



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

October 21, 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**

2. **Roll Call**

3. **6:00 PM Regular Meeting**

1. Discuss and take action regarding the approval of the October 7, 2021 regular Planning and Zoning Commission meeting minutes.
2. **FINAL PLAT/CEC Witt Addition, (FP-21-05220).** Presentation, discussion, and consideration on a request for a Final Plat for CEC Witt Addition. Establishing one commercial lot from an existing two-property abstract survey on approximately 1.385 acres, situated in the H. KENDAL SURVEY, Abstract No. 713, within Little Elm's town limits.
 - Staff Report
 - Applicant Presentation
 - Discussion and Recommendation
3. **PUBLIC HEARING/Premium Cigar and Craft Cocktail Bar (SUP-21-04456).** A request for a Specific Use Permit (SUP) for a Smoking Establishment and Bar, generally located on the northeast corner of Eldorado Parkway and Little Elm Parkway, currently zoned Planned Development - Light Commercial (PD-LC), through Ordinances No. 521, 953, and 1457, in order to allow for a new establishment with on-premises cigar sales and smoking and on-premises sale and consumption of alcoholic beverages.
 - Staff Report/Applicant Presentation
 - Open Public Hearing
 - Receive Public Comment
 - Close Public Hearing
 - Discussion and Recommendation
4. **PUBLIC HEARING/Shops at Lakefront Planned Development (PD-21-01366).** Public hearing, discussion, and take action on a recommendation regarding a request to rezone approximately 4.56 acres of land, currently zoned as Light Commercial (LC), generally located at 2009 and 2011 Oak Grove Parkway, on the north side of Oak Grove Parkway, within Little Elm's town limits, in order to establish a new Planned Development district based on Light Commercial (LC) district requirements with modified development standards, to allow a new commercial development.
 - Staff Report/Applicant Presentation
 - Open Public Hearing

- Receive Public Comment
- Close Public Hearing
- Discussion and Recommendation

5. **PUBLIC HEARING/** Community Facilities Text Amendment (ZOA-21-05689). A proposed text amendment to Chapter 106, Zoning Ordinance, by amending Sec.106.03.03(d) Zoning Districts (Non-Residential/Commercial/Industrial, Community Facilities District), Sec. 106.01.14 Land Use Definitions, and Sec. 106.05.01(b) (Schedule of Uses – Nonresidential Zoning Districts), in order to allow for incidental uses within the Community Facilities District.
 - Staff Report/Applicant Presentation
 - 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 October 15th, 2021, 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.

Olag Chernomorets - Planning Manager



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

10/21/2021

OVERVIEW

Project	Adoption of the October 7, 2021 Planning & Zoning Commission Meeting Minutes
P&Z Hearing	10/21/2021
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 October 7, 2021 regular Planning and Zoning Commission meeting minutes.

Location

N/A

Planning Analysis

N/A

Recommended Action

N/A

Attachments

P&Z Minutes October 7, 2021

DRAFT



Minutes

Town of Little Elm
PLANNING & ZONING COMMISSION
Regular Meeting
Thursday, OCTOBER 7, 2021 - 6:00 pm

Present: Michael Bell, Chairman; Ron Trees, Vice Chairman; Stephen Horn, Commissioner; Robert Martin, Commissioner; Brent Thibeaux, Commissioner; Danny Weakley, Commissioner

Absent: Brent Hagenbuch, Commissioner; Brian Rawlins, Commissioner

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

1. **5:30 PM Work Session**
2. **Roll Call**
3. **6:00 PM Regular Meeting**

Chairman Bell opened the regular Planning and Zoning Commission meeting at 6:00pm.

Consent Agenda

Motion: Approval of all items of the consent agenda as presented.

Motion by Commissioner Stephen Horn, seconded by Vice Chairman Ron Trees

AYE: Chairman Michael Bell, Vice Chairman Ron Trees, Commissioner Stephen Horn,
Commissioner Robert Martin, Commissioner Brent Thibeaux, Commissioner Danny
Weakley

6 - 0 Passed - Unanimously

1. Discuss and take action regarding the approval of the September 16, 2021 regular Planning and Zoning Commission meeting minutes.

2. **FINAL PLAT**/Tricon Addition Lots 2R and 3, (RP-21-03774). Presentation, discussion, and consideration on a request for the approval of a Replat of lots 2R and 3 to add required development easements on approximately 7.546 acres, situated in the Tricon Addition, within Little Elm's town limits.

Regular Agenda

1. **PUBLIC HEARING**/ King Road Planned Development (PD-21-02146). Public hearing, discussion, and take action on a recommendation regarding a request to rezone approximately 8.9 acres of land, in order to establish a new Planned Development district, to allow the development of a new single family residential subdivision.
 - Staff Report/Applicant Presentation
 - Open Public Hearing
 - Receive Public Comment
 - Close Public Hearing
 - Discussion and Recommendation

Staff presented the details of the proposed PD request.

The Commission discussed the consistency between the standards of the existing adjacent residential neighborhood, Kings Court, and the standards of the proposed development, especially in terms of lot dimensions and density.

The applicant, Shea Kirkman, with Kirkman Engineering, briefly went over the proposed request.

Chairman Bell opened the public hearing at 6:10pm.

There were no speakers on this item.

There being no further questions or concerns, Chairman Bell closed the public hearing at 6:10pm.

The Commission had an additional discussion regarding the suitability of this request within the existing residential neighborhood and overall area context, the appropriateness of adding a variety of housing options, and came to a consensus that the proposal would be fitting because it closely mirrors the standards for the existing adjacent development.

Motion: Approval of the requested PD as presented.

Motion by Vice Chairman Ron Trees, seconded by Commissioner Brent Thibeaux

AYE: Chairman Michael Bell, Vice Chairman Ron Trees, Commissioner Stephen Horn,
Commissioner Robert Martin, Commissioner Brent Thibeaux, Commissioner Danny
Weakley

6 - 0 Passed - Unanimously

2. **PUBLIC HEARING**/ Eldorado Bend Planned Development (PD-21-03453). Public hearing, discussion, and take action on a recommendation regarding a request to rezone approximately 5.79 acres of land, generally located at 1816 W Eldorado Parkway, in order to establish a new Planned Development district, to allow the development of a new single family residential subdivision.
 - Staff Report/Applicant Presentation
 - Open Public Hearing

- Receive Public Comment
- Close Public Hearing
- Discussion and Recommendation

Staff presented the details of the proposed PD request.

The Commission discussed the proposed detention and amenities, and voiced concerns regarding density and potential future access to the adjacent property to the east and possible driveway proximity issues.

The applicant, John Barbee, Barbee Enterprises Inc., made a presentation and answered questions from the Commission regarding lot sizes and site layout.

Chairman Bell opened the public hearing at 6:25pm.

There were five speakers in opposition of this item.

James Gray, 4101 Garden Way, voiced concerns regarding traffic congestion, egress off the site, high density and small lot sizes, and the need for an eight-foot masonry wall around the entirety of the development.

Douglas Chapman, 4037 Moonlight Drive, voiced concerns.

Beverly Whitley, 4101 Garden Way, emphasized the FLUP identifying this area as estate residential and voiced concerns that the West Side Study calls for too much density from what was previously envisioned for the area.

Courtney Davis, 3517 Bay Ridge Dr, voiced concerns over existing traffic congestion, access challenges during peak hours, and that the proposal does not align with the recent beatification project along this portion of Eldorado Parkway.

Vivian Lewis, 4037 Moonlight Drive, inquired whether the West Side Study has been completed and if it will override the FLUP.

There being no further questions or concerns, Chairman Bell closed the public hearing at 6:38pm.

The Commission discussed concerns regarding the proposed density being significantly higher than the adjacent Ranchette Estates zoning district, and that while a transitional buffer with higher density would likely be supported, the proposed density exceeds what the Commission feels is appropriate for the existing context of the area. Additional concerns were voiced regarding existing volume of traffic congestion along this portion of Eldorado Parkway and the need for a full Traffic Impact Analysis in order to understand the impact of additional vehicular activity resulting from the proposed development. The Commission also discussed concerns regarding the small number of lots and the challenges associated with creating/maintaining a Homeowners Association, and ultimately being able to fully maintain the necessary open space, amenities, retaining walls, screening walls, and associated easements.

The Commission also acknowledged the results of the recent West Side Study, but ultimately indicated that it is necessary for the Comprehensive Plan to be updated to include this new vision for the West Side of Town in order to guide the Administration's determination on suitability of newly proposed development in this area.

Motion: Denial of the requested PD.

Motion by Commissioner Stephen Horn, seconded by Vice Chairman Ron Trees

AYE: Chairman Michael Bell, Vice Chairman Ron Trees, Commissioner Stephen Horn, Commissioner Robert Martin, Commissioner Brent Thibeaux, Commissioner Danny Weakley

6 - 0 Passed - Unanimously

3. **PUBLIC HEARING/** 3P Elm Planned Development (PD-21-00765). Public hearing, discussion, and take action on a recommendation regarding a request to rezone approximately .79 acres of land, currently zoned as Light Commercial (LC), generally located at 1728 E Eldorado Pkwy, on the north side of Eldorado Parkway, within Little Elm's town limits, in order to establish a new Planned Development (PD) district based on Light Commercial (LC), to allow a new commercial development with modified development standards.
- Staff Report/Applicant Presentation
 - Open Public Hearing
 - Receive Public Comment
 - Close Public Hearing
 - Discussion and Recommendation

Staff presented the details of the proposed PD request.

Stephen Horn stated that the proposal requests too many variances.

The applicant, Rao Vasamsetti, with Rao's Consulting Engineers, and property owner, Lokesh Prasad, with 3P Little Elm LLC, presented the proposal and answered questions from the Commission regarding cross access, parking, landscaping, and fire lane requirements. The applicant requested the Commission consider an alternative fire lane access, through the provision of a grass creek access along the frontage on Eldorado Parkway.

Jennette Espinosa, Little Elm Economic Development Director, provided a statement that she has worked extensively with the applicant and adjacent property owner, in order to help facilitate the cross access agreement, but that she has taken this as far as she is able to. Jennette also indicated that the request for the grass creek access has been discussed with the fire department, and they would not support this solution in place of an actual fire lane requirement.

Chairman Bell opened the public hearing at 7:13pm.

There were no speakers on this item.

There being no further questions or concerns, Chairman Bell closed the public hearing at 7:13pm.

The Commission discussed the standards from which the applicant has requested to vary and indicated that while it makes sense to match the front yard landscape buffer to the adjacent existing development and to leave out the masonry screening wall due to the open space and residential proximity in the rear of the property, there is opportunity to decrease the building size and explore alternative site layout designs in order to better accommodate the additional requirements.

Motion: Denial of the requested PD.

Motion by Commissioner Stephen Horn. Without a second, this motion failed.

Motion: Approval of the requested PD subject to the following conditions:

1. The property owner must obtain an access easement agreement from the adjacent property owner to the west, and an access agreement from the Town to the east, as shown on the proposed plans, in order to utilize as well as maintain the off-site property for cross-access. Fully executed agreements must be presented with the plat submittal.

2. The property owner must provide the electric vehicle charging station infrastructure.
3. The property owner must meet all the landscape requirements with the exception of the 25-foot front yard landscape buffer and eight-foot masonry screening wall along the rear of the property.

Motion by Commissioner Brent Thibaux, seconded by Commissioner Robert Martin

AYE: Chairman Michael Bell, Vice Chairman Ron Trees, Commissioner Robert Martin,
Commissioner Brent Thibaux, Commissioner Danny Weakley

NAY: Commissioner Stephen Horn

5 - 1 Passed

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

Chairman Bell closed the regular Planning and Zoning Commission meeting at 7:31pm.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

10/21/2021

OVERVIEW

Project	FINAL PLAT/CEC Witt Addition
P&Z Hearing	10/21/2021
Council Hearing	N/A
Size	Approximately 1.385 acres
Current Zoning	Light Commercial (LC)
Proposed Use	Commercial
Existing Use	Vacant
Future Land Use Plan Designation	Low Density Residential
Applicant	Haider Rizv
Owner	Kataliya Quinlan
Strategic Goal	Promote and expand Little Elm's identity

Agenda Item

FINAL PLAT/CEC Witt Addition, (FP-21-05220). Presentation, discussion, and consideration on a request for a Final Plat for CEC Witt Addition. Establishing one commercial lot from an existing two-property abstract survey on approximately 1.385 acres, situated in the H. KENDAL SURVEY, Abstract No. 713, within Little Elm's town limits.

- Staff Report
- Applicant Presentation
- Discussion and Recommendation

Location

Generally located on the north side of Old Witt Road, approximately 285 feet east of Witt Road, with an address of 1707 Old Witt Road, within Little Elm's town limits.

Planning Analysis

The purpose of this Final Plat (FP-21-05220) is to allow building permits to be pulled on this property. As Sec. 107.04.01 - Subdivision procedures and plat types explains:

"No *building permits* will be issued for the construction of any *building* on any unplatted land within the town and the town's extraterritorial jurisdiction (ETJ), therefore a Final Plat is required to pull a permit for a Certificate of Occupancy or a permit to remodel."

The Final Plat was reviewed by staff and found to not meet the following requirements:

1. Section 107.08.01 (b) Adequate Public Facilities.

- Water. A plat will not be approved unless all of the proposed lots are connected to a public water system which is capable of providing adequate water for health and emergency purposes.
- Wastewater. A plat will not be approved unless all of the proposed lots are served by an approved means of wastewater collection and treatment.

2. Sec. 107.08.05 - Driveways, fire lanes, and access easements.

- Fire lanes. Fire lanes are to be designed in accordance with the town's adopted fire code and engineering design standards. Fire lane easements shall be shown on the site plan (see the zoning ordinance) and on any conveyance plat, preliminary plat, or final plat, and shall be maintained to the town's standards by the property owner. For safety and emergency *accessibility* reasons during construction, developments other than single-family detached or two-family residential subdivisions shall not be allowed to proceed with vertical structural construction above the foundation prior to:
 - Completion and town inspection of all fire lanes and fire hydrants on the site (unless otherwise approved by the fire chief); and
 - Issuance of a building permit for the structure.
 - Fire lane easement will need to be established by this Plat
- Access easements. Access easements shall be provided as directed by the town engineer and director of development services.

3. Existing permanent structure on site not identified on Final Plat and the existing pavement.

4. Tax Certificate acreage does not equal acreage on the plat (1.385 vs 1.387 acres).

5. The signature block on the Final Plat is incorrect.

Recommended Action

Staff recommends denial of the submitted final plat (FP-21-05220) due to failure to meet the above-mentioned Town requirements.

Attachments

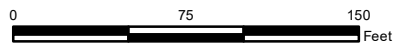
Location Map

Final Plat



CEC Witt Addition (FP-21-05220)

Date: 10/14/2021

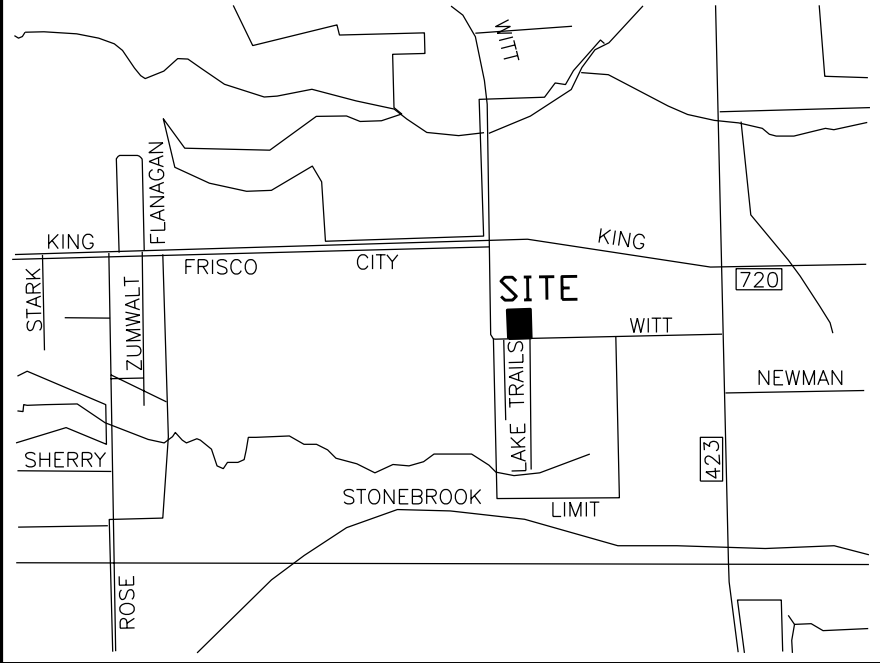


Location Map



This map is the property of the Town of Little Elm, and is not to be reproduced by any means, mechanical or digital, without written consent of the Town.

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.



