



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: December 20, 2023
PREPARED BY: Scott Dunlop, Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a Third Amendment to the Development Agreement for the Butler/East Hwy 290 & 13100 N. FM 973 Development.

BACKGROUND/SUMMARY:

This 3rd Amendment updates portions of Exhibit C of the Development Agreement which are the modifications to our code for various lots and portions of the development.

Lot 2A (Home Depot):

1. Reduces the number required parking spaces to 1:350 and permits display areas in their parking field but limits it to 20% of the parking spaces
 - a. Code is 1:250
 - b. Code does not permit display merchandise in parking fields
2. Allows rear storage area not to be directly screened
 - a. Code requires all storage to be screened
3. Allows them to screen the rear of the property either with a fence or triple the number of evergreen plantings as required
 - a. Code permits either a 6' wall or triple the evergreen plantings as approved by the Development Services Director. They requested it be included in the Development Agreement as well and approved by the City Council that triple the plantings can be used in lieu of a 6' fence.
4. Reduces the minimum number of trees to 1 per 600sf (does not affect the bufferyard plantings)
 - a. Code is 1:300
5. Increases the maximum size of an attached sign to 450 sf
 - a. Code is 225 sf
6. Increases the maximum height of pole lighting to 40'
 - a. Code is 30'
7. Allows for the temporary sale of seasonal products by right
 - a. Code permits the sale of seasonal products by permit
8. Garden center materials can be stacked higher than a screening fence
 - a. Code requires materials be kept below the fence
9. Permits store operations from 6am – 10pm at a minimum
 - a. Code does not restrict hours of operation but they requested it be included in this Development Agreement

Grocery Store Lot:

1. Permits internal access drives to not be aligned or they can be offset less than 60' centerline to centerline. This does not apply to access drives that connect to a public roadway.
 - a. Code requires internal drives to align or be offset 60' or more
2. Reduces the minimum number of trees to 1 per 600sf
 - a. Code is 1:300

Lots 2B, 2C, 2D (Retail Connections):

1. Reduces horizontal articulation to 4x average height and 75% in a single plane
 - a. Code requires horizontal articulations at a maximum intervals of 3x the average building height and the total length of a façade plane cannot exceed 60%
2. Reduces vertical articulation to 10% of 3x the height of building
 - a. Code requires 15%
3. Increases and modifies the number and location of primary facades subject to articulation standards and provides an exhibit for which facades articulation applies
 - a. Code defines a primary façade as those facing a public ROW, public park, or major drive aisle
4. Reduces the number of required parking spaces to 1:350
 - a. Code requires 1:200
5. Allows rear storage area of building R1-R9 to not be directly screened (screening would be achieved by bufferyard landscaping)
 - a. Code requires all storage to be screened
6. Reduces the minimum number of trees to 1 per 600sf (does not affect bufferyard plantings)
 - a. Code is 1:300
7. Increases the total lumens per net acre to 150,000
 - a. Code is 100,000 per net acre
8. Increases the maximum height of a pole lighting to 40'
 - a. Code is 30'

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

- Third Amendment

STAFF RECOMMENDATION:

The City Staff recommends that the City Council approve a Third Amendment to the Development Agreement for the Butler/East Hwy 290 & 13100 N. FM 973 Development.

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**
