

Notice Regarding Public Participation

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Commission for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may address the Commission by submitting the online form at the following link <https://www.littleelm.org/FormCenter/Development-Services-9/LE-Planning-Zoning-Commission-Speaker-Re-88>

Individuals who wish to speak to the Commission directly must register prior to the meeting. If you have any questions, please email oc@littleelm.org.

Note: A physical quorum of the P&Z Commission may not be present during the meeting as some Commissioners may need to participate in the meeting remotely as permitted by Governor Abbott's suspension of various statutes that may be interpreted to require face-to-face interaction between members of the public and public officials.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

August 19, 2021

Persons may address the Planning and Zoning Commission on any issue. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. Each member of the public who desires to address the P&Z Commission regarding an item on an agenda for an open meeting of the P&Z Commission shall have the right to address the Commission on the item before the Commission's consideration of the item. All speakers not requiring a translator are given 3 minutes to speak and may address the Commission only once on each agenda item. Non-English Speakers who require a translator are given 6 minutes to speak and may address the Commission only once on each agenda item. In accordance with the State of Texas Open Meeting Act, the board may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. To address the Commission for any public hearing item please sign a speaker's sheet located on the tables by the front entry and submit to a Staff member.

1. 5:30 PM Work Session

- Development updates.

2. Roll Call

3. 6:00 PM Regular Meeting

1. Discuss and take action regarding the approval of the August 5, 2021 regular Planning & Zoning Commission meeting minutes.
2. **FINAL PLAT**/Union Park Phase 6B-1, (FP-21-02051). Presentation, discussion, and consideration on a request for approval of a Final Plat for Union Park Phase 6B-1, establishing 101 residential lots and four open space lots on approximately 25.950 acres, situated in the William Lumpkin Survey, Abstract No. 730, within Little Elm's town limits.
 - Staff Report
 - Applicant Presentation
 - Discussion and Recommendation
3. **PUBLIC HEARING**/Uptown Vape and Smoke (21-SUP-04). Public hearing, discussion, and take action on a recommendation regarding a request for a Specific Use Permit for a Smoking Establishment, in order to allow for the sale of vaping products, generally located on the west side of Lobo Lane, approximately 384 feet south of Eldorado Parkway, within Little Elm's town limits.
 - Staff Report/Applicant Presentation
 - Open Public Hearing
 - Receive Public Comment
 - Close Public Hearing
 - Discussion and Recommendation
4. **PUBLIC HEARING**/Text Amendment - Sec.106.05.05 Nonconforming Uses and Structures. Public hearing, discussion, and take action on a recommendation for a proposed text amendment to Chapter 106 (Zoning) by amending Sec.106.05.05 Nonconforming Uses and Structures in order to prohibit reoccupancy of abandoned nonconforming structures within the Town of Little Elm.
 - Staff Report
 - Open Public Hearing
 - Receive Public Comment
 - Close Public Hearing
 - Discussion and Recommendation

4. **Discussion of future agenda items, update on Council action, and requests for new business considerations**
5. **Adjourn**

Certificate

I certify that the above notice of the Planning & Zoning Commission meeting was posted on the bulletin board of the Town of Little Elm, Texas on September 11th, 2020, prior to 5:00 p.m. The Little Elm Town Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made 48 hours prior to this meeting. Please contact the Town Secretary's office at 214-975-0404 or 972-377-5540 (fax) for arrangements.

Olga Chernomorets - Planning Manager



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

08/19/2021

OVERVIEW

Project	Planning & Zoning Commission Meeting Minutes August 5, 2021
P&Z Hearing	08/19/2021
Council Hearing	N/A
Size	N/A
Current Zoning	N/A
Proposed Use	N/A
Existing Use	N/A
Future Land Use Plan Designation	N/A
Applicant	N/A
Owner	N/A
Strategic Goal	

Agenda Item

Discuss and take action regarding the approval of the August 5, 2021 regular Planning & Zoning Commission meeting minutes.

Location

N/A

Planning Analysis

N/A

Recommended Action

N/A

Attachments

P&Z Minutes August 5, 2021

DRAFT



Minutes

Town of Little Elm
PLANNING & ZONING COMMISSION
Regular Meeting
Thursday, AUGUST 5, 2021 - 6:00 pm

Present: Michael Bell, Chairman; Ron Trees, Vice Chairman; Brent Hagenbuch; Stephen Horn; Tom Ocelli; Danny Weakly

Absent: Robert Martin; Brian Rawlins; Brent Thibeaux

Staff Present: Fred Gibbs, Director of Development Services
Hayden Brodowsky, Development Services Manager
Olga Chernomorets, Planning Manager
Salena Tittle, Planner

1. **5:30 PM Work Session**

- a. Amendment to Chapter 86 (Signs) to revise and clarify various sections.
- b. Amendment to Chapter 26 (Businesses and Business Regulations) to capture new language in Chapter 86, and to establish a new section for Food Truck operations.
- c. Amendment to Chapter 106 (Zoning), Article II - Administration and Procedures, to decrease the size requirement of public notification signage, and Article V - Use Regulations, to clarify language referencing nonconforming uses and structures.

Chairman Bell opened the work session at 5:30pm.

Olga Chernomorets, Planning Manager, presented a high level overview of the upcoming amendments.

2. **6:00 PM Regular Meeting**

Chairman Bell opened the Regular Planning & Zoning Commission Meeting at 6:00pm.

3. Roll Call

4. Discuss and take action regarding the approval of the June 17, 2021, July 1, 2021, and July 15, 2021 regular Planning & Zoning Commission meeting minutes.

Motion: Approval of the minutes as presented.

Motion by Vice Chairman Ron Trees, seconded by Brent Hagenbuch

AYE: Chairman Michael Bell, Vice Chairman Ron Trees, Brent Hagenbuch, Stephen Horn,
Tom Ocelli, Danny Weakly

6 - 0 Passed - Unanimously

5. **REPLAT**/Button Memorial United Methodist Church Addition, Lots 1, 2, 3, 4 and 5, Block A (20-RP-009). Presentation, discussion and consideration on a request for approval of a Replat for Button Memorial United Methodist Church, Lots 1, 2, 3, 4 and 5, Block A on approximately 5.175 acres of land in the R. Hensworth Survey, Abstract No. 577, generally located at the northwest corner of Eldorado Parkway and Lakefront Drive, within Little Elm's town limits.

- Staff Report
- Applicant Presentation
- Discussion and Recommendation

Staff presented the details of the proposed replat.

Motion: Approval of the plat document as presented.

Motion by Stephen Horn, seconded by Tom Ocelli

AYE: Chairman Michael Bell, Vice Chairman Ron Trees, Brent Hagenbuch, Stephen Horn,
Tom Ocelli, Danny Weakly

6 - 0 Passed - Unanimously

6. **REPLAT**/Triangle Acres Subdivision, Lot 10R, Block A (RP-21-03119). Presentation, discussion, and consideration of a request for approval of a Replat for Triangle Acres, Lot 10R, Block A, on approximately 0.714 acres of land in the D. Cule Survey, Abstract No. 226, generally located on the north side of Hillcrest Drive, approximately 230 feet west of Highland Boulevard, within Little Elm's town limits.

- Staff Report/Applicant Presentation
- Open Public Hearing
- Receive Public Comment
- Close Public Hearing
- Discussion and Recommendation

Staff presented the details of the proposed replat.

Chairman Bell opened the public hearing at 5:05pm.

There being no further questions or concerns, Chairman Bell closed the public hearing at 6:05pm.

Motion: Approval of the plat document as presented.

Motion by Brent Hagenbuch, seconded by Vice Chairman Ron Trees

AYE: Chairman Michael Bell, Vice Chairman Ron Trees, Brent Hagenbuch, Stephen Horn,
Tom Ocelli, Danny Weakly

6 - 0 Passed - Unanimously

7. **PUBLIC HEARING/Uptown Vape and Smoke SUP (21-SUP-04).** Public hearing, discussion, and take action on a recommendation regarding a request for a Specific Use Permit (SUP) to allow a smoking establishment use, in order to allow for the sale of vaping products, generally located on the west side of Lobo Lane, approximately 384 feet south of Eldorado Parkway, currently zoned Light Commercial (LC), within Little Elm's town limits.

Motion: Approval of Staff's request to withdraw the Specific Use Permit request from consideration at this time.

Motion by Vice Chairman Ron Trees, seconded by Danny Weakly

AYE: Chairman Michael Bell, Vice Chairman Ron Trees, Brent Hagenbuch, Stephen Horn,
Tom Ocelli, Danny Weakly

6 - 0 Passed - Unanimously

8. **Discussion of future agenda items, update on Council action, and requests for new business considerations**

9. **Adjourn**

Chairman Bell adjourned the meeting at 6:07pm.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

08/19/2021

OVERVIEW

Project	FINAL PLAT/Union Park Phase 6B-1
P&Z Hearing	08/19/2021
Council Hearing	N/A
Size	Approximately 25.950 acres
Current Zoning	Planned Development (PD-SF4)
Proposed Use	Single Family Residential
Existing Use	Single Family Residential
Future Land Use Plan Designation	Low Density Residential
Applicant	Andrea Saavedra - Kimley-Horn
Owner	H4 LITTLE ELM LP
Strategic Goal	Promote and expand Little Elm's identity

Agenda Item

FINAL PLAT/Union Park Phase 6B-1, (FP-21-02051). Presentation, discussion, and consideration on a request for approval of a Final Plat for Union Park Phase 6B-1, establishing 101 residential lots and four open space lots on approximately 25.950 acres, situated in the William Lumpkin Survey, Abstract No. 730, within Little Elm's town limits.