Notice
selling a portion of this addition by metes and bounds is
a violation of Town ordinance and State Law and is
subject to fines and withholding of utilities and building
permits

FLOOD PLANE NOTE
The subject property does not lie within a 100 year flood
plain according to Community Panel No. 48121C0420G,
dated 4/18/2011, of the National Flood Insurance rate
Maps for Denton County, Texas.

NOTES

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.

This plat does not alter or remove existing deed
restrictions, if any, on this property.

Minimum finished floor elevations are at least 2 feet
above the 100 year flood plain.

All common areas will be owned and maintained by the
HOA/POA.

OWNER'S CERTIFICATE:

That I, _____, being the owner of the hereinafter
described property, do hereby adopt this plat designating the herein described property
as the Lot 1, Block 1 of CEC WITT ADDITION, an addition to the Town of Little Elm,
Denton County, Texas. I do hereby dedicate to the public use forever the streets and
alleys shown thereon. The easements shown thereon are hereby reserved for purposes
as indicated. The utility and access easements shall be open to the public, fire and
police units, garbage and rubbish collection agencies, and all public and private utilities
for each particular use. The maintenance of paving on the utility and access
easements is the responsibility of the property owner. No buildings, fences, trees,
shrubs, or other improvements or growths shall be constructed, reconstructed, or
replaced upon, over or across the easements as shown; said easements being hereby
reserved for the mutual use and accommodation of all public utilities using or desiring
to use the same. All and any public utilities shall have the right to remove and keep
removed all or parts 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 the easements, and all public utilities shall at all
times have the full right of ingress and egress to and from said easements for the
purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding
to or removing all or parts of its respective systems without the necessity at any time
of procuring the permission of anyone. Any public utility shall have the right of
ingress and egress to private property for the purpose of reading meters and any
maintenance and service required or ordinarily performed by that utility.
I do hereby dedicate the mutual access easements shown thereon for use by the
public as a means of pedestrian and vehicle access to the property shown thereon
and to the adjacent property thereon.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions
of the Town of Little Elm, Texas.

EXECUTED THIS _____ day of _____, 2021.

OWNER
WITNESS, my hand this the ____ day of _____, 2021.

NAME _____ TITLE _____

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on
this day personally appeared _____ of _____,
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 purposes 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

ZONING:
LIGHT COMMERCIAL (LC)

DD KINGS COURT LTD
INST. NO. 28318
D.R.D.C.T.

NOTICE OF INTEND

Please consider this note as a statement of intent to do
a final plat for the property 1707 Witt Rd, Little Elm TX.
A final plat is required to be approved by the Planning
and Zoning Commission and then be recorded with the
county to operate any new business on this site and
receive the certificate of occupancy for the same.

CERTIFICATE OF AMENDING PLAT APPROVAL

Approved

Director of Development Services _____ Date _____
Town of Little Elm, Texas

Witness by hand this _____day of _____, _____.

Town Secretary
Town of Little Elm, Texas

LEGAL DESCRIPTION

STATE OF TEXAS §
COUNTY OF DALLAS §

WHEREAS, CEC WITT PARTNERS LLC is the owner of a tract of land situated in the H.
Kendal Survey, Abstract NO. 713 and M.E.P. & P.R.R. Co. Survey, Abstract No. 919,
Denton County, Texas, and that tract of land described in Special Warranty Deed with
Vendor's Lien to CEC WITT PARTNERS LLC recorded in Instrument Number 27067 of the
Deed Records of Denton County, Texas, and being more particularly described as
follows:

Beginning at a 1/2 inch iron rod found for corner, said corner being in the southeast
corner of that tract of land described in General Warranty Deed to Ranchetta LLC
recorded in Instrument Number 2005-67916 of the Deed Records of Denton County,
Texas, said corner also being in the West line of that tract of land described in
Special Warranty Deed with Vendor's Lien to DD Kings Court LTD recorded in Instrument
Number 28318 of the Deed Records of Denton County, Texas;

THENCE South 00°53'42" East, along the West line of said DD Kings Court LTD tract
and along the West line of that tract of land described in Right-of-Way Warranty Deed
to Town of Little Elm, recorded in Instrument 2014-117368 of the Deed Records of
Denton County, Texas, a distance of 272.07 feet to an "X" cut found in concrete for
corner, said corner being in the North right-of-way of Witt Road (variable width
right-of-way);

THENCE South 89°45'52" West, along the North right-of-way line of said Witt Road, a
distance of 222.59 feet to an "X" cut found in concrete for corner, said corner being
the Southeast corner of that tract of land described in General Warranty Deed to Ari
Holdings LLC, recorded in instrument Number 2009-122154 of the Deed Records of
Denton County, Texas;

THENCE North 00°44'09" West, along the East line of said Ari Holdings LLC tract, a
distance of 271.04 feet to a 5/8 iron rod found for corner, said corner being in the
South line of said Ranchetta LLC tract;

THENCE North 89°30'01" East, along the South line of Said Ranchetta LLC tract, a
distance of 221.83 feet, to the POINT OF BEGINNING and containing 60,340 square
feet or 1.385 acres of land more or less.

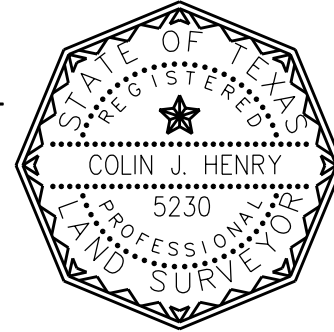
SURVEYORS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Colin J. Henry, a Registered Professional Land Surveyor licensed by the State of
Texas, do hereby certify that I have prepared this plat from an actual on the ground
survey of the land, and the monuments shown hereon were found and /or placed under
my personal supervision in accordance with the platting rules and regulations of the City
Plan Commission of the Town of Little Elm, Texas.

"PRELIMINARY - THIS DOCUMENT SHALL NOT
BE RECORDED FOR ANY PURPOSE."

Colin J. Henry, RPLS
Registered Professional Land Surveyor No. 5230



TBPLS FIRM# 10194594

State of Texas §
County of Dallas §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this
day personally appeared Colin J. Henry, known to me to be the person whose name is
subscribed to the foregoing instrument, and acknowledged to me that he executed the
same for the purposes and consideration therein expressed.

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

My commission expires: _____

FINAL PLAT

LOT 1, BLOCK 1

CEC WITT ADDITION

1.385 ACRES (60,340 SF)

H. KENDAL SURVEY, ABST. NO. 713 and
M.E.P. & P.R.R. CO. SURVEY, ABST. NO. 919

TOWN OF LITTLE ELM, DENTON COUNTY, TEXAS

Town Project # FP-21-05220

PROPERTY OWNER: CEC WITT LLC
CONTACT: Alan Weiss
4400 Preston Rd. Frisco TX 75034
469-293-2462
ALAN@HOMEFLOORS.NET

PREPARED BY:

DMC HENRY LLC

Texas Engineering Firm Number F-21874
Texas Surveying Firm Number 10194594

MORI'S ENGINEERING, INC.

CONTACT: MORI AKHAVAN 972-816-2626
moriakhavan@yahoo.com

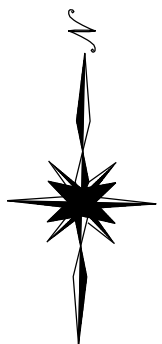
FIRM NO.
F-7701

BEARING BASIS

Bearing basis is upon the Texas State Plane Coordinate
System, Texas North Central Zone, (4202) North American
Datum of 1983, (2011)

VICINITY MAP

NTS



10 0 10 20
SCALE 1" = 20'

LEGEND OF SYMBOLS AND ABBREVIATIONS

IRF ○ IRON ROD FOUND
"X" ⊗ "X" CUT SET
(CM) CONTROL MONUMENT

H. KENDAL SURVEY, ABST. NO. 713
M.E.P. & P.R.R. CO. SURVEY, ABST. NO. 919

20' SETBACK LINE

TOWN OF LITTLE ELM.
INST. NO. 2014-117368
D.R.D.C.T.

S 89°45'52" W 222.59'

WITT ROAD
(VAR. R.O.W.)

CEC WITT PARTNERS LLC
INST. NO. 27067
D.R.D.C.T.

ZONING: LIGHT COMMERCIAL (LC)

1.385 ACRES (60,340 SF)

CEC WITT ADDITION
LOT 1, BLOCK 1

ZONING:
LIGHT COMMERCIAL (LC)

DD KINGS COURT LTD
INST. NO. 28318
D.R.D.C.T.

S 00°53'42" E 272.07'

N 89°30'01" E 221.83'

(CM)
5/8" IRF

(CM)
1/2" IRF

N 00°44'09" W 271.04'

ARI HOLDINGS LLC
INST. NO. 2009-122154
D.R.D.C.T.

ZONING:
LIGHT COMMERCIAL (LC)



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

10/21/2021

OVERVIEW

Project	PUBLIC HEARING/ Premium Cigar and Craft Cocktail Bar (SUP-21-04456)
P&Z Hearing	10/21/2021
Council Hearing	November 16, 2021
Size	1,950 sq ft
Current Zoning	Planned Development - Light Commercial (PD-LC), through Ordinances No. 521, 953, and 1457
Proposed Use	Smoking Establishment and Bar
Existing Use	Multi-tenant shopping center
Future Land Use Plan Designation	Retail and Commercial Use Category
Applicant	Alejandro Roman, TGCL LLC
Owner	FIELD STREET DEV 1 LTD & TTEL LLC
Strategic Goal	

Agenda Item

PUBLIC HEARING/Premium Cigar and Craft Cocktail Bar (SUP-21-04456). A request for a Specific Use Permit (SUP) for a Smoking Establishment and Bar, generally located on the northeast corner of Eldorado Parkway and Little Elm Parkway, currently zoned Planned Development - Light Commercial (PD-LC), through Ordinances No. 521, 953, and 1457, in order to allow for a new establishment with on-premises cigar sales and smoking and on-premises sale and consumption of alcoholic beverages.

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

Location

Generally located on the northeast corner of Eldorado Parkway and Little Elm Parkway, within Little Elm Town limits.

Planning Analysis

Background. Subject property is currently zoned Planned Development - Light Commercial (PD-LC), as approved through Ordinances No. 521, 953, and 1457, as amended. This PD covers a large multi-tenant shopping center with a mix of retail, office, and restaurant tenants, and consists of multiple parcels and pad sites. The subject property currently houses a newly constructed, single-story, strip retail building with several new, and pending, neighborhood retail type of tenants such as a beauty supply store, a pizza restaurant, massage therapy, a gym, and a dentist office. The proposed establishment would occupy the currently vacant 1,950 square-foot Suite 300.

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."

A bar is defined as "an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption."

Typically, smoking is prohibited where other uses are involved, however, Sec. 70-208. - Places Where Smoking is Not Prohibited lists smoking establishments, where the primary use is retail of smoking products, and the sale of alcoholic beverages is incidental. Therefore, the two proposed uses would be allowed to co-habitate in accordance with the Town's requirements.

"Retail tobacco stores, hookah lounges, or other smoking establishments that are permitted to sell alcohol, where the sale of tobacco products, and accessories is the primary retail use and in which the sale of other products is merely incidental. Separate ventilation and HVAC systems that prevent the commingling of air with other businesses, common areas, hallways and other non-smoking areas shall be required."

The applicant, The Good Cigar Lounge, is proposing a cigar lounge and bar focusing on premium hand-rolled cigars, craft cocktails, and gourmet coffee. The applicant currently hosts a cigar and libations podcast with a large following and is now ready to open a brick-and-mortar location. Chapter 106 of the Little Elm Code of Ordinances requires a Specific Use Permit (SUP) be issued for smoking establishment use as well as a bar use. Because a smoking establishment and a bar require a Specific Use Permit, the applicant is requesting a Specific Use Permit for a smoking establishment and bar.

Proposal.

The applicant is requesting approval of a smoking establishment and bar as allowed uses on the subject property, for the purposes of on-premises cigar sales and smoking and on-premises sale and consumption of alcoholic beverages. The applicant has provided a letter of intent describing an upscale environment and committing to providing appropriate ventilation, as well as to keeping cigar lounge hours instead of late night bar hours.

The proposal includes a total SUP area of 1,950 square feet, to be used for the purposes of providing on premises cigar sales and smoking, as well as craft cocktails and gourmet coffee. The submitted floor plan depicts a bar area with lounge style seating, a walk in humidor, office and storage space. The applicant has also provided sample concepts of the interior space, which will be adopted as part of the SUP Ordinance.

Parking.

The proposed use is required to be parked at a ratio of one parking space per 200 square feet of floor area. The existing site was developed with a 16,769 square-foot multi-tenant commercial building, which requires a total of 84 parking spaces at full tenant occupancy. The site provides a total of 92 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 changes 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 the proposed establishment. Therefore, the requested SUP, if approved, would not be in conflict with the Town's vision for this area.

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."

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


1. Applicant must provide a separate ventilation system and must comply with the requirements listed in Chapter 70, Article IX. Smoking.
2. Prior to issuance of a certificate of occupancy, the business owner shall provide the town with a copy of its state permit to operate as a bar, brewpub, or similar use.
3. All alcohol-related activities must meet all standards found in Chapter 10, Alcoholic Beverages, of the Little Elm Code of Ordinances.

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

Location Map
SUP Plans and Concept

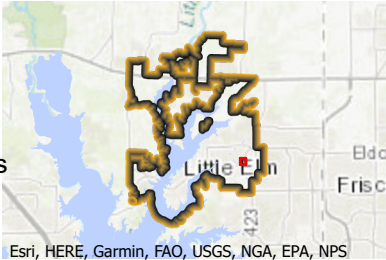




SUP Case For Premium Cigar and Craft Cocktail Bar

0 0.02 0.04 0.07 Miles

LITTLE ELM



Esri, HERE, Garmin, FAO, USGS, NGA, EPA, NPS

**Town of Little Elm
Denton County, Tx**

Date: 9/16/2021

This map is the property of the Town of Little Elm, and is not to be reproduced by any means, mechanical or digital, without written consent of the Town.

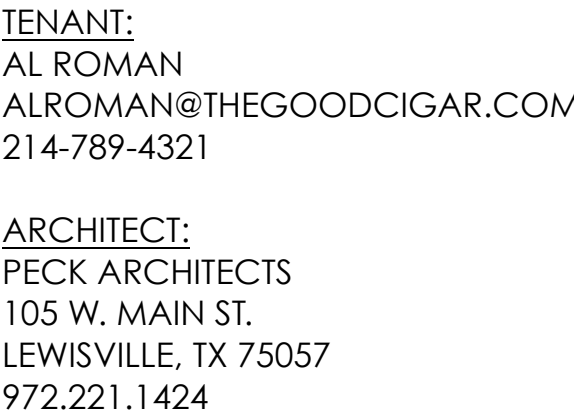
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

