

MURPHY PLANNING AND ZONING COMMISSION AGENDA
REGULAR PLANNING AND ZONING COMMISSION MEETING
APRIL 22, 2013 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 April 22, 2013 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

SEAT ALTERNATES AS NEEDED

Steve Levy
Chairman

ROLL CALL & CERTIFICATION OF A QUORUM

Jon King
Vice-Chairman

PUBLIC COMMENTS

Ty Holcomb
Secretary

CONSENT AGENDA

All consent agenda items are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

Camille Hooper
Commissioner

John Johnson
Commissioner

A. Approval of the Minutes from March 25, 2013

Eric Hemphill
Commissioner

INDIVIDUAL CONSIDERATION

Matthew Thekkil
Commissioner

1. Hold a public hearing and consider and/or act upon approval of amending Chapter 28 Development Standards, Article I, Signs, Section 28-2 to amend the definition of marquee signs; Chapter 28 Development Standards, Article 1 Signs, Section 28-21 to amend the general provisions applicable to signs in business zoning districts; Chapter 28 Development Standards, Article 1 Signs, Section 28-26 to amend the general provisions applicable to signs in residential zoning districts; and, Chapter 70 Subdivisions, Article II Procedures, Section 70-35 to amend the procedures and submission requirements for final plat approval.

Greg Mersch
Alternate

Donny Rhea
Alternate

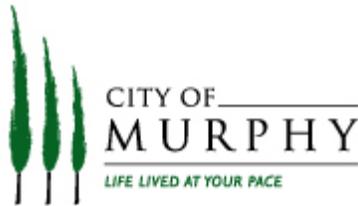
ADJOURNMENT

Kristen Roberts
Director of Community
and Economic
Development

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 on April 19, 2013 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Kristen Roberts
Director of Community and Economic Development

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at (972) 468-4011 or kgilbert@murphytx.org.



Murphy Planning and Zoning Commission Regular Meeting Minutes
206 North Murphy Road
Murphy, Texas 75094
March 25, 2013

CALL TO ORDER

Chairman Levy called the meeting to order at 6:02 p.m.

ROLL CALL & CERTIFICATION OF A QUORUM

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

Commissioners Absent:

City Staff Present: Kristen Roberts, Director of Community & Economic Development
Lori C. Knight, Administrative Assistant

Camille Hooper arrived at 6:04 p.m. Lori C. Knight certified a quorum.

INTRODUCE NEW BOARDMEMBER

Donny Rhea was introduced as the new Planning and Zoning alternate.

PUBLIC COMMENTS

There were no public comments received.

CONSENT AGENDA

A. Approval of the Minutes from February 25, 2013.

Commission Action

Vice Chairman King made a motion to approve the Minutes from the regular meeting of February 25, 2013. Secretary Holcomb seconded the motion. Motion passed unanimously.

INDIVIDUAL CONSIDERATION

1. Hold a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, to re-plat Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.

Staff Comments

Kristen Roberts stated that the re-plat was changing the configuration of the existing fire lane and access easement at the request of the applicant to accommodate their proposed site plan. Ms. Roberts stated that written releases were being sought out from existing easement owners however the City is on their time schedule. She said that staff was in final review of revised utility, storm sewer, drainage and grading plans. Ms. Roberts stated that staff had received comments back and that they were very minor. Ms. Roberts stated that a public hearing notification for the proposed re-plat was published in the newspaper and property owners were mailed notifications as well. No responses have been received to date. Ms. Roberts stated that staff recommended approval of the re-plat pending submittal of written release from existing easement owners and approval of final staff review of minor engineering items.

PUBLIC HEARING OPENED AT 6:08 P.M
PUBLIC HEARING CLOSED AT 6:08.40 P.M.

Commission Action/Discussion

Commissioner Hemphill said he had a statement he wanted to make before the actual vote was taken even though it was not related to the plat. He said that would be voting no on all three items. Commissioner Hemphill felt that Murphy was running out of open spaces and he didn't want to vote for something just for the sake of putting something (building) there. He stated that back in 2004 when he worked on the rezoning of this particular piece of property, a drive-thru Dunkin Donuts was not what *he* had in mind especially in that intersection.

Kristen Roberts stated that this item had a history with the City Council. Back in 2008, Ms. Roberts stated that Council had approved a Dunkin Donuts drive-thru.