- Staff Report
- Applicant Presentation
- Discussion and Recommendation

Location

Generally located the Winn Ridge and Union Park Boulevard, adjacent to Union Park Elementary School, within Little Elm's town limits.

Planning Analysis

Background.

This is a Final Plat for Union Park Phase 6B-1, containing situated in the William Lumpkin Survey, Abstract No. 730, within Little Elm town limits. It is part of the master planned development Union Park and is one of three 6B phases.

The purpose of this Final Plat is to establish 101 single-family residential lots and four open space lots on

approximately 25.950 acres, with the associated infrastructure and easements. This Final Plat is in conformance with the existing Planned Development (PD59) and its associated exhibits.

Engineering Review.

The plat has been reviewed by Town staff and found to be in compliance with most of the subdivision requirements. Staff is requesting to add the following condition:

1. Provide easement abandonment documents for all easements that are to be removed. Please note that easements dedicated by separate instruments cannot be abandoned by plat. These documents can be provided prior to recording.

Recommended Action

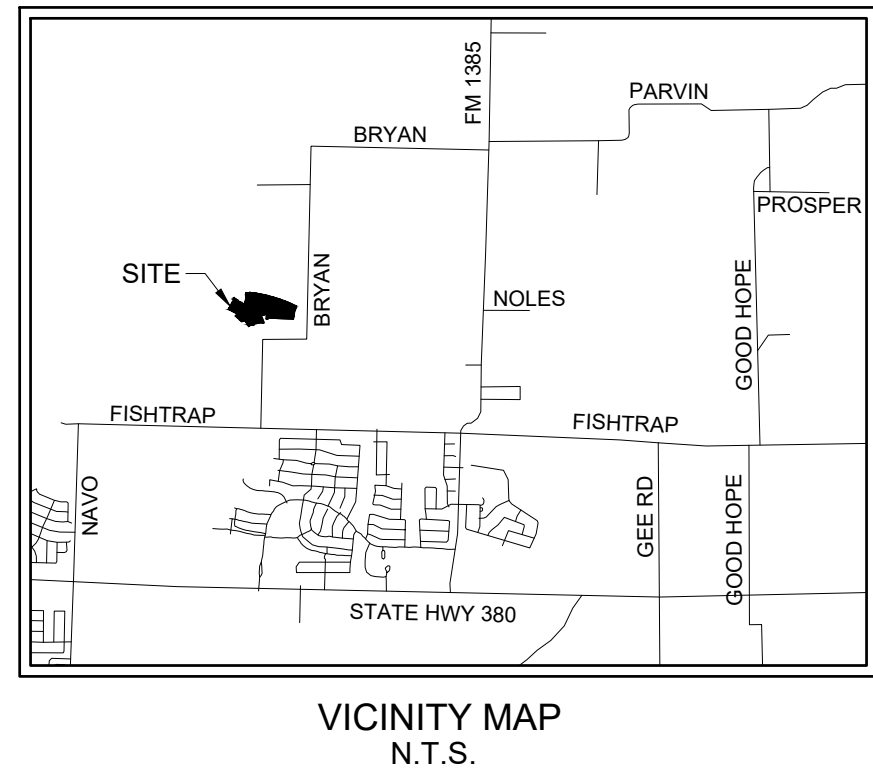
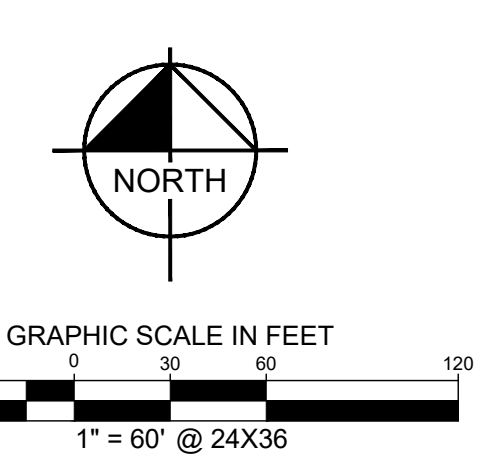
Staff recommends approval of the Final Plat subject to the following condition:

1. Provide easement abandonment documents for all easements that are to be removed. Please note that easements dedicated by separate instruments cannot be abandoned by plat. These documents can be provided prior to recording.

Attachments

Union Park 6B-1 - Plat Document

Union Park 6B-1 - Location Map



NOTES:

- Bearing system for this survey is based upon NAD 83 - Texas North Central Zone, Horizontal Adjustment to NAD 83 (1993). To convert the Surface distances to Grid Values, multiply the distances by a Combined Scale Factor of 0.999853696.
- All corners set are monumented with a 5/8 inch iron rod with red plastic cap stamped "KHA", unless otherwise noted.
- According to Community Panel No. 48121C0410G, dated April 18, 2011 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Denton County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is within Zone "X-Unshaded", which is not a special flood hazard area. For portions of this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
- All common areas will be owned and maintained by the HOA/POA or the MMD.
- All lots comply with the minimum size requirements of the zoning district.
- This property may be subject to charges related to impact fees and the applicant should contact the Town regarding any applicable fees due.
- All dedicated public roads will be maintained by the Town of Little Elm.
- Notice - selling a portion of this addition by metes and bounds is a violation of Town subdivision ordinance and platting statutes and is subject to fines and withholding of utilities and building permits.
- This plat does not alter or remove existing deed restrictions, if any, on this property.
- See Sheet 2 of for line and curve data.
- Private Wall Maintenance Easement shall give the Union Park Homeowners Association (H.O.A.) and the Highway 380 Municipal Management District (District) the right but not the responsibility to maintain retaining and/or screen walls.

Lots: 101 (PD-SF4)
Acreage: 25.95
Density: 3.89 D.U./AC

FINAL PLAT
UNION PARK PHASE 6B-1

101 RESIDENTIAL LOTS

BLOCK A, LOTS 1-9, 11-26, & 28-36; BLOCK B LOTS 1-10, 12-25, & 27-31;
BLOCK C, LOTS 1-31; BLOCK D, LOTS 1-7;

AND 4 OPEN SPACE LOTS

BLOCK A, LOT 10X, 27X, & 37X; BLOCK B, LOT 30X;

BEING 25.950 ACRES SITUATED IN THE
WILLIAM LUMPKIN SURVEY, ABSTRACT NO. 730
TOWN OF LITTLE ELM, DENTON COUNTY, TEXAS

Kimley»Horn

6160 Warren Parkway, Suite 210
Frisco, Texas 75034

Tel. No. (972) 335-3580
FIRM # 10193822

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	CDS	KHA	MAR, 2021	063230000	1 OF 3

OWNER
H4 LITTLE ELM, LP
UNION PARK PHASE 2BCD, LP
UNION PARK PHASE 2, LP
3000 Turtle Creek Blvd.
Dallas, Texas 75219
972-201-2980
Contact: Renee Cousins

ENGINEER/SURVEYOR:
Kimley-Horn & Associates
13455 Noel Road
Two Galleria Office Tower
Suite 700
Dallas, Texas 75240
972-770-1300
Contact: Jason Kaiser, P.E.

LEGEND:

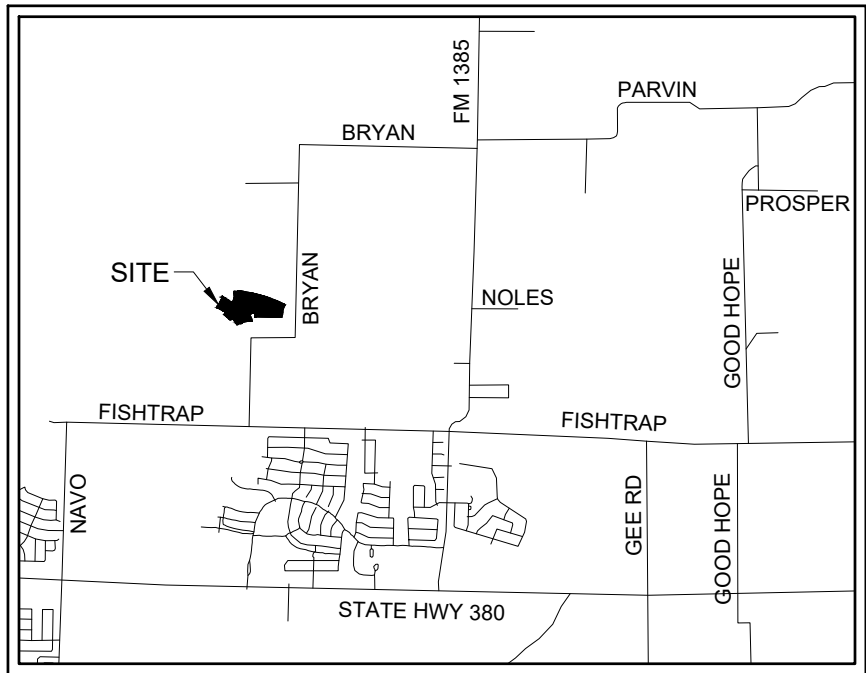
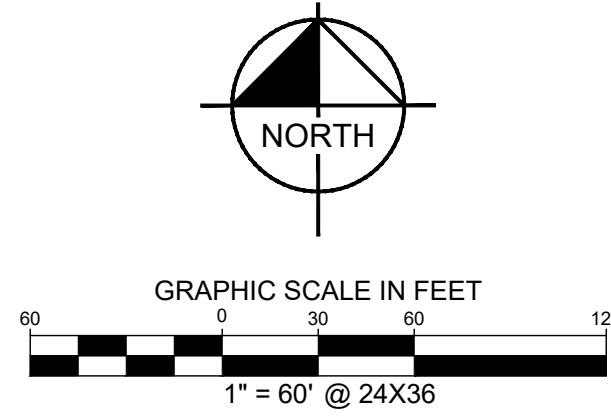
P.O.B. = POINT OF BEGINNING
IRFC = IRON ROD W/CAP FOUND
IRSC = 5/8" IRON ROD SET W/ "KHA" CAP
IRF = IRON ROD FOUND
PKF = PK NAIL FOUND
B.L. = BUILDING LINE
MFFE = MINIMUM FINISHED FLOOR ELEVATION
D.E. = DRAINAGE EASEMENT
U.E. = UTILITY EASEMENT
W.E. = WATER EASEMENT
S.W.E. = SIDE WALK EASEMENT
P.R.D.C.T. = PLAT RECORDS OF DENTON COUNTY, TEXAS
O.R.D.C.T. = OFFICIAL RECORDS OF DENTON COUNTY, TEXAS
R.P.R.D.C.T. = REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS

LAND USE TABLE :

LAND USE	ACREAGE	LOTS
RESIDENTIAL	15.865	101 LOTS
HOA/OPEN SPACE	0.258	A-10X
HOA/OPEN SPACE	0.226	A-27X
HOA/OPEN SPACE	1.040	A-37X
HOA/OPEN SPACE	0.786	B-30X
STREET R.O.W.	7.775	-
TOTAL	25.95	105 LOTS



LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	S47°59'17"W	14.55'	L28	S68°52'42"W	14.42'
L2	S02°08'14"W	54.01'	L29	N20°02'59"E	13.35'
L3	S46°18'37"W	14.14'	L30	S65°38'03"E	15.50'
L4	S01°18'37"W	7.50'	L31	S20°42'53"E	14.66'
L5	N88°41'23"W	54.00'	L32	S79°45'33"W	13.95'
L6	N48°43'43"W	12.67'	L33	N29°05'58"E	12.99'
L7	S12°27'41"W	13.81'	L34	S40°41'23"E	13.38'
L8	S79°54'14"W	54.00'	L35	S68°01'46"W	13.45'
L9	N56°33'10"W	14.18'	L36	N49°18'37"E	14.86'
L10	S30°20'50"W	14.01'	L37	S43°41'23"E	14.14'
L11	S78°02'39"W	54.00'	L38	S60°38'47"W	14.01'
L12	N63°15'19"W	13.22'	L39	N46°18'37"E	14.14'
L13	N49°36'46"W	44.34'	L40	S43°41'23"E	14.14'
L14	N25°00'23"E	5.90'	L41	S60°25'48"W	14.08'
L15	N19°30'13"W	14.26'	L42	N30°02'03"W	14.08'
L16	N64°00'48"W	76.91'	L43	N43°45'28"E	15.65'
L17	N12°14'59"W	13.80'	L44	S79°56'02"E	14.86'
L18	S64°00'48"E	42.13'	L45	S05°40'56"E	14.53'
L19	N67°07'13"E	14.42'	L46	N81°08'19"E	14.53'
L20	N26°23'19"E	24.65'	L47	S26°58'19"E	12.90'
L21	S63°36'41"E	33.00'	L48	S17°16'12"E	15.00'
L22	S74°48'07"E	33.00'	L49	S20°50'23"E	24.03'
L23	N25°00'23"E	42.55'	L50	N90°00'00"W	1185.12'
L24	N22°08'11"E	42.05'	L51	S20°50'23"E	9.09'
L25	N35°31'11"E	19.43'	L52	N18°36'41"W	12.26'
L26	S64°00'48"E	42.13'	L53	N74°48'07"W	75.99'
L27	N23°26'13"E	28.26'	L54	N07°18'07"W	15.61'



VICINITY MAP
N.T.S.

CURVE TABLE						CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	26°32'04"	250.00'	115.78'	S13°07'17"W	114.75'	C26	39°06'15"	300.00'	204.75'	N57°27'49"W	200.80'
C2	9°53'37"	250.00'	43.17'	S04°48'04"W	43.12'	C27	13°00'08"	786.00'	178.37'	S70°30'52"E	177.99'
C3	4°32'34"	530.00'	42.02'	S07°28'36"W	42.01'	C28	16°39'03"	250.00'	72.65'	N33°19'54"E	72.40'
C4	0°39'53"	10168.14'	117.98'	N01°19'22"E	117.98'	C29	7°23'33"	586.00'	75.61'	S60°19'02"E	75.56'
C5	20°16'48"	373.00'	132.02'	S69°40'52"W	131.34'	C30	17°13'45"	400.00'	120.28'	N65°14'08"W	119.83'
C6	0°56'06"	423.00'	6.90'	N10°33'50"W	6.90'	C31	6°04'40"	300.00'	31.82'	S25°10'31"W	31.81'
C7	2°07'29"	473.00'	17.54'	S77°32'31"W	17.54'	C32	7°18'20"	500.00'	63.75'	S31°52'01"W	63.71'
C8	2°20'55"	327.00'	13.40'	S13°07'48"E	13.40'	C33	6°39'49"	300.00'	34.89'	N57°48'43"W	34.87'
C9	1°36'58"	273.00'	7.70'	N12°45'50"W	7.70'	C34	9°31'59"	300.00'	49.92'	S59°14'48"E	49.86'
C10	10°38'56"	473.00'	87.64'	S62°11'59"W	87.51'	C35	13°41'41"	500.00'	119.51'	S70°51'39"E	119.22'
C11	0°41'02"	827.00'	9.87'	S57°14'02"W	9.87'	C36	39°47'48"	550.00'	382.02'	N57°48'35"W	374.39'
C12	1°01'10"	427.00'	7.60'	S73°20'25"E	7.60'	C37	27°48'55"	450.00'	218.46'	N24°00'14"W	216.32'
C13	6°48'40"	341.45'	40.59'	S24°44'00"W	40.57'	C38	18°09'25"	750.00'	237.67'	N14°21'31"E	236.68'
C14	5°21'09"	527.00'	49.23'	N30°53'26"E	49.21'	C39	22°31'49"	600.00'	235.94'	N26°27'47"E	234.42'
C15	1°28'55"	273.00'	7.06'	N60°24'10"W	7.06'	C40	0°41'02"	800.00'	9.55'	N57°14'02"E	9.55'
C16	4°24'01"	473.00'	36.33'	S66°12'48"E	36.32'	C41	264°37'45"	60.00'	277.12'	N21°17'48"W	88.74'
C17	11°11'21"	722.98'	141.19'	N17°18'49"E	140.97'	C42	266°11'24"	60.00'	278.75'	N31°42'26"W	87.63'
C18	26°01'03"	200.00'	90.82'	N01°17'23"W	90.04'	C43	306°30'45"	60.00'	320.98'	N74°48'07"W	54.00'
C19	19°34'43"	97.50'	33.32'	N04°30'33"W	33.16'	C44	18°28'35"	200.00'	64.49'	S18°53'24"W	64.22'
C20	19°04'42"	408.00'	135.86'	S16°50'58"W	135.23'	C45	22°50'54"	97.50'	38.88'	N16°42'15"E	38.62'
C21	13°53'16"	814.00'	197.30'	S08°15'15"W	196.82'	C46	14°05'54"	157.50'	38.75'	S72°53'20"E	38.66'
C22	13°53'16"	1100.00'	266.62'	S08°15'15"W	265.97'	C47	0°08'44"	3922.50'	9.97'	N79°51'55"W	9.97'
C23	32°12'59"	400.00'	224.91'	S69°57'41"W	221.96'	C48	14°05'54"	142.50'	35.06'	S72°53'20"E	34.98'
C24	21°42'45"	500.00'	189.48'	S67°44'53"W	188.35'	C49	4°44'35"	3937.50'	325.96'	N77°34'00"W	325.87'
C25	25°57'20"	300.00'	135.90'	N24°56'01"W	134.74'	C50	3°52'59"	3940.00'	267.03'	N72°28'04"W	266.98'

FINAL PLAT
UNION PARK PHASE 6B-1

101 RESIDENTIAL LOTS

BLOCK A, LOTS 1-9, 11-26, & 28-36; BLOCK B LOTS 1-10, 12-25, & 27-31;
BLOCK C, LOTS 1-31; BLOCK D, LOTS 1-7;

AND 4 OPEN SPACE LOTS

BLOCK A, LOT 10X, 27X, & 37X; BLOCK B, LOT 30X;

BEING 25.950 ACRES SITUATED IN THE
WILLIAM LUMPKIN SURVEY, ABSTRACT NO. 730
TOWN OF LITTLE ELM, DENTON COUNTY, TEXAS

Kimley»Horn

6160 Warren Parkway, Suite 210
Frisco, Texas 75034

Tel. No. (972) 335-3580
FIRM # 10153822

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	CDS	KHA	MAR. 2021	063230000	2 OF 3

OWNER
H4 LITTLE ELM, LP
UNION PARK PHASE 2BDC, LP
UNION PARK PHASE 2, LP
3000 Turtle Creek Blvd.
Dallas, Texas 75219
972-201-2980
Contact: Renee Cousins

ENGINEER/SURVEYOR:
Kimley-Horn & Associates
13455 Noel Road
Two Galleria Office Tower
Suite 700
Dallas, Texas 75240
972-770-1300
Contact: Jason Kaiser, P.E.