2401 LITTLE ELM PARKWAY
SUITE #300
Little Elm, Texas 75068



01. THE OWNER'S STANDARD FORM OF AGREEMENT AND GENERAL CONDITIONS OF CONSTRUCTION IS HEREBY MADE A PART OF THESE CONSTRUCT DOCUMENTS.
02. THESE DESIGN DOCUMENTS ARE INTENDED TO BE A REPRESENTATION OF THE DESIGN INTENT.
03. THE SCOPE OF WORK TO BE PERFORMED IS AS DESCRIBED IN THESE GENERAL NOTES AS SHOWN ON THE ACCOMPANYING DRAWINGS AND SPECIFICATIONS, TO BE FURTHER SUPPLEMENTED BY EXPLANATORY DETAILS AS REQUIRED.
04. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY IN WRITING IF HE / SHE CANNOT COMPLY WITH ALL OF THE GENERAL NOTE CALLED FOR ON THIS SHEET AND ON ALL OTHER DRAWINGS.
05. ALL DESIGN DRAWINGS AND ALL CONSTRUCTION NOTES ARE COMPLIMENTARY AND WHAT IS CALLED FOR BY EITHER WILL BE BINDING AS CALLED FOR BY ALL. ANY WORK SHOWN OR REFERRED TO ON ANY ONE SET OF DRAWINGS SHALL BE PROVIDED AS THOUGH SHOWN ON ALL RELATED DRAWINGS.
06. ALL WORK LISTED OR IMPLIED ON THE DRAWING SHEETS OR NOTES SHALL BE SUPPLIED AND INSTALLED BY THE CONTRACTOR. IT IS EXPECTED THAT EACH CONTRACTOR SHALL CLOSELY COORDINATE HIS WORK WITH THE OTHER CONTRACTORS TO ASSURE THAT ALL SCHEDULES ARE MET.
07. THE CONSTRUCTION NOTES AND DRAWINGS ARE SUPPLIED TO ILLUSTRATE THE DESIGN AND GENERAL TYPE OF CONSTRUCTION DESIRED AND ARE INTENDED TO IMPLY A PREMIUM QUALITY OF CONSTRUCTION MATERIALS AND WORKMANSHIP THROUGHOUT.
08. THE CONTRACTORS, UPON ACCEPTANCE OF THE DRAWING, ASSUMES FULLY THE RESPONSIBILITY FOR THE CONSTRUCTION DOCUMENTS, FOR THEIR SPECIFIC TRADE, ON SITE DURING ALL PHASES OF CONSTRUCTION FOR USE BY ALL TRADES.
09. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY PROTECTION FOR THEIR WORK DURING ALL PHASES OF CONSTRUCTION AND UNTIL TURNED OVER TO THE OWNER.
10. CONTRACTORS SHALL SUBMIT ALL FABRICATION SHOP DRAWINGS AND FIXTURE CUT SHEETS TO THE ARCHITECT FOR APPROVAL IN A TIMELY MANNER.
11. PRIOR TO BEGINNING WORK, THE CONTRACTOR SHALL PROVIDE THE ARCHITECTS WITH CONSTRUCTION SCHEDULES SHOWING THE CHRONOLOGICAL PHASES OF THEIR WORK FOR THE TIMELY COMPLETION OF THE PROJECT. THIS SCHEDULE SHALL INDICATE ALL ORDERING LEAD TIMES, LENGTH OF TIME FOR EACH PHASE, ITS START AND COMPLETION, AND THE FINAL COMPLETION DATE.
12. THE CONTRACTORS, THEIR SUBCONTRACTORS, OR ANY OTHER CONTRACTOR INVOLVED IN THIS PROJECT SHALL TAKE NOTE THAT ANY COSTS CAUSED BY DEFECTIVE WORK AS A RESULT OF BUT NOT LIMITED TO INFERIOR WORKMANSHIP OR MATERIALS, IMPROPER SCHEDULING OR DELINQUENT ORDERING, SHALL BE BORNE BY THE PARTY RESPONSIBLE.
13. THE CONTRACTORS SHALL FURNISH WEEKLY FIELD PROGRESS REPORTS TO THE ARCHITECT FOR ALL PHASES OF CONSTRUCTION.
14. CONTRACTORS SHALL FILE WITH THE DEPARTMENT OF BUILDING INSPECTION, PAY FILING FEES OR DEPOSITS AND OBTAIN BUILDING PERMITS, SPECIFIC TRADE PERMITS, LICENSES AND APPROVALS.
15. ALL CONSTRUCTION TO BE AS PER ALL APPLICABLE AND GOVERNING FEDERAL, STATE AND LOCAL CODES AND ORDINANCES AND AUTHORITIES, INCLUDING ADA COMPLIANCE.
16. ALL DRAWINGS ARE DRAWN TO SCALE AS MUCH AS POSSIBLE BUT ARE NOT INTENDED TO BE, AND SHOULD NOT BE, SCALED.
17. ALL CONTRACTORS SHALL FURNISH AND INSTALL ALL REQUIREMENTS FOR SAFETY TO MEET OR EXCEED OSHA REQUIREMENTS.
18. CONTRACTORS SHALL COORDINATE ALL WORK TO ALLOW ACCESSIBILITY AND USE OF ALL ADJACENT SPACES.
19. DURING CONSTRUCTION, THE CONTRACTOR WILL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE TO EXISTING CONSTRUCTION THAT IS TO REMAIN.
20. LANDSCAPE SHRUBS AND TREES TO REMAIN MUST BE PROTECTED FROM DAMAGE.
21. CONTRACTORS ARE TO COORDINATE WITH OWNER'S SEPERATE CONTRACTORS FOR DATA/PHONE, CABLE AND SECURITY SYSTEM INSTALLATION.
22. GENERAL CONTRACTOR IS TO PAY FOR ALL MATERIALS TESTING AND H.V.A.C. TESTING AND BALANCING. THESE ARE TO INDEPENDENT AGENCIES.
23. CONTRACTOR IS TO POWER WASH SPRAY CLEAN ALL EXISTING SIDEWALKS AND CURBS TO REMAIN.
24. UPON COMPLETION OF THE PROJECT, CONTRACTORS IS TO CLEAN ALL NEW AND EXISTING CONSTRUCTION SHOWN TO REMAIN.
25. ALL GENERAL NOTES APPLY TO ALL SHEETS.

CONTACTS



CODE REVIEW INFORMATION:

- 2018 International Building Code
with City of Little Elm Amendments
- 2018 International Mechanical Code
with City of Little Elm Amendments
- 2018 International Plumbing Code
with City of Little Elm Amendments
- 2017 National Electrical Code
with City of Little Elm Amendments
- 2018 International Fire Code with
with City of Little Elm Amendments
- 2018 International Energy Code
with City of Little Elm Amendments

USE AND OCCUPANCY CLASSIFICATION:

(Section 302.1) Group A Assembly

SECTION 1004 OCCUPANT LOAD

(Table 1004.1.2)

Assembly, without fixed seats (unconcentrated): 15 net sq. ft. per
occupant

747 sf / 15 = 50 allowable occupants

Business Office: 150 gross sq. ft. per occupant

305 sf / 150 = 2 allowable occupants

Kitchen, commercial: 200 gross sq. ft. per occupant

382 sf / 200 = 2 allowable occupants

TOTAL: 54 allowable occupants

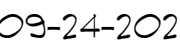
(Section 602) CONSTRUCTION CLASSIFICATION
(Section 602.2.603) Construction Type: II-B
(Table 601) No Fire Resistance Rating Requirements
for Building Elements

1017.2 EXIT ACCESS TRAVEL DISTANCE:
250 FEET (WITH SPRINKLER SYSTEM)

PARKING - EXISTING SHARED

COMPLETE INTERIOR FINISH-OUT TO INCLUDE

- 1.) WALL PARTITIONS per PLAN
- 2.) CEILING SYSTEM per PLAN
- 3.) ELECTRICAL SYSTEM per PLAN
- 4.) MECHANICAL SYSTEM per PLAN
- 5.) PLUMBING SYSTEM per PLAN



These plans are intended to provide the basic construction information necessary to successfully complete this structure. These construction documents must be verified and approved by the Designer prior to construction. These documents are not to be construed as, nor do they constitute, a contract or any other legal obligations, commitments, or omissions, if any, are to be brought to the attention of the Designer prior to any construction or purchases being made. It is recommended that the owner or builder obtain complete engineering services for made. It is recommended that the owner, prior to construction of any kind or purchase of any kind, obtain a copy of the construction documents which may conflict with same, and must be approved by the Designer prior to construction.

NOTE: All Federal, State and Local codes, ordinances, and restrictions take precedence over any part of these construction documents.

THESE CONSTRUCTION DOCUMENTS AND THEIR USE ARE THE PROPERTY OF WILLIAM PECK & ASSOCIATES, INC. AND ARE NOT TO BE TRACED, REPRODUCED, REUSED OR REPRODUCED IN ANY WAY BY ANY MEANS, WITHOUT THE EXPRESSED WRITTEN PERMISSION OF WILLIAM PECK & ASSOCIATES, INC. ALL RIGHTS RESERVED

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PROJECTS

REVISIONS

ISSUE DATE:
09.20.2021 SUF

Scale: REF. PLAN

Drawn: JB

Job: 21-154-001

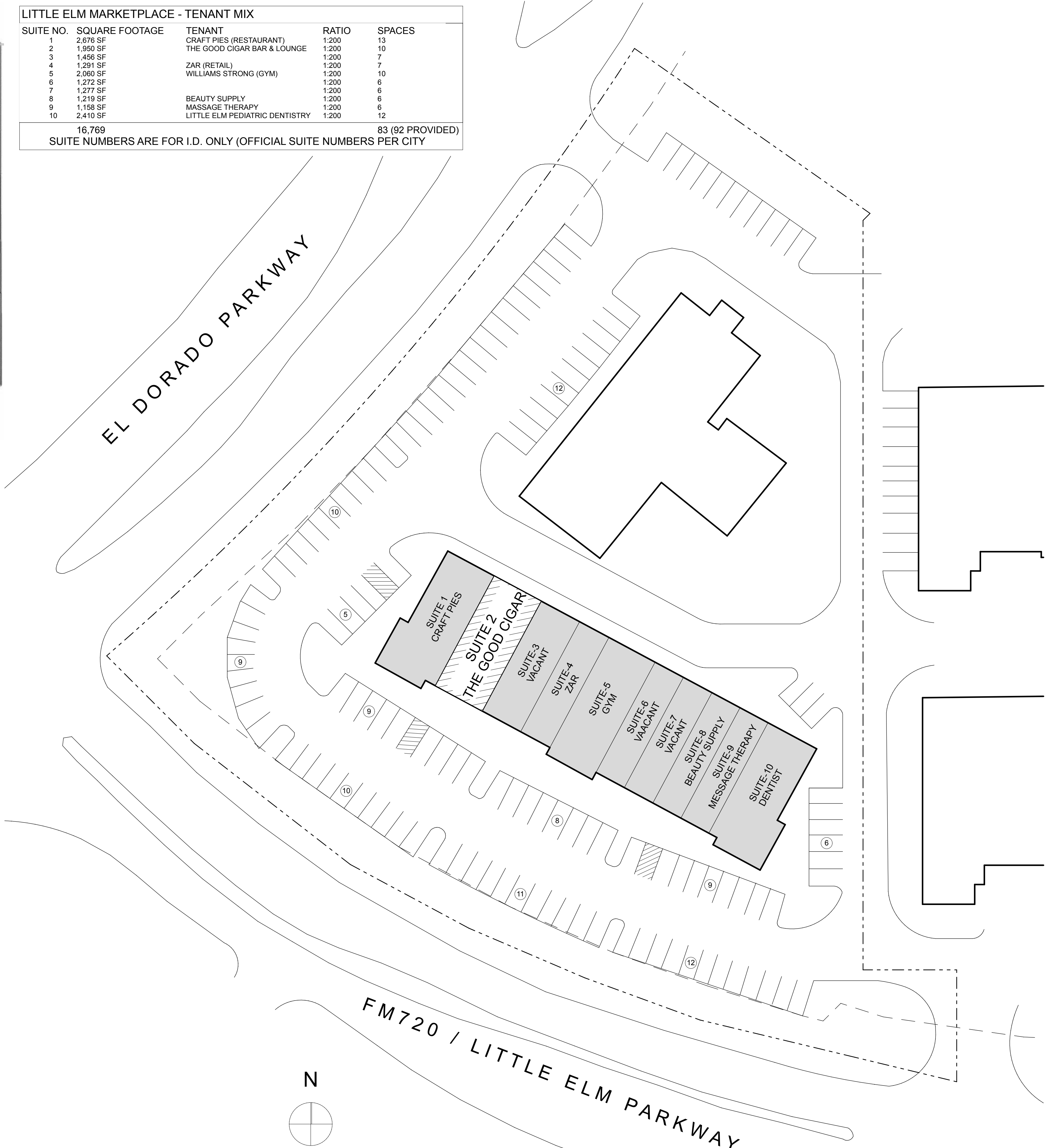
Sheet Number

A-001



ZONING MAP
SCALE: NTS
PD-51

LITTLE ELM MARKETPLACE - TENANT MIX				
SUITE NO.	SQUARE FOOTAGE	TENANT	RATIO	SPACES
1	2,676 SF	CRAFT PIES (RESTAURANT)	1:200	13
2	1,950 SF	THE GOOD CIGAR BAR & LOUNGE	1:200	10
3	1,456 SF		1:200	7
4	1,291 SF	ZAR (RETAIL)	1:200	7
5	2,060 SF	WILLIAMS STRONG (GYM)	1:200	10
6	1,272 SF		1:200	6
7	1,277 SF		1:200	6
8	1,219 SF	BEAUTY SUPPLY	1:200	6
9	1,158 SF	MESSAGE THERAPY	1:200	6
10	2,410 SF	LITTLE ELM PEDIATRIC DENTISTRY	1:200	12
16,769			83 (92 PROVIDED)	
SUITE NUMBERS ARE FOR I.D. ONLY (OFFICIAL SUITE NUMBERS PER CITY)				



3.298 ACRE TRACT:
BEING A TRACT OF LAND LOCATED IN THE WILLIAM MCFADDEN SURVEY, ABSTRACT No. 893, DENTON COUNTY, TEXAS, BEING A PORTION OF A TRACT OF LAND DESCRIBED IN A DEED TO ELMWOOD ESTATES, LTD., RECORDED IN DOCUMENT No. 97-R0089712, DEED RECORDS, DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN "X"-CUT SET AT THE INTERSECTION OF THE SOUTHEAST RIGHT-OF-WAY LINE OF ELDORADO PARKWAY (A VARIABLE WIDTH RIGHT-OF-WAY) WITH THE NORTHEAST RIGHT-OF-WAY LINE OF F.M. 720 (A VARIABLE WIDTH RIGHT-OF-WAY), BEING THE BEGINNING OF A CURVE TO THE LEFT;

THENCE NORTHEASTERLY, AN ARC LENGTH OF 442.48 FEET ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID ELDORADO PARKWAY AND SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1560.00 FEET, A DELTA ANGLE OF 16°15'05", AND A CHORD BEARING OF N 41°06'59" E, 441.00 FEET TO A POINT, FROM WHICH A 1/2" IRON ROD FOUND BEARS N 32°43'11" E, 14.75 FEET, SAID IRON ROD BEING THE SOUTHWEST CORNER OF LOT 9, BLOCK X, ELDORADO ESTATES WEST PHASE II, AN ADDITION TO THE TOWN OF LITTLE ELM, DENTON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET V, PAGE 632, PLAT RECORDS, DENTON COUNTY, TEXAS (P.R.D.C.T.);

THENCE S 55°37'55" E, DEPARTING THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID ELDORADO PARKWAY, A DISTANCE OF 157.60 FEET TO A POINT;

THENCE S 44°37'18" W, A DISTANCE OF 5.43 FEET TO A POINT;

THENCE S 00°22'44" E, A DISTANCE OF 410.66 FEET TO A POINT;

THENCE N 89°40'05" E, A DISTANCE OF 51.33 FEET TO A POINT;

THENCE S 01°26'00" W, A DISTANCE OF 61.32 FEET TO A POINT IN THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 720, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 720 AS FOLLOWS:

(1) NORTHWESTERLY, AN ARC LENGTH OF 46.85 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 792.00 FEET, A DELTA ANGLE OF 03°23'21", AND A CHORD BEARING OF N 79°42'29" W, 46.84 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "WIER & ASSOC INC";

(2) S 11°59'12" W, A DISTANCE OF 7.00 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "WIER & ASSOC INC", BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

(3) NORTHWESTERLY, AN ARC LENGTH OF 49.89 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 798.96 FEET, A DELTA ANGLE OF 03°34'41", AND A CHORD BEARING OF N 76°13'26" W, 49.88 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "WIER & ASSOC INC", BEING THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT;

(4) NORTHWESTERLY, AN ARC LENGTH OF 119.44 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 815.00 FEET, A DELTA ANGLE OF 08°23'48", AND A CHORD BEARING OF N 71°38'28" W, 119.33 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "WIER & ASSOC INC";

(5) S 22°30'09"W, A DISTANCE OF 3.39 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "WIER & ASSOC INC", BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

(6) NORTHWESTERLY, AN ARC LENGTH OF 319.40 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 805.00 FEET, A DELTA ANGLE OF 22°43'59", AND A CHORD BEARING OF N 54°28'12" W, 317.31 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 3.298 ACRES (143,675 SQUARE FEET) OF LAND, MORE OR LESS.

These plans are intended to provide the basic construction information necessary to substantially complete this structure. These construction documents must be verified and checked by the builder or person in authority of this project. Any discrepancy, error, and/or omission shall be the responsibility of the owner. The architect shall not be responsible for construction or purchases being made. It is recommended that the owner or builder obtain complete engineering services for: foundation, HVAC, and structural, prior to construction of any kind. NOT BE A PART OF THESE CONSTRUCTION DOCUMENTS. ANY USE OF THESE CONSTRUCTION DOCUMENTS WITHOUT THE EXPRESS WRITTEN PERMISSION OF WILLIAM PECK & ASSOCIATES, INC. ALL RIGHTS RESERVED.

