



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** December 6, 2023  
**PREPARED BY:** Scott Dunlop, Director  
**DEPARTMENT:** Development Services

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### **AGENDA ITEM DESCRIPTION:**

First Reading: Consideration, discussion, and possible action on an ordinance amending the Shadowglen Planned Unit Development (PUD) and being located at the intersections of Lexington Street and US Hwy 290 as well as Shadowglen Boulevard and US Hwy 290, Manor, TX.

*Applicant: Marcus Equity*

*Owner: Cottonwood Holdings Limited, LLC*

### **BACKGROUND/SUMMARY:**

This is a city-initiated amendment with the purpose of making the original 1996 PUD zoning ordinance consistent with the land plan in the Shadowglen Development Agreement.

The original PUD zoning ordinance for the in-city portions of Shadowglen (the commercial on US 290, golf course, and Wilbarger Creek open space area) was approved back in 1996. The original Shadowglen Development Agreement was approved in 2001, which was amended in 2005 and 2007 and expired in 2011 when the developer defaulted. The Agreement was then revised and approved in 2013 and included exhibits of the approved land uses for the in-city and out-of-city portions of Shadowglen. The exhibit for the in-city portion of the development did not follow the land uses shown on the 1996 PUD but followed the developer's land use plan from 2003. The land use plan in the development agreement was further amended in 2018 and 2021.

This city-initiated PUD amendment is only to make the zoning ordinance for Shadowglen consistent with the 2021 land use plan from the development agreement and no changes are sought to the 2012 plan by this amendment. The portions of Shadowglen outside the city limits, which are all the single-family residential, the Flats apartments, and the commercial around Shadowglen Trace/973 are not being changed and are regulated only by the development agreement.

The Planning and Zoning Commission voted to approve 6-0 with the condition that a letter or some form of communication with the residents on the provided mailing list and HOA is sent out explaining that no changes are being made to the PUD, the map is simply being updated to reflect what currently exists. This notice was provided and is attached in the backup along with first notice.

The public hearing was presented to the City Council on August 16<sup>th</sup> and it was open and postponed until the September 6<sup>th</sup> meeting for additional information to be provided. At that meeting, it was postponed a second time to December 6<sup>th</sup>.

Between September 6<sup>th</sup> and December 6<sup>th</sup> historical records were searched again to see if records related to the December 20, 2000 or February 16, 2005 PUD Ordinance amendments could be located. No records pertaining to the 2000 amendment can be found. For the 2005 amendment, the backup that was considered was located along with the minutes from the Joint P&Z and City Council meeting where the PUD amendment was heard. No

ordinances from the 2000 or 2005 amendments have been found leaving only the original 1996 ordinance as the record.

Considered with this PUD Amendment, there is a draft 4<sup>th</sup> Amendment to the Shadowglen Development Agreement provided by the property owner of parcels W-13A and W-13B, which are shown as Neighborhood Business and Multi-Family on the land use plan. These parcels are along Lexington Street between McDonalds and the Shadowglen Golf Course Clubhouse. It would increase the unit density from 21 units/acre to 25 units/acre and require the developer to provide a minimum of 7,000 square feet of commercial space along Lexington Street.

However, since there is a proposal to modify unit densities, that would need to be considered on the PUD in addition to the development agreement. Because of this the City Council has three options:

1. Consider approval of the PUD as presented which would make the PUD ordinance and land use plan of the development agreement consistent. With this option the draft development agreement could not be approved as currently provided. The developer seeking the density increase would need to file their own PUD amendment that would have public notices and go to P&Z and the City Council for consideration and with that PUD amendment the 4<sup>th</sup> amendment to the development agreement would also be considered; or
2. Amend the PUD before you to increase the multi-family unit density to 25 units per acre, which matches the current city code, and upon second reading on Dec. 20th a revised PUD reflecting this change will be presented and the development agreement can also be considered too; or
3. Pull the PUD Ordinance from consideration and have it re-notified and sent back through P&Z with the density provision included. Under this option the development agreement would not be presented again until the PUD is back before the City Council. The risk associated with this option is, as a developer-lead amendment, if P&Z or the City Council does not approve the increased density, the developer can choose to pull the PUD amendment from consideration and the portion of the amendment that the city is seeking would also be pulled and we would have to restart the city-initiated PUD amendment that was to make the PUD ordinance and development agreement land use plan consistent.

**LEGAL REVIEW:** Yes – Veronica Rivera, Assistant City Attorney  
**FISCAL IMPACT:** No  
**PRESENTATION:** No  
**ATTACHMENTS:** Yes

- Ordinance
- Land Plan – Zoning Exhibit
- Aerial Image
- 1996 PUD Zoning Ordinance
- 2005 Support Documents
- 2005 P&Z/CC Joint Meeting Minutes
- Draft Development Agreement
- Public Notice 1<sup>st</sup> and 2<sup>nd</sup>
- Mailing Labels
- Draft 4<sup>th</sup> Amendment to the Dev. Agreement
- Conceptual Multi-family/retail layout

**STAFF RECOMMENDATION:**

City staff recommends that the City Council approve the first reading of an ordinance amending the Shadowglen Planned Unit Development (PUD) and being located at the intersections of Lexington Street and US Hwy 290 as well as Shadowglen Boulevard and US Hwy 290, Manor, TX.

<b>PLANNING &amp; ZONING COMMISSION:</b>	<b>Recommend Approval</b>	<b>Disapproval</b>	<b>None</b>
	<b>X</b>		