LAND USE TABLE :

LAND USE	ACREAGE	LOTS
RESIDENTIAL	15.865	101 LOTS
HOA/OPEN SPACE	0.258	A-10X
HOA/OPEN SPACE	0.226	A-27X
HOA/OPEN SPACE	1.040	A-37X
HOA/OPEN SPACE	0.786	B-30X
STREET R.O.W.	7.775	-
TOTAL	25.95	105 LOTS

P.O.B. = POINT OF BEGINNING
IRFC = IRON ROD W/ICAP FOUND
IRSC = 5/8" IRON ROD SET W/ "KHA" CAP
IRF = IRON ROD FOUND
PKF = PK NAIL FOUND
B.L. = BUILDING LINE
MFFE = MINIMUM FINISHED FLOOR ELEVATION
D.E. = DRAINAGE EASEMENT
U.E. = UTILITY EASEMENT
W.E. = WATER EASEMENT
S.W.E. = SIDE WALK EASEMENT
P.R.D.C.T. = PLAT RECORDS OF DENTON COUNTY, TEXAS
O.R.D.C.T. = OFFICIAL RECORDS OF DENTON COUNTY, TEXAS
R.P.R.D.C.T. = REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS

CALLLED 10.528 ACRES
DENTON INDEPENDENT SCHOOL DISTRICT
INST. NO. 2018-12828
R.P.R.D.C.T.

LEGEND:

REMAINDER OF
CALLED 757.040 ACRES
H4 LITTLE ELM, LP
INST. NO. 2013-48961
R.P.R.D.C.T.

NOTES:

- Bearing system for this survey is based upon NAD 83 - Texas North Central Zone, Horizontal Adjustment to NAD 83 (1993). To convert the Surface distances to Grid Values, multiply the distances by a Combined Scale Factor of 0.999853696.
- All corners set are monumented with a 5/8 inch iron rod with red plastic cap stamped "KHA", unless otherwise noted.
- According to Community Panel No. 48121C0410G, dated April 18, 2011 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Denton County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is within Zone "X-Unshaded", which is not a special flood hazard area. For portions of this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
- All common areas will be owned and maintained by the HOA/POA or the MMD.
- All lots comply with the minimum size requirements of the zoning district.
- This property may be subject to charges related to impact fees and the applicant should contact the Town regarding any applicable fees due.
- All dedicated public roads will be maintained by the Town of Little Elm.
- Notice - selling a portion of this addition by metes and bounds is a violation of Town subdivision ordinance and platting statutes and is subject to fines and withholding of utilities and building permits.
- This plat does not alter or remove existing deed restrictions, if any, on this property.
- Private Wall Maintenance Easement shall give the Union Park Homeowners Association (H.O.A.) and the Highway 380 Municipal Management District (District) the right but not the responsibility to maintain retaining and/or screen walls.

Lots: 101 (PD-SF4)
Acreage: 25.95
Density: 3.89 D.U./AC

OWNER'S CERTIFICATE

STATE OF TEXAS §

COUNTY OF DENTON §

WHEREAS H4 LITTLE ELM, LP, UNION PARK PHASE 2BCD, LP, UNION PARK, LP, are the owners of a tract of a tract of land situated in the W. Lumpkin Survey, Abstract No. 730, Town of Little Elm, Denton County, Texas, and being a portion of a called 757.040 acre tract of land described in a deed to H4 Little Elm, LP, as recorded in Instrument No. 2013-48961 of the Real Property Records of Denton County, Texas, portion of a called 91.884 acre tract of land described in a deed to Union Park Phase 2BCD, LP, as recorded in Instrument No. 2018-8436 of the Real Property Records of Denton County, Texas, and a portion of a called 21.00 acre tract of land described in a deed to Union Park Phase 2, LP as recorded in Instrument No. 2016-75316 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with plastic cap stamped "KHA" found for northwest corner of a corner clip at the intersection of the southerly right of way line of Union Park Boulevard, a 100 foot right of way, as recorded in Document No. 2019-55 of the Plat Records of Denton County, Texas with the westerly right of way line of Fieldwood Way, a variable width right of way, as recorded in Doc No. 2019-55 of the Plat Records of Denton County, Texas;

THENCE South 18°32'44" East, departing the southerly right of way line of said Union Park Boulevard, and along said corner clip, a distance of 35.40 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the southeast corner of said corner clip, being on the westerly right of line of said Fieldwood Way;

THENCE along the westerly right of way line of said Fieldwood Way, the following courses and distances:

South 26°23'19" West, a distance of 85.98 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found at the beginning of a tangent curve to the left having a central angle of 26°32'04", a radius of 250.00 feet, a chord bearing and distance of South 13°07'17" West, 114.75 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 115.78 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found at the beginning of a reverse curve to the right having a central angle of 09°53'37", a radius of 250.00 feet, a chord bearing and distance of South 04°48'04" West, 43.12 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 43.17 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found at the beginning of a reverse curve to the left having a central angle of 04°32'34", a radius of 530.00 feet, a chord bearing and distance of South 7°28'36" West, 42.01 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 42.02 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

South 47°59'17" West, a distance of 14.55 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

South 02°08'14" West, a distance of 54.01 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

THENCE departing the westerly right of way line of said Fieldwood Way, and crossing said 757.040 acre, said 91.884 acre tract, and said 21.00 acre tract, the following courses and distances:

North 88°41'23" West, a distance of 718.77 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 46°18'37" West, a distance of 14.14 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 01°18'37" West, a distance of 7.50 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 88°41'23" West, a distance of 54.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 00°39'53", a radius of 10168.14 feet, a chord bearing and distance of North 1°19'22" East, 117.98 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 117.98 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 48°43'43" West, a distance of 12.67 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 20°16'48", a radius of 373.00 feet, a chord bearing and distance of South 69°40'52" West, 131.34 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 132.02 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 12°27'41" West, a distance of 13.81 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 23°09'10", a radius of 477.00 feet, a chord bearing and distance of South 21°40'22" East, 191.44 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 192.75 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 79°54'14" West, a distance of 54.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 00°56'06", a radius of 423.00 feet, a chord bearing and distance of North 10°33'50" West, 6.90 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 6.90 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 56°33'10" West, a distance of 14.18 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 78°36'16" West, a distance of 201.47 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of 2°07'29", a radius of 473.00 feet, a chord bearing and distance of South 77°32'31" West, 17.54 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 17.54 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 30°20'50" West, a distance of 14.01 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 2°20'55", a radius of 327.00 feet, a chord bearing and distance of South 13°07'48" East, 13.40 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 13.40 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 78°02'39" West, a distance of 54.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 01°36'58", a radius of 273.00 feet, a chord bearing and distance of North 12°45'50" West, 7.70 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 7.70 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 63°15'19" West, a distance of 13.22 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 10°36'56", a radius of 473.00 feet, a chord bearing and distance of South 62°11'59" West, 87.51 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 87.64 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the right having a central angle of 00°41'02", a radius of 827.00 feet, a chord bearing and distance of South 57°14'02" West, 9.87 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 9.87 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 32°25'27" West, a distance of 111.95 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 36°57'26" West, a distance of 49.12 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 49°36'46" West, a distance of 44.34 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 69°18'37" West, a distance of 77.85 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 48°20'34" West, a distance of 241.21 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 16°39'03", a radius of 223.00 feet, a chord bearing and distance of North 33°19'54" East, 64.58 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 64.81 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 25°00'23" East, a distance of 5.90 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 19°30'13" West, a distance of 14.26 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 64°00'48" West, a distance of 76.91 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the right having a central angle of 07°23'33", a radius of 613.00 feet, a chord bearing and distance of North 60°19'02" West, 79.04 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 79.09 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the left having a central angle of 17°13'45", a radius of 373.00 feet, a chord bearing and distance of North 65°14'08" West, 111.74 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 112.16 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 16°09'00" East, a distance of 54.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 01°01'10", a radius of 427.00 feet, a chord bearing and distance of South 73°20'25" East, 7.60 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 7.60 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 64°59'16" East, a distance of 14.66 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 06°48'40", a radius of 341.45 feet, a chord bearing and distance of North 24°44'00" East, 40.57 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 40.59 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 28°12'51" East, a distance of 151.78 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the right having a central angle of 05°21'09", a radius of 527.00 feet, a chord bearing and distance of North 30°53'26" East, 49.21 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 49.23 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 12°14'59" West, a distance of 13.80 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 01°28'55", a radius of 273.00 feet, a chord bearing and distance of North 60°24'10" West, 7.06 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 7.06 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 28°51'22" East, a distance of 54.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 06°39'49", a radius of 327.00 feet, a chord bearing and distance of South 57°48'43" East, 38.01 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 38.03 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 54°28'49" East, a distance of 163.89 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of 09°31'59", a radius of 273.00 feet, a chord bearing and distance of South 59°14'48" East, 45.37 feet;

In a southeasterly direction, with said curve to the left, an arc distance of 45.42 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 64°00'48" East, a distance of 42.13 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of 04°24'01", a radius of 473.00 feet, a chord bearing and distance of South 66°12'48" East, 36.32 feet;

In a southeasterly direction, with said curve to the left, an arc distance of 36.33 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 67°07'13" East, a distance of 14.42 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 11°11'21", a radius of 722.98 feet, a chord bearing and distance of North 17°18'49" East, 140.97 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 141.19 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a compound curve to the left having a central angle of 26°01'03", a radius of 200.00 feet, a chord bearing and distance of North 01°17'23" West, 90.04 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 90.82 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the right having a central angle of 19°34'43", a radius of 97.50 feet, a chord bearing and distance of North 04°30'33" West, 33.16 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 33.32 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 5°16'48" East, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found on the southerly right of way line of Union Park Boulevard, a 100 foot right of way, as recorded in Document No. 2019-56 of the Plat Records of Denton County, Texas;

THENCE along the southerly right of way lines of said Union Park Boulevard, the following courses and distances:

South 84°43'12" East, a distance of 95.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 05°16'48" East, a distance of 14.35 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 50°38'10" East, a distance of 14.06 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found at the beginning of a non-tangent curve to the right having a central angle of 20°16'31", a radius of 3950.00 feet, a chord bearing and distance of South 73°47'55" East, 1390.50 feet;

In a southeasterly direction with said curve to the right, an arc distance of 1397.79 feet to the **POINT OF BEGINNING** and containing 25,950 acres (1,130,384 square feet) of land, more or less.

