.

C. Bundle multiple wires and tape them together at ten (10') foot intervals. Install ten (10") inch expansion coils at not more than one hundred (100') foot intervals. Make splices waterproof.

3.8 AUTOMATIC SPRINKLER CONTROLS

A. Supply in accordance with Irrigation Plan. Install according to manufacturer's recommendations.

3.9 TESTING

A. Sprinkler Mains: Test sprinkler main only for a period of twelve (12) to fourteen (14) hours under normal pressure. If leaks occur, replace joint or joints and repeat test.

B. Complete tests prior to backfilling. Sufficient backfill material may be placed in trenches between fittings to ensure stability of line under pressure. In each case, leave fittings and couplings open to visual inspection for full period of test.

3.10 FINAL ADJUSTMENT

A. After installation has been completed, make final adjustment of sprinkler system in preparation for Owner Authorized Representative's final inspection.

B. Completely flush system to remove debris from lines by removing nozzle from heads on end of lines and turning on system.

C. Check sprinklers for proper operation and proper alignment for direction of throw.

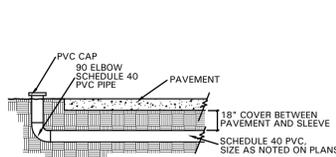
D. Check each section of spray heads for operating pressure and balance to other sections by use of flow adjustment on top of each valve.

E. Check nozzling for proper coverage. Prevailing wind conditions may indicate that arch of angle of spray should be other than shown on drawings. In this case, change nozzles to provide correct coverage and furnish data to Owner Authorized Representative with each change.

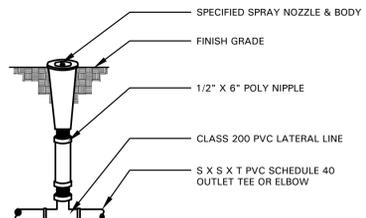
3.11 SYSTEM DEMONSTRATION

A. Instruct Owner's personnel in operation and maintenance of system including adjusting of sprinkler heads. Use operation and maintenance manual for basis of demonstration.

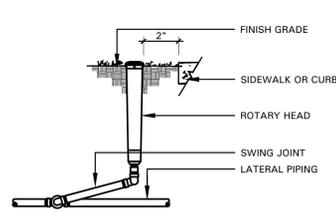
END OF SECTION



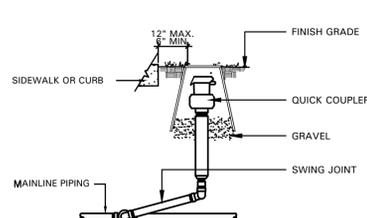
01 SLEEVE DETAIL
NOT TO SCALE



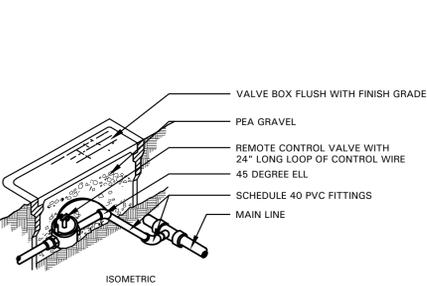
02 POP-UP LAWN SPRAY ASSEMBLY
NOT TO SCALE



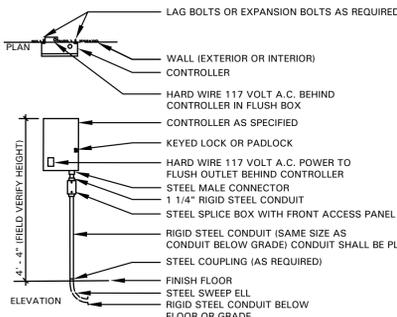
03 ROTARY HEAD
NOT TO SCALE



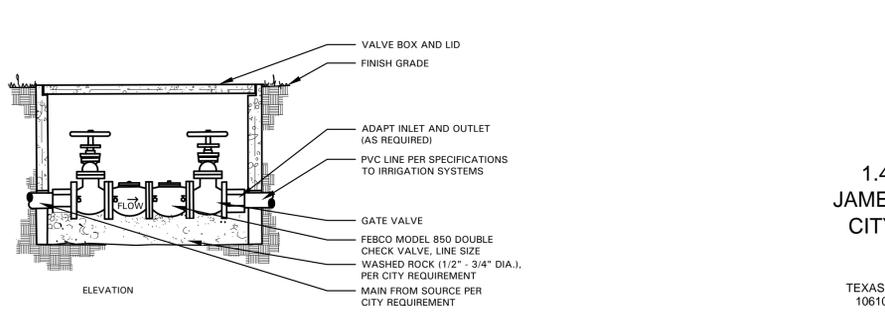
04 QUICK COUPLER
NOT TO SCALE



05 REMOTE CONTROL VALVE
NOT TO SCALE



06 WALL MOUNTED CONTROLLER
NOT TO SCALE



07 BACKFLOW PREVENTER
NOT TO SCALE

IRRIGATION SPECIFICATIONS AND DETAILS
MURPHY VILLAGE ADDITION
 LOT 2R, BLOCK A
 1.461 ACRES (63,632 SQ. FT) OUT OF THE
 JAMES MAXWELL SURVEY, ABSTRACT NO. 580
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SHEET

IRRIGATION SPECIFICATIONS AND DETAILS
 DENNY'S
 FM 544 NEAR BRAND ROAD
 MURPHY, TEXAS

L2.02



• 4245 North Central Expy
 • Suite 501
 • Dallas, Texas 75205
 • 214.865.7192 office



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Issue

Hold a public hearing to discuss the application of Domain Horizon Limited requesting a variance specifically to exterior construction standards and landscaping standards and consider and/or act on the application of Domain Horizon Limited requesting approval of a site plan, landscape plan, and building elevations for a Best Gymnasium at the NWC of FM 544 and McCreary Road.

Summary

The applicant submitted a site plan, building elevation plans and landscape plans for approval that would allow for development of a Best Gymnasium at the NWC of FM 544 and McCreary Road. There have been no previous developments proposed for this site. The proposed use is compatible with the surrounding uses and in staff's opinion is an enhancement to this location.

Best Gym is instructional gymnastics and a training facility for youth. A company overview has been included with this agenda item for reference.

The facility would be one story, approximately 16,000 square foot Best Gymnastics facility.

- The property is zoned R-Retail.
- The proposed use is an allowed in this zoning district and no rezoning is proposed.

Subject property location

The subject property is located at the at the northwest of FM 544 and McCreary Road and is at the southeastern border of Murphy city limits. As noted on the site map included in this packet, land uses directly surrounding this property include:

- 7-11
- Retail Strip center
- Active rail road tracks; Kansas City Railroad
- Elevate Church

Considerations

Site Plan

The proposed site plan has been reviewed by staff and meets the requirements. An additional consideration is noted below:

Parking

- Although this type facility does not fall directly into any use category as defined in our parking ratio requirements, it was determined to use, as specified in Section 86-706(9)(a) of the City of Murphy Code of Ordinances one parking space per 200 square feet plus one space per three seats. At this ratio, 87 parking spaces would be required.
- However, staff recommends a slight edit to the parking as shown on the site plan. It is recommended to remove two of the parking spaces located on the east side of the building. The three handicap spaces would shift north and allow for safer vehicular flow in and out of the entrance off of McCreary.

Building Exterior Construction Variances requested

The proposed building elevation has been included for consideration.

The applicant is requesting a variance to the required masonry percentage of 80% for exterior construction as well as the allowed accent color for exterior construction as detailed in Section 28-132, Construction Standards.

- Section 28-133 Variance Procedure states (*per Code for reference*):
 - o 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.

Best Gym is asking for a variance to the required masonry percentage ; this variance will allow Best Gym to provide a high quality look and a viable project related to construction costs.

- If approved as requested, the south elevation would have 52% masonry.
- If approved as requested, the east elevation would have 59% masonry.
- The building design utilizes a combination of brick masonry, glass, and fibrous cement or insulated metal wall panels.
- The finish Best Gym is proposing on both the fibrous cement or insulated metal panels are "stucco" in appearance and are requesting its use as accent material on the front (south & east) facades , and primary wall material on the rear (north & west) facades.

Staff recommendation – masonry requirements

Staff is recommending favorable consideration to this variance request. The proposed building is situated behind an existing building, directly adjacent to railroad tracks and east of existing buildings currently non-conforming to this masonry requirement. Staff feels the request is compatible with the surrounding uses.

Best Gym is asking for a variance to allow for use of a primary color (their corporate purple) as an accent and as shown on the elevations and rendering.

- The Code does not allow for primary colors as an exterior, however, staff considers this an accent color.

Staff recommendation – primary color on exterior elevation

Staff is recommending favorable consideration to this variance request. The use of the primary color is considered an accent to the building and is part of the company's logo.

Landscape Plan

The proposed landscape materials used have met requirement standards. However, Best Gym is requesting a variance to the landscape buffer requirement and landscape coverage percentage requirement.

The required landscape buffer is 15' for this site. Best Gym is requesting a 5' landscape buffer.

- Best Gym offers that on the North side of the property which abuts a DART R.O.W. (railroad) which includes a significant amount of non-buildable space between adjacent structures, a 5' landscape buffer will continue to provide a level of separation and green space.
- The West side of the property, as designed, includes a 5' landscape buffer.
 - o Other adjacent properties and buildings do not have any landscape buffer between buildings, in fact are separated only by a fire lane.

Staff recommendation – landscape buffer

Staff is recommending favorable consideration to this variance request. The proposed landscape buffer is an enhancement to the site although it is situated behind an existing building, directly adjacent to railroad tracks and east of existing buildings currently non-conforming to this landscaping buffer requirement. Staff feels the request is compatible with the surrounding uses.

The required landscape coverage for the site is approximately 16.45%. Best Gym is proposing 15%. In order to allow for maximum building to site use, the landscaping coverage is proposed to be scaled down by approximately 1.5%.

Staff recommendation – landscape coverage

Staff is recommending favorable consideration to this variance request. The proposed landscaping is an enhancement to the site although it is situated behind an existing building, directly adjacent to railroad tracks and east of existing buildings currently non-conforming to this landscaping coverage requirement. Staff feels the request is compatible with the surrounding uses.

Additional Considerations for Notation

Prior to any signage installation, the sign plans for the building and on the site will be submitted to Customer Service, go through standard staff review to ensure compliance with the Sign Ordinance and will be permitted separately after staff approved.

A construction plat including all associated engineering and irrigation plan documents must be approved before construction plan submittal.

Staff Recommendation

Staff recommends approval of the site plan, landscape plan and building elevations inclusive of considerations as noted in this agenda item including approval of variances:

- to allow less than 80% masonry
- to allow a primary color on exterior elevation
- to allow a 5' landscape buffer
- to allow a 15% landscape coverage

Attachments

Site Plan

Site Map

Building Elevations

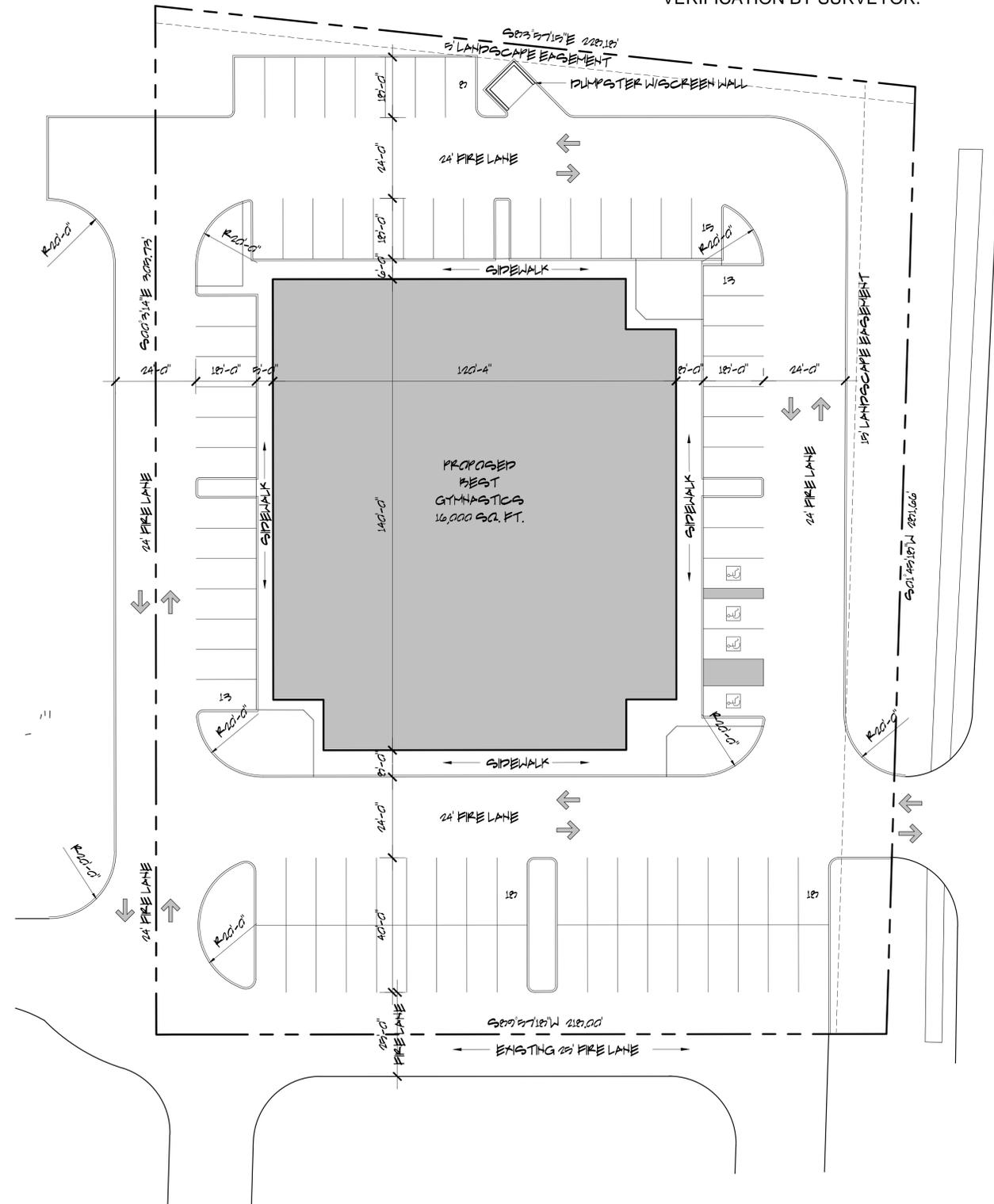
Landscape Plan

Best Gym company summary

Development Data

ZONING: (R) RETAIL
 OCCUPANCY: TBD
 SITE AREA: 1.5 ACRES / 65,370 SF
 BUILDING AREA: 16,000 SF
 LANDSCAPE AREA REQUIRED: 13,074 SF / 20.00%
 LANDSCAPE AREA PROVIDED: 10,296 SF / 15.75%
 PARKING REQUIRED @ 1/200 + 1 PER 3 SEATS: 85 SPACES
 PARKING PROVIDED: 85 SPACES

NOTE:
 THIS IS A PRELIMINARY SITE PLAN.
 BOUNDARIES AND PROPERTY LINES
 ARE APPROXIMATE AND REQUIRE
 VERIFICATION BY SURVEYOR.