Secretary Holcomb made a motion to approve the application of Dunkin Donuts, to re-plat Lot 3, Block C. Kristen Roberts asked Secretary Holcomb to amend his motion and to include verbiage regarding approval pending submittal of written release from existing easement owners. Secretary Holcomb stated that he didn't see why that was necessary but amended his motion to include pending submittals of written release from existing easement owners and approval of final staff review. Commissioner Johnson seconded the motion. Motion passes 5-2; Commissioner Hemphill and Commissioner Hooper opposing.

2. Hold a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for a Specific Use Permit for a drive thru on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.

Staff Comments

Kristen Roberts stated that the Planned Development District that governs this development allows for this for a drive-in restaurant with the approval of a Specific Use Permit. She stated that the applicant is proposing to develop a Dunkin Donuts restaurant with a drive-through window at this site. Ms. Roberts stated that in addition to the Dunkin Donuts, the developer is also creating an adjacent retail space totaling 2300 sq. ft. Ms. Roberts stated that the Site Plan is scheduled for consideration in a subsequent agenda item, in addition to the Landscape Plan and Building Elevations. Ms. Roberts stated that staff recommended approval of the Specific Use Permit for a drive through with the consideration of requirements, if any set forth by the Commission, specific to the Site Plan, Building Elevation and Landscape Plan.

Commissioner Hemphill asked the Project Manager of Dunkin Donuts if the drive-through window was a deal killer for them.

Public Comments

Paul Williams – Sr. Manager Development, Dunkin Donuts, Dallas, Texas

Mr. Williams stated that yes the drive-through window was a deal breaker for them. Mr. Williams stated that they have been looking at a lot of sites in the DFW area and stated that the drive-through component of getting coffee was very convenient. He said that even though the business is called Dunkin Donuts, they prefer to sell coffee. Coffee is very important to morning commuters he stated. Mr. Williams stated that Dunkin Donuts is trying to establish that routine of donuts and coffee in the mornings in our neighborhoods.

Chairman Levy stated that it seemed that every applicant that was coming through Planning and Zoning seemed to have a drive-through.

Commissioner Thekkil asked Mr. Williams if they could do the store without the drive-through. Mr. Williams stated that in this market and this late in their development, they would not.

Kristen Roberts reiterated to the Commission that staff is recommending approval of the drive-through. Ms. Roberts stated that staff did take the Commission's thoughts into consideration as well. Ms. Roberts stated that staff also took into consideration the addition of the second space and that both of those spaces would be sales tax generators. Staff viewed that as a positive for that particular corner.

Commissioner Hooper asked if anyone was present to speak about the other half of the space and what its intended use would be.

Stacy McVay – Developer, 7218 Lakewood Blvd, Dallas, Texas

Mr. McVay stated that there were several prospects that they were looking at but that nothing was definite. He did specify that it would be retail in nature. Mr. McVay stated that although the space was fairly small, he wanted to maximize the space. Mr. McVay stated that he wouldn't be making that type of investment, with the cost to build the building, buy the land, etc, if he was not confident that the other space would be leased fairly quickly.

Commission Hooper stated that there is a Saxby's coffee shop five buildings away and felt we didn't need another coffee shop.

PUBLIC HEARING OPENED AT 6:30 P.M.

Public Comments

Jennifer Berthiaume, 416 Woodcrest Circle, Murphy, Texas

Ms. Berthiaume touched on a couple of issues she wanted to point out in terms of the vision of FM 544. She discussed zoning and the permits necessary for drive-thrus. Ms. Berthiaume presented the Commission with a map that she had printed that labeled the drive-thru locations. She also discussed that she considered a prime location property for Murphy. Ms. Berthiaume stated she would never cross FM 544 to go to Dunkin Donuts. She stated there was Saxby's Coffee Shop, Starbucks, Einsteins and every other fast food place that offers breakfast.

Owais Siddiqui, 223 Brandon Lane, Murphy, Texas

Owais Siddiqui stated he is concerned about the preponderance of drive thrus on FM 544. He stated that the developer has come before the Commission numerous times requesting a SUP. Mr. Siddiqui said that with every drive thru that is added, you detract the possibility of having more sit down restaurants. Mr. Siddiqui stated that Murphy already had a number of breakfast places, two coffee shops and two existing donut shops. Mr. Siddiqui would like the Commission to take all of that into consideration and asked the Commission if they were providing adversity for Murphy residents and if the Commission could find better use for this property.

Don Kiertscher, 416 Skyline, Murphy, Texas

Dan Kiertscher stated that he is a long time resident of Murphy who has been coming to the meeting for a very long time. Mr. Kiertscher stated that all these drive thrus bothered him for a long time and he was frustrated by it. Mr. Kiertscher said that it does not bother him anymore because Murphy is filled with drive thru restaurants. He stated that the Commission can keep denying them but the (developers) will continue to apply for an SUP with the plats being sliced and diced so unbelievably small, what else could go there? Mr. Kiertscher stated that his concern was the traffic pattern flow.