OWNER'S DEDICATION

STATE OF TEXAS §

COUNTY OF DENTON §

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That **H4 LITTLE ELM, LP, UNION PARK PHASE 2BCD, LP, UNION PARK, LP** ("Owners") do hereby adopt this plat designating the hereinabove property as **UNION PARK PHASE 6B-1**, an addition to the Town of Little Elm, Denton County, Texas, and does hereby dedicate in fee simple to Highway 380 Municipal Management District No. 1 (The District) to exclusive use forever, the streets and public use areas shown hereon, and does hereby dedicate the easements shown on the plat for the purposes indicated to the District's exclusive use forever, and said dedications being free and clear of all liens and encumbrances except as shown herein or subordinated to this plat. No buildings, fences, trees, shrubs or other improvements shall be constructed or placed upon, over or across the easements of said plat. At the discretion of the District and subject to its written approval, Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use the same unless the easement limits the use to a particular utility or utilities. Said use by public utilities being subordinate to the District's use thereof. Any public utility given the right by the District to use said easements shall have the right to: remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of these easements; and any public utility shall at all times have the right of ingress and egress to and from and upon said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the necessity at any time procuring the permission of anyone. I do hereby bind myself, my successors and assigns to forever warrant and defend all and singular above described streets, alleys, easements an rights unto the District against every person whomsoever lawfully claiming or to claim the same or any part thereof by and through Owner but not otherwise. This property is not located within the extraterritorial jurisdiction of any municipality. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Little Elm, Texas.

Witness, my hand this the _____ day of _____, 2021.

H4 LITTLE ELM, LP, a Texas limited partnership

By: BOH Investment GP, LLC,
a Delaware limited liability company,
its general partner

By: _____
Elaine Ford, Senior Vice President

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for The State of Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal this _____ day of _____, 2021.

Notary Public, State of Texas

Witness, my hand this the _____ day of _____, 2021.

UNION PARK PHASE 2BCD, LP, a Texas limited partnership

By: BOH Investment GP, LLC,
a Delaware limited liability company,
its general partner

By: _____
Elaine Ford, Senior Vice President

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for The State of Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal this _____ day of _____, 2021.

Notary Public, State of Texas

Witness, my hand this the _____ day of _____, 2021.

UNION PARK PHASE 2, LP, a Texas limited partnership

By: BOH Investment GP, LLC,
a Delaware limited liability company,
its general partner

By: _____
Name, Title

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for The State of Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal this _____ day of _____, 2021.

Notary Public, State of Texas

SURVEYORS CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

I, Sylviana Gunawan, a Registered Professional Land Surveyor in the State of Texas, do hereby declare that I have prepared this plat from an actual on the ground survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with Subdivision Regulations of the Town of Little Elm, Texas.

Sylviana Gunawan
Registered Professional Land Surveyor No. 6461
Kimley-Horn and Associates, Inc.
6160 Warren Pkwy., Suite 210
Frisco, Texas 75034
Ph. 972-335-3580
sylviana.gunawan@kimley-horn.com

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, a Notary Public, on this day personally appeared Sylviana Gunawan, known to me to be the person whose name is subscribed to the foregoing instruments, and acknowledged to me that he executed the same for the purpose and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, 2021.

NOTARY PUBLIC in and for the STATE OF TEXAS

TOWN OF LITTLE ELM APPROVAL

APPROVED this the _____ day of _____, 2021 by
the Town Council of the Town of Little Elm, Texas.

Town Official

Town Secretary

FINAL PLAT
UNION PARK PHASE 6B-1

101 RESIDENTIAL LOTS

BLOCK A, LOTS 1-9, 11-26, & 28-36; BLOCK B LOTS 1-10, 12-25, & 27-31;
BLOCK C, LOTS 1-31; BLOCK D, LOTS 1-7;

AND 4 OPEN SPACE LOTS

BLOCK A, LOT 10X, 27X, & 37X; BLOCK B, LOT 30X;

BEING 25.950 ACRES SITUATED IN THE
WILLIAM LUMPKIN SURVEY, ABSTRACT NO. 730
TOWN OF LITTLE ELM, DENTON COUNTY, TEXAS

Kimley»Horn

6160 Warren Parkway, Suite 210
Frisco, Texas 75034

Tel. No. (972) 335-3580
FIRM # 10193822

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	CDS	KHA	MAR. 2021	063230000	3 OF 3


OWNER
**H4 LITTLE ELM, LP
UNION PARK PHASE 2BCD, LP
UNION PARK PHASE 2, LP**
3800 Turtle Creek Blvd.
Dallas, Texas 75219
972-201-2980
Contact: Renee Cousins

ENGINEER/SURVEYOR:
Kimley-Horn & Associates
13455 Noel Road
Two Galleria Office Tower
Suite 700
Dallas, Texas 75240
972-770-1300
Contact: Jason Kaiser, P.E.



Union Park Phase 6B-1 Final Plat



 Subject Property

0 280 560 1,120
Ft



Town of Little Elm
Denton County, Tx

Date: 8/13/2021



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TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

08/19/2021

OVERVIEW

Project	Uptown Vape and Smoke (21-SUP-04)
P&Z Hearing	08/19/2021
Council Hearing	September 7, 2021
Size	1,600 square feet
Current Zoning	Light Commercial (LC) with an existing SUP for a childcare center and SUP for minor auto repair
Proposed Use	Retail Smoking Establishment
Existing Use	Vacant Retail Suite
Future Land Use Plan Designation	Retail and Commercial Use Category
Applicant	Hassan Ali, HH Commerce LLC
Owner	Reeyaz Thanawalla, Lakshmi Investment Properties
Strategic Goal	Promote and expand Little Elm's identity

Agenda Item

PUBLIC HEARING/Uptown Vape and Smoke (21-SUP-04). Public hearing, discussion, and take action on a recommendation regarding a request for a Specific Use Permit for a Smoking Establishment, in order to allow for the sale of vaping products, generally located on the west side of Lobo Lane, approximately 384 feet south of Eldorado Parkway, within Little Elm's town limits.

- Staff Report/Applicant Presentation
- Open Public Hearing
- Receive Public Comment
- Close Public Hearing
- Discussion and Recommendation

Location

Generally located at 800 West Eldorado, Suite 122, on the west side of Lobo Lane, approximately 384 feet south of Eldorado Parkway, within Little Elm's town limits.

Planning Analysis

Background.

Subject property is currently zoned Light Commercial (LC) with a Specific Use Permit (SUP) for a child care center, as approved through Ordinance No. 943, and an SUP for minor auto repair use, as approved through Ordinance No. 1269. The property is operating as an existing multi-tenant shopping center with a mix of retail and restaurant tenants, as well as a child care center. The proposed smoking establishment would occupy the currently vacant 1,600 square-foot Suite 122, previously occupied by Spotlight Dance Academy.

A smoking establishment is defined as "an establishment that sells products and devices primarily for the purpose of smoking or vaping in various forms. These establishments sometimes provide a contained area with a separate ventilation system for the purpose of smoking within the associated structure."

The applicant, Uptown Vape and Smoke, is an upscale and high-end vape and smoke shop, primarily focusing on the retail sale of products in the vapor and smoke category, along with a small selection of CBD and hemp items.

Proposal.

The applicant is requesting approval of a smoking establishment as an allowed use on the subject property, solely for the purposes of retail, and has provided a letter of intent stating that smoking will not be permitted within the establishment. Therefore, the proposed suite, if the SUP request is approved, as long as it is occupied by this tenant, would only be utilized for retail sales of vaping and related products. However, if, in the future, another tenant was to occupy this space and they decide to allow smoking on premises, *Chapter 70, Article IX. Smoking* sets certain requirements on smoking establishments that provide a contained area for the purpose of smoking.

The existing SUP Ordinance No. 1269 provides a challenge by specifically prohibiting "smoke shops" on this site. It should be noted that after the approval of Ordinance No. 1269, the property was subdivided into two separate lots. While the auto repair use is currently located on a different lot, because the SUP was approved for the property in its entirety at that time, the Ordinance regulations are still applicable to the subject property. Therefore, in order to accommodate the applicant's request, Ordinance No. 1269 would also need to be amended to remove "smoke shop" from the list of restricted uses. No other changes are being proposed to the existing ordinances on this property and all other existing conditions will remain in place. These requests are being proposed concurrently.

Chapter 106 of the Little Elm Code of Ordinances requires a Specific Use Permit (SUP) be issued for smoking establishment use.

The proposal includes a total SUP area of 1,600 square feet, specifically for retail sales of vaping products. The submitted floor plan depicts a store layout with shelving, special display area, and associated office and storage in the back.

Parking.

A smoking establishment is categorized as a retail use, which is required to be parked at a ratio of 1 parking space per 200 square feet of floor area. The existing site was developed with a 31,356 square-foot retail building, which, inclusive of the child care center, requires a total of 115 parking spaces at full tenant occupancy. The site provides a total of 140 parking spaces and meets parking requirements.

Development Standards.

This site was developed through an approved Concept Plan and since the applicant is not making any exterior or site improvements in order to accommodate the proposed use, no additional site requirements were reviewed at this time.

Comprehensive Plan.

The Future Land Use Plan (FLUP) designates the subject property with a retail/commercial land use category, which is appropriate for a smoking establishment that is proposing to sell vaping products. Therefore, the requested SUP, if approved, would not be in conflict with the FLUP.

Recommended Action

The purpose of an SUP is to add or modify specific land use rights to those already granted within a zoning district. Section 106.02.17 provides that each request considers the intensity of the proposed use within the context of the proposed location based on compatibility and suitability, and in evaluating the compatibility of the proposed use within the existing area context, "the town council may impose such additional development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, odor, gas, explosion, glare, offensive view, or other undesirable or hazardous conditions."