01 PROPOSED SITE PLAN
 SCALE: 1" = 20'

NO.	DATE	DESCRIPTION

PROJECT TITLE:



NORTHEAST QUADRANT
 INTERSECTION 544/MCCREARY
 MURPHY, TEXAS 75094



9535 Forest Lane p 214.274.9071
 Suite 228 f 972.994.0111
 Dallas, TX 75243 LegacyArchitecture.com

Designed by: J. Fry Date: 08.05.15
 Drawn by: J. Fry Date: 08.05.15
 Checked by: J. Fry Date: 08.05.15
 Q.A. by: J. Fry Date: 08.05.15

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DRAWING TITLE:

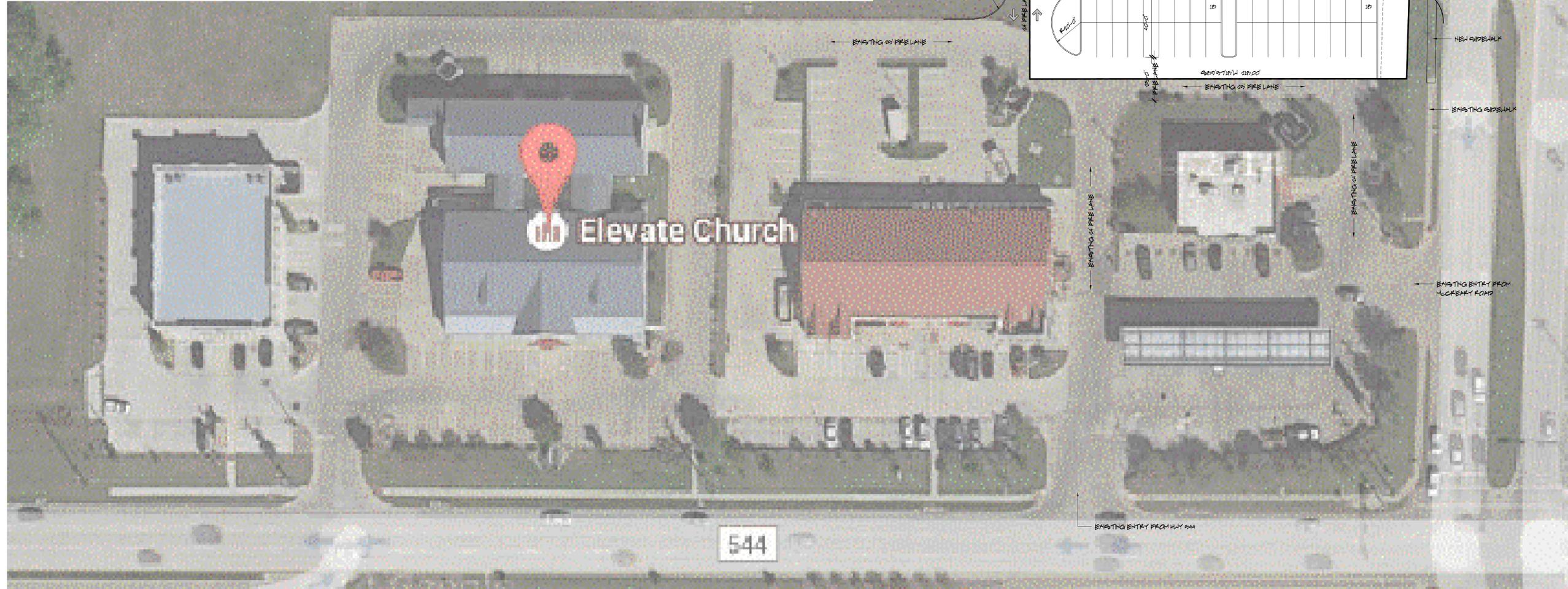
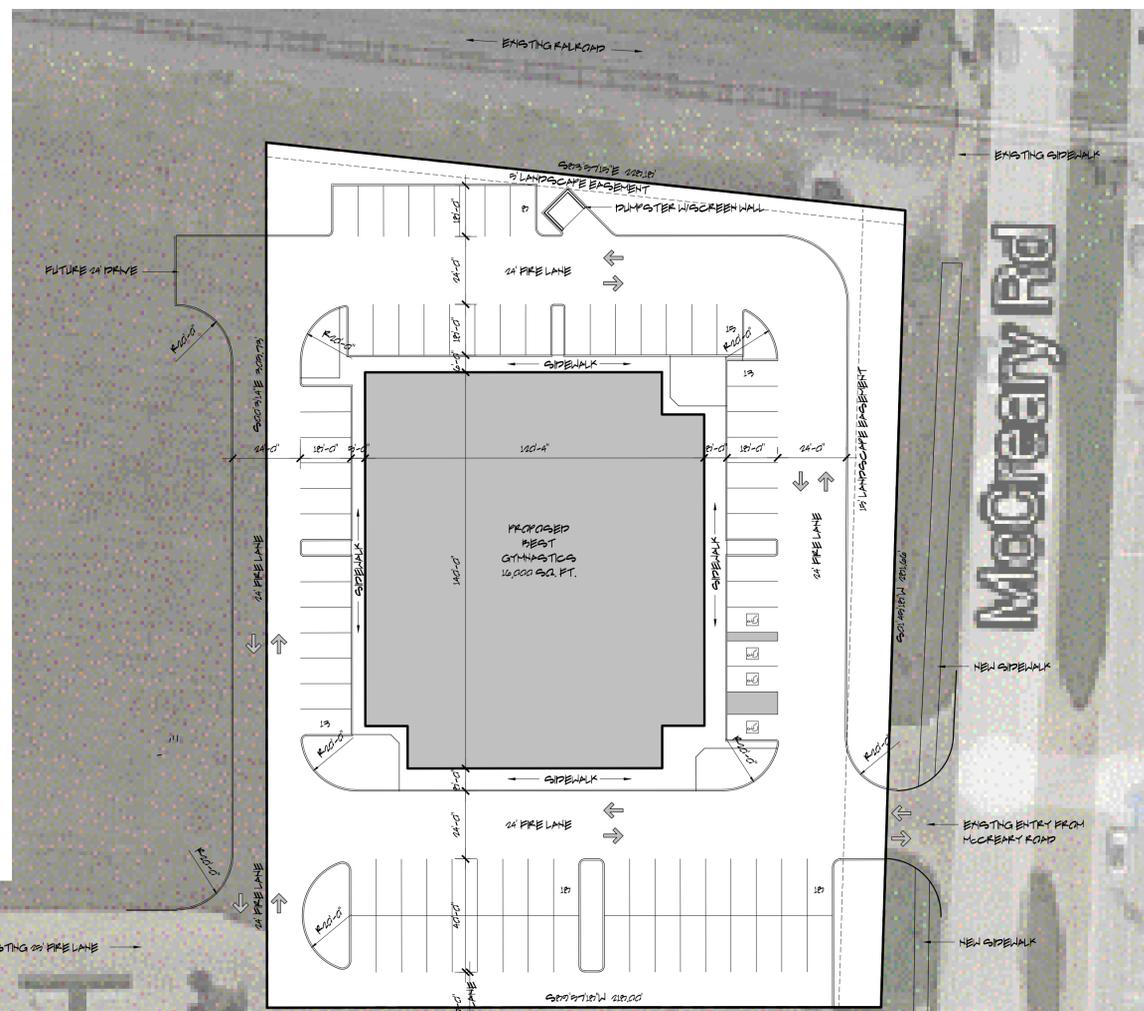
SITE PLAN

PROJ. No: 15019 DRAWING NUMBER:
 PHASE: SD
 DATE: AUGUST 18, 2015
A-2

Development Data

ZONING:(R) RETAIL
 OCCUPANCY:.....TBD
 SITE AREA:.....1.5 ACRES / 65,370 SF
 BUILDING AREA:.....16,000 SF
 LANDSCAPE AREA REQUIRED:.....13,074 SF / 20.00%
 LANDSCAPE AREA PROVIDED:.....10,296 SF / 15.75%
 PARKING REQUIRED @ 1/200 + 1 PER 3 SEATS:.....85 SPACES
 PARKING PROVIDED:.....85 SPACES

NOTE:
 THIS IS A PRELIMINARY SITE PLAN.
 BOUNDARIES AND PROPERTY LINES
 ARE APPROXIMATE AND REQUIRE
 VERIFICATION BY SURVEYOR.



NO.	DATE	DESCRIPTION

PROJECT TITLE:



NORTHEAST QUADRANT
 INTERSECTION 544/MCCREARY
 MURPHY, TEXAS 75094

Legacy Architecture

9535 Forest Lane Suite 228 Dallas, TX 75243
 p 214.274.9071 f 972.994.0111 LegacyArchitecture.com

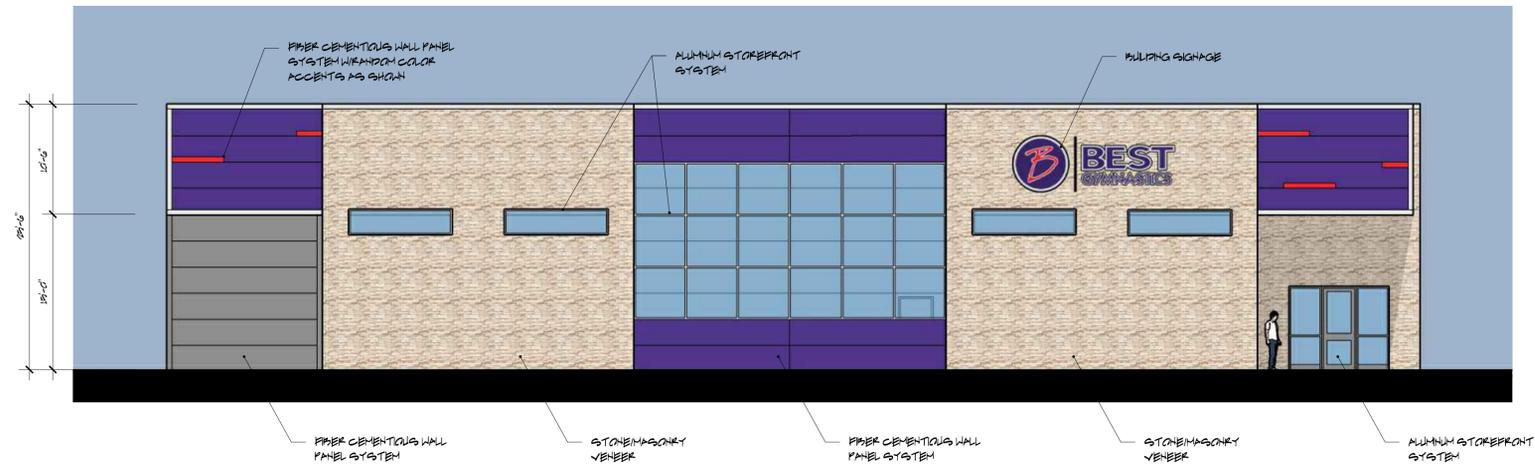
Designed by: J. Fry Date: 08.05.15
 Drawn by: J. Fry Date: 08.05.15
 Checked by: J. Fry Date: 08.05.15
 Q.A. by: J. Fry Date: 08.05.15

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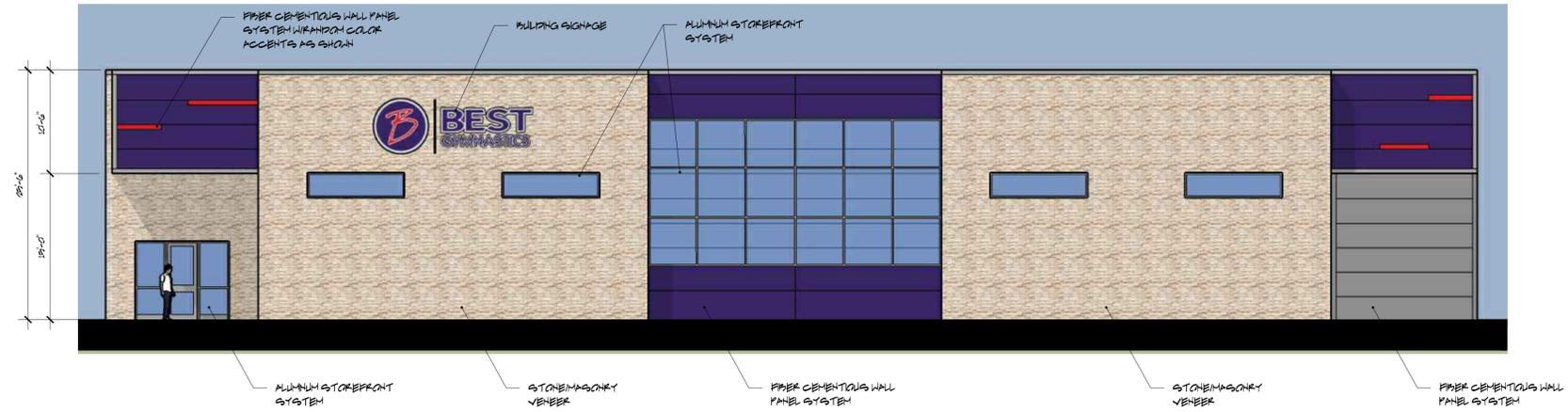
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OVERALL SITE PLAN

Exterior Finish Tabulations

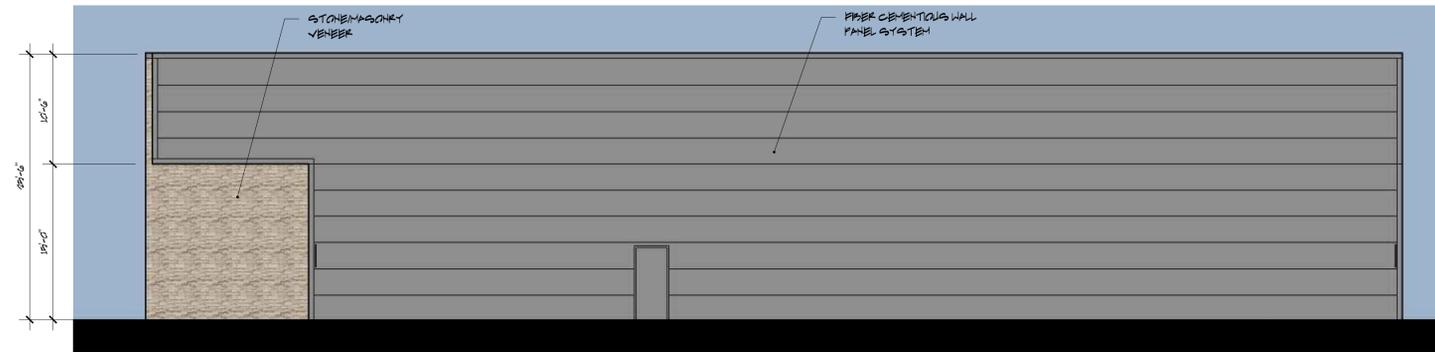
SOUTH ELEVATION	
MASONRY	1,563 SF / 52%
FIBER CEMENT PANEL	825 SF / 27%
GLAZING	622 SF / 21%
TOTAL	3,010 SF / 100%
EAST ELEVATION	
MASONRY	2,053 SF / 59%
FIBER CEMENT PANEL	825 SF / 24%
GLAZING	622 SF / 17%
TOTAL	3,500 SF / 100%
NORTH ELEVATION	
MASONRY	225 SF / 7%
FIBER CEMENT PANEL	2,785 SF / 93%
GLAZING	0 SF / 0%
TOTAL	3,010 SF / 100%
WEST ELEVATION	
MASONRY	225 SF / 6%
FIBER CEMENT PANEL	3,275 SF / 94%
GLAZING	0 SF / 0%
TOTAL	3,500 SF / 100%
TOTALS	
MASONRY	4,066 SF / 31%
FIBER CEMENT PANEL	7,710 SF / 59%
GLAZING	1,244 SF / 10%
TOTAL	13,020 SF / 100%