PUBLIC HEARING CLOSED AT 6:37 P.M.

Staff Comments

Kristen Roberts stated that staff did look at the traffic pattern flow closely and the entrances from back off Maxwell Creek and not on FM 544. Additionally, staff has been working with Racetrac in regards to a light on that intersection.

Commissioner Hemphill stated that this is one of the last pad sites on FM 544 that can be developed in the front. He stated that every single one of them has a drive-thru. Commissioner Hemphill stressed that this is not just another corner; this has the potential for retail. He would hate for the Commission to settle on another drive thru just because it could potentially bring in tax dollars to Murphy. Commissioner Hemphill stated that it was not about that, it's about what is long term sustainable.

Commission Action

Commissioner Hemphill made a motion to deny the application of Dunkin Donuts for a Special Use Permit for a drive thru on Lot 3, Block C, Murphy Marketplace East Addition. Commissioner Hooper seconded the motion. Motion was denied 7-0.

3. Consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for approval of a site plan, including building elevations and landscape plan, on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road

Staff Comments

Kristen Roberts stated since the Commission denied agenda item 2, they could take no action on agenda item 3.

Stacy McVay, Developer for Dunkin Donuts

Stacy McVay stated that typically the lots required for a sit down restaurant are much bigger than this lot that they were looking at for the Dunkin Donuts and retail space. This lot was not conducive to the size sit-down restaurants the Commission was suggesting.

Commission Action

Commissioner Hemphill made a motion to deny agenda item 3. Commissioner Thekkil seconded the motion. Motion to deny the application of Dunkin Donuts for the approval of a site plan, building elevations and landscape plan passes unanimously, 7-0.

AGENDA REQUESTS/STAFF UPDATES

ADJOURNMENT

With no other business before the Commission, Chairman Levy adjourned the meeting at 6:49 P.M.

APPROVED:

Ty Holcomb, Secretary

Attest:

Secretary

DRAFT

Issue

Hold a public hearing and consider and/or act upon approval of amending Chapter 28 Development Standards, Article I, Signs, Section 28-2 to amend the definition of marquee signs; Chapter 28 Development Standards, Article 1 Signs, Section 28-21 to amend the general provisions applicable to signs in business zoning districts; Chapter 28 Development Standards, Article 1 Signs, Section 28-26 to amend the general provisions applicable to signs in residential zoning districts; and, Chapter 70 Subdivisions, Article II Procedures, Section 70-35 to amend the procedures and submission requirements for final plat approval.

Background

On May 18, 2009, City Council adopted ordinance revising existing development standards that were previously located in the Comprehensive Zoning Ordinance and creating a new chapter (Chapter 28) in the Code of Ordinances.

On October 18, 2010, the City Council initially directed staff to review Chapter 28 with the main emphasis of potential change to sign regulations, fencing, walls and screening regulations and exterior construction standards.

On June 21, 2011, City Council reviewed new recommendations to Chapter 28 and offered feedback for staff and Planning & Zoning Commission consideration.

At the July 25, 2011 Planning & Zoning meeting, the Commission made suggested changes to the Development Standards. These changes were incorporated and included for approval at the August 22, 2011, Planning & Zoning meeting. At that meeting, following discussion and receiving no comments from the public, the Commission approved the recommendations with slight edits to the verbiage in the fence permitting section and vehicular sign definition.

At the September 6, 2011 City Council meeting, Council discussed the recommendations and additional considerations for staff review.

On June 5, 2012, City Council considered and approved amendments to Section 28-10. Political Signs.

On February 13, 2013, City Council considered and approved amendments to Chapter 28, Development Standards, of the Code of Ordinances.

Financial Considerations

N/A

Considerations

1. The required public notice was published on April 6, 2013. No comments have been received to date.
2. Recommended additions and edits are detailed on the Recommendations Comparison chart attached.
3. There is a section (Section 28-6) regarding electronic signs currently in the Code of Ordinances that reads: *Changeable electronic variable message sign(s) ("CEVMS"), as defined in this chapter, are expressly prohibited within the city limits and the extraterritorial jurisdiction of the city as defined by V.T.C.A. Local Government Code, § 42.021.*
4. These proposed edits will create consistency within the code of ordinances as it relates to electronic signs.