The smoking establishment definition was created in December 2020, and the use was added to the use chart as allowed through a Specific Use Permit under certain zoning districts. Prior to this change, these types of establishments were simply considered as retail and allowed as of right in zoning districts where typical retail uses are allowed. Seeing a gap in the Town's uses, given the growing popularity of vaping, Staff proposed these uses be considered under a Specific Use Permit in order to allow the Town to better evaluate the requests on a case by case basis, as well as allow the Town to require the establishment meet certain conditions as deemed necessary for that specific request and location, as stated in Section 106.02.17.

Given the purpose of a Specific Use Permit, Staff believes there are several possible conditions that could be placed on this SUP to help make this request more appropriate within the context of the existing shopping center, as well as its proximity to other uses.

If, the intent is to allow the smoking establishment as defined by the Town, which would, in the future, allow the tenant to provide a contained area for the purpose of smoking within the existing establishment, this SUP should provide a condition to require that such area must be equipped with a separate ventilation system and must comply with the requirements listed in Chapter 70, Article IX. Smoking.

If the intent is for this SUP to remain a retail only smoking establishment in perpetuity, this restriction should be added as a condition of the SUP approval.

Alternatively, if the intent is to solely allow this specific tenant to operate for the longevity of their occupancy within this particular suite, this restriction could also be added as a condition of the SUP approval.

Staff recommends the Planning and Zoning Commission evaluate the proposed SUP request based on the presented information, in accordance with Section 106.02.17, and make a recommendation accordingly.

Attachments

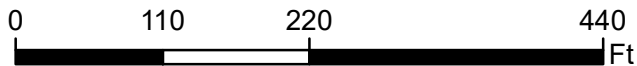
Uptown Vape and Smoke SUP - Location Map

Uptown Vape and Smoke SUP - Plans

Uptown Vape and Smoke SUP - Letter of Intent



Request For a Specific Use Permit For a Smoking Establishment **Lot 1R3 Block A** **Lake Shore Crossing**



Town of Little Elm
Denton County, Tx
Date: 7/30/2021

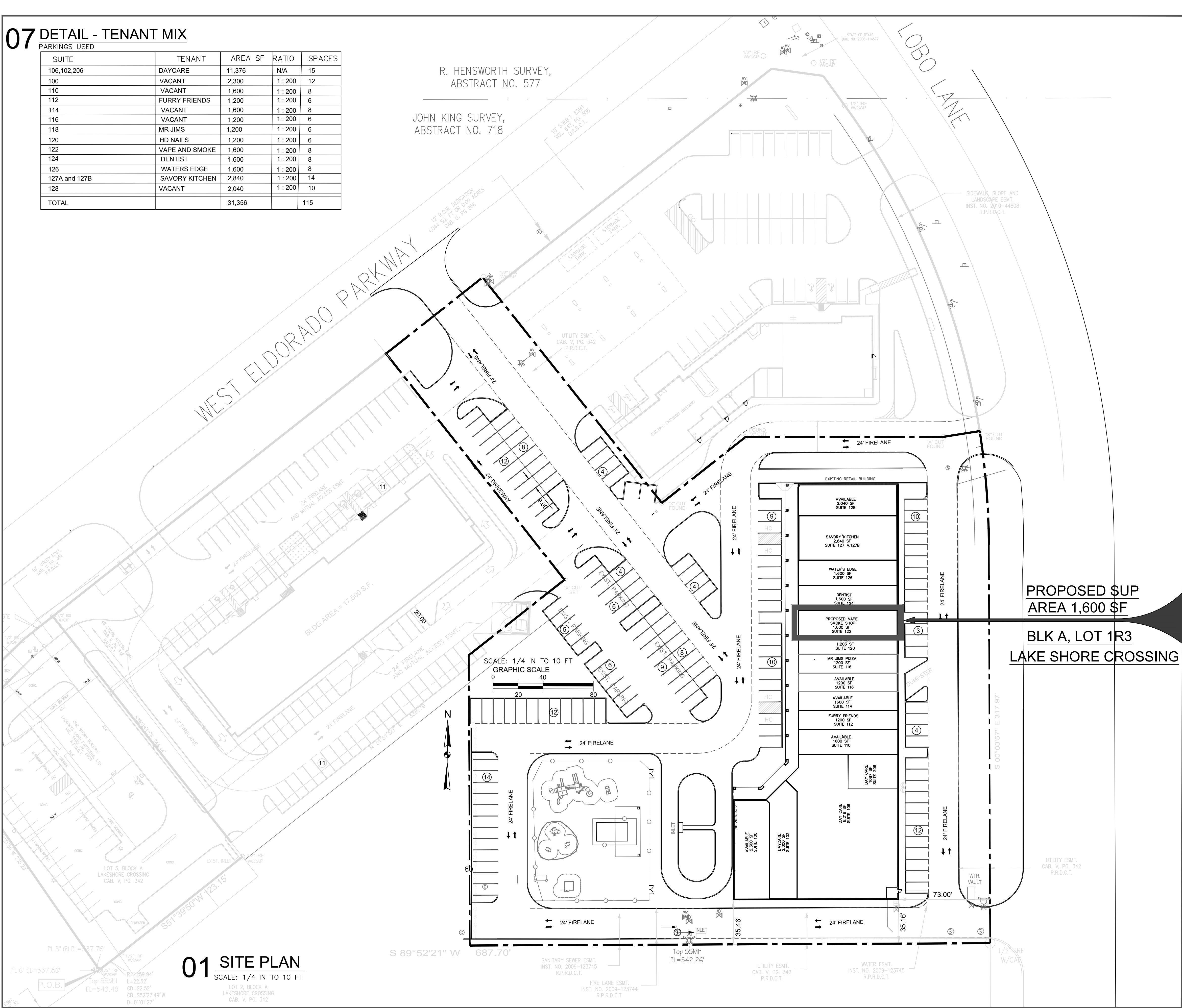


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This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

07 DETAIL - TENANT MIX

PARKINGS USED				
SUITE	TENANT	AREA SF	RATIO	SPACES
106,102,206	DAYCARE	11,376	N/A	15
100	VACANT	2,300	1:200	12
110	VACANT	1,600	1:200	8
112	FURRY FRIENDS	1,200	1:200	6
114	VACANT	1,600	1:200	8
116	VACANT	1,200	1:200	6
118	MR JIMS	1,200	1:200	6
120	HD NAILS	1,200	1:200	6
122	VAPE AND SMOKE	1,600	1:200	8
124	DENTIST	1,600	1:200	8
126	WATERS EDGE	1,600	1:200	8
127A and 127B	SAVORY KITCHEN	2,840	1:200	14
128	VACANT	2,040	1:200	10
TOTAL		31,356		115



01 SITE PLAN

SCALE: 1/4 IN TO 10 FT

02 DETAIL - LOT 1R3 LAKESHORE CROSSING

BLK A JOHN KING SURVEY, ABSTRACT 718

COUNTY	DENTON
BUILDING AREA	31,356 SF 18.4% OF LOT AREA
LOT AREA	3,907 ACRES OR 170,169 SF
LOT	1R3
BLOCK	A
DIVISION	LAKESHORE CROSSING
ABSTRACT	JOHN KING SURVEY, ABSTRACT 718

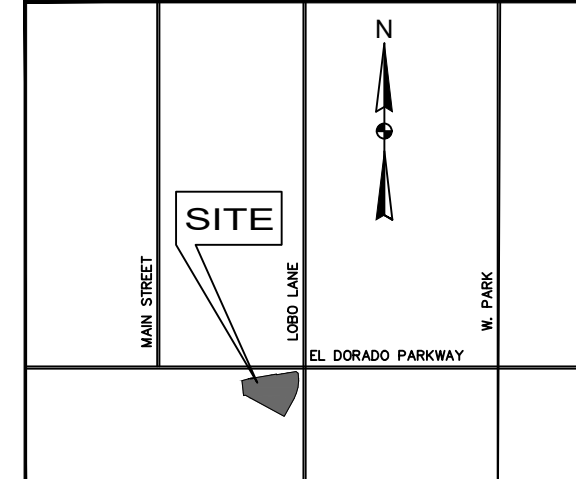
03 DETAIL - PARKING

ALL PARKING SPACES ARE 9' X 20' DAYCARE NEEDS REDUCED KIDS DROPPED OFF

PARKING REQUIREMENT	LOT 1R2
BUILDING AREA	DAYCARE 11,376; RETAIL 19,980 SF
PARKING REQUIRED	DAYCARE 15 (STAFF AND DROP OFF); RETAIL 100 (1/200)
PARKING FURNISHED	140 SPACES
H.G. PARKING REQUIRED	2 SPACES
H.G. PARKING FURNISHED	2 SPACES
OFF-SITE PARKING FURNISHED	6 SPACES