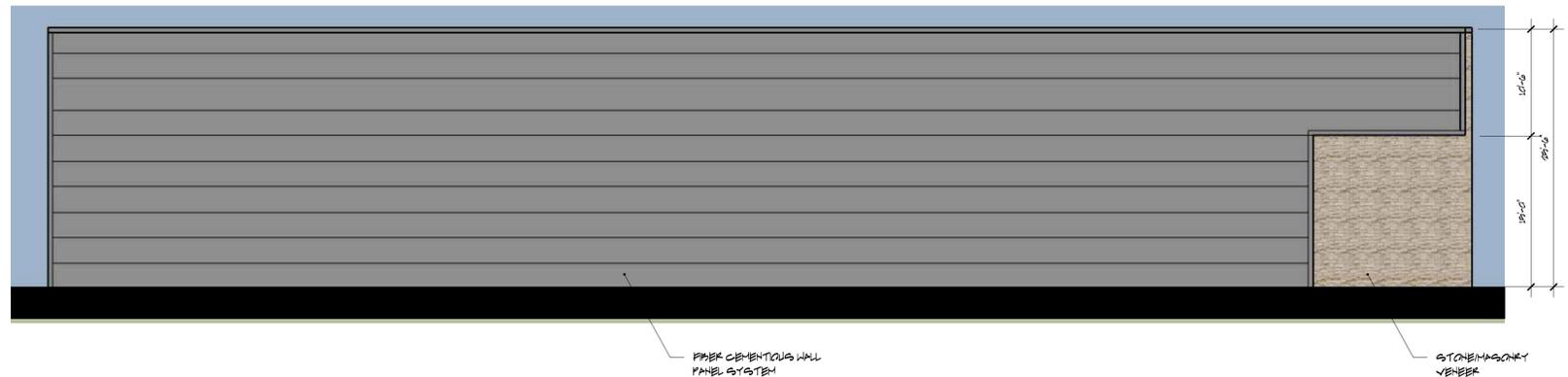
01 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



02 EAST ELEVATION
SCALE: 1/8" = 1'-0"



03 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



04 WEST ELEVATION
SCALE: 1/8" = 1'-0"

NO.	DATE	DESCRIPTION

PROJECT TITLE:



NORTHEAST QUADRANT
INTERSECTION 544/MCCREARY
MURPHY, TEXAS 75094

Legacy Architecture

9535 Forest Lane Suite 228 Dallas, TX 75243 p 214.274.9071 f 972.994.0111 LegacyArchitecture.com

Designed by: J. Fry Date: 08.05.15
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DRAWING TITLE:
EXTERIOR ELEVATIONS

PROJ. No: 15019	DRAWING NUMBER:
PHASE: SD	A-3
DATE: AUGUST 5, 2015	



 **BEST**
GYMNASTICS

 **BEST**
GYMNASTICS

 **BEST**
GYMNASTICS



BEST
GYMNASTICS



Best Gymnastics Executive Summary

Best Gymnastics was founded in June 2010 and opened its first location in April 2011 in Flower Mound, Texas. Owners Cindy Perison and Brad Turner know and understand the inner workings of the gymnastics industry with over 60 years of combined managerial and sales experience. This one-time recreational after-school sport has now become a full-blown industry servicing millions of children and their families. Cindy and Brad have taken this experience and created a thriving company that now hosts over 1000 students per week through it's doors.

Best Gymnastics is a private gym whose main focus is on gymnastics; however, many customers attend because of the fun and physical education their children receive in all of our programs. Best Gymnastics has gymnastics equipment for both boys and girls. We start each student with the core elements of gymnastics, followed by total body conditioning and more difficult skills. Creativity in teaching methods sets us apart from our competitors, using both repetition and variation as well as loads of fun. We believe that a child must have fun and truly enjoy what he or she is doing to learn successfully. Our coaches are trained in unique methods of training that produce the same, if not better, physical effects on the children, but provide a better mental effect. Our gym is open for parent observation, but most parents drop their children off at our doors and make use of the time their child is in class. Parents who do watch class are asked to stay in a confined, comfortable area as a safety precaution.

Best Gymnastics in Flower Mound has been extremely successful, and Brad and Cindy are ready to replicate this success at a second location located in Murphy, Texas. The Murphy area is a fast growing, family filled city with demographics exceeding those of even Flower Mound. We are even more excited about the 0-9 year old age group, which consists of over 13,000 children in a 3-mile radius. As most of our clients are found within 3-5 miles of the gym, this demographic makes Murphy an excellent choice for Best Gymnastics. We have also found that many of our customers patronize local businesses while their children are in class or attending special events. Our Best Night Out, which is hosted once a month, allows parents to dine, shop, or go to a movie for four hours while their children play in a safe environment at Best Gymnastics.

Best Gymnastics in Murphy will employ around 20 individuals, mostly part-time, but with great pay and benefits for our full-time employees. We open for business at 9:00am, with a few classes in the mornings, but there are typically about 3 or 4 employees in the gym until most classes start at 3:30. A typical, full hour in our gym consists of about 8-10 classes, with approximately 6 students per class. Since most of our parents drop their students off for class, we would expect about 15-20 parents to stay for the class hour. At our max, with the addition of our employees, we fill about 30-40 parking spaces at most, 20 for our customers and 15 for our staff members. Most classes are over by 7:30pm.

Located in Murphy, we have found a great location off a major artery. Gymnastics is a destination based business and not usually a drive by type business, like a restaurant or retail store, but we believe this location will make our space even more visible. Our business is built mainly on referrals, and our stellar reputation in the Flower Mound community will be a major asset, however we plan to take aggressive marketing steps to ensure the success of the second location.

Issue

Hold a public hearing and consider and/or act on the application of Cole Franklin with Skorburg Company, requesting approval of a zoning change from SF-PH (Single Family Residential Patio Home) to a Planned Development District: Single Family Residential – Patio Home and Townhome with a concept plan for approximately 6.51 acres on property located at the southwest corner of Betsy Road and McCreary Road.

Background

Staff had been working directly with the proposed residential developers of this site for approximately five months prior to the proposed zoning change request being brought forward to Planning & Zoning Commission and subsequently City Council for consideration. There have been no previous developments proposed for this site.

Summary

1. The applicant has submitted proposed Planned Development District Conditions (Exhibit A) and a proposed concept plan (Exhibit B) for a residential development of 29 Townhome lots and 15 Patio Home lots.
 - a. The proposed zoning and subdivision is compatible with the surrounding uses and is an enhancement to the eastern most border of the Murphy city limits.
 - b. The estimated preliminary price points for this subdivision are:
 - i. Patio Homes - \$259,000-\$319,000
 - ii. Townhomes - \$259,000-\$289,000
2. To address any development specifics and details for the residential restrictions of the entire approximate 6.51 acres which are in addition to or differ from the current SF-PH zoning, the property must be zoned as a Planned Development District detailing uses and conditions.
3. The property is currently zoned Single Family Residential – Patio Home (SF-PH) (Exhibit I) and is the base zoning for the Planned Development District. This single family zoning, patio home district, does not allow the requested addition of town homes or varying lot sizes; however, the applicant is requesting the approval of a Planned Development District in order to allow for the concept plan and regulations as proposed.

Subject property location

The subject property is located at the southwest corner of Betsy Road and McCreary Road and is at the northeastern border of Murphy city limits. As noted on the map included in this packet (Exhibit G), land uses directly surrounding this property include:

- Residential, Single Family (SF-9 and SF-11)
- Neighborhood Services, vacant land/future development
- Commercial
- Multi Family
- Mobile Home Park

LOT SIZES

This Planned Development proposes a residential development of 29 Townhome lots and 15 Patio Home lots; two types of lots are proposed, Type A and Type B as noted on the Concept Plan (Exhibit B).

Type A -

- a. Type A lots – 15 total lots are proposed to allow for *Patio Home* development.
 - i. These lots are located along the western border of the development.
 - ii. Minimum Lot size = 50' x 110'
 - iii. Type A minimum Patio Home size = 1,800 square feet; the developer is proposing approximately 2,000 – 2, 500 square feet patio homes.

Type B

- a. Type B lots – 29 total lots are proposed to allow for *Townhome* development.
 - i. These lots are located along the eastern border of the development.
 - ii. Minimum Lot size = 25' x 115'
 - iii. Type B minimum Townhome size = 1,400 square feet; the developer is proposing approximately 1,400 – 1,800 square feet townhomes.

Note: The consideration of this single family zoning change is specific to the identified property and is not a consideration to create a new residential zoning category. Development of this property would be restricted to only residential use and per the specifications listed in the proposed Planned Development Standards.

Fencing specific to Type A lots

- The developer sent an initial round of introduction letters to those property owners that abut the western property line of the proposed subdivision.
- A second letter discussing the proposed fencing for those abutting properties (shared fences) was distributed last week.
 - o It is standard throughout subdivisions in Murphy that abutting residences share a fence line.
 - o Back to back fencing is not allowed unless there is five feet in distance between the two.
- As noted specifically in the Planned Development District as it relates to fences along the western property line:
 - o For lots that abut the western Property line, more specifically Lots 10 through 23 of Block "C", the Builder(s) shall be responsible for the removal of the existing six foot (6') privacy fence and installation of a new six foot (6') privacy fence set forth herein pending approval from the property owners adjacent to the western Property line.
 - o Subject to receipt of each individual property owner's consent to replace the existing fencing, the Builder(s) shall replace the existing fence line on the western Property line before a Certificate of Occupancy is issued for Lots 10

through 23 of Block "C". If an adjacent owner does not provide their approval for said fence replacement, the provisions of this paragraph shall not be required.

Public Notice

A public hearing notification for this proposed zoning change request was published in the newspaper as well as notification being mailed to the property owners included in the required 200 feet notification radius.

- a. The reply forms received at the time of this packet are included with this item (Exhibit H).

Staff Recommendation

Staff recommends approval to include:

- Planned Development Standards and Concept Plan as presented
- A final site plan in general conformance with the Concept Plan, a landscape plan and construction plat including all associated engineering documents must be approved before development.

Attachments

Exhibit A - Proposed Murphy Meadows Planned Development Standards

Exhibit B - Proposed Murphy Meadows Concept Plan

Exhibit C – Proposed Patio Home lot configuration

Exhibit D - Murphy Meadows Patio Home rendering

Exhibit E – Murphy Meadows Townhome rendering

Exhibit F – Proposed Betsy Road subdivision entrance rendering

Exhibit G – Property Map with surrounding uses identified

Exhibit H - Public Notice Reply Forms received at time of packet

Exhibit I – SF-PH, Single Family Residential – Patio Home District (for reference)

Exhibit J – Section 28-155, General Landscape Standards (referenced in PD)

Exhibit A

Proposed Murphy Meadows Planned Development Standards

Exhibit "B"
Planned Development Requirements
Murphy Meadows
Murphy, Texas

1.0 PLANNED DEVELOPMENT DISTRICT- SINGLE FAMILY RESIDENTIAL – PATIO HOME AND TOWNHOME

1.01 General Description: This Planned Development District (PD) is intended to accommodate a medium density single family residential use. Development standards for this district are outlined within this text. This district has a base zoning of SF-PH.

1.02 Statement of Purpose: The purpose of this PD is to establish a Concept Plan and specific conditions for the development of the property known as Murphy Meadows. The intent of this PD is to achieve a quality residential community while providing a variety of lot sizes, dwelling unit sizes and additional open space amenities.

1.03 Statement of Effect: This PD shall not affect any regulation found in the City of Murphy Comprehensive Zoning Ordinance, as amended, except as otherwise specified herein.

1.04 Development Plans: Development shall be in accord with the concept plan and exhibits as attached. However, in the event of conflict between the concept plan and the written conditions, the written conditions shall control. The concept plan shall also serve as the land use plan.

1.05 Development Regulations:

A. Minimum Standards for Lot Size:

1. Lot Type "A": Patio Homes - Detached

Minimum Lot Size	6,000 square Ft.
Minimum Floor Area	1800 square ft.
Minimum Lot Width	50'
Minimum Lot Depth	110'
Minimum Front Yard Setback	15' ¹
Minimum Side Yard Setback (interior)	5'
Minimum Side Yard (Adjacent to Street)	10'
Minimum Rear Yard Setback	10'
Maximum Building Height	35'
Maximum Lot Coverage	75%
Minimum Masonry Requirement	80% ²
Garage Orientation	Front Entry or J-Swing
Minimum Roof Pitch	8:12 (4:12 on Porch Roofs)

Minimum Driveway Distance (from Property Line)	20'
--	-----

Notes:

¹: Front porch may encroach to within 10-feet of the front property line

²: Brick, Stone, Cultured Stone, 3-Part Stucco

2. Lot Type "B": Townhomes - Detached

Minimum Lot Size	2,700 square feet
Minimum Floor Area	1,400 square feet
Minimum Lot Width	25'
Minimum Lot Depth	115'
Minimum Front Yard Setback	15'
Minimum Side Yard Setback (interior)	5'
Minimum Side Yard (Adjacent to Street)	10'
Minimum Rear Yard Setback	10'
Maximum Building Height	35'
Maximum Lot Coverage	75%
Minimum Masonry Requirement	100%
Garage Orientation	Front Entry
Minimum Roof Pitch	8:12 (4:12 on Porch Roofs)
Minimum Driveway Distance (from Property Line)	20'
Maximum Connected Units	8 units or 200'

C. Exterior Construction Standards: Current City of Murphy standards for SF-9 residential zoning.

D. Landscape Requirements:

1. Minimum Tree Requirements: Current City of Murphy Standards (Sec 28-155).
2. City of Murphy minimum landscape standard, as specified in (Sec 28-155).

E. Maximum Height: 35' or 2.5 Stories

2.0 PLANNED DEVELOPMENT, GENERAL CONDITIONS:

2.01 Procedure to be followed throughout the development of the Planned Development District:

A. Zoning Exhibit: A zoning plan is hereby attached and made part of the approval for this Planned Development District. This plan, indicated as Exhibit "D" sets forth: (1) the overall property boundary description; and (2) the designation of

the Planned Development District, which corresponds to this Exhibit "B".

- B. Conceptual Plan:** A conceptual plan is hereby attached made part of the approval for this Planned Development District. This plan indicated as Exhibit "C" is drawn to scale and illustrates: (1) land use; (2) proposed street layouts; (3) general layout of the development; and (4) other features which geographically explains the standards and conditions set forth in this Exhibit "B" and the proposed development.

2.02 Development Schedule: This ordinance, at time of City Council approval, shall be accompanied by a development schedule, indicating the approximate time in which construction is to begin and the approximate time frame of completion. The development schedule, if approved by the Murphy City Council, shall be generally adhered to by the owner, developer and/or their successors in interest; unless amended by approval of the Murphy City Council.

2.03 Landscaped Open Space: Open space shall be provided as indicated on the concept plan and maintained by the Murphy Manors Homeowner's Association.

2.04 Screening: A Five Foot Berm will be constructed adjacent to Betsy Lane in an HOA lot area along the northern Property boundary. The Perimeter to the East along McCreary Road will be Six Foot tubular steel fencing and masonry columns. A landscape buffer including trees, shrubbery and grass (with an operating sprinkler system maintained by the Murphy Meadows HOA) will minimize any visual impact of the Property.

