



**AGENDA ITEM SUMMARY FORM**

**PROPOSED MEETING DATE:** June 17, 2024  
**PREPARED BY:** Scott Dunlop, Director  
**DEPARTMENT:** Development Services

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**AGENDA ITEM DESCRIPTION:**

Consideration, discussion, and possible action on the Fifth Amendment to the Butler/East Hwy 290 & 13100 N. FM 973 (Manor Crossing) Development Agreement.

**BACKGROUND/SUMMARY:**

This 5<sup>th</sup> Amendment to the Manor Crossing Development Agreement covers lighting of the shared access drives, light trespass between commercial properties, timing of concrete pours, and the use of astroturf.

Section 2(a) of the agreement permits the light trespass, or the amount of light from one property onto another, to go up to 3 foot candles. The limit is without the amendment is 0.3 footcandles.

Section 2(b) allows the shared access drives to be illuminated with a target average of 1-1.5 foot candles. The way the lots were laid out, the shared access drives are along the property boundaries, so by code if they were illuminated that would be considered light trespass as the light from within the property would need to exceed the property’s boundary to illuminate the drive aisle. The developer wanted to provide for illumination of the drive aisles, but without the need to replat the properties, so by permitting the lots adjacent to the drive aisles to illuminate them to 1-1.5 footcandles, the drive aisles are able to be illuminated sufficiently.

Further, Section 2(c) assigns which lots are responsible for which portions of the drive aisle to illuminate so the illumination is consistent through the shopping center.

Section 2(d) states the drive aisle illumination does not count towards a lot’s on-site illumination, such as the lighting for their parking lots or sidewalks.

Section 2(e) sets the standard for how the lighting of the drive aisles is achieved to also maintain consistency throughout the development.

Section 3 allows overnight concrete pours which by code is prohibited. This exception was requested due to the heat and the need to perform the large slab concrete pours when the temperature is lower.

Section 4 permits artificial turf but states that it cannot be used in lieu of required landscaped areas. The public amenity space between two of the shopping center buildings is proposed to have artificial turf along with other amenities like seating, landscaping, and public art. Artificial turf is prohibited within our landscaping code.

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

- Agreement

**STAFF RECOMMENDATION:**

The city staff recommends that the City Council approve the Fifth Amendment to the Butler/East Hwy 290 & 13100 N. FM 973 (Manor Crossing) Development Agreement.

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

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