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PECK
ARCHITECTS

SITE PLAN

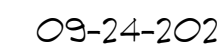
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Drawn: JB

Job: 21-154-001

Sheet Number:
A-005



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PERFECT ARCHITECTS

REVISIONS

ISSUE DATE:
09.20.2021 SUP

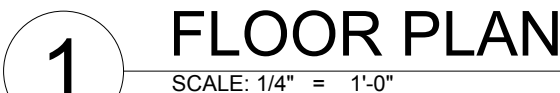
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Job: 21-154-001

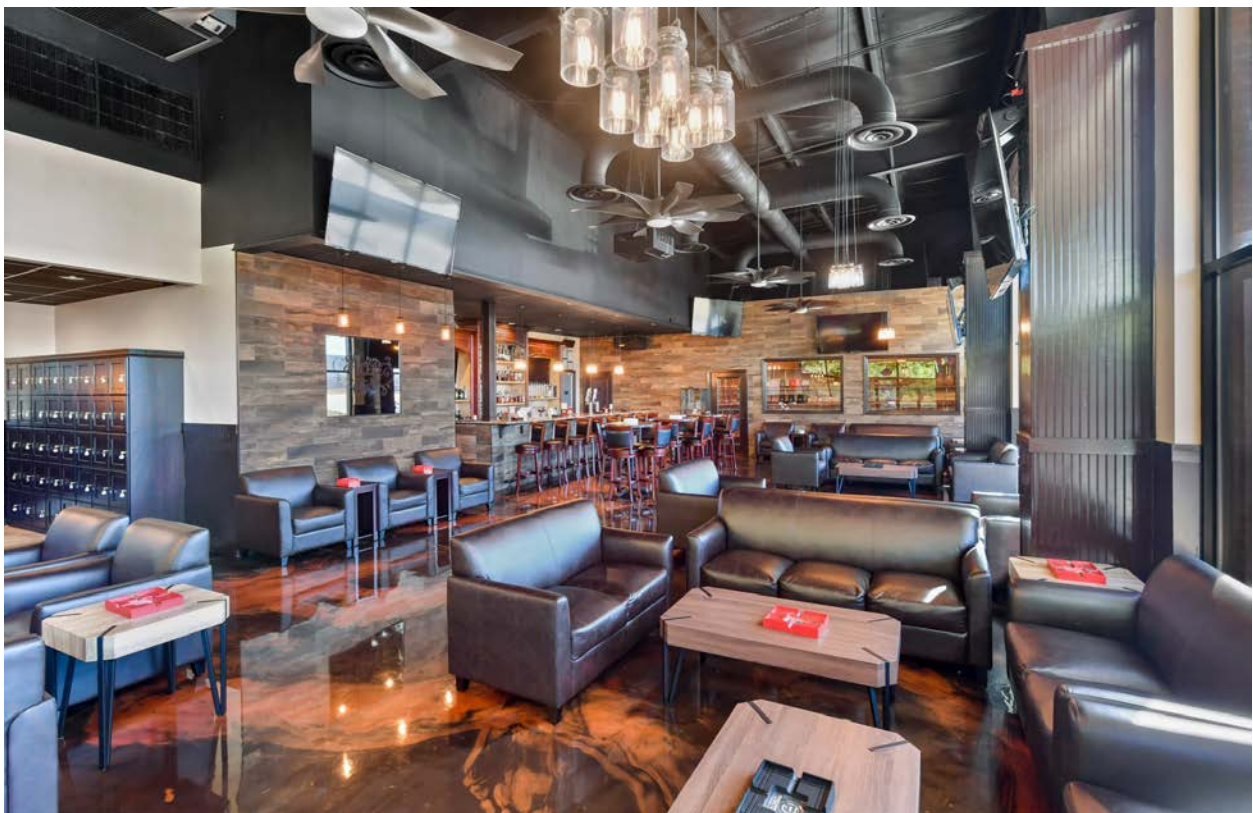
Sheet Number

A-101





Open, bright and clean



Modern and inviting



Unique lighting and features through out



Custom Printed Art Through out



Simple unique bar



Well lit with LED and exceptional lighting



Black, Grey and Red chairs and loveseats



Seating areas for conversation and watching games.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

10/21/2021

OVERVIEW

Project	PUBLIC HEARING/Shops at Lake Font (PD-21-01366)
P&Z Hearing	10/21/2021
Council Hearing	November 16, 2021
Size	4.56 acres
Current Zoning	Light Commercial (LC)
Proposed Use	Retail and Commercial
Existing Use	Undeveloped Land
Future Land Use Plan Designation	Retail and Commercial Use
Applicant	Houshang Jahvani, Jahvani Consulting Engineers, Inc.
Owner	Wasefa Ghafur
Strategic Goal	

Agenda Item

PUBLIC HEARING/Shops at Lakefront Planned Development (PD-21-01366). Public hearing, discussion, and take action on a recommendation regarding a request to rezone approximately 4.56 acres of land, currently zoned as Light Commercial (LC), generally located at 2009 and 2011 Oak Grove Parkway, on the north side of Oak Grove Parkway, within Little Elm's town limits, in order to establish a new Planned Development district based on Light Commercial (LC) district requirements with modified development standards, to allow a new commercial development.

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

Location

Generally located at 2009 and 2011 Oak Grove Parkway, on the north side of Oak Grove Parkway, within Little Elm's town limits.

Planning Analysis

Background.

Subject property consists of an undeveloped parcel and a parcel containing a vacant residential structure, both currently zoned Light Commercial (LC). Due to the limitations of this site, in order to make it work financially, the property owner would need relief from various requirements of the zoning ordinance, and is therefore requesting to rezone the property to a new Planned Development district based on the Light Commercial (LC) district regulations with modified standards.

Recently, the Town has undergone a West Side Study that specifically identified the vision for the subject property as retail/commercial, in the form of neighborhood retail with restaurant or professional offices, not to exceed two stories in height. This is the first application for commercial development in this area post the study's findings, to be evaluated by the Administration for suitability within the West Side Study context.

The land behind this property is a new single family subdivision, the Enclave at Oak Grove. A board on board screening fence, on top of a masonry retaining wall was constructed as part of the new subdivision, and due to the grade change totals approximately 10 feet in height from grade on subject property. Therefore, the applicant is also asking for relief with regard to constructing an eight-foot tall masonry screening wall along the back of the property and a 20-foot landscape buffer with a double row of trees along the back.

Proposal.

The proposed project consists of five commercial buildings totaling 32,420 square feet, with an additional approximately 900 square feet of outdoor patio space for the two proposed restaurant tenants. The buildings are projected to be occupied by retail, restaurant, and medical office uses, as well as a restaurant drive-thru.

The property owner is proposing to meet all of the requirements outlined within the Light Commercial (LC) zoning district, with the following deviations:

- Rear yard landscape setback and tree planting
- Side yard landscape setback and tree planting
- Waiver to the requirement to provide electric vehicle charging station infrastructure
- Shared dumpster across property lines
- Dead end fire lanes on the east and west property line
- Screening fence requirements
- Eight-foot wide ADA parking spaces
- Shared parking for the overall development

The following sections outline how the proposed development is deviating from the current standards.

Uses. Retail, medical office, and restaurant uses are allowed within the Light Commercial (LC) zoning district.

Design Standards. Proposed elevations show the buildings to be constructed primarily of brick and stone, and minor metal and stucco accents. The proposed building design meets horizontal building articulation requirements, utilizes muted earth tones. The building design provides a band of brick along the bottom of the buildings, utilizing metal coping to identify the middle of the building, and a stucco trim along the top, with limited vertical articulation.

Landscaping. Proposed landscape plans comply with most of the requirements listed in Section 106.06.18 with the exception of the following.

Proposed landscape plans do not meet buffer requirements of five-foot side yard landscape buffer with trees at every 25 feet and 20-foot rear landscape buffer with double row of trees planted within the required rear landscape edge along the residential adjacency, instead providing primarily 5 feet with a single row of trees. Properties adjacent to residential uses are also required to provide an eight-foot masonry screening wall, which is not being proposed here. Instead, the applicant is proposing a retaining wall and six-foot height board on board wooden fence, along the majority of the back of the property, and a six-foot wrought iron metal fence adjacent to the dentition pond. *The property owner is requesting consideration for this waiver given the existing screening fence and*

retaining wall along the edge of this property.

Proposed landscape plans do not meet the foundation tree planting requirements for buildings over 5,000 square feet, to provide 1 tree per 1,000 gross square feet of building, requiring Building #1 to provide 10 trees, Building #2 to provide seven trees, Building #4 to provide seven trees, and Building #5 to provide totaling nine trees, within 20 feet of the building frontage. *The property owner is requesting consideration for this waiver given the limitation of the site, the financial feasibility of the site layout, and the balance between the provision of the appropriate number of parking spaces versus additional landscape islands to accommodate the necessary trees.*

While the proposed landscape plans provide the appropriate number of perimeter and interior trees, the trees are indicated to be provided do not meet the requirement to plant trees at least four inches in caliper at 12 inches above grade at the time of planting, instead indicating three inch caliper minimum.

The proposed landscape plan indicates the provision of the required 30 landscape points, however, the items to be provided are not identified on the landscape plan.

The property owner is requesting the landscape plans be approved as proposed and adopted into the new PD ordinance as the minimum requirements for this property.

Parking. Light Commercial district requires that retail and medical office uses be parked at one space per 200 square feet and restaurant uses at one space per 100 square feet (patios under 500 square feet are exempt from parking requirements). The proposed development consists of 5,390 square feet of restaurant space, requiring 54 parking spaces, 6,080 square feet of medical office space, requiring 31 parking spaces, and 20,950 square feet of retail space, requiring 105 parking spaces, a total requirement of 189 parking spaces. The site plan shows a total of 191 parking spaces to be provided. It should be noted that six of the proposed parking spaces intended for ADA compliance are being proposed at eight feet wide. While this width meets the standard for ADA parking, it does not meet the Town's standard that spaces be provided at 10 feet wide in order to be counted toward the zoning required parking calculations. Therefore, the site is technically under-parked by four parking spaces. *The property owner is requesting a waiver to the width of the ADA parking spaces.*

Additionally, the intent is to subdivide the property into five individual lots, with each lot containing a building and not being able to accommodate the appropriate number of parking spaces within that lot. *The property owner is requesting shared parking across property lines.*

The proposed plans also do not provide for the required electric vehicle charging station infrastructure. *The property owner is requesting a waiver to provide built in electric vehicle charging infrastructure for future use.*

Fire. The proposed plans show a dead end firelane on the east and west side of the site in order to be able to tie into the future firelane of future adjacent development. The fire department has reviewed and approved the proposed fire lane layout.

Dumpster. The property owner is proposing to subdivide the property into five separate parcels for the individual buildings. By doing so, the parcel containing Building #3, drive-thru coffee shop, is unable to accommodate an onsite double dumpster as required for each commercial property. *Instead, the property owner is requesting the allowance for Building #3 and Building #4 to share a double dumpster enclosure across property lines.*

Comprehensive Plan. The future land use of this area is identified as retail and commercial. This area is also part of the recently completed West Side Study which identified neighborhood retail/commercial type of uses as the vision of the frontages along this corridor. The proposed commercial development, to be occupied with future retail, medical office and restaurant tenants, aligns with the Town's vision for this area.

Recommended Action

While the proposed development falls within the vision for future land use in this area, the property owner is requesting a significant number of deviations from the Town's development standards with the justification that the limited width of the site poses challenges to developing the site to fully comply with all of the requirements. Development standards exist in order to ensure quality and longevity of future development. While the width of this property would likely pose some limitations to any future development, there is certain flexibility in site development when such development occurs on mostly greenfield sites, without the challenges of working within the confines of an existing development envelope. Staff would be amenable to working through some minor waiver requests as a trade-off for an otherwise enhanced site and landscape design, with high quality, unique building aesthetic, and a development that would overall serve as the catalyst for exceptional redevelopment of this area.

Staff has worked diligently with the applicant over the last several months in order to bring the proposal as close to compliance with Town's standards, as well as meet the vision for this area, as financially feasible for the property owner. The proposal in front of the Commission today represents the extent of what is feasible for the property owner. However, given the West Side Study and vision for this area to become the entry gateway on the west side of Town, Staff believes there are additional opportunities to meet the Town's standards and elevate the proposed development.

Staff believes that the following items are important in order to make this development fit into the vision for this area and encourage continued exceptional redevelopment.

Decrease overall building square footage.

In general, the overall building square footage would need to decrease in order to make this site work better, be able to accommodate the appropriate amount of parking, and provide an enhanced site and landscape design.

Enhance building design.

The proposed building design lacks in unique character and does not fully provide the tripartite design requirement. There is opportunity to provide additional visual interest through enhance design elements, architectural features, and increased glazing, to better meet the tripartite requirements as well as to enhance the aesthetic of the proposed buildings overall.

Provide a continuous six-foot sidewalk along the frontage of Building #1 with additional foundation tree planting. Reduce Building #1 outdoor patio and provide additional landscaping and trees at one per 25 feet along the eastern edge of the subject property.

Building #1, which contains proposed retail and restaurant with patio, does not provide a continuous sidewalk along the building frontage. This restricts safe pedestrian passage and does not provide proper ADA accessibility or ramp connection. Adjusting this building's footprint to provide a continuous sidewalk along its frontage would provide a safer and improved pedestrian experience, as well as additional room to install the foundation tree planting that is currently not met for this building. It is also unclear what ground cover is to be used around the proposed patio area, but there is opportunity to decrease the patio in order to provide the required side yard landscape buffer with trees as required by the Town.

Provide the required five-foot side yard landscape buffer with appropriate tree planting.

The proposed plans meet the five-foot side yard landscape buffer on the west side of the property and come very close on the east side. There is room to add the required trees and adjust the buffer accordingly in order to meet this requirement without losing any parking spaces or additional building square footage. Side yard landscaping is important in providing a buffer between commercial properties, providing shading, and providing an overall enhanced, aesthetically pleasing, and pedestrian friendly environment.

Provide a continuous six-foot sidewalk along the frontage of Building #3 by delineating the walkway path, leaving the patio without a perimeter enclosure and containing any furniture to the outside of

the walkway path.

Proposed Building #3, containing the drive-thru coffee shop, shows a patio along the frontage of the building, covering the entire width of walkway path. In order to ensure a seamless and safe pedestrian path across the site, the proposed patio should be utilized in a way that would not impede such connectivity.

Identify on the landscape plan the items proposed to meet the 30 landscape points.

This requirement is meant to encourage creativity and inspire unique development. The property owner is proposing to meet the requirement, but does not identify what exactly is being proposed nor the locations of these items on the plans. Given the limitations of the site, it is important to identify these items and their locations up front.

Provide eight-foot masonry screening wall per Chapter 106 requirements along the back of the property in its entirety.

With regard to screening requirements in particular, Staff believes that the existing retaining wall and board on board fence, in combination with the existing grade change between this and the adjacent residential development, help in buffering the two uses. Given these existing conditions, if the property owner installs the eight-foot masonry wall, as required by code, Staff believes that a single row of canopy trees within the proposed five-foot landscape buffer would be sufficient to achieve the necessary screening in order to protect the adjacent residential community from any potential nuisances of a commercial development and provide privacy.

Provide all parking spaces at 10 feet in width.**Provide electric vehicle charging station infrastructure.**

This requirement does not take up room on the site as it utilizes existing parking spaces, and does not require the property owner to actually provide the charging stations, just provide the infrastructure necessary to install these stations in the future. This item is important because it promotes sustainability and encourages new developments to more into the future of the growing demand for innovative vehicle options.

Shared dumpster agreement and responsibilities.