2.05 Sidewalks: Sidewalks along Betsy Lane and McCreary Road shall conform to the Parks Master Plan or as approved by City Council.

2.06 Fences:

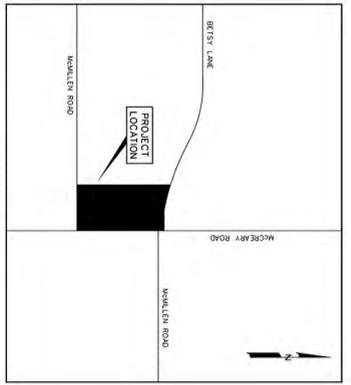
- A.** Unless otherwise approved in writing by the ACC, all wood fencing shall: (i) be constructed with galvanized steel posts; (ii) have a height that shall not exceed six (6) feet; (iii) be constructed with spruce slats which are at a minimum 1/2" thick and measure between three and one-half (3½) inches and eight (8) inches wide which are installed vertically only; (iv) be constructed with an even flat top; and (v) be pre-stained using only a cedar colored finish stain on all surfaces which are visible from the ground level of the Lot, any adjoining Lot, or any street.
- B.** All fencing must be behind the front yard building set back line.
- C.** All fences require permits from the City of Murphy.
- D.** For lots that abut the western Property line, more specifically Lots 10 through 23 of Block "C", the Builder(s) shall be responsible for the removal of the existing six foot (6') privacy fence and installation of a new six foot (6') privacy fence set forth

herein pending approval from the property owners adjacent to the western Property line. Subject to receipt of each individual property owner's consent to replace the existing fencing, the Builder(s) shall replace the existing fence line on the western Property line before a Certificate of Occupancy is issued for Lots 10 through 23 of Block "C". If an adjacent owner does not provide their approval for said fence replacement, the provisions of this paragraph shall not be required.

3.0 Homeowner' Association: A Homeowners Association duly incorporated in the State of Texas shall be incorporated and each lot/homeowner shall be a mandatory member. This association shall be established so as to ensure the proper maintenance of all common areas, either public or private, as desired, to be maintained by the association. The bylaws of this association shall establish a system of payment of dues, a system of enforcement of its rules and regulations; a clear and distinct definition of the responsibility of each member, and such other provisions as are reasonably deemed appropriate to secure a sound and stable association. The Bylaws shall be submitted to the Director of Planning for review and approval prior to construction.

EXHIBIT "C"

CONCEPT PLAN



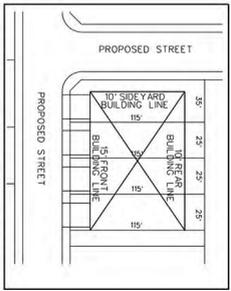
$A = 133.33' \times 55'$
 $R = 1555.00'$
 $T = 184.94'$
 $L = 368.16'$
 $C = 367.30'$
 $B = 585.05' \times 17'$

TOTAL OPEN SUMMARY	
9A - 0.50 AC.	
9B - 0.05 AC.	
9C - 0.15 AC.	
24C - 0.04 AC.	
24C - 0.06 AC.	
TOTAL ACRES - 0.8	

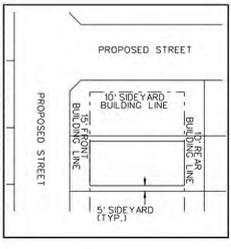
- △ TYPE 'A' LOTS - MIN. 50' X 110'
- △ TOTAL LOTS - 15
- TYPE 'B' LOTS - 25' X 115'
- TOTAL LOTS - 29



NOTE:
 OPEN SPACE LOTS TO BE MAINTAINED BY THE HOA.
 ALL TOWN HOME LOTS TO BE FIRE SPRINKLERED.



TYPICAL DETAIL FOR TOWNHOME LOTS TYPE 'B' LOTS (25' X 115')
 BLOCK A LOTS 20, 21, 22, 23 & BLOCK C LOTS 1-6
 TOTAL LOTS 29
 N.T.S.

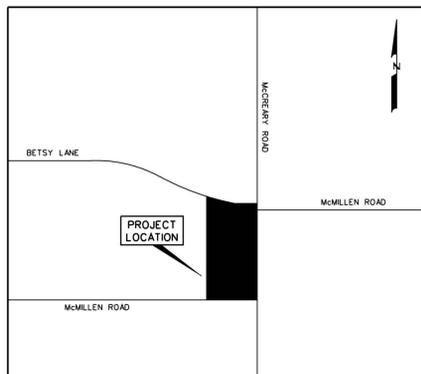


TYPICAL DETAIL FOR PH LOTS TYPE 'A' LOTS (50' X 110')
 LOTS 7, 10-23 BLOCK C
 TOTAL LOTS 15
 N.T.S.

MURPHY TRACT
 OF
 CONCEPT PLAN
 44 TOTAL RESIDENTIAL LOTS
 4 TOTAL OPEN SPACE LOTS
 OUT OF THE
 C.A. McMILLAN SURVEY, ABSTRACT NO. 588
 IN THE
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS
 APPLICANT
SKORBURG COMPANY
 8214 WESTCHESTER DRIVE, SUITE 710
 DALLAS, TEXAS 75225
 214-522-4345
 JOHN ARNOLD
 OWNER
SAAMI TRUST
 P.O. BOX 348
 LAKE FOREST, TX 80045
 PREPARED BY
CORWIN ENGINEERING, INC.
 200 W. BELMONT, SUITE E
 ALLEN, TEXAS 75013
 972-396-1200
 WARREN CORWIN
 JULY 2015
 SCALE: 1" = 50'

Exhibit B

Proposed Murphy Meadows Concept Plan



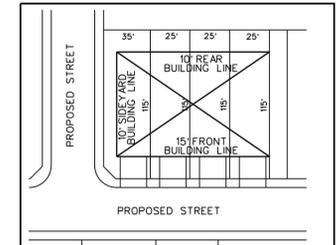
LOCATION MAP
N.T.S.



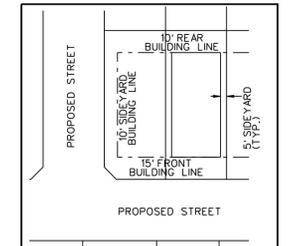
NOTE:
 OPEN SPACE LOTS TO BE MAINTAINED BY THE HOA.
 ALL TOWN HOME LOTS TO BE FIRE SPRINKLERED.

TOTAL OPEN SUMMARY	
9A - 0.50 AC.	
16B - 0.05 AC.	
8C - 0.15 AC.	
9C - 0.04 AC.	
24C - 0.06 AC.	
TOTAL ACRES - 0.8	

- Δ TYPE 'A' LOTS - MIN. 50'x110'
TOTAL LOTS - 15
- \circ TYPE 'B' LOTS - 25'x115'
TOTAL LOTS - 29



TYPICAL DETAIL FOR TOWNHOME LOTS
 TYPE 'B' LOTS (25'x115')
 MIN. 2,700 SF
 BLOCK A LOTS 1-8, BLOCK B LOTS 1-15
 & BLOCK C LOTS 1-6
 TOTAL LOTS 29
 N.T.S.



TYPICAL DETAIL FOR PH LOTS
 TYPE 'A' LOTS (50'x110')
 MIN. 5,500 SF
 LOTS 7, 10-23, BLOCK C
 TOTAL LOTS 15
 N.T.S.

CONCEPT PLAN
 OF
MURPHY TRACT
 44 TOTAL RESIDENTIAL LOTS
 4 TOTAL OPEN SPACE LOTS
 OUT OF THE
 C.A. McMILLAN SURVEY, ABSTRACT NO. 588

IN THE
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS

APPLICANT
SKORBURG COMPANY
 8214 WESTCHESTER DRIVE, SUITE 710
 DALLAS, TEXAS 75225
 214-522-4945
 JOHN ARNOLD

OWNER
SAAM TRUST
 P.O. BOX 348
 LAKE FOREST, IL 60045

PREPARED BY
CORWIN ENGINEERING, INC.
 200 W. BELMONT, SUITE E
 ALLEN, TEXAS 75013
 972-396-1200
 WARREN CORWIN

Exhibit C

Proposed Patio Home Lot Configuration



ROSE PARK LANE

18

17

16

15

C

40'

50'

10'

20'

50'
(TYP.)

120'
(TYP.)



SCALE: 1" = 20'

CHESTERFIELD DRIVE

Exhibit D

Murphy Meadows Patio Home Rendering



8172

12

16

12'x36" EB LOUVER
@ 10'-0" AFF

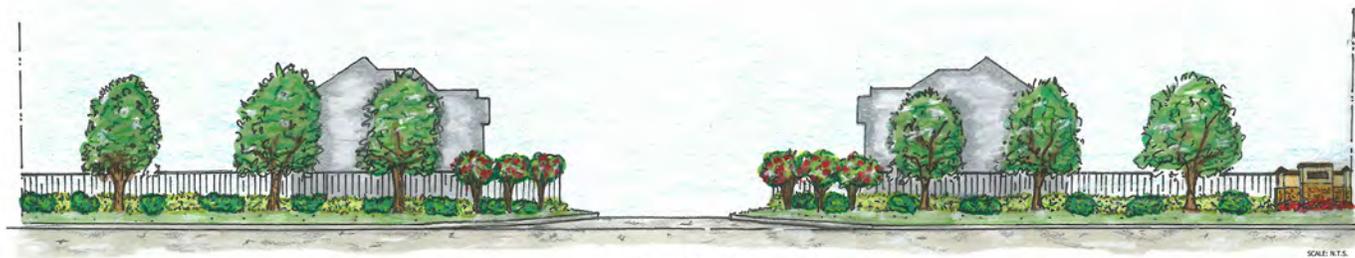
Exhibit E

Murphy Meadows Townhome Rendering



Exhibit F

Proposed Betsy Road
subdivision entrance
rendering

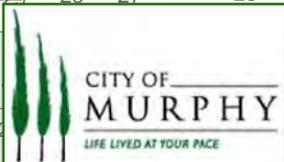


BETSY LANE

SCALE: N.T.S.

Exhibit G

Property Map with surrounding
uses identified



The Gables at North Hill

Future development / zoned NS

The Ranch

Proposed Murphy Meadows

Maxwell Creek North

WalMart Neighborhood Market WYLIE, TX

Creekside South Apartments, WYLIE, TX

Southfork Mobile Home Park WYLIE, TX

Southfork Mobile Home Park WYLIE, TX

Southfork Mobile Home Park WYLIE, TX

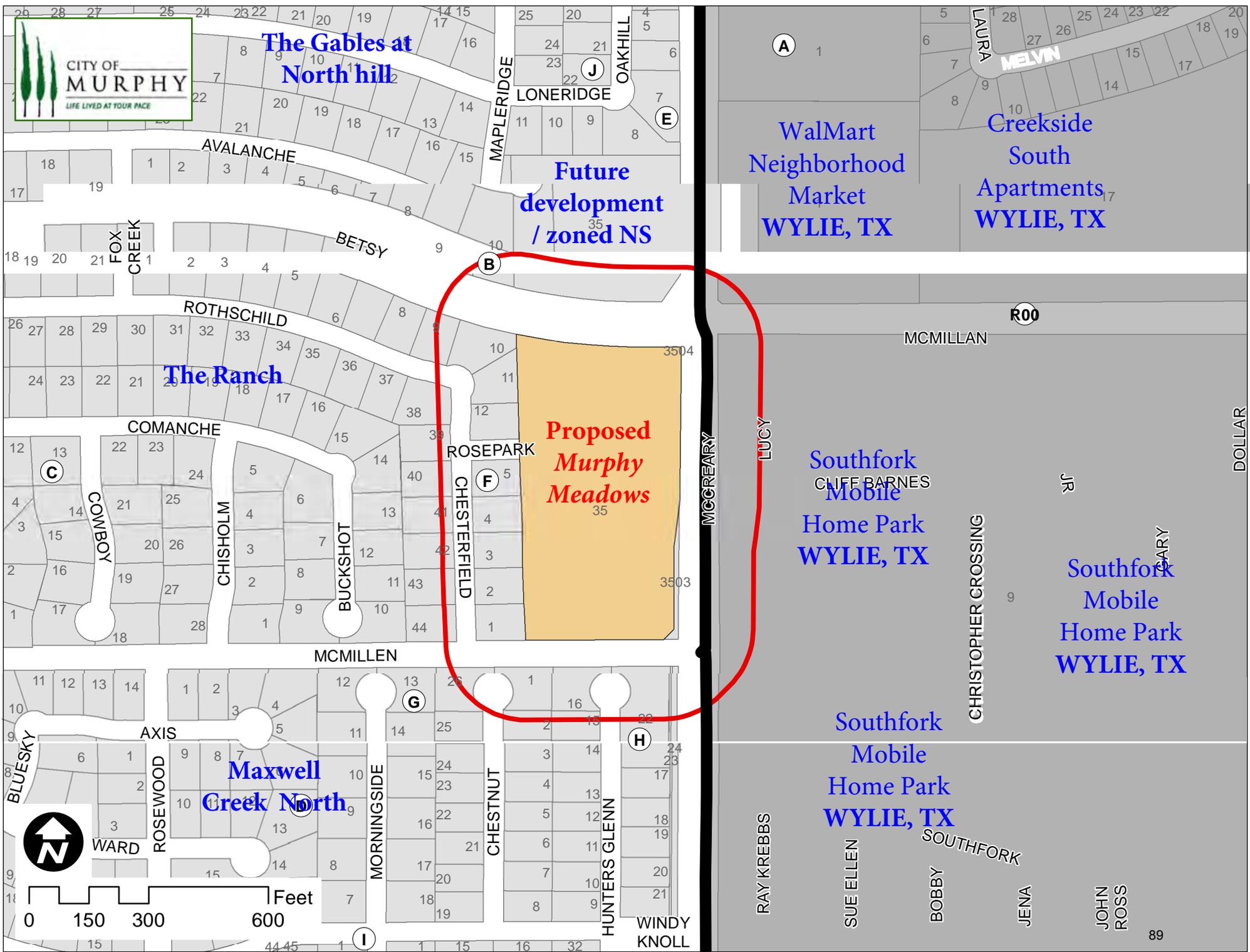
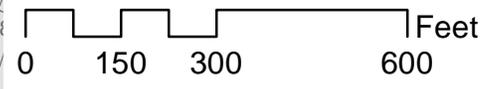


Exhibit H

Public Notice Reply Forms
received at time of packet

Reply Form

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



This letter is regarding the request for an approval of a zoning change from SF-PH (Single Family Residential Patio Home) to a Planned Development District: Single Family Residential-Patio Home & Townhome with a concept plan for approximately 6.51 acres on property located at the southwest corner of Betsy Road and McCreary Road.

 I am **IN FAVOR** of the request to a zoning change from SF-PH (Single Family Residential Patio Home) to a Planned Development District: Single Family Residential-Patio Home & Townhome with a concept plan for approximately 6.51 acres on property located at the southwest corner of Betsy Road and McCreary Road.

I am **OPPOSED** to the request to a zoning change from SF-PH (Single Family Residential Patio Home) to a Planned Development District: Single Family Residential-Patio Home & Townhome with a concept plan for approximately 6.51 acres on property located at the southwest corner of Betsy Road and McCreary Road.

This item will be heard at the **Planning & Zoning Commission on Monday, August 24, 2015 at 6:00 p.m.** and by **City Council on Tuesday, September 1, 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.