Staff Recommendation

Staff recommends approval amending the sections as described in this item for Chapter 28, Development Standards, and the section of Chapter 70, Subdivisions, of the Code of Ordinances.

Attachments

Recommendations Comparison

CHAPTER 28 - ARTICLE I. SIGNS

Section	Current Ordinance	Recommendations
<p>Section 28-2. Definitions</p>	<p><i>Sign, illuminated</i> means any sign which is directly lighted by any electrical light source, internal or external. This definition shall not include signs which are illuminated by street lights or other light sources owned by any public agency or light sources which are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.</p> <p><i>Sign, marquee</i> means any sign which has interchangeable letters (plastic, metal, magnetic, etc.) and these individual letters are changed manually.</p>	<p>It is recommended to keep this definition.</p> <p>It is recommended to add to the definition: <i>This definition also includes signs that flash, change illumination or copy, rotate, move or create an illusion of movement.</i></p>
<p>Section 28-21. General provisions applicable to signs in business zoning districts.</p>	<p>(a) In business zoning districts, no illuminated sign which has a sign area of 50 square feet or less shall have a luminance greater than 300-foot candles, nor shall any such sign have a luminance greater than 300-foot candles for any portion of the sign within a circle two feet in diameter. The restrictions of luminance in this section shall be determined from any other premise or from any public right-of-way.</p> <p>(b) No sign or part of any sign shall flash, change its illumination or copy, rotate, move or create an illusion of movement, except that:</p> <p>(1) Time and temperature informational signs which are oriented to be read from public ways may be allowed; provided, that no change of message occurs more than once each three seconds or less than once each five seconds.</p> <p>(2) Electronic reader boards which are oriented to be read from the public way may be allowed; provided that no change of message occurs more than once every 30 seconds.</p> <p>(c) Marquee signs which meet all the requirements of either the attached or freestanding sign provisions are allowed.</p> <p>(d) Pole signs are prohibited.</p>	<p>It is recommended to edit this Section as follows:</p> <p>(a) In business zoning districts, no illuminated sign which has a sign area of 50 square feet or less shall have a luminance greater than 300-foot candles, nor shall any such sign have a luminance greater than 300-foot candles for any portion of the sign within a circle two feet in diameter. The restrictions of luminance in this section shall be determined from any other premise or from any public right-of-way.</p> <p>(b) No sign or part of any sign shall flash, change its illumination or copy, rotate, move or create an illusion of movement.</p> <p>(1) Time and temperature informational signs which are oriented to be read from public ways are prohibited. (2) Electronic reader boards which are oriented to be read from the public way are prohibited.</p> <p>(a) Pole signs are prohibited.</p>
<p>Section 28-26 General provisions applicable to signs in residential zoning districts.</p>	<p>(b) No sign nor part of any sign in a residential zoning district shall move, flash, rotate or change its illumination or copy. Marquee signs which meet all the requirements of either the attached or freestanding sign provision are allowed.</p>	<p>It is recommended to edit this section as follows:</p> <p>(b) No sign nor part of any sign in a residential zoning district shall move, flash, rotate or change its illumination or copy. A sign may have interchangeable letter as defined in Sign, Marquee but must meet all the requirements of either the attached or free standing sign provisions.</p>

Section	Current Ordinance	Recommendations
CHAPTER 70 - ARTICLE II. PROCEDURES		
<p>Section 70-35. Procedures and submission requirements for final plat approval.</p>	<p>(a) Generally. The final plat shall be in accordance with the construction plat, as approved, and shall incorporate all applicable conditions, changes, directions and additions imposed by the planning and zoning commission and city council upon the construction plat. The final plat shall not be recommended for approval by the planning and zoning commission, nor approved by the city council, until all utilities, infrastructure, and other required improvements have been constructed in conformance with city standards and the engineering plans, as approved by the city engineer, unless provisions are made for the completion of the improvements in accordance with sections 70-161 through 70-171. The final plat shall not be submitted prior to approval of the construction plat (see section 70-34(d) for exception).</p>	<p>It is recommended to edit this Section as follows: (a) Generally. The final plat shall be in accordance with the construction plat, as approved, and shall incorporate all applicable conditions, changes, directions and additions imposed by the planning and zoning commission and city council upon the construction plat. The final plat shall not be recommended for approval by the city council, until all utilities, infrastructure, and other required improvements have been constructed in conformance with city standards and the engineering plans, as approved by the city engineer, unless provisions are made for the completion of the improvements in accordance with sections 70-161 through 70-171. The final plat shall not be submitted prior to approval of the construction plat (see section 70-34(d) for exception).</p>