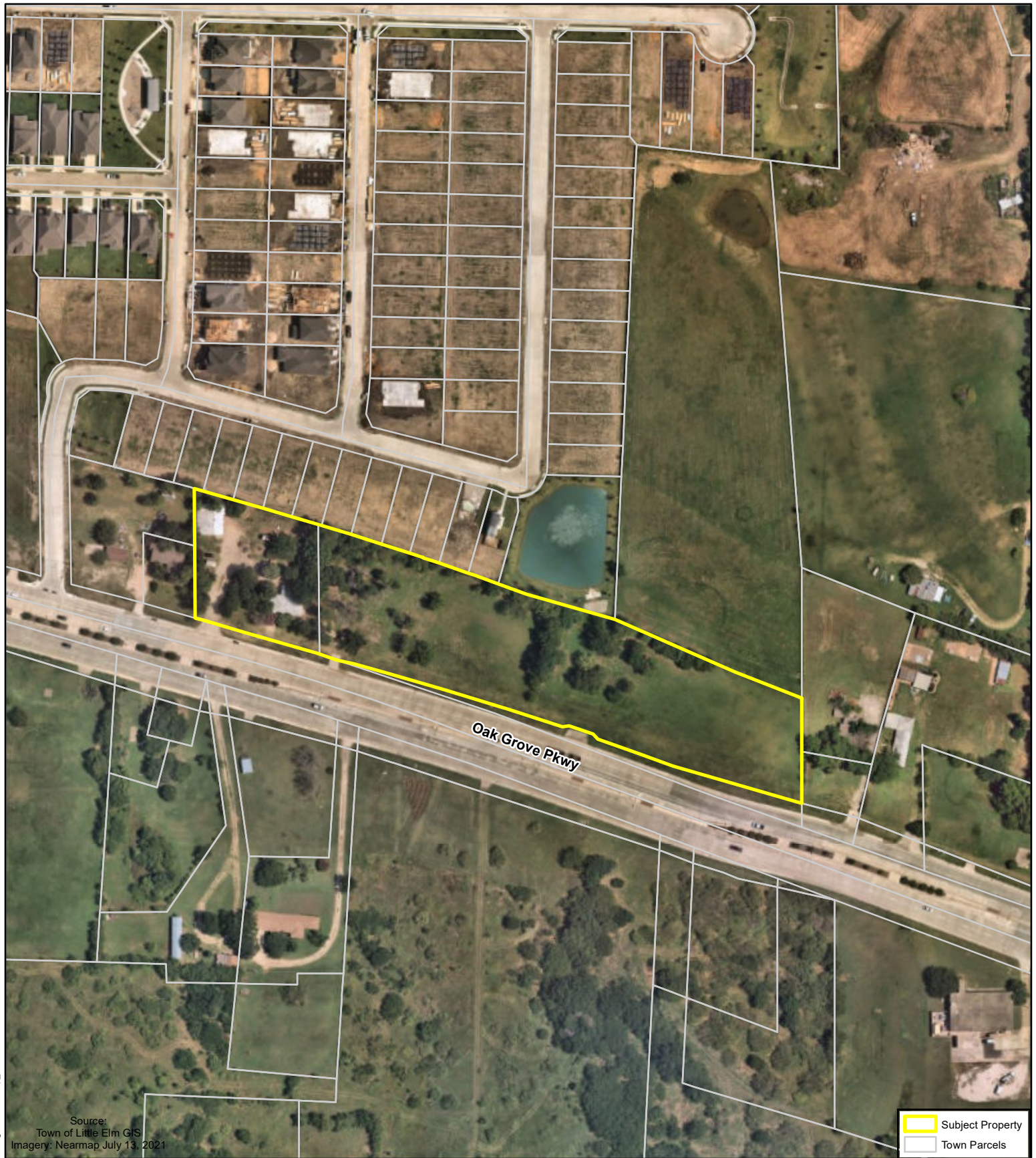
If Buildings #3 and #4 are going to share a dumpster enclosure, it is necessary to establish an official agreement and list out the responsibilities, and any other details associated with sharing such an amenity. This shared agreement should be outlined and provided in written document form as part of the PD Ordinance for this site.

Staff believes that if the Planning and Zoning Commission considers the approval of this item, all plans would have to be amended in order to accommodate the above items before proceeding to Town Council for review.



Staff recommends that the Planning and Zoning Commission review this request based on the impact and suitability of the proposed development within the context of the existing area, and the importance of the development standards from which the property is requesting to vary, as well as how the proposed development benefits the Town overall.

Attachments

Location Map
PD Plans
West Side Study
Existing Fence Conditions



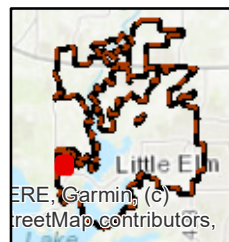
Source:
Town of Little Elm GIS
Imagery: Nearmap July 13, 2021

 Subject Property
 Town Parcels



The Shops at the Lakefront Zoning Ordinance Request

0 175 350 700
Ft



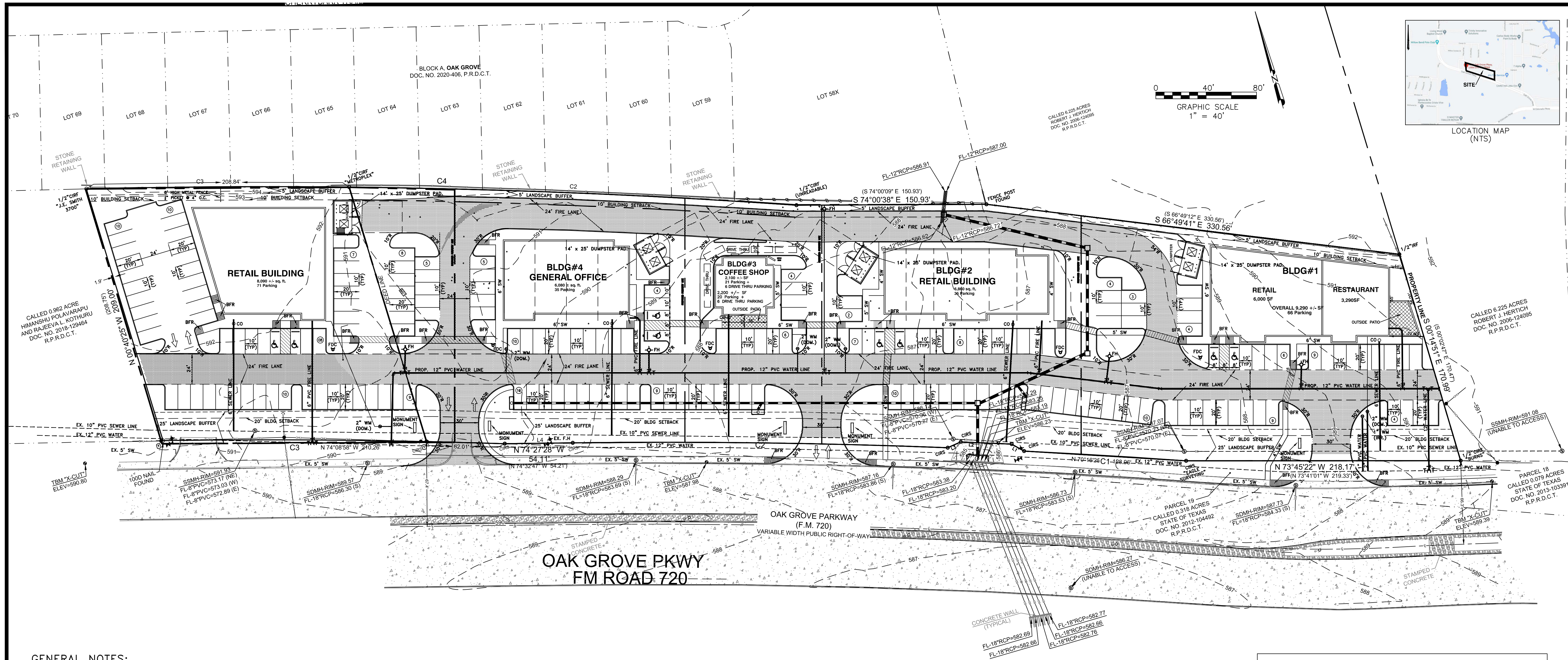
Town of Little Elm Denton County, Tx

Date: 8/17/2021



This map is the property of the Town of Little Elm, and is not to be reproduced by any means, mechanical or digital, without written consent of the Town.

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.



GENERAL NOTES:

- 1- ALL SIGNAGE IS APPROVED VIA A SEPARATE PERMIT THROUGH THE BUILDING SAFETY DIVISION.
2. ALL MECHANICAL EQUIPMENT, DUMPSTERS, ROOFTOP UNITS, ETC SHALL BE SCREENED IN COMPLIANCE WITH ZONING ORDINANCE.
3. ALL LIGHTING SHALL COMPLY WITH THE ZONING ORDINANCE.
4. ANY ALTERATION TO THE SITE PLAN, INCLUDING BUILDING ELEVATION AND LANDSCAPE SUBSTITUTIONS, REQUIRE TOWN APPROVAL THRUH A REVISED PLAN, STAMPED BY STAFF.

LINE	BEARING	DISTANCE
L1	N 44°39'50" W	11.29'
L2	N 71°12'41" W	40.49'
L3	S 82°14'28" W	11.29'
L4	N 74°27'28" W	54.11'
L5	N 72°05'03" W	62.15'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	297.99'	5794.58'	2°56'47"	N 72°59'05" W	297.96'
C2	355.74'	5975.90'	3°24'39"	S 71°24'07" E	355.69'
C3	209.51'	5884.42'	2°00'21"	S 74°04'06" E	209.50'

FLOOD NOTE

This property is located in **Non-Shaded Zone "X"** as scaled from the F.E.M.A. Flood Insurance Rate Map dated April 18, 2011 and is located in Community Number 481152 as shown on Map Number 48121C0415G.

Site Data Summary Table - Lot 1, Block A

General Site Data	
Zoning (from zoning map)	LC : Light Commercial
Land Use (from zoning ordinance)	Retail / Medical Office
Lot Area (square feet & acres)	198,766.55 s.f. (4.56 acres)
Building Footprint Area	Building #1 = 9,290.00 s.f. Building #2 = 6,860.00 s.f. Building #3 = 2,100.00 s.f. Building #4 = 6,080.00 s.f. Building #5 = 8,090.00 s.f.
Total Building Area	32,420 s.f.
Building Height (# stories)	1 story
Building Height (feet-distance to tallest building element)	31 ft
Lot Coverage (percent - xxx%)	16.31%
Floor Area Ratio (ratio -xxx:1)	0.16:1
Parking	
Parking Ratio (from zoning ordinance) :	One (1) parking space per 200 s.f. Retail. One (1) parking space per 200 s.f. General Office. One (1) parking space per 100 s.f. Restaurant.
Required Parking Spaces:	27,030 s.f. Retail / General Office = 27,030/200 = 136 parking spaces 5390 s.f. Restaurant = 5390/100 = 54 parking spaces
Total Required Parking Spaces:	190
Total Provided Parking Spaces:	191
Accessible Parking Required (#spaces)	6
Accessible Parking Provided (#spaces)	6
Parking in Excess of 110% of required parking	0
Landscape Area (including turf area)	
Street Landscape Buffer area Provided (s.f.)	20,777.00
Required interior Landscape area (10% of total lot area) s.f.	19,876.65
Additional interior landscape area provided (s.f.)	21860.00
Other Landscape Area within the lot including stormwater conservation areas (s.f.)	0.00
Total Landscape Area (s.f.)	42,637.00

PD STIPULATIONS :

1. 5' REAR LANDSCAPE BUFFER WHEN ADJACENT TO RESIDENTIAL. (20' REQUIREMENT)
2. WAIVER OF NEW ELECTRIC VEHICLE CHARGING STATION INFRASTRUCTURE REQUIREMENT. (ONE (1) SPACE FOR EVERY 25 PARKING SPACES)
3. NO SIDE YARD LANDSCAPE BUFFER.
4. LOTS 3 & 4 TO SHARE A 14'X25' DOUBLE DUMPSTER.
5. SINGLE ROW OF TREES AT REAR SIDE OF THE PROPERTY. (DOUBLE ROW REQUIREMENT)
6. DEAD END FIRE LANE AT EAST AND WEST SIDE OF THE PROPERTY.
7. 6' WROUGHT IRON FENCE ALONG THE REAR PROPERTY LINE ADJACENT TO EXISTING DETENTION POND.
8. 8' DOUBLE PANEL WOOD FENCE OR COMBINATION OF A RETAINING WALL AND 6' DOUBLE PANEL WOOD FENCE ALONG REAR PROPERTY LINE. (8' MASONRY WALL REQUIREMENT)
9. ALL LOTS TO HAVE A PARKING SHARE AGREEMENT BETWEEN THEM.

LEGEND:

- 592 = FIRE LANE
- 592 = EXISTING CONTOUR

OWNER: Wasefa Ghafur

821 LAKE HILL LANE
ALLEN, TEXAS. 75013
Tel. # 214-799-9732
EMAIL: wasefa@yahoo.com

SHOPS AT LAKE FRONT
2011 OAK GROVE PARKWAY
LITTLE ELM, TEXAS.

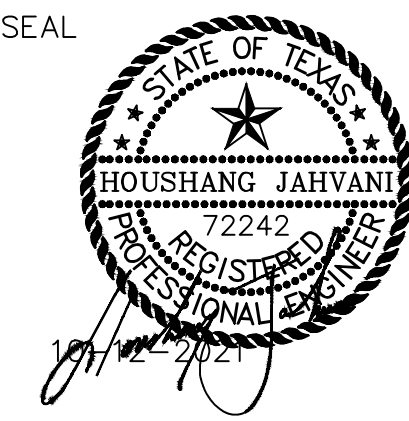
JAHVANI CONSULTING
ENGINEERS, INC.

TYPE REGISTRATION NO. F-10198

2121 N. JOSEY LANE, #100
CARROLLTON, TEXAS 75006
TEL. (214) 718-9469
jahvani@hotmail.com

REVISIONS DATE

SEAL

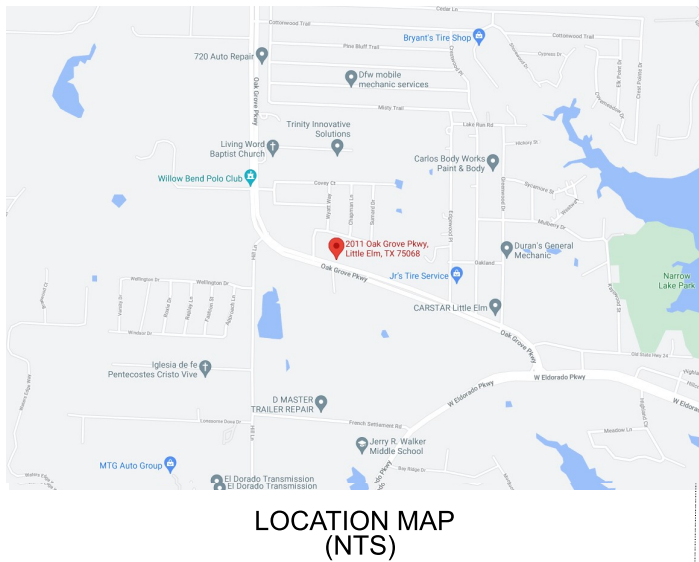
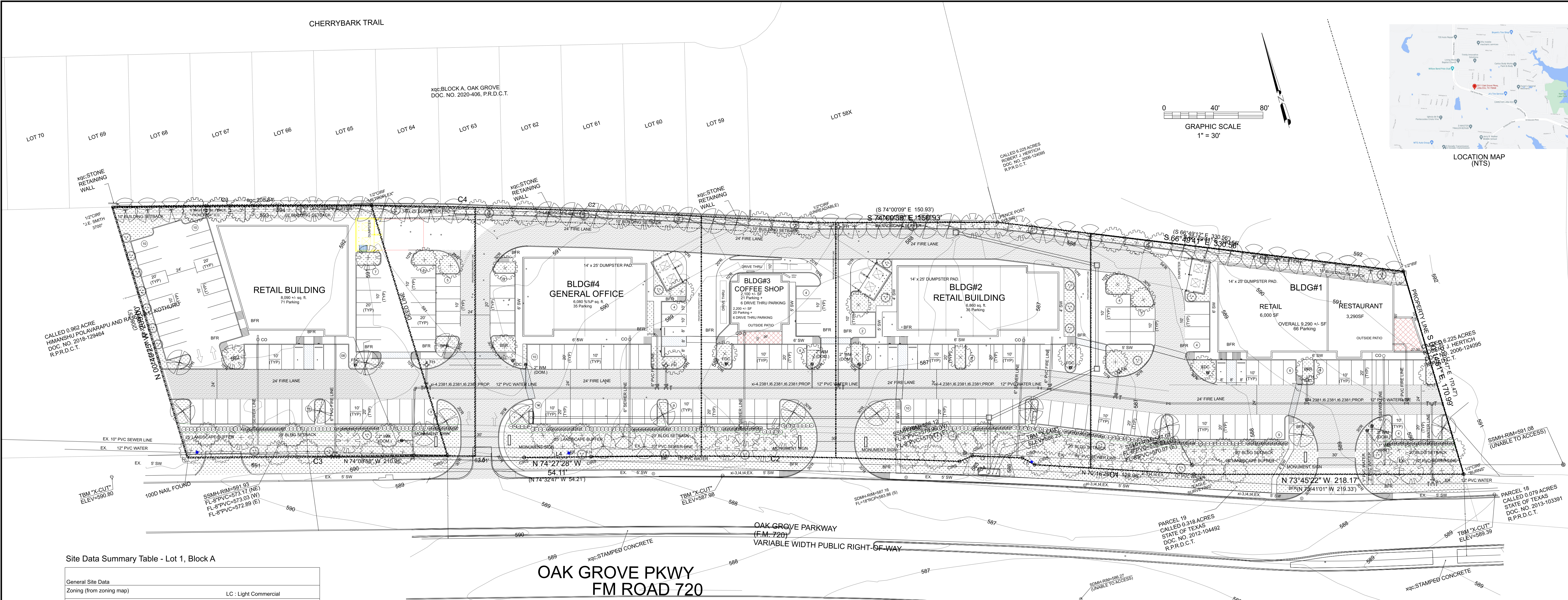


DWG. TITLE:
SITE PLAN

DRAWN BY: HJ
SCALE: 1" = 40'