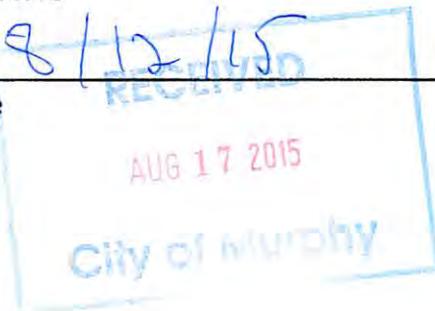
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CAROLINE GAGNON-HARTMAN
Name (Please Print)

[Signature]
Signature

424 CREEKSIDE DR
Address
MURPHY, TX

8/12/15
Date



Reply Form

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



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There is No good reason for this change. There is No benefit. It's bad enough that Walmart and apartments have already been built in our residential neighborhood without regards to the surrounding homes.

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Carolyn E Patrick
Name (Please Print)

Signature

925 Morningside Trail
Address

8-12-15
Date

Reply Form

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



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what is the benefit of zoning change to owner and city of Murphy?

Why is this zoning change being requested?

Who is asking/requesting the zoning change?

Can someone provide the difference between current zoning code to the one being changed to?

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

Gandhi Nitin
Name (Please Print)

Gandhi N.M.
Signature

312 CAVE RIVER DR. MURPHY TX
Address 75094

8-12-2015
Date

Reply Form

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



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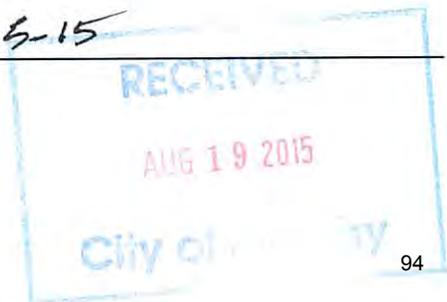
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JAMES D. WINTERS
Name (Please Print)

James D. Winters
Signature

1013 CHESTERFIELD
Address

8-15-15
Date



Reply Form

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



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The police department has said that one reason crime is low in Murphy is because we have no hotels or apartments. Over time, condominiums tend to become rental units, thus they become no different than apartments.

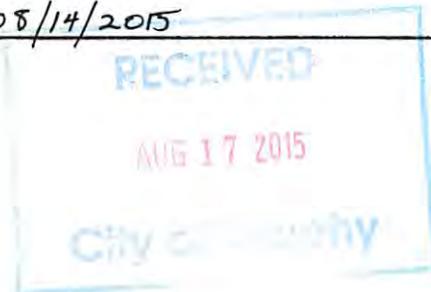
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John C. Ownby
Name (Please Print)

John C Ownby
Signature

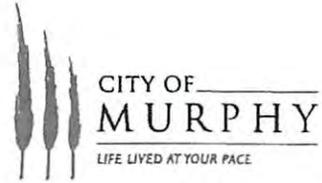
708 Morningside TRAIL
Address Murphy, TX 75094

08/14/2015
Date



Reply Form

Planning & Zoning Commission/City Council
206 North Murphy Road
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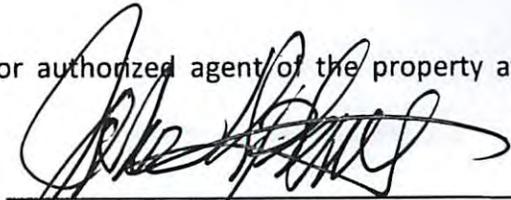
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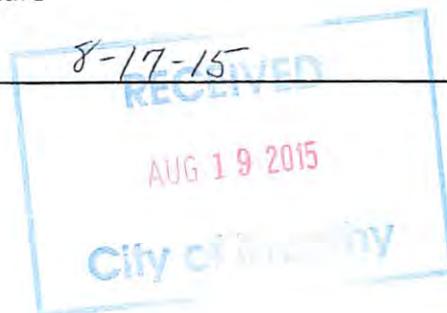
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JOHN UPHUES
Name (Please Print)

609 FALL WHEAT DR
Address


Signature

8-17-15
Date



Reply Form

RECEIVED

AUG 17 2015

City of Murphy



CITY OF MURPHY
LIFE LIVED AT YOUR PACE

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

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Changing the zoning would mean more families in that location. Our schools are already over crowded with students. Some have portables already on their campuses. Also, the homes would be closer together and I'm against that. There are already apartments across the street. This is not a good idea.

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

Stephanie VanSaders
Name (Please Print)

Stephanie VanSaders
Signature

613 Fall Wheat Dr
Address

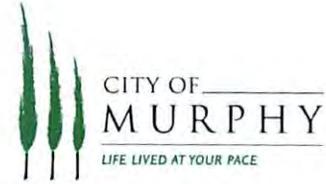
8/12/15
Date

Timothy VanSaders

[Signature]

Reply Form

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



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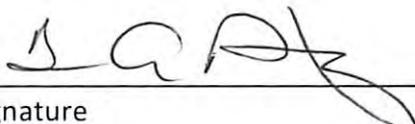
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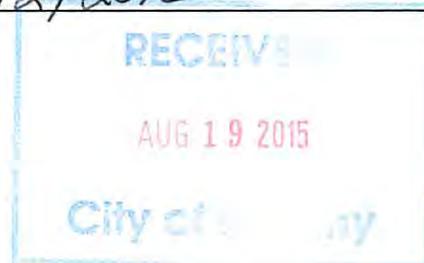
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Tommy Duong
Name (Please Print)

924 CHESTNUT CT
Address


Signature

8/12/2015
Date





August 6, 2015

AUG 10 2015

RE: **Murphy Meadows
ZF 2015-04, PD with Concept Plan**

Dear Property Owner:

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Sincerely,

K M Roberts

Kristen Roberts
Director of Economic and Community Development

Enclosures

Jon King
Chairman

Steve Levy
Vice-Chairman

Camille Hooper
Secretary

John Johnson
Commissioner

Greg Mersch
Commissioner

Lloyd Jones
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Don Reilly
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Kristen Roberts
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Lori C Knight
Administrative Assistant

Reply Form

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



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Wylie already made zoning changes to allow multi-family dwellings on the South-East corner of the intersection. Murphy doesn't need to add to the real potential lowering of property values in Maxwell Creek and the Ranch.

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Eddie Hartman

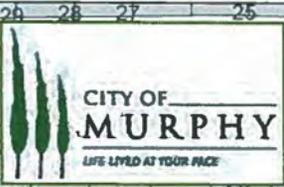
Name (Please Print)

Signature

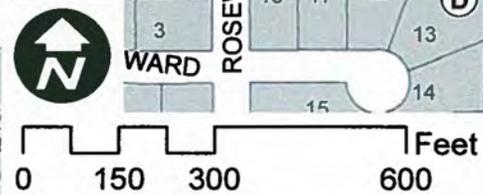
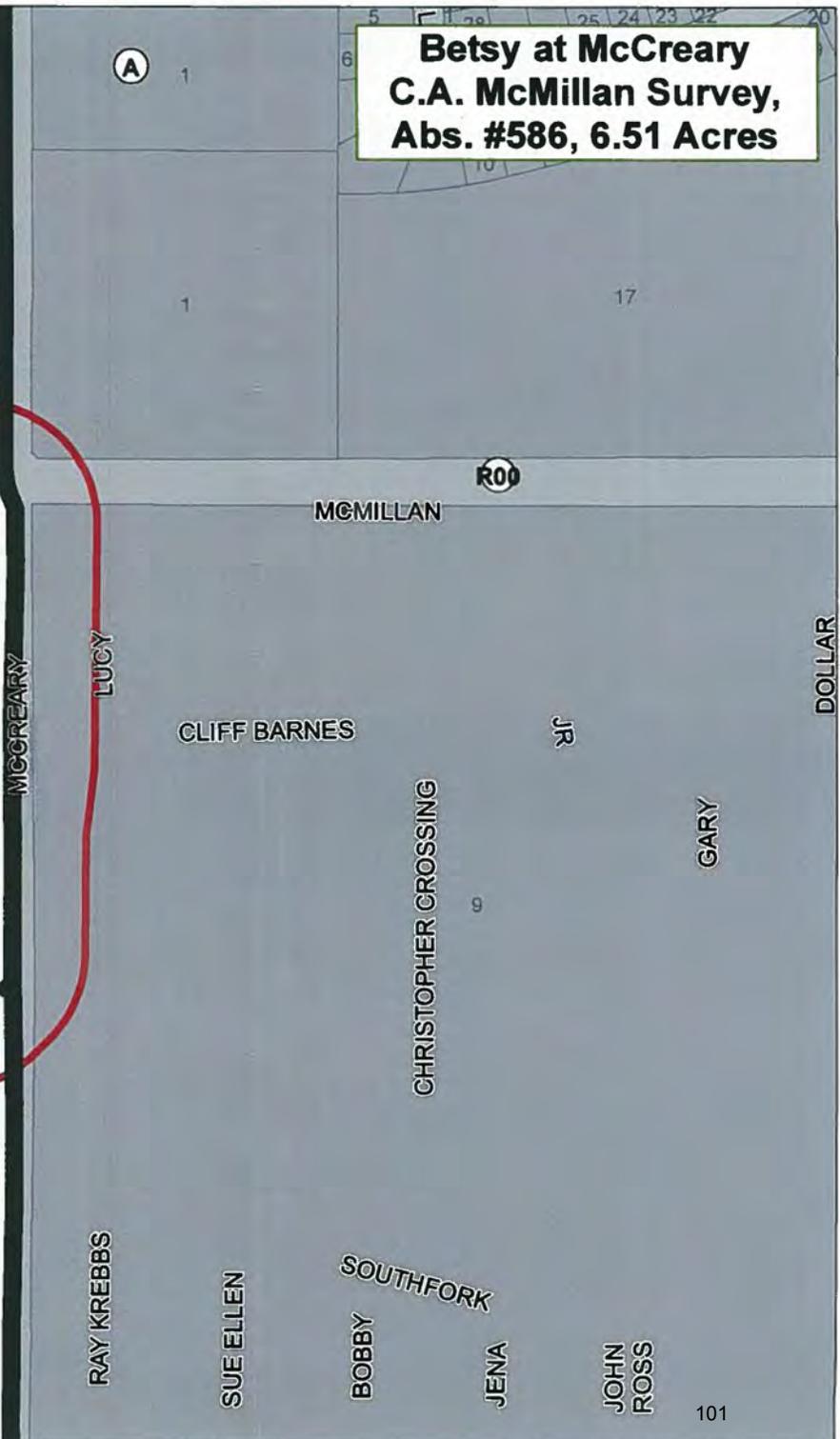
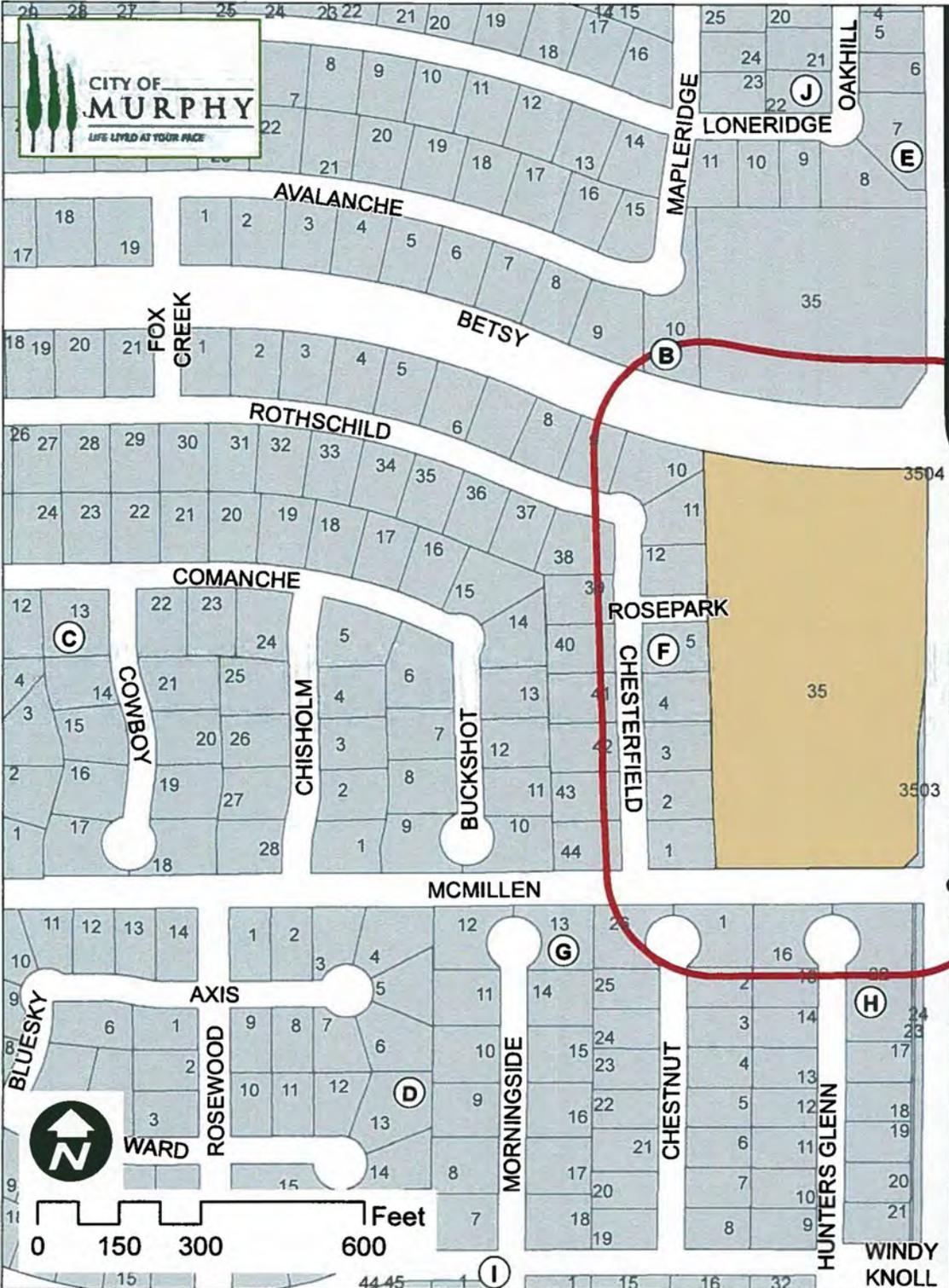
424 Creekside Drive, Murphy

Address

Date



Betsy at McCreary
C.A. McMillan Survey,
Abs. #586, 6.51 Acres





August 6, 2015

AUG 10 2015

RE: **Murphy Meadows
ZF 2015-04, PD with Concept Plan**

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Kristen Roberts
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Reply Form

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



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The developer should build more affordable, smaller single family homes - not townhomes.

This development would present excessive overcrowding of an already extensively crowded Tibbals Elementary. In addition, it would bring congestion to Betsy and McCreary Rd. where we already are in need of additional traffic lights due to near misses and accidents.

Also, it would bring the property value down and bring more renters. Stick to Murphy's lot size requirement and single family homes. That is the reason why we moved here initially.

I could have moved to Wylie for trailer parks and Plano for townhomes. I choose Murphy because they didn't have either.