04 VICINITY MAP

SCALE: NONE



05 DETAIL - PROPOSED USE OF SPACE

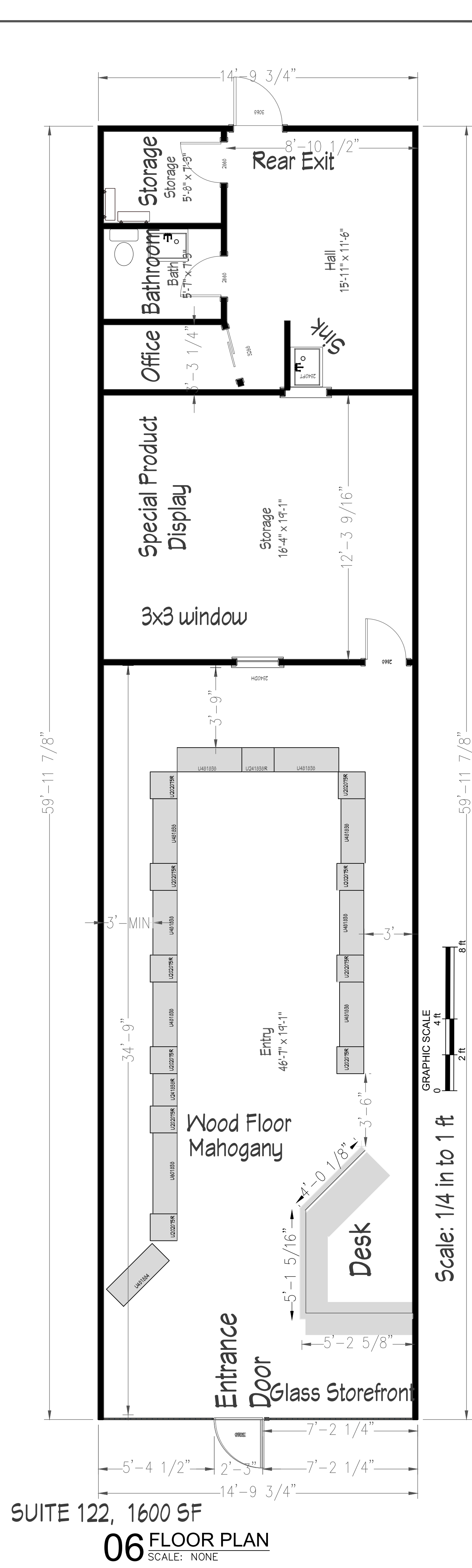
1,600 SF INTERIOR RETAIL SPACE FULLY FIRE SPRINKLED SPACE

PARKING REQUIREMENT	8 SPACES, 1 PER 200 SF
SUITE 122	1,600 SF 0.52% BUILDING AREA
USE	RETAIL STORE VAPE, SMOKE, CBD SALES
RESTRICTION	NO CONSUMPTION PERMITTED IN STORE
LICENSES	REQUIRES STATE AND CITY LICENSES
CURRENT ZONING	COMMERCIAL
BUILDING HEIGHT	SINGLE BLDG. 16 FT SINGLE STORY
FINISHING	HIGH END FINISH, MAHOGANY WOOD FLOOR

SUITE 122, 1600 SF

06 FLOOR PLAN

SCALE: NONE



DESIGNER :

HEBRON CONSTRUCTION

REERYAZ THANAWALLA

1657 McGEE LN

CARROLLTON, TX 75010

TEL: 940-765-9896

DEVELOPER:

LAKSHMI INVESTMENT PROPERTIES LLC

1657 McGEE LN

CARROLLTON, TX 75010

TEL: 940-765-9896

Uptown Vape and Smoke Suite 122

800 WEST ELDORADO #122

EL DORADO PKWAY & LOBO LANE
LITTLE ELM, TEXAS 75068

Hebron
Construction

REVISIONS DATE
RT 6/21/2021

Sections:

01 SITE PLAN

02 LOT DETAIL

03 PARKING

04 VICINITY MAP

05 PROPOSED USE

06 FLOOR PLAN

07 TENANT MIX

DWG. TITLE:

SITE AND FLOOR PLAN

PROJECT #: LSHR3 JOB#

DESIGN BY: Reeyaz Thanawalla

PROJECT COORD:

CHECKED BY: RT

DRAWN BY: RT

DATE: 6/21/2021

SP1

HH Commerce LLC

3824 Cedar Springs Rd #437
Dallas, TX 75219
(972) 207-1806
Hassan@HHCommerce.com

June 1, 2021

Letter of Intent for Specific Use Permit

Address: 800 W Eldorado Pkwy Ste 122, Little Elm, TX 75068

Project Name: Uptown Vape and Smoke

Applicant/Project Owner: HH Commerce LLC

To the Town of Little Elm,

It is our pleasure to submit this letter of intent to pursue the specific use permit, certificate of occupancy, and related approvals for the property located at 800 W Eldorado Pkwy. Ste 122, Little Elm, TX 75068. Our company is HH Commerce LLC and we have been in business since 2018. Our DBA for the location in question is "Uptown Vape and Smoke". We are new tenants with a current 5 year lease on the subject property owned by Lakshmi Investment Properties LLC.

Uptown Vape and Smoke is an upscale and high-end vape and smoke shop designed to be recognized as a premier retailer of the newest and best products in the vapor and smoke category, along with a small selection of CBD and hemp items. We are current and up to date with our retail tobacco and retail hemp licenses in the state of Texas and abide by all rules and guidelines incorporated by Texas state laws and regulations. Uptown Vape and Smoke plans to incorporate an upscale retail shopping environment with ambient lighting and an inviting atmosphere, employees who will provide excellent customer service and

knowledge of the latest trends, with an extensive variety of products that will uplift the lives of residents and visitors in the area.

Project Layout

Uptown Vape and Smoke at Lakeshore Crossing consists of 1600 square feet of commercial space with a site plan and layout designed to be uncluttered and make retail shopping easy for customers. Our primary target will attract residents of the city and surrounding areas, as well as visitors. Residents and visitors alike will be drawn to the Project by the professionally designed store sign outside and the architectural accent lighting inside. The convenience store and liquor store across from the Project, nearby restaurants, and especially the lake, will encourage people to explore and shop the commercial and public spaces at Lakeshore Crossing. Entry to the commercial facility will be harmonious with, yet strikingly distinguishable from, the other commercial entries. As we are a retail location only, no vaping or smoking will be allowed inside the store.

Project Objectives and Benefits

- Provide additional employment opportunities to the area
- Offer a unique retail shopping experience to this part of Little Elm
- Add a high-end and desirable lifestyle store
- Allow residents who work in the area to also shop in the area
- Provide the community with new visitors

Site Furnishings

- Premium stained wood flooring throughout the establishment
- High quality, contemporary, American-made display cases and fixtures
- Professionally installed LED accent lighting at primary corners
- Professionally installed LED lighting along shelves and inside display cases
- Professionally designed and installed signage for store exterior

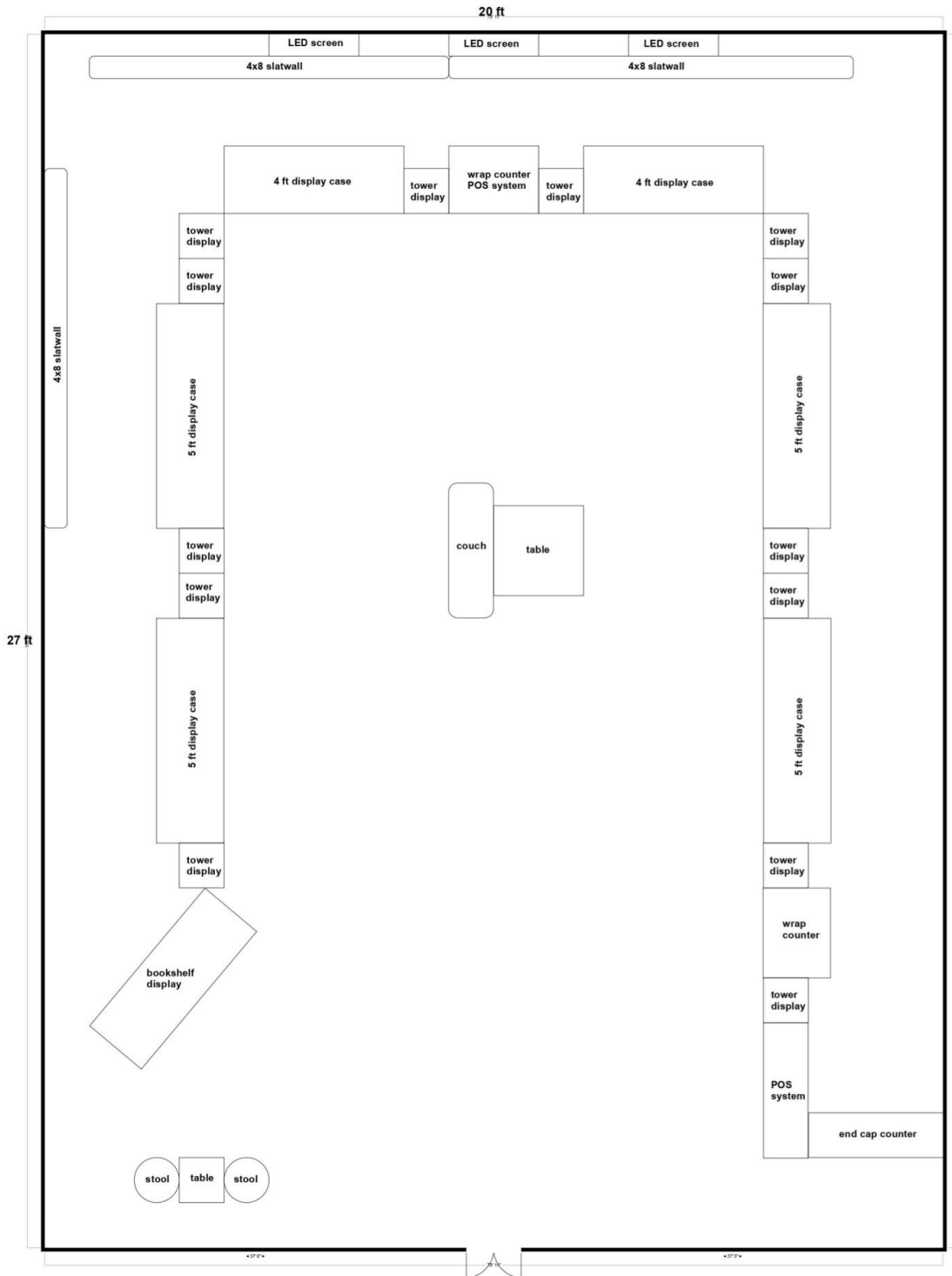
- High quality, durable, low maintenance interior furniture is being used including display cases, shelving, tower displays, slat walls, tables, chairs, and electronics
- Colors and textures are consistent with surrounding properties and are typical for urban projects of this type
- All colors and lighting coordinate with the internal store facade and enhance the characteristics of the project

In closing, we look forward to working with the Town of Little Elm throughout the approval process to transform our location into one of the best and beautiful vape and smoke shops in the city and surrounding areas. Floor plan layout and example photos are attached along with this letter of intent for your review.