DATE 10-12-2021

1 of 1
SHEET NUMBER



Site Data Summary Table - Lot 1, Block A

General Site Data	
Zoning (from zoning map)	LC - Light Commercial
Land Use (from zoning ordinance)	Retail / Medical Office Restaurant / Montessori School
Lot Area (square feet & acres)	198,766.55 s.f. (4.56 acres)
Building Footprint Area	Building #1 = 9,290.00 s.f. Building #2 = 6,080.00 s.f. Building #3 = 2,100.00 s.f. Building #4 = 6,080.00 s.f. Building #5 = 6,090.00 s.f.
Total Building Area	32,420 s.f.
Building Height (# stories)	1 story
Building Height (feet-distance to tallest building element)	31 ft
Lot Coverage (percent - x.xx%)	16.31%
Floor Area Ratio (ratio - x.xx:1)	0.16:1
Parking	
One (1) parking space per 200 s.f. General Office. One (1) parking space per 100 s.f. Restaurant.	
Required Parking Spaces: 27,030 s.f. Retail / General Office = 27,030/200 = 136 parking spaces 5390 s.f. Restaurant = 5390/100 = 54 parking spaces Total Required Parking Spaces: 190 Total Provided Parking Spaces: 191	
Accessible Parking Required (#spaces)	6
Accessible Parking Provided (#spaces)	6
Parking in Excess of 110%/100% of required parking	0
Landscape Area (including turf area)	
Street Landscape Buffer area Provided (s.f.)	20,777.00
Required Interior Landscape area (100%/100% of total lot area) s.f.	19,876.55
Additional Interior Landscape area provided (s.f.)	21,860.00
Other Landscape Area within the lot including stormwater conservation areas (s.f.)	0.00
Total Landscape Area (s.f.)	42,637.00

OAK GROVE PKWY FM ROAD 720

Landscape Notes:

1. CONTRACTOR SHALL STAKE OUT TREE LOCATIONS AND BED CONFIGURATION FOR APPROVAL BY OWNER PRIOR TO INSTALLATION.
2. CONTRACTOR IS RESPONSIBLE FOR VERIFYING LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ADVISE THE OWNERS REPRESENTATIVE OF ANY CONDITION FOUND ON-SITE WHICH PROHIBITS INSTALLATION AS SHOWN ON THESE PLANS.
4. ALL SHRUB AND GROUND COVER BEDS SHALL HAVE A MINIMUM OF (2") TWO INCHES OF HARDWOOD BARK MULCH.
5. LANDSCAPE EDGING SHALL BE LOCATED AS NOTED ON PLAN.
6. TREES SHALL BE PLANTED A LEAST FIVE (5') FEET FROM ANY UTILITY LINE, AND OUTSIDE ALL UTILITY EASEMENTS AND A THREE (3') CLEAR DIAMETER AROUND FIRE HYDRANTS, UNLESS PRIOR APPROVAL IS GRANTED.
7. TREES OVERHANGING WALKS AND PARKING AREAS SHALL HAVE A CLEAR TRUNK HEIGHT OF SEVEN (7') FEET.
8. TREES OVERHANGING VISIBILITY EASEMENTS OF RIGHT-OF-WAYS SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF SEVEN (7') FEET.
9. TREES PLANTED ON SLOPES WILL HAVE THE SOIL STAIN AT AVERAGE GRADE OF SLOPE.
10. ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION, AND MUST BE REPLACED WITH PLANT MATERIAL OF SIMILAR VARIETY AND SIZE, IF DAMAGED, DESTROYED OR REMOVED.
12. LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER AND WEEDS.
13. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE PROVIDED TO MAINTAIN ALL LANDSCAPE AREAS. OVER SPRAY ON STREETS AND WALKS IS PROHIBITED.
14. A MINIMUM OF ONE BUBBLER PER CANOPY TREE AND ORNAMENTAL TREE.
14. ALL HYDROSEEDING AND PLANTING BEDS TO HAVE BIOSOL FORTE 7-2-1 FERTILIZER APPLIED AT MANUFACTURERS RATE.

Landscape

Quantity	Symbol	Description
Ground Cover-Vines		
60958		Cynodon dactylon / Bermudagrass sq. ft.
Shrubs Under 4 Feet		
145		Leucophyllum frutescens/ Texas Sage 36" ht. min.
135		Ilex burfordi nana / Dwarf Burford Holly 36" ht. min.
Trees		
31		Ilex vomitoria / Holly, Yaupon 6 ft. to 8 ft.
33		Pistacia chinensis / Pistache, Chinese 3 in. cal min
27		Quercus macrocarpa / Oak, Bur or Mossycup 3 in cal min
25		Quercus muhlenbergii / Oak, Chinkapin 3 in cal min
27		Quercus shumardii / Oak, Shumard 3 in. cal min
35		Ulmus crassifolia / Elm, Cedar 3 in. cal min

LANDSCAPE POINTS - 30 Points Required

Enhanced entranceway paving	5 points
Enhanced hardscape (stamped crosswalks)	5 points
Buffer berms	5 points
Hardscaping, signage, or architectural features that include reference to Little Elm's lakefront character	10 points
Public art, small	5 points

Interior Landscape

Required Landscape 15,823 (158,225 sq. ft. x 10%)
Provided Landscape 17,341 sq. ft. (10.95%)

Trees (1 tree per 400sq. ft Req. Landscape Area)
Trees Required - 40 (15,823 / 400 = 39.55)
Trees Provided - 40 (35 Large, 15 Ornamental)

Perimeter Landscape

ROW - 1034 ft.
Trees Required - 52 Large Trees, 11 Ornmental Trees
Trees Provided - 52 Large Trees, 11 Ornamental Trees

Landscape Buffer Between Properties - 1048 ft
Trees Required - 52 Large Trees, 11 Ornmental Trees
Trees Provided - 58 Large Trees, 12 Ornamental Trees

LEGEND:

	x1-3,14,14= FIRE LANE
	x1-3,14,14= EXISTING CONTOUR

OWNER: Wasefa Ghafur

821 LAKE HILL LANE
ALLEN, TEXAS. 75013
Tel. # 214-799-9732
EMAIL: wasefa@yahoo.com

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	297.99'	5794.58'	2° 56'47"	N 72° 59'05" W	297.96'
C2	355.74'	5975.90'	3° 24'39"	S 71° 24'07" E	355.69'
C3	209.51'	5984.42'	2° 00'21"	S 74° 04'06" E	209.50'



COMPANY:

DAVID L. GARRISON
Landscape Design Studio
4445 Eldorado Dr.
Plano, TX 75093
214-668-4163
david@iPlanLandscapes.com



SHEET DESCRIPTION:

LANDSCAPE PLAN

PROJECT:

SHOPS AT LAKEFRONT
2011 Oak Grove Parkway
Little Elm, TX

REVISIONS:

None

DATE:

10-12-2021

JOB NUMBER:

210312

DRAWN BY:

David G

CHECKED BY:

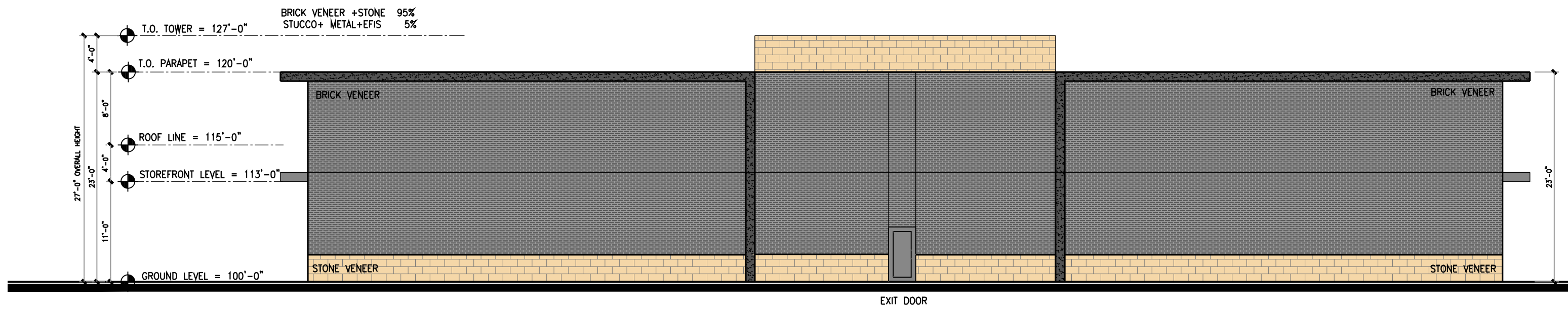
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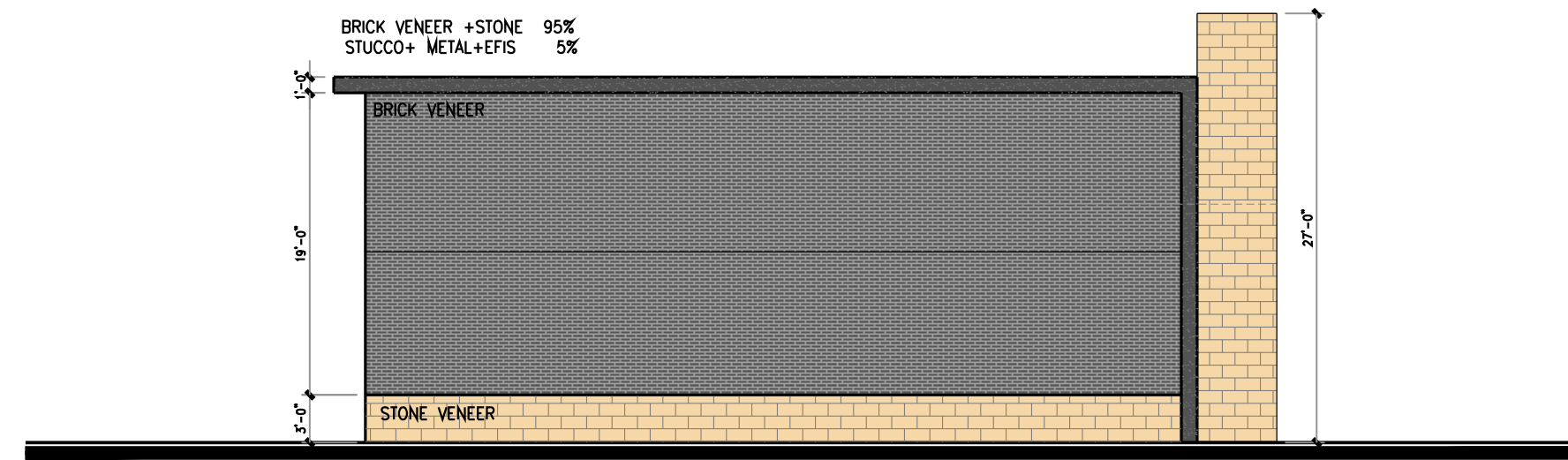
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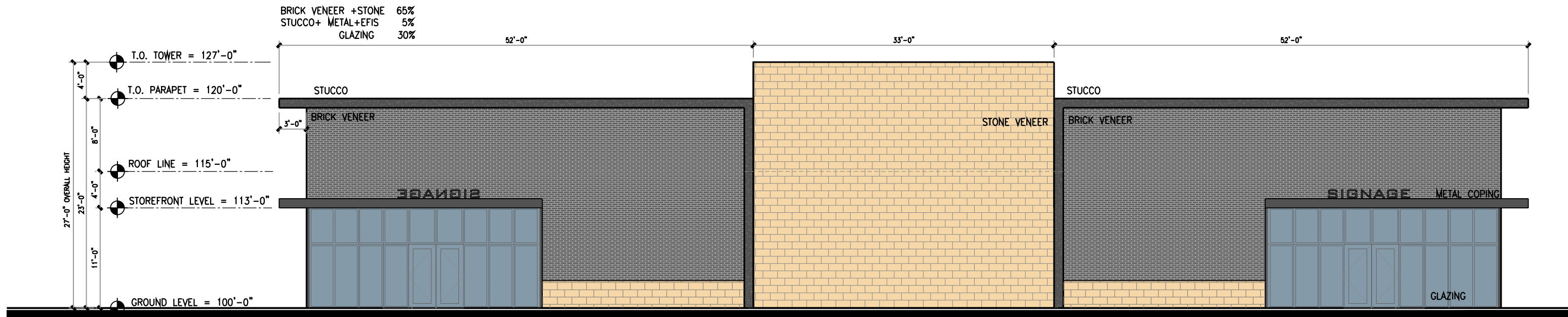
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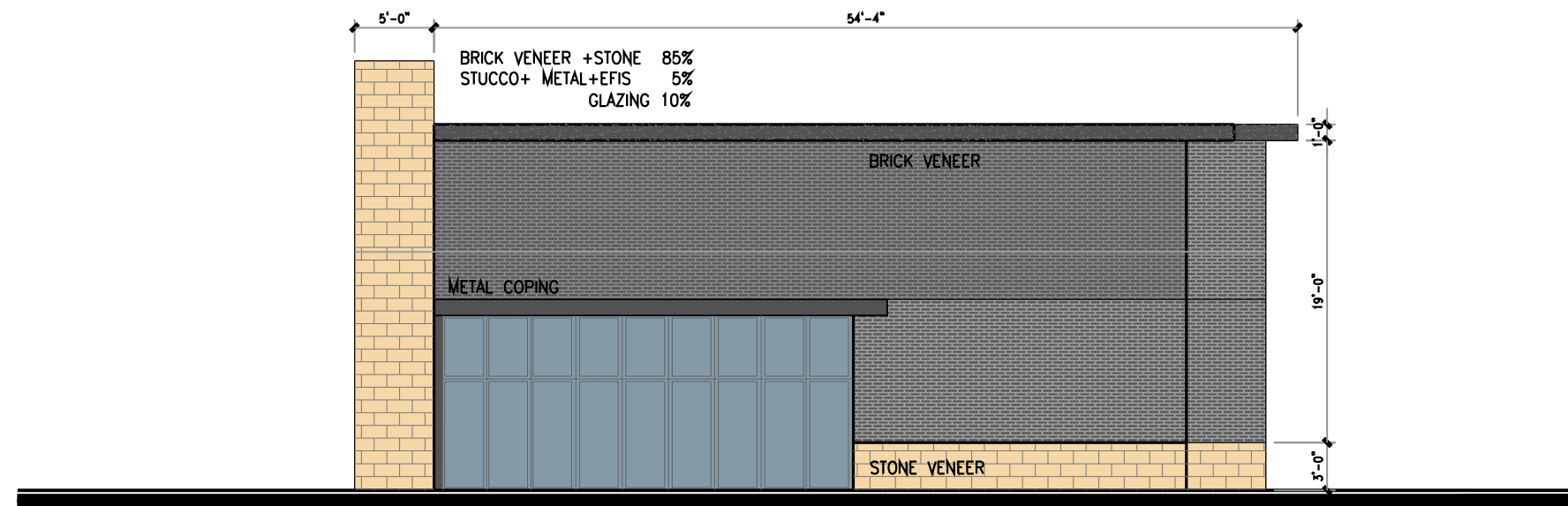
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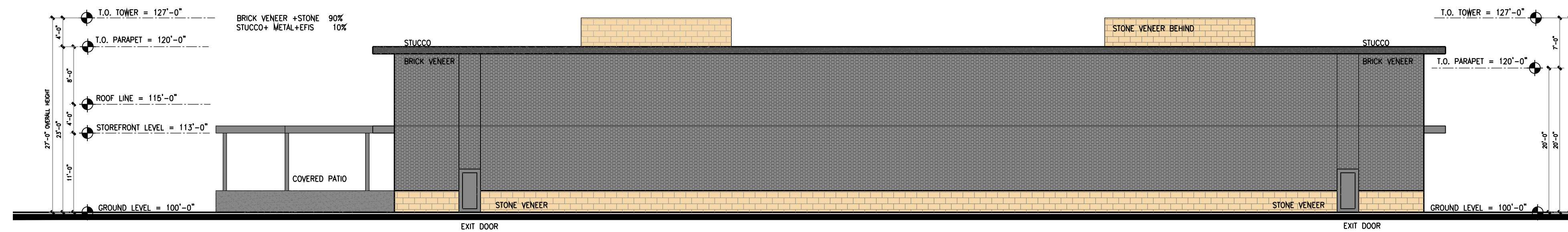
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SCALE 3/32"=1'-0"