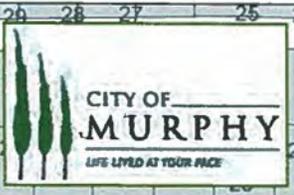
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Robert Williams
Name (Please Print)

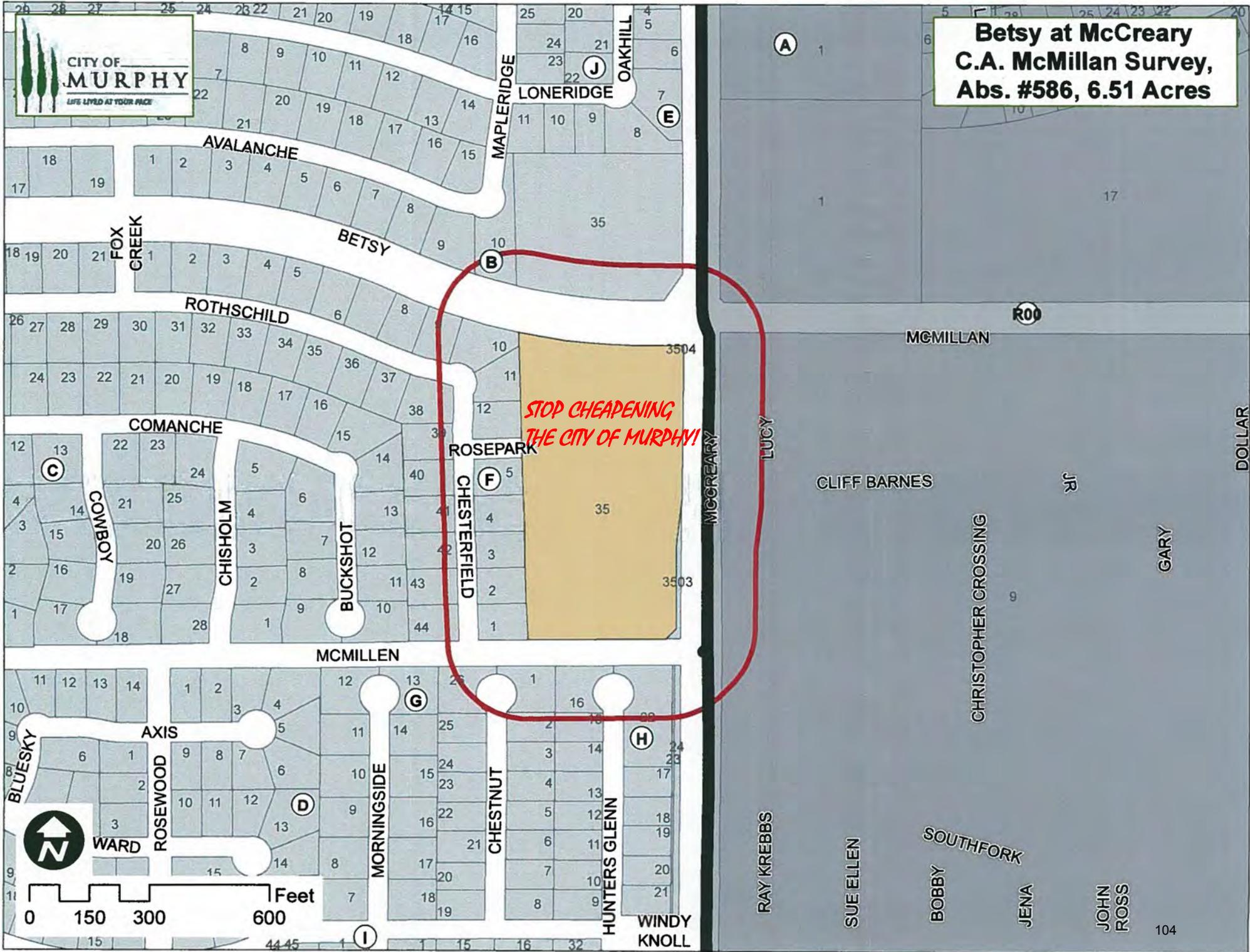
Robert G. Williams
Signature

905 Rosewood Dr. Murphy, TX 75094
Address

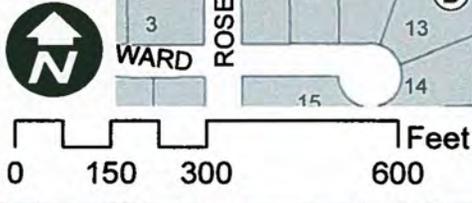
08/18/2015
Date



Betsy at McCreary
C.A. McMillan Survey,
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*STOP CHEAPENING
THE CITY OF MURPHY!*





August 6, 2015

AUG 10 2015

RE: **Murphy Meadows
ZF 2015-04, PD with Concept Plan**

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Kristen Roberts
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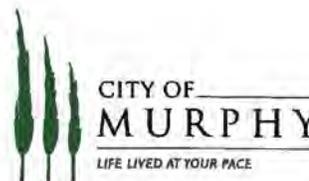
Mahendra Parikh
Alternate

Kristen Roberts
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Community Development

Lori C Knight
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Christine Williams

Christine Williams

Name (Please Print)

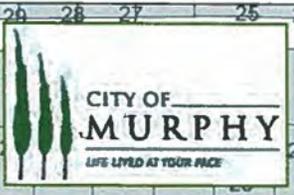
Signature

905 Rosewood Dr. Murphy, TX 75094

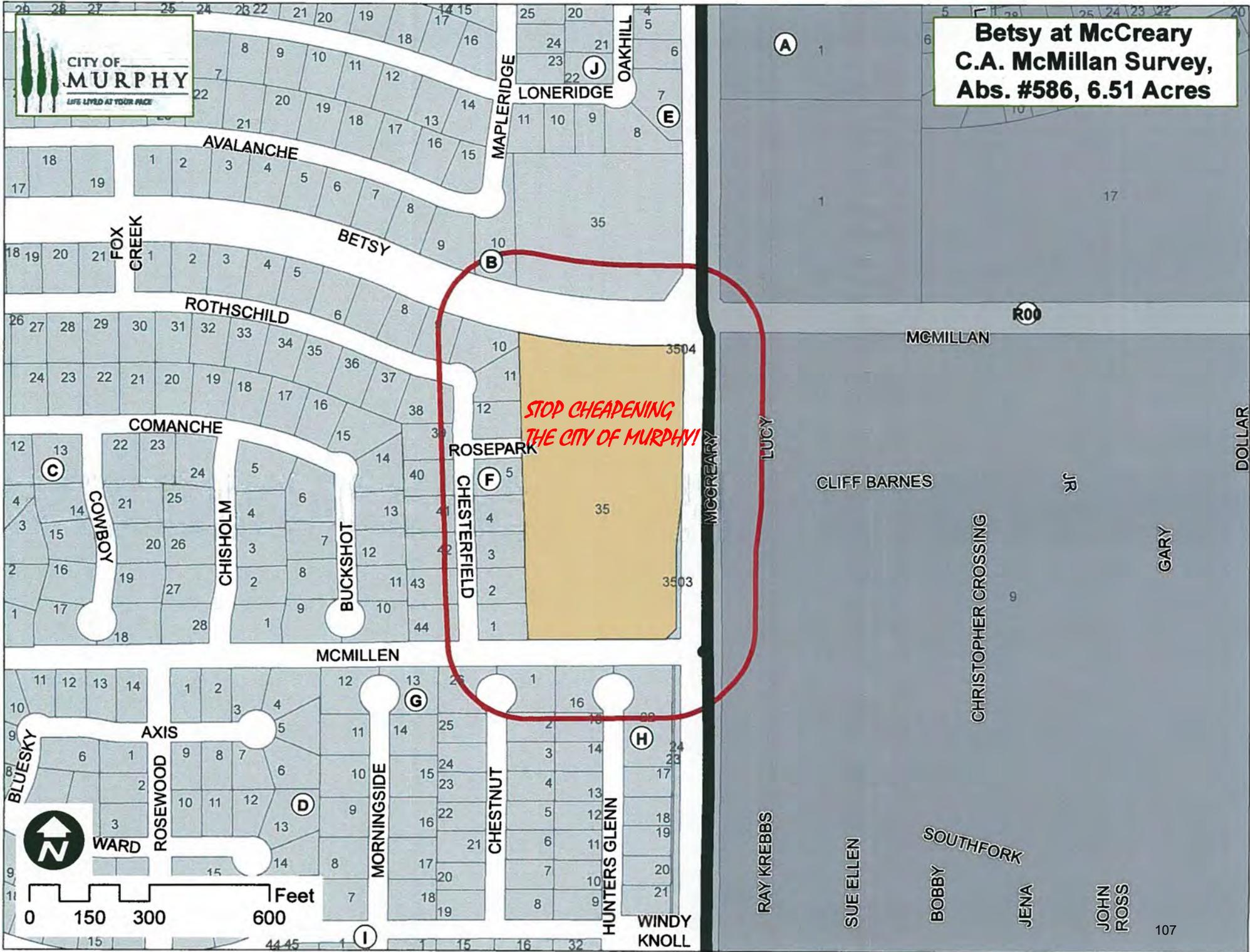
08/18/2015

Address

Date



Betsy at McCreary
C.A. McMillan Survey,
Abs. #586, 6.51 Acres



*STOP CHEAPENING
THE CITY OF MURPHY!*

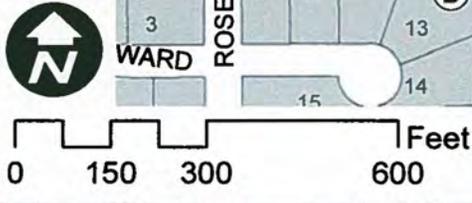


Exhibit I

SF-PH, Single Family
Residential - Patio Home District
(for reference)

DIVISION 8. - SF-PH, SINGLE-FAMILY RESIDENTIAL-PATIO HOME DISTRICT (ZERO-LOT/TRACT-LINE HOMES)

Sec. 86-371. - General purpose and description.

The SF-PH, single-family residential-patio home, district is designed to provide for development of primarily detached single-family residences on compact lot/tracts having one side yard reduced to zero feet ("zero-lot/tract-line"), and having not less than 5,000 square feet. Patio home developments shall be arranged in a clustered lot/tract pattern with a common usable open space system that is an integral part of the development. Areas zoned for the SF-PH district shall have, or shall make provision for, city water and sewer services. Areas zoned for the SF-PH district shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns which discourage nonlocal traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(Ord. No. 04-05-610, § 21.1, 5-17-2004)

Sec. 86-372. - Permitted uses.

Those uses listed for the SF-PH district in article VI of this chapter as "P" or "S" are authorized uses permitted by right or specially permitted uses, respectively. Special uses must be approved utilizing procedures set forth in article V of this chapter.

(Ord. No. 04-05-610, § 21.2, 5-17-2004)

Sec. 86-373. - Height regulations.

Maximum height regulations for the SF-PH district shall be as follows:

- (1) Two and one-half stories, or 35 feet for the main building/house.
- (2) One story, or 16 feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.
- (3) Other requirements (see chapter 28, article V).

(Ord. No. 04-05-610, § 21.3, 5-17-2004; Ord. No. 05-03-645, § 6, 3-4-2005)

Sec. 86-374. - Area regulations.

(a) *Size of lot/tracts.* The size of lots/tracts in the SF-PH district shall be as follows:

- (1) Minimum lot/tract area: 5,000 square feet; also, the minimum average lot/tract area shall be 7,000 square feet in order to provide diversity in lot/tract sizes within each SF-PH neighborhood.
- (2) Maximum project size: The maximum size of a patio home development shall be eight acres.
- (3) Minimum lot/tract width: 50 feet.
- (4) Minimum lot/tract depth: 100 feet.

(b) *Size of yards.* The size of yards in the SF-PH district shall be as follows:

- (1) Minimum front yard: 25 feet.
- (2) Minimum side yard: One side yard reduced to zero feet; other side yard a minimum of ten feet required; 15 feet from a street right-of-way line for a corner lot/tract on a residential or collector street; 20 feet for a corner lot/tract on an arterial street; 25 feet from a street right-of-way line for a key corner lot/tract, no front-entry garages permitted.
- (3) Minimum rear yard: 20 feet for the main building; 24 feet for rear garage entry.

(c) *Maximum lot/tract coverage* The maximum lot/tract coverage in the SF-PH district shall be 50 percent by main buildings and accessory buildings.

(d) *Parking regulations.* Parking regulations for the SF-PH district shall be as follows:

- (1) Single-family dwelling unit: A minimum of two enclosed parking spaces behind the front building line on the same lot/tract as the main structure, plus two additional parking spaces on a paved driveway (all concrete or a similar paved surface such as turf pavers, brick pavers).
- (2) Visitor parking: One-half parking space per dwelling unit (off-street) which is located within 600 feet of the dwelling unit.
- (3) Driveways and parking areas: All driveways and parking areas shall be concrete or a similar paved surface such as turf pavers, brick pavers.

- (4) Other: See article VII, division 2 of this chapter regarding off-street parking and loading requirements.
- (e) *Minimum floor area per dwelling unit.* The minimum floor area per dwelling unit in the SF-PH district shall be 1,800 square feet.
- (f) *Minimum exterior construction standards.* See chapter 28, article V for exterior construction standards in the SF-PH district.

(Ord. No. 04-05-610, § 21.4, 5-17-2004)

Sec. 86-375. - Special requirements.

- (a) *Generally.* Patio home developments shall be developed as zero-lot/tract-line homes. One side yard shall be reduced to zero feet, while the other side yard shall be a minimum of ten feet, 15 feet for a corner lot/tract on the residential or collector street side, or 20 feet for a corner lot/tract on an arterial street; a key corner lot/tract shall observe the front yard setback). A minimum six-foot wide maintenance easement shall be placed on the adjacent lot/tract (on the other side of the zero-lot/tract-line) to enable the property owner to maintain that portion of his house which is on the zero-lot/tract-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of 24 inches.
- (b) *Maintenance requirements for common areas.* A property owners' association is required for continued maintenance of common land and facilities (see section 70-103 for property owners'/homeowners' association requirements).
- (c) *Usable open space requirements.* Except as provided below, any patio home subdivision shall provide usable open space which equals or exceeds ten percent of the gross platted area, excluding rights-of-way for collector and larger sized streets. Usable open space shall not be required for a patio home development if it contains 20 or fewer lot/tracts, and if the property contiguous to the subdivision is either developed for uses other than patio homes or is restricted by zoning to not permit patio home development. Properties that are separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of 60 feet in width shall not be considered as contiguous.
- (d) *Specific criteria for usable open space.* Areas provided as usable open space in the SF-PH district shall meet the following criteria:
- (1) All residential lot/tracts must be located within 600 feet of a usable open space area as measured along a street. The planning and zoning commission may recommend, and city council may allow, this distance to be increased to up to 1,200 feet if the shape of the subdivision is irregular or if existing trees or other natural features on the site can be preserved by increasing the distance.
 - (2) Individual usable open space areas shall be at least 20,000 square feet in size. Usable open space must be a minimum of 50 feet wide, and must have no slope greater than ten percent. At the time of site plan and subdivision plat approval, the planning and zoning commission may recommend, and the city council may allow, full or partial credit for open areas that exceed the ten percent maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development and the surrounding area.
 - (3) Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as usable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lot/tracts, overhead electrical transmission lines, drainage, channels and antennas may not be included in calculating useable open space.
 - (4) Within usable open space areas, there shall be at least one large shade tree for every 1,000 square feet of space. New trees planted to meet this requirement shall be a minimum three-inch caliper, and at least 25 percent of the trees shall be nondeciduous (for qualifying tree species, see section 86-741 for the city's approved plant list).
 - (5) A usable open space area must have street frontage on at least 33 percent of the area's perimeter to ensure that the area is accessible to residents of the subdivision.
 - (6) Usable open space areas must be easily viewed from adjacent streets and homes. Side or rear yard fences along common open space areas shall be of open, wrought iron design, and shall not exceed four feet in height adjacent to the open space and for a distance of ten feet perpendicular or radial to the open space area.
- (e) *Credit for off-site open space.* At the time of site plan and subdivision plat approval, the planning and zoning commission may recommend, and the city council may allow, up to one-third of the required open space to be credited for off-site dedicated open space (e.g., parkland) that meets the development's needs in terms of adjacency,

accessibility, usability, and design integration. The granting of any off-site credit for open space is a discretionary power of the city council. The guidelines below may assist in considering if credit is appropriate:

- (1) *Adjacency.* Is at least 15 percent of the patio home development's boundary adjacent to park land?
 - (2) *Accessibility.* Are there defined pedestrian connections between the development and the park land?
 - (3) *Usability.* Is the park land immediately adjacent to the development suitable for use and accessible by residents?
 - (4) *Design integration.* Does the design of the development provide a significant visual and pedestrian connection to the park or other open space land?
- (f) *Landscaped areas.* Additional common open space and landscaped areas that do not qualify as usable open space may be provided in the SF-PH district, but shall not be counted toward the usable open space requirement.
 - (g) *Construction standards.* Single-family lot/tracts and detached dwellings constructed in the SF-PH district shall conform to the standards as set forth in the SF-9 zoning district.
 - (h) *Enclosure or conversion of garage space.* The elimination of a garage space by enclosing or converting any portion of the garage space with a stationary building wall shall be prohibited in the SF-PH district unless another garage of the same size is built on the lot/tract within the proper setbacks, not exceeding the maximum lot/tract coverage, etc.
 - (i) *Use of recreational vehicles, travel trailers or motor homes.* Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes in the SF-PH district.
 - (j) *Fencing.* Aboveground electrical fencing (does not include underground "virtual fencing," which is allowed), wire mesh (such as hog wire, chicken wire) and barbed wire are prohibited in the SF-PH district as perimeter fencing except for containment of farm animals on parcels of five or more acres.
 - (k) *Open storage.* Open storage is prohibited in the SF-PH district (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
 - (l) *Garage setback.* Single-family homes with side-entry garages in the SF-PH district where lot/tract frontage is only to one street (not a corner lot/tract) shall have a minimum of 24 feet from the door face of the garage or carport to the side property line with a paved six-foot hammerhead turnaround provided for on-site maneuvering of vehicles. The minimum setback from any garage door to a street or alley right-of-way line shall also be 24 feet.
 - (m) *Swimming pools.* For swimming pools in the SF-PH district see [chapter 18](#), article VI.
 - (n) *Site plan approval for nonresidential uses.* Site plan approval shall be required for any authorized nonresidential use in the SF-PH district. Any nonresidential land use which may be permitted in the SF-PH district shall conform to the NS neighborhood service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.
 - (o) *Other regulations.* Other regulations for the SF-PH district shall be established by articles VI and VII of this chapter.

(Ord. No. 04-05-610, § 21.5, 5-17-2004)

Secs. 86-376—86-390. - Reserved.

Exhibit J

Section 28-155, General
Landscape Standards
(referenced in PD

Sec. 28-155. - General standards.

The following criteria and standards shall apply to landscape materials and installation:

- (a) All nonpaved surfaces shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprise a significant portion of the total pervious surface area.
- (b) Plant materials shall conform to the standards of the approved plant list for the city (see section 86-741 for the approved plant list referenced in that section) and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- (c) Trees shall have an average crown spread of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet of crown spread. Large trees shall be a minimum of three inches in caliper (measured four feet above the ground) and seven feet in height at time of planting. Small ornamental trees shall be a minimum of one and one-half inches in caliper and five feet in height at time of planting. All new trees shall be provided with a permeable surface under the dripline a minimum of five feet by five feet diameter.
- (d) Shrubs not of a dwarf variety shall be a minimum of two feet in height when measured immediately after planting. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous 75 percent visual screen which will be at least six feet high within three years after time of planting, except for parking lot/tract/headlight screens, which shall form a continuous, solid visual screen three feet high within two years after planting.
- (e) Vines not intended as ground cover shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.
- (f) Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- (g) Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.
- (h) All landscaped areas shall be equipped with an automatic, underground irrigation system with freeze and moisture sensors to prevent watering at inappropriate times. Landscaped areas having less than ten square feet in area may be irrigated by some other inconspicuous method. If appropriate xeriscape planting techniques are utilized, the city council may waive the requirement for an underground irrigation system at the time of site plan approval. However, the landscaping shall be required to be maintained in a healthy, living and growing condition, and any irrigation devices shall not be visible from public streets or walkways.
- (i) Earthen berms shall have side slopes not to exceed 33.3 percent (three feet of horizontal distance for each one foot of vertical height). All berms shall contain necessary drainage provisions as may be required by the city engineer.

(Ord. No. 09-05-797, § 2, 5-18-2009)

Issue

Discuss update on southeast study.

Summary

Staff is working with Freese & Nichols on this project which includes studying existing and future development conditions and land uses in and near the south Maxwell Creek area.

The temporary moratorium is in place until October 4, 2015. This allows the City to work with the consultant, stakeholders, City Council, Planning & Zoning Commission and staff to discuss land use opportunities and environmental compatibility.

The purpose of this project is to illustrate a vision plan and overlay/PD regulations for the study area in southeast Murphy. This effort will consist of two major elements; a conceptual site plan and the preparation and presentation of an overlay district/PD and associated district standards and regulations for consideration and Planning & Zoning Commission and City Council action.

Considerations

- On August 19, 2015, a Southeast stakeholder meeting was held at Murphy City Hall.
- Sign in sheets indicate 53 individuals in attendance
 - o In addition to numerous stakeholders, in attendance were some members of the Planning & Zoning Commission, MMDD, Murphy Community Development Corporation and the Parks & Recreation Board.
- Staff coordinated with the IT Department to successfully video stream the stakeholder meeting; including the Planning & Zoning Commission meetings that are scheduled to receive updates on this project including public input.
- The following information is also detailed on the attached meeting summary from Freese & Nichols.
 - o Attendees were divided into four small groups where more personal discussions could be had.
 - o Each group discussed issues, concerns and opportunities associated with the study area and brainstormed on what they would like to see and what they would not like to see in terms of development.
 - o A representative from each of the four groups presented the primary issues of their individual group to all those in attendance.
 - o The meeting concluded with four input boards where attendees were able to vote on the pictures that best represented their optimal development prototypes for the area. (see attached input boards)

- Comment Cards were also available and included the questions:
 - o What are your thoughts about possible development in the area?
 - o What are some of the issues that need to be considered if development occurs?
 - o What types of development would you like to see within the area?
 - o General Comments:
 - o Over 30 comment cards were received.
 - At the time of this packet, the consultants are working to capture all the information from the comment cards

Murphy Stakeholder “Top 10”

- The following information is also detailed on the attached meeting summary from Freese & Nichols.
 - o The Murphy Stakeholder “Top 10” represents the primary issues that were discussed at the Stakeholder Meeting and is representative of the consistent themes deducted from each of the four separate groups.
 - o These 10 issues had support from each of the four groups.

Murphy Stakeholder “Top 10”

1. Keep single-family west of Maxwell Creek, except along FM544
2. Allow commercial uses to the west of Maxwell Creek, along McCreary Road
3. Build something unique and different such as walkable mixed-use area, with greenspaces and buffers
4. Allow commercial uses along FM544
5. Protect Maxwell Creek and keep it natural
6. Protect the large trees along Maxwell Creek
7. Include trail amenities along Maxwell Creek that connect to the City-wide and regional systems
8. Do not connect Maxwell Creek Road to McCreary Road
9. Limit through-traffic
10. Keep City property for a park

Next Steps

Three high level themes will be discussed and presented at the August 24, 2015 Planning & Zoning Commission meeting and public comments are encouraged at that time.

City Council will receive an update on September 1, 2015 including overall project details and feedback on the high level themes. Using that City Council feedback, staff and the consultant will draft a concept for draft consideration.

Newspaper notification and public notice mailouts to the required 200 foot zoning buffer are scheduled for week of September 15, 2015.

Attachments

Stakeholder Meeting Summary – Freese & Nichols

Map of Southeast Study area (red pins indicate those represented at Wednesday’s meeting)

Presentation Boards – dot stickers represent preferred example (post-its as shown are being summarized by consultant)

Calendar of project dates

Murphy Stakeholder Meeting Synopsis

Meeting Information:

The Southeastern Area Plan Stakeholder Meeting was conducted on August 19, 2015 from 6pm to 8pm at the Murphy City Hall City Council Chambers. Property owners within the study area were notified with mailers, emails and door-hangers of the public meeting to be conducted regarding the possible overlay district/planned development district. Approximately 50 people were in attendance at the meeting.

The Stakeholder meeting included an overview of the planning process and highlighted the reasoning behind the planning study. Attendees were divided into four small groups where more personal discussions could be had. Each group discussed the issues, concerns and opportunities associated with the study area and brainstormed on what they would like to see and what they would not like to see in terms of development. A representative from each of the four groups presented the primary issues of their individual group to all those in attendance. The meeting concluded with four input boards where attendees were able to vote on the pictures that best represented their optimal development prototypes for the area.

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Upcoming Deadlines

- August 21: Conference Call to discuss meeting themes
- August 24: Three high-level scenarios based upon input
- August 24: Public comment at Planning & Zoning Commission Meeting
- September 1: City Council Update and feedback on high-level scenarios
- September 7: Draft Concept based upon Council feedback

RGS RR

SOUTHEAST STUDY PROJECT

CITY OF
MURPHY
LIFE LIVED AT YOUR PACE

FM 544

Murphy Rd

McCreary Rd

S Maxwell Creek Rd

Kinney Dr

Hawthorne

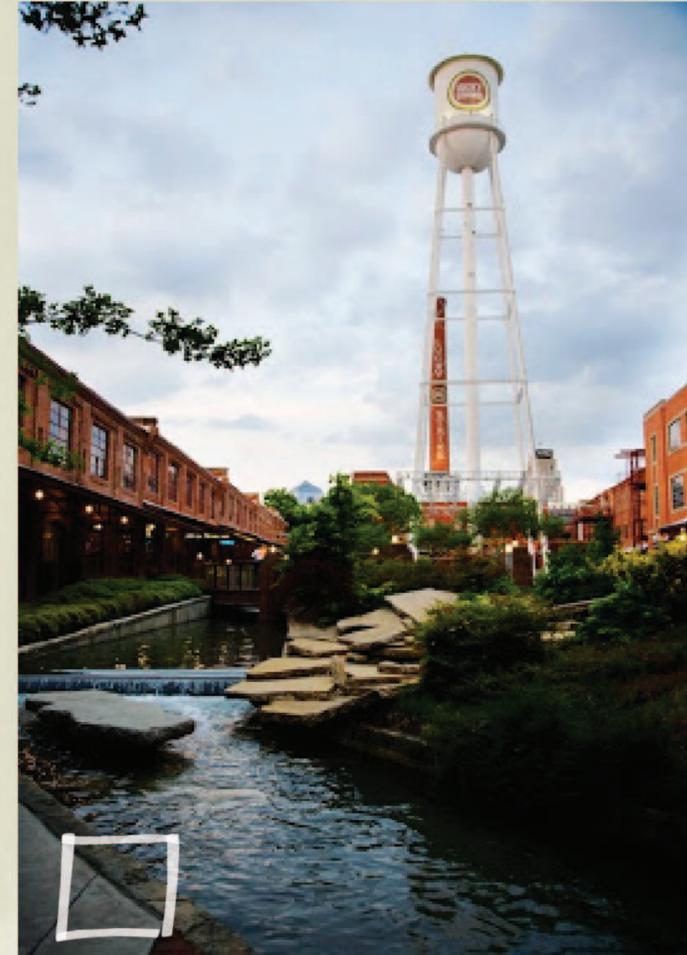
Ridgeview Dr

Skyline Dr



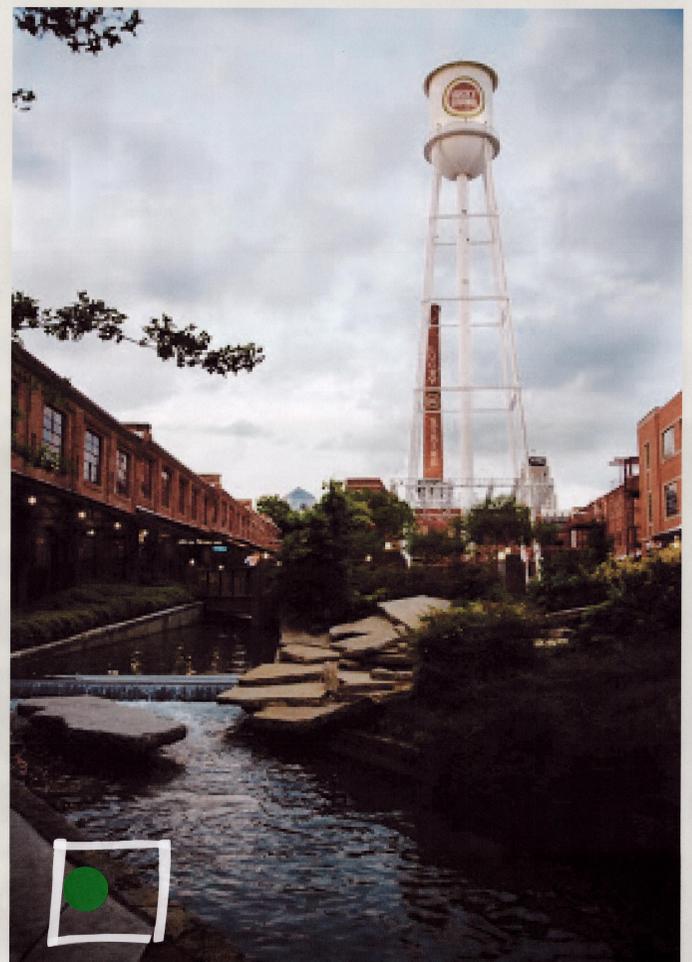
DEVELOPMENT OF MAXWELL CREEK COULD LOOK LIKE...

PLACE A DOT (•) IN THE VOTING BOXES (□) ASSOCIATED WITH THE OPTIONS BELOW THAT ARE MOST DESIRABLE FOR THIS SPECIAL AREA.