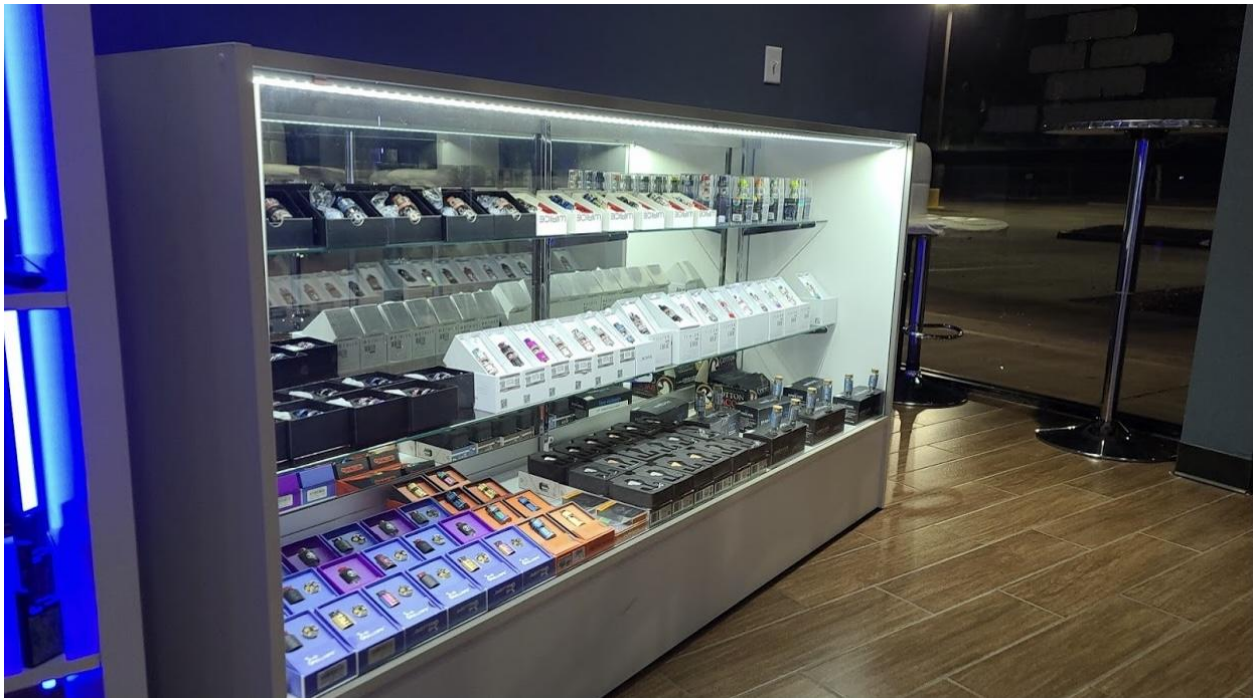
Sincerely,

Hassan Ali | HH Commerce LLC

A handwritten signature in black ink, appearing to read "Hassan Ali", with a stylized flourish at the end.

















TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

08/19/2021

OVERVIEW

Project	PUBLIC HEARING/Text Amendment - Sec.106.05.05 Nonconforming Uses and Structures
P&Z Hearing	08/19/2021
Council Hearing	September 7, 2021
Size	N/A
Current Zoning	N/A
Proposed Use	N/A
Existing Use	N/A
Future Land Use Plan Designation	N/A
Applicant	Town of Little Elm
Owner	N/A
Strategic Goal	

Agenda Item

PUBLIC HEARING/Text Amendment - Sec.106.05.05 Nonconforming Uses and Structures. Public hearing, discussion, and take action on a recommendation for a proposed text amendment to Chapter 106 (Zoning) by amending Sec.106.05.05 Nonconforming Uses and Structures in order to prohibit reoccupancy of abandoned nonconforming structures within the Town of Little Elm.

- Staff Report
- Open Public Hearing
- Receive Public Comment
- Close Public Hearing
- Discussion and Recommendation

Location

N/A

Planning Analysis

In several recent cases, Staff has come across challenging language within the Zoning Ordinance, specifically as it relates to nonconforming structures. Current text allows vacant and abandoned nonconforming structures to be reoccupied after a period of 6 months, by a conforming use. Current Section 106.05.05 (f) 6. reads as follows:

"Reuse of abandoned or vacant buildings by conforming uses allowed. Buildings or structures which have been vacant or abandoned for more than six months and do not meet the current area regulations or development standards shall be allowed to be reoccupied by a conforming use."

The current text does not seem to align with the Town's goals given the amount of investment the Town is making into promoting growth and encouraging high quality redevelopment throughout the Town. Allowing reoccupancy of abandoned nonconforming structures prohibits redevelopment and makes it challenging for Staff to enforce the kind of high quality standards that will keep the Town vibrant for many years to come.

In an effort to resolve this, Staff believes that Section 106.05.05 (f) 6. should be amended to read as follows:

"Reuse of abandoned or vacant buildings by conforming uses allowed. Buildings or structures which have been vacant or abandoned for **less** than six months and do not meet the current area regulations or development standards shall be allowed to be reoccupied by a conforming use."

Such text change would still allow reoccupancy of nonconforming structures with conforming uses, within the reasonable period of time. If a property owner requests such reoccupancy outside of the allotted time period, the property owner would still be able to go through the Board of Adjustments to make their request. This will allow the Town to evaluate such requests on a case by case basis and potentially still allow such reoccupancy where appropriate.

Recommended Action

Staff is requesting the Planning and Zoning Commission consider approval of the proposed text amendment.

Attachments

Proposed Text Amendment - Sec.106.05.05 Nonconforming Uses and Structures

Sec. 106.05.05 Nonconforming uses and structures.

- (a) *Intent.* Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.
- (1) It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
 - (2) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from the street or off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
 - (3) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun in preparation for rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
- (b) *Nonconforming lots of record.*
- (1) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width standards, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot must conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements may be obtained only through action of the board of adjustment (see section 106.02.02(a)(3) for more information).
 - (2) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any with width or area below the requirements stated in this chapter.
- (c) *Nonconforming uses of land.* Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter;

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- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter;
- (3) If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- (d) *Nonconforming uses of structures.* If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment for this chapter, but no such use shall be extended to occupy any land outside such building.
- (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, the structure thereafter shall not be used except in conformance with the regulations of the district in which it is located.
- (5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (6) Where nonconforming use status applies to a conforming structure, such use shall be immediately terminated upon transfer to another ownership or lease.
- (e) *Changing uses and nonconforming rights.*
- (1) Nonconforming use to conforming use. Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to any nonconforming use.
- (2) Nonconforming use to another nonconforming use. A nonconforming use may not be changed to another nonconforming use.
- (3) Conforming use in a nonconforming structure. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in section 106.05.05(f), expansion of nonconforming uses and structures.
- (f) *Expansion of nonconforming uses and structures.* An expansion of a nonconforming use or structure is allowed in accordance with the following.
- (1) *Nonconforming use expansion in existing building.* A nonconforming use located within a building may be extended throughout the existing building, provided.
- a. No structural alteration, except as provided in section 106.05.05(f)(5) below, may be made on or in the building except those required by law to preserve such building in a structurally sound condition.

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- b. The number of dwelling units or rooms in a nonconforming residential use must not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.
- (2) *Nonconforming use prohibited from expansion beyond existing building.* Nonconforming use within a building shall not be extended to occupy any land outside the building.
- (3) *Off-street loading and parking.* Nonconforming use of land or building shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use, except to provide off-street loading or off-street parking space.
- (4) *Residential lot exemption.* The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts except that a lot having less area than herein required which was an official "lot of record" prior to [date of adoption of ordinance], may be used for a single-family dwelling.
- (5) *Expansion of nonconforming buildings with conforming uses.* Buildings or structures which do not conform to the area regulations or development standards in this chapter but where the uses are deemed conforming shall not increase the gross floor area greater than ten percent from the date when the building became nonconforming.
- (6) *Reuse of abandoned or vacant buildings by conforming uses allowed.* Buildings or structures which have been vacant or abandoned for less than six months and do not meet the current area regulations or development standards shall be allowed to be reoccupied by a conforming use.
- (g) *Restoration of nonconforming structures.*
- (1) *Total destruction.* If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this chapter.
- (2) *Partial destruction.* In the case of partial destruction of a nonconforming structure not exceeding 51 percent of its total appraised value as determined by the Appraisal District, reconstruction will be permitted, but the existing square footage or function of the nonconforming structure cannot be expanded.
- (h) *Movement of nonconforming structures.*
- (1) *Relocation of a nonconforming structure within a platted lot.* Nonconforming structures may be relocated within the same platted lot.
- (2) *Compliance.* Nonconforming structures shall comply with all setback and screening requirements.
- (i) *Repairs and maintenance.* On any building devoted in whole or in part to a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixture, wiring or plumbing, to an extent not exceeding ten percent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall be not increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- (j) *Uses under exception provisions not nonconforming uses.* Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district only for the single property granted such exception.

(Ord. No. 1407, § 2, 8-15-2017)