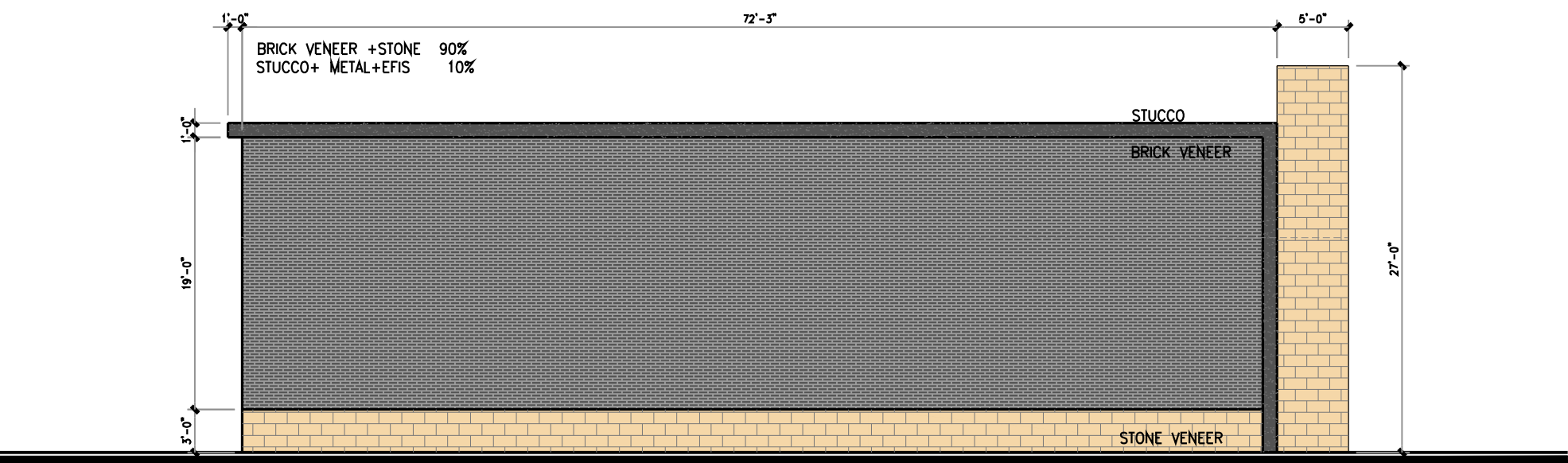
C1 SOUTH ELEVATION/ RETAIL BUILDING
SCALE 3/32"=1'-0"



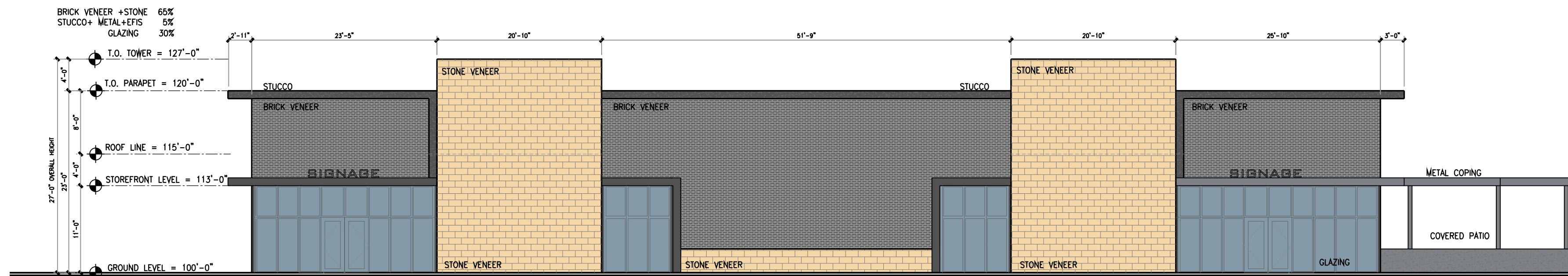
C2 EAST ELEVATION/ RETAIL BUILDING
SCALE 3/32"=1'-0"



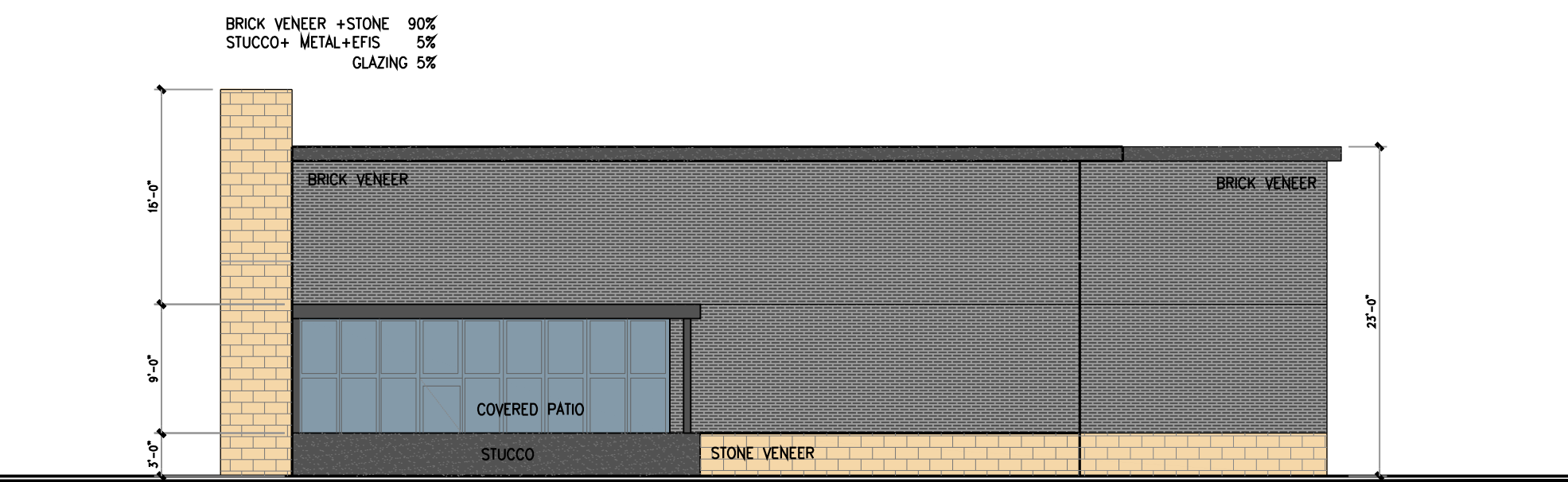
B1 NORTH ELEVATION/RETAIL _ RESTAURANT
SCALE 3/32"=1'-0"



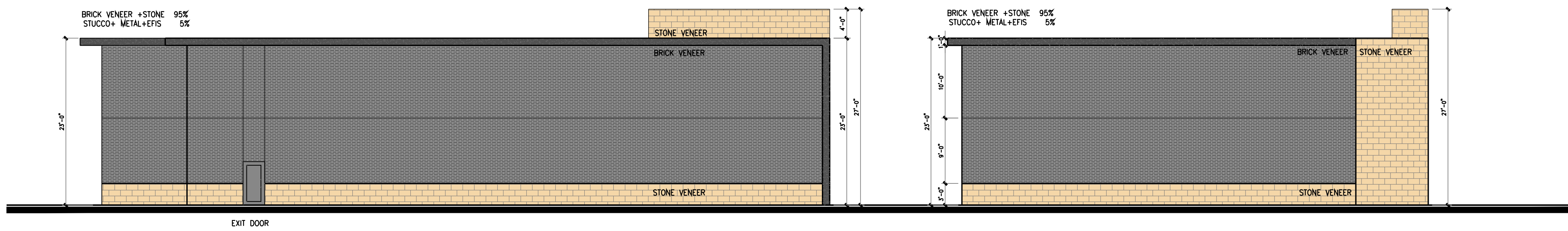
B2 WEST ELEVATION/RETAIL _ RESTAURANT
SCALE 3/32"=1'-0"



A1 SOUTH ELEVATION/RETAIL _ RESTAURANT
SCALE 3/32"=1'-0"

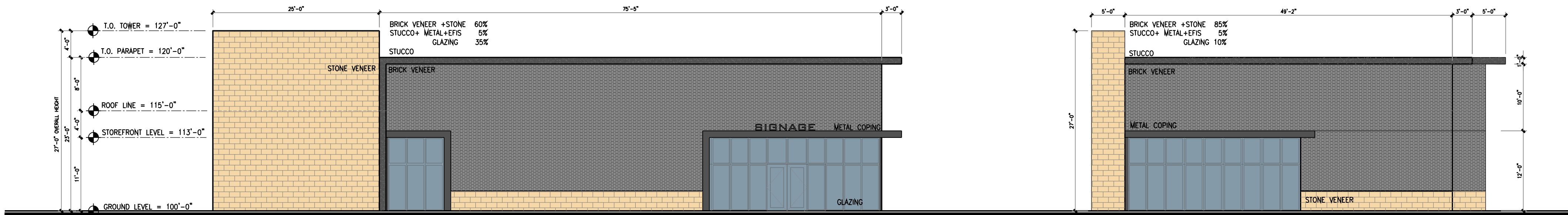


A2 EAST ELEVATION/RETAIL _ RESTAURANT
SCALE 3/32"=1'-0"








C1 NORTH ELEVATION/ GENERAL OFFICE
SCALE 3/32"=1'-0"

C2 WEST ELEVATION/ GENERAL OFFICE
SCALE 3/32"=1'-0"



B1 SOUTH ELEVATION/ GENERAL OFFICE
SCALE 3/32"=1'-0"

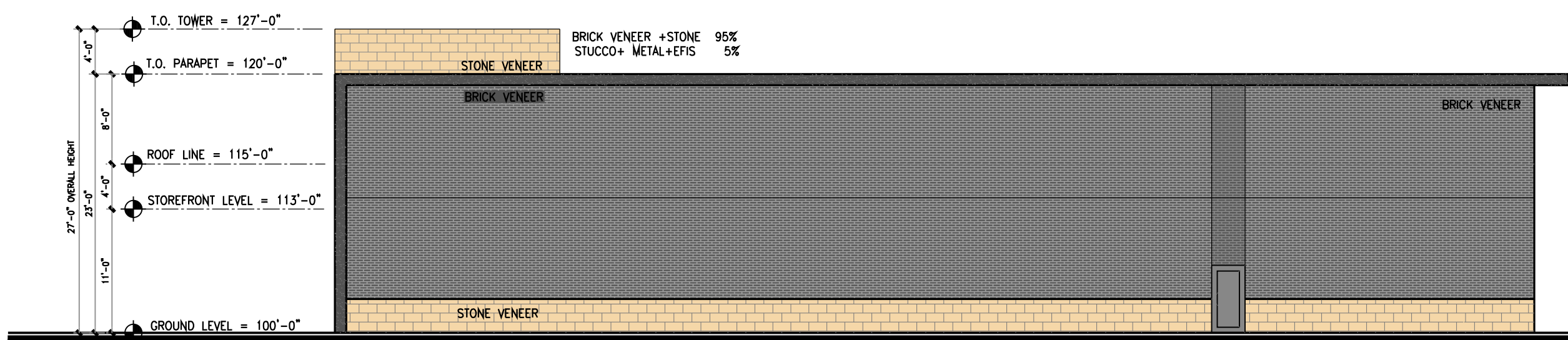
B2 EAST ELEVATION/ GENERAL OFFICE
SCALE 3/32"=1'-0"

ONE STORY BUILDINGS OVERALL HEIGHT 27'-0"	
MATERIAL TABLE	FACADE PLAN NOTES
 BRICK	THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL BY DEVELOPMENT SERVICES. ALL MECHANICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW AS REQUIRED BY THE ZONING ORDINANCE. WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING. ALL SIGNAGE AREAS ARE LOCATIONS ARE SUBJECT TO APPROVAL BY DEVELOPMENT SERVICES. ROOF ACCESS SHALL BE PROVIDED INTERNALLY UNLESS OTHERWISE PERMITTED BY THE CHIEF BUILDING OFFICIAL.
 STONE	
 STUCCO	
 EFIS	
 METAL TYP.	

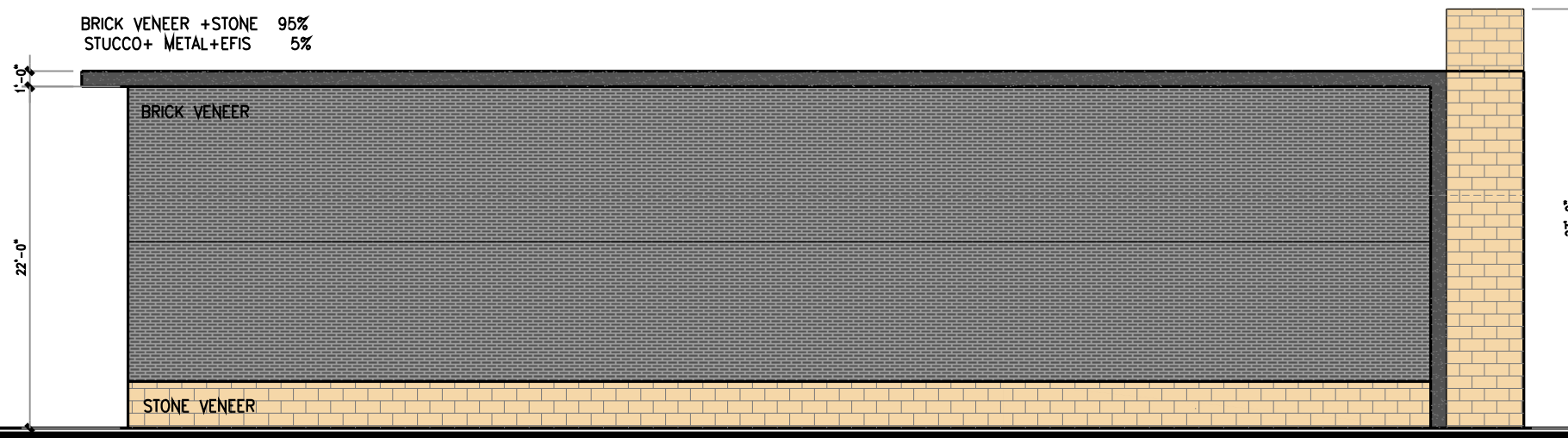


A1 SOUTH & EAST ELEVATION/ COFFEE SHOP
SCALE 3/32"=1'-0"

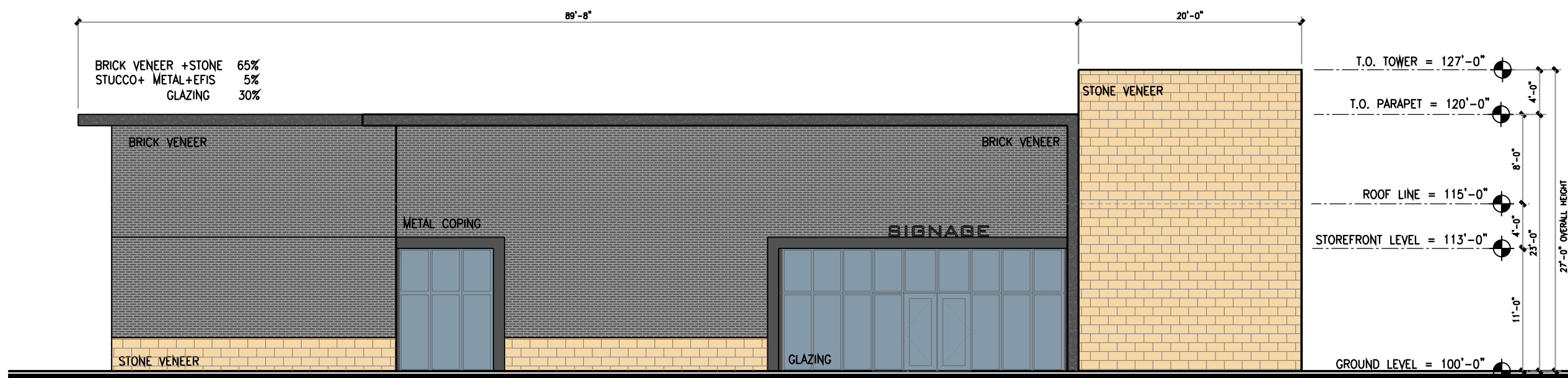
A2 NORTH & WEST ELEVATION/ COFFEE SHOP
SCALE 3/32"=1'-0"



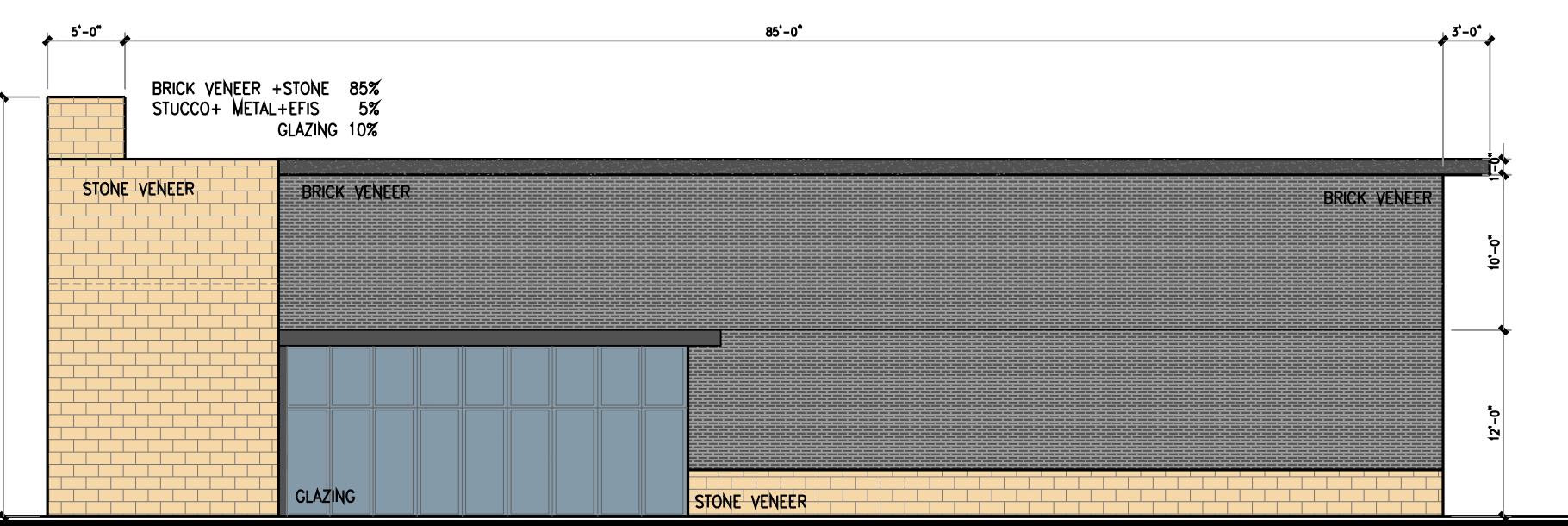
B1 NORTH ELEVATION/ RETAIL BUILDING
SCALE 3/32"=1'-0"



B2 EAST ELEVATION/ RETAIL BUILDING
SCALE 3/32"=1'-0"

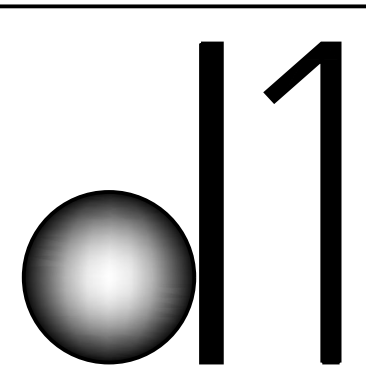


A1 SOUTH ELEVATION/ RETAIL BUILDING
SCALE 3/32"=1'-0"



A2 WEST ELEVATION/ RETAIL BUILDING
SCALE 3/32"=1'-0"

ONE STORY BUILDINGS OVERALL HEIGHT 27'-0"	
MATERIAL TABLE	FACADE PLAN NOTES
BRICK	THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL BY DEVELOPMENT SERVICES.
STONE	
STUCCO	
EFIS	ALL MECHANICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW AS REQUIRED BY THE ZONING ORDINANCE.
METAL TYP.	WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING.
	ALL SIGNAGE AREAS ARE LOCATIONS ARE SUBJECT TO APPROVAL BY DEVELOPMENT SERVICES.
	ROOF ACCESS SHALL BE PROVIDED INTERNALLY UNLESS OTHERWISE PERMITTED BY THE CHIEF BUILDING OFFICIAL.



**ARCHITECT
+
ASSOCIATES, INC.**
ARCHITECTURE-PLANNING

13601 PRESTON RD., SUITE-820W
1st (214) 730 0366, (214) 38 3619 (Cell)
E-mail: mhdewan@gmail.com

CONSULTANT:

PROJECT:

LITTLE ELM PLAZA

2009 OAK GROVE PARKWAY
LITTLE ELM, TEXAS 75068

OWNER:

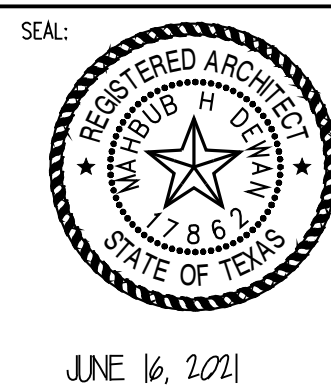
WASEFA GHAFUR

624 W. Wind Dr., Allen, TX., 75002
PHONE: (214) 799-9732
Email : Northeast8684@yahoo.com
Wasefa1@yahoo.com

REVISIONS:

DATE:

SEAL:



TITLE:

**BUILDING
ELEVATIONS
BLDG # 5 /RETAIL BUILDING**

DATE:

09/01/2021

DRAWN:

CHECKED:

PROJECT #

04B-2019

SHEET NO:

A-3.03



Little Elm West Side Implementation Report

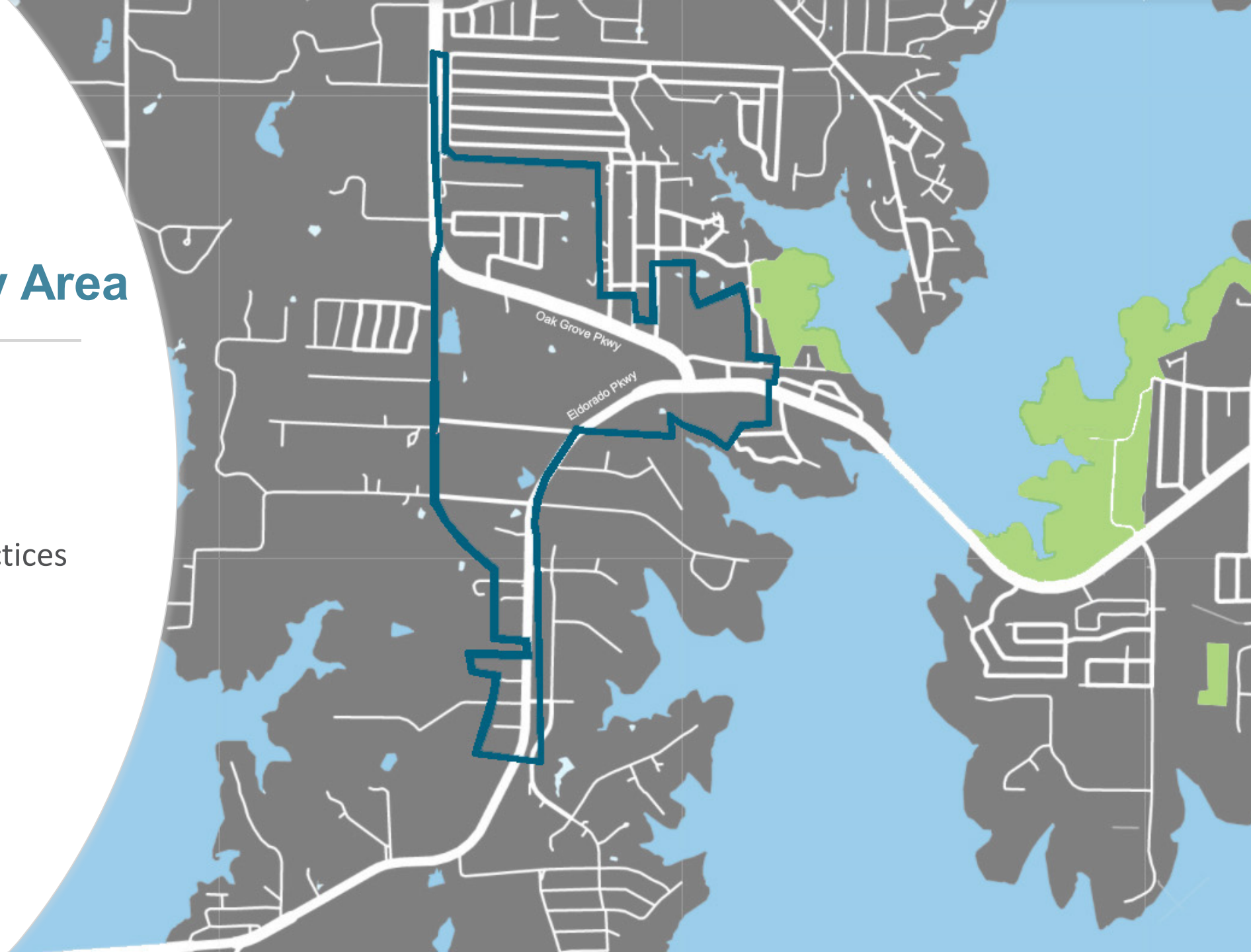
April 20, 2021

Kimley»»Horn

West Side Study Area

What we are focused on:

- Fiscal Responsibility
- Quality of Life
- Development Best Practices



Considerations



PLANS



POLICIES



PROJECTS



LAND USE



TRANSPORTATION



PARKS AND
RECREATION



ECONOMIC
DEVELOPMENT



STRATEGIC
PARTNERSHIPS

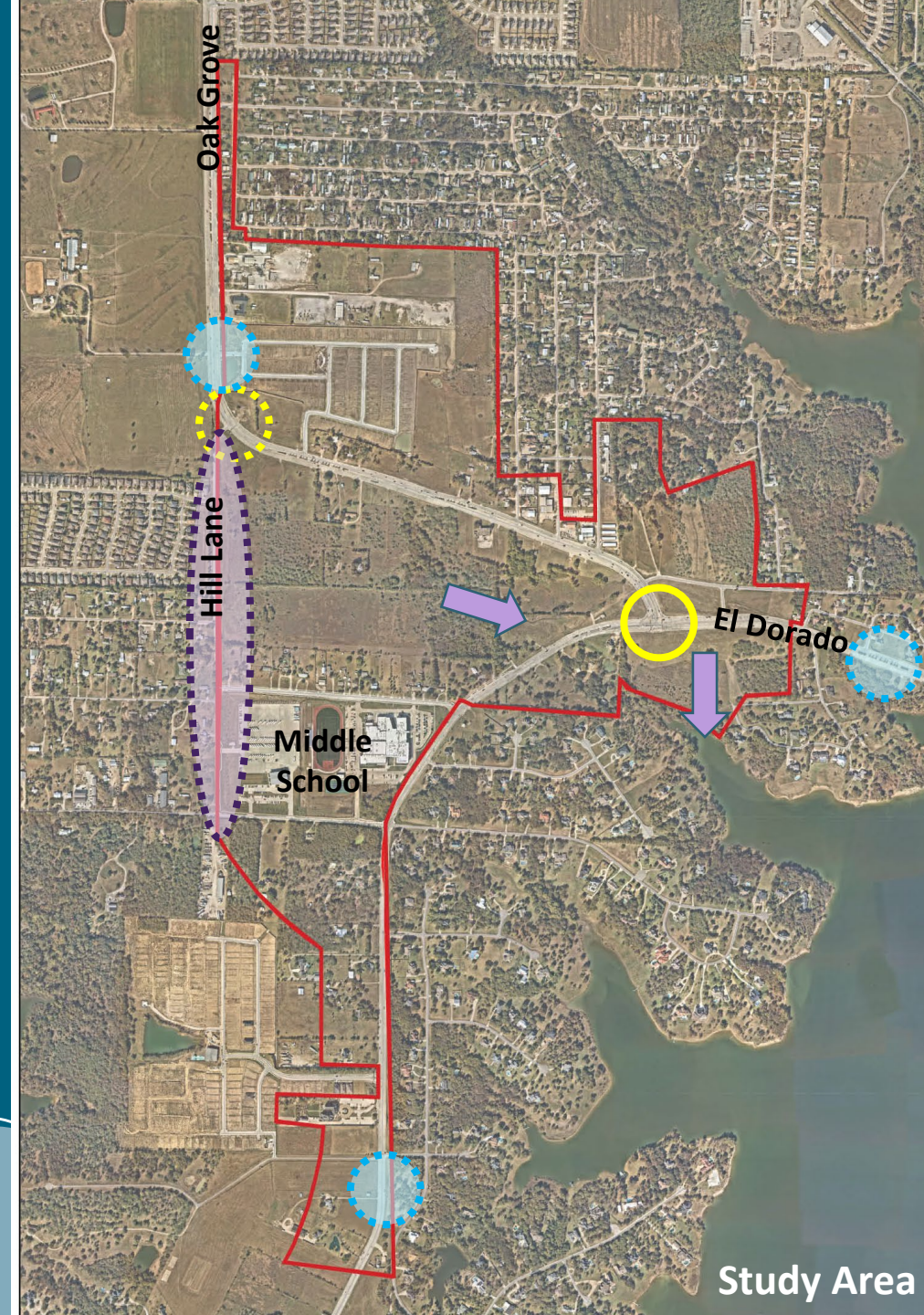
Goals from Little Elm Strategic Report

- Provide a **safe and welcoming** environment for Little Elm residents and visitors
- Ensure **strong relationships** with the community and region
- Maximize Community recreation and leisure activities
- Maintain operational **integrity and viability**
- Promote and **expand Little Elm's identity**
- Ensure **excellence in public services** while keeping up with the growth of the community

Built Environment

Some conditions to consider as development continues:

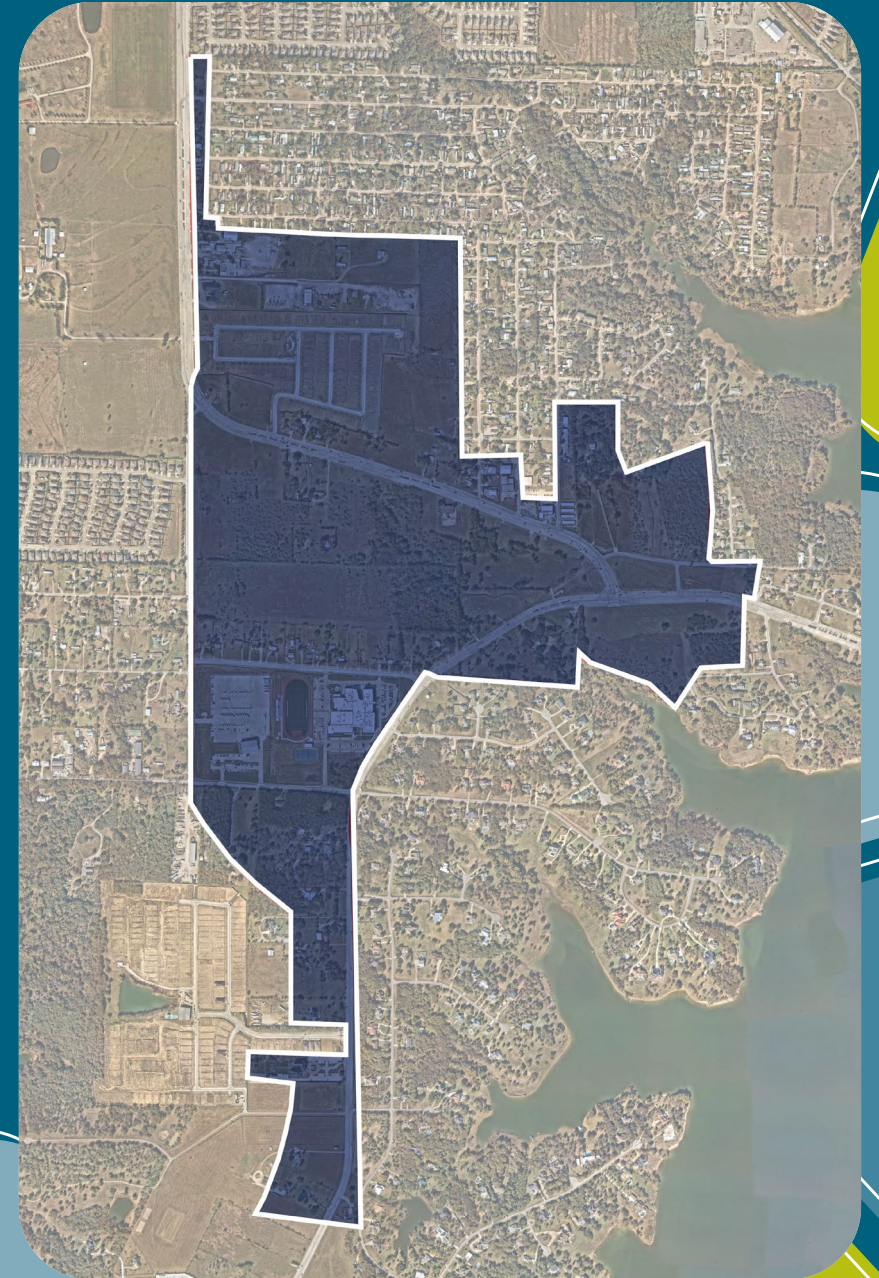
- Traffic conflicts (Northbound turns to Oak Grove)
- Lack of Identity (Undefined character)
- Adjacency isn't predictable (lack of controls)
- Topography (an asset, but also a challenge)
- Fragmented ownership (some large tracts)
- Limits on franchise utilities (gas, fiberoptics)



Concept Scenarios