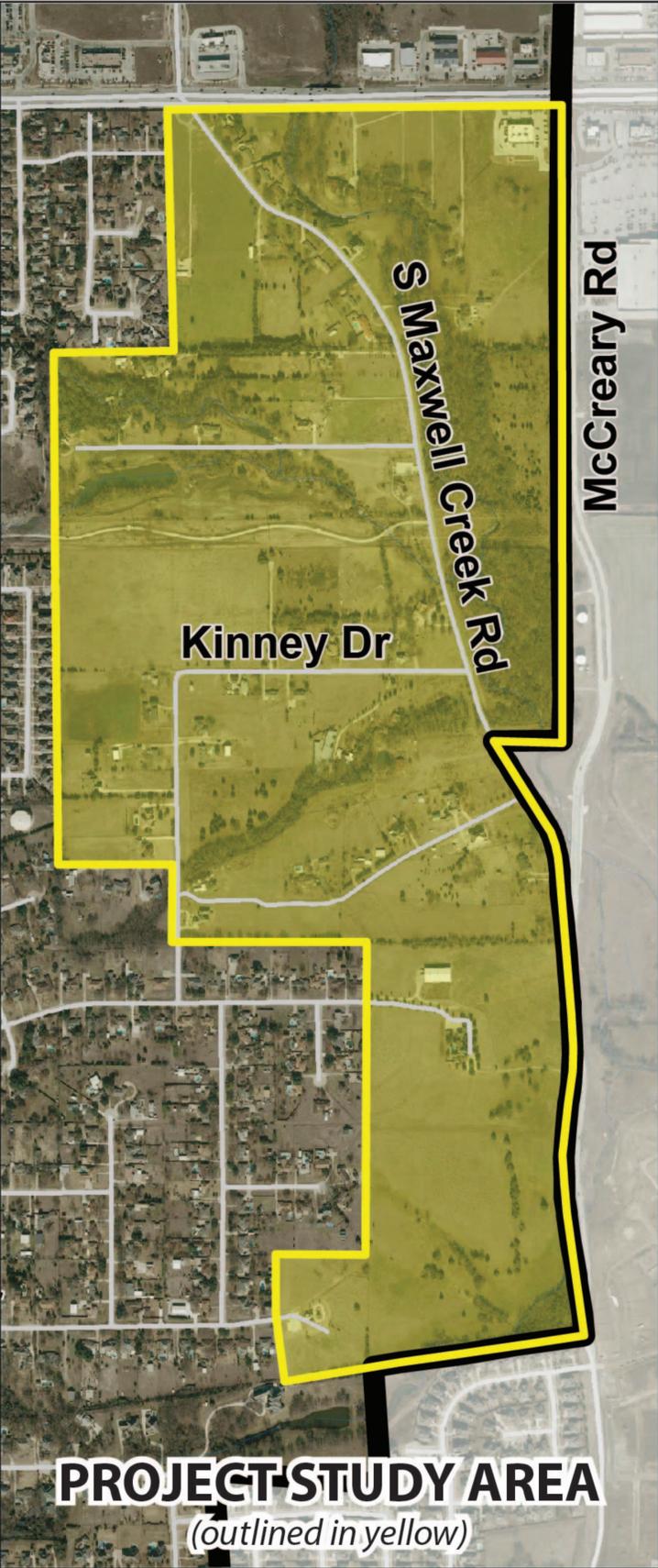
DEVELOPMENT OF MAXWELL CREEK COULD LOOK LIKE...

PLACE A DOT (●) IN THE VOTING BOXES (□) ASSOCIATED WITH THE OPTIONS BELOW THAT ARE MOST DESIRABLE FOR THIS SPECIAL AREA.



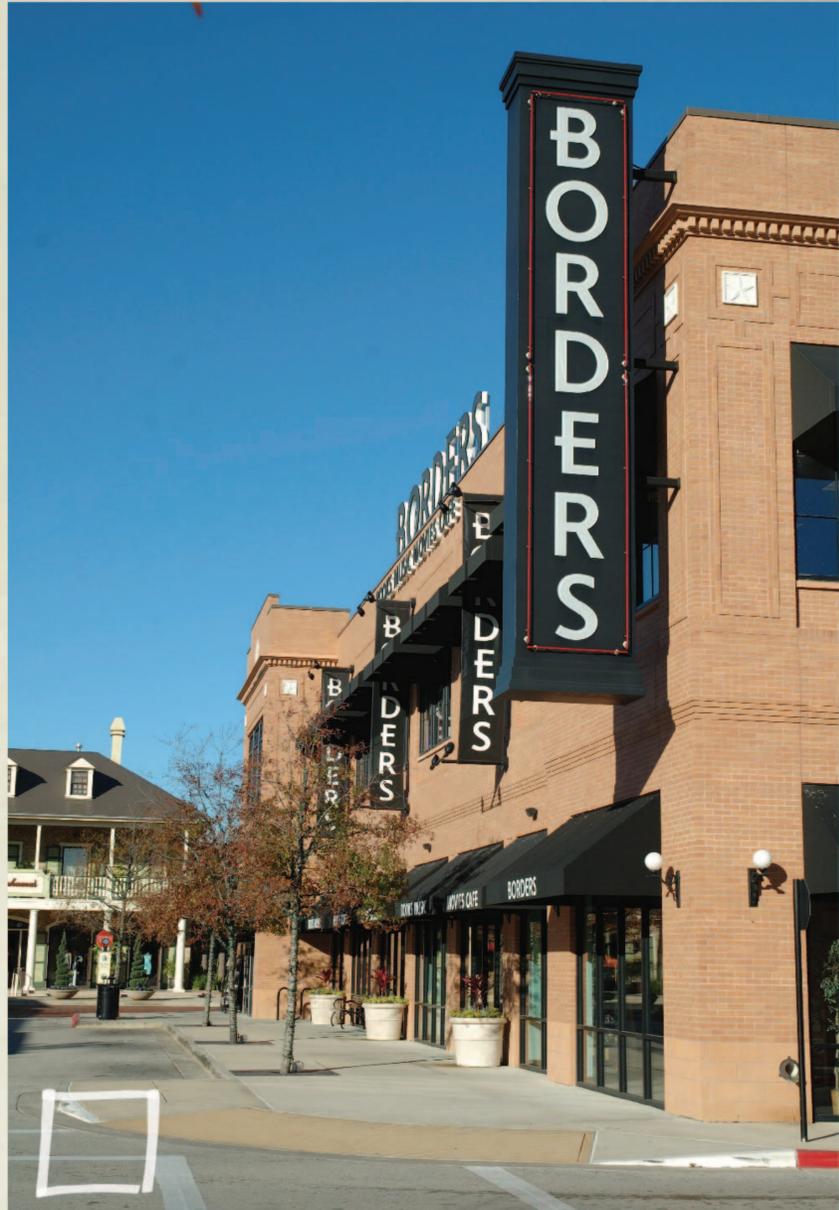
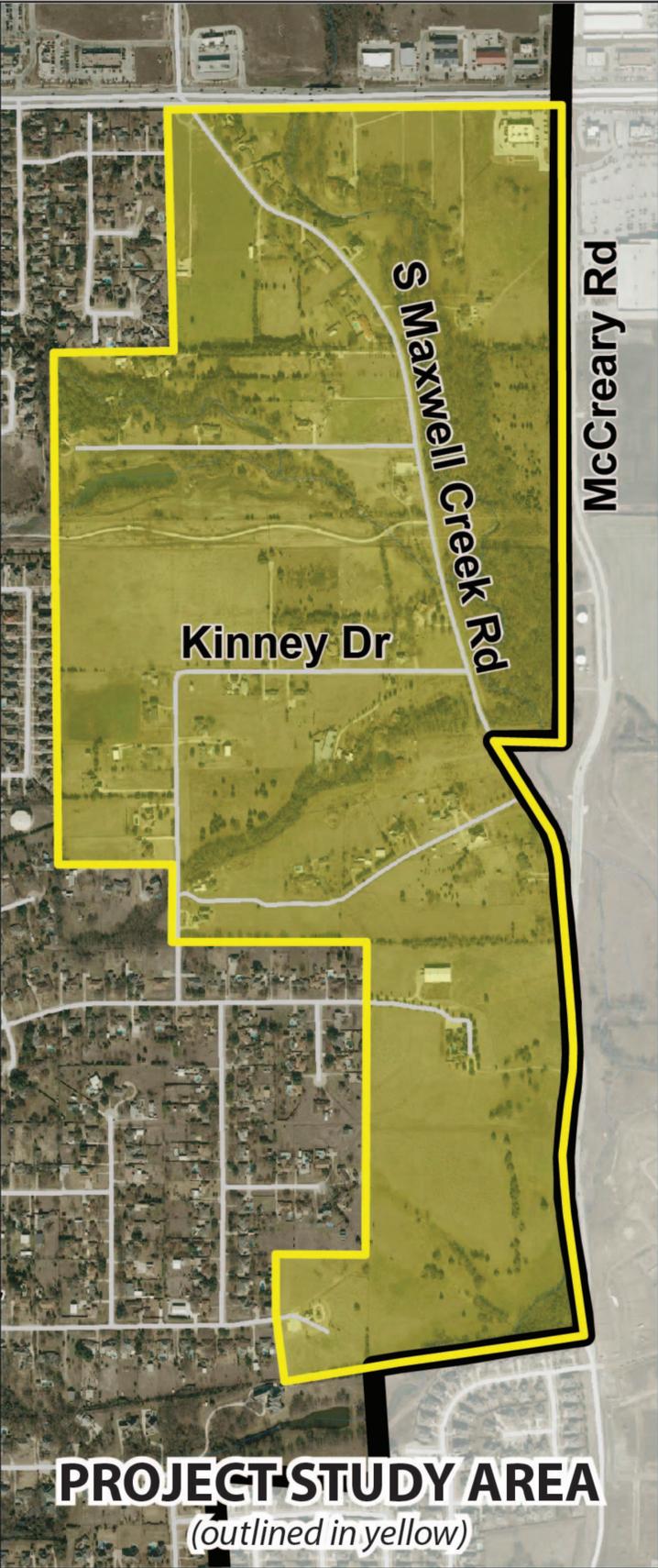
RESIDENTIAL USES LOOK LIKE...

PLACE A DOT () IN THE VOTING BOXES () ASSOCIATED WITH THE OPTIONS BELOW THAT ARE MOST DESIRABLE FOR THE SOUTHEASTERN DISTRICT.



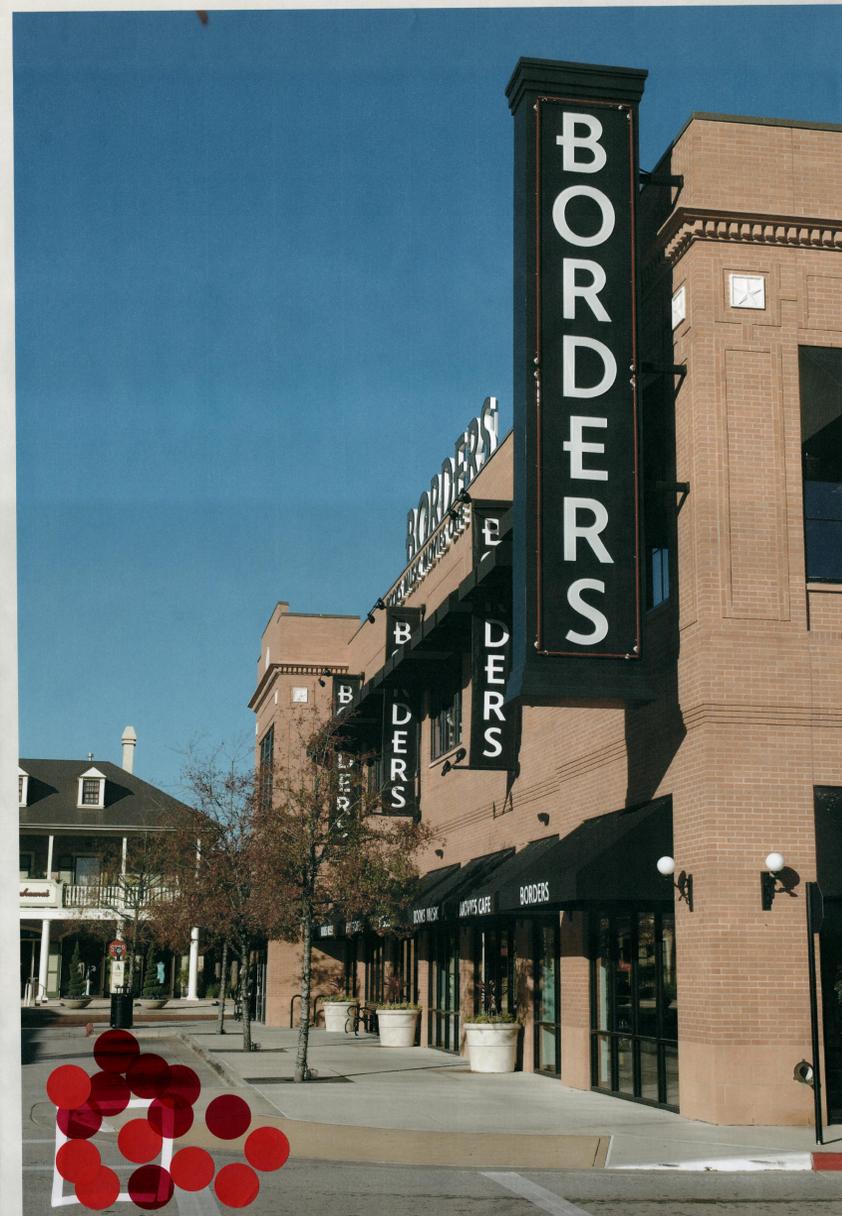
NON-RESIDENTIAL USES LOOK LIKE...

PLACE A DOT () IN THE VOTING BOXES () ASSOCIATED WITH THE OPTIONS BELOW THAT ARE MOST DESIRABLE FOR THE SOUTHEASTERN DISTRICT.



NON-RESIDENTIAL USES LOOK LIKE...

PLACE A DOT (●) IN THE VOTING BOXES (□) ASSOCIATED WITH THE OPTIONS BELOW THAT ARE MOST DESIRABLE FOR THE SOUTHEASTERN DISTRICT.



WHAT ARE THE DISTRICT'S ASSETS AND/OR ISSUES?

WRITE YOUR THOUGHTS DOWN ON A POST-IT AND PLACE IT ON THE BOARD!



PROJECT STUDY AREA
(outlined in yellow)

Handwritten notes on post-it cards:

- KEEP TRAFFIC OFF MAXWELL CREEK RD
- No MORE FAST FOOD! ENOUGH ALREADY
- If the 50 acres at the very south end sells please don't put business there!
- Do not cut commercial property into the pocket of West side of S. Maxwell CK BUNNY RUN + the TIMBERS
- PATIO Home
- Turn Home
- to have to be Patio type Restaurants on East of Creek
- If bottom 50 acres sells, consider larger 1/2 acre or acre lots, 1 2nd tract
- Visible green on 544 would be beautiful - an agricultural field for education/pleasure
- Buffer, buffer, buffer!! Let's make use of Italian cypress trees (our Murphy way logo!)
- if bottom large parcel opens, open to McCreary side rather than cutting additional streets through (original skyline)
- SMALL LOTS IN S/EAST Sector Ridgeview Dr.
- RUNNING TRAIL EAST ALONG THE CREEK
- Please do NOT open Maxwell Creek to McCreary
- Why build up every available piece of land in Murphy? Keep the land undeveloped!
- NO more fast food
- Connect on-creek trail to east side of creek (so it runs on "business" side)
- up scale restaurant
- MULTI Family
- ADD green buffer to Creek as sound + light buffer to surrounding property
- SF-20 stays SF-20
- Maintain the SF-20 residential - we need a mix of housing & this is the only area w/ this kind of remaining rural-esque feel!!

Murphy Southeast Area Plan Schedule

Task	Description	Date (Completion)
Task 1	Base Map	August 7
Task 2	Site Visit	August 11
Task 3	Stakeholder Meetings	August 19
Task 4	Programming Defined Conference Call	August 21
Task 5	Draft Development Alternatives	August 24
Task 6	P&Z Update/Public Meeting	August 24
Task 7	Council Update	September 1
Task 8	Concept Plan	September 8
Task 9	Concept Plan Staff Meeting	September 9
Task 10	Overlay District/PD Development	September 9
Task 11	Overlay District Conference Call	September 14
Task 12	Council Update	September 15
Newspaper and Mail Notices		September 16, 2015
Task 13	Perspective Rendering	September 18
Task 14	Planning & Zoning Commission Approval	September 28, 2015
	City Council Adoption	October 5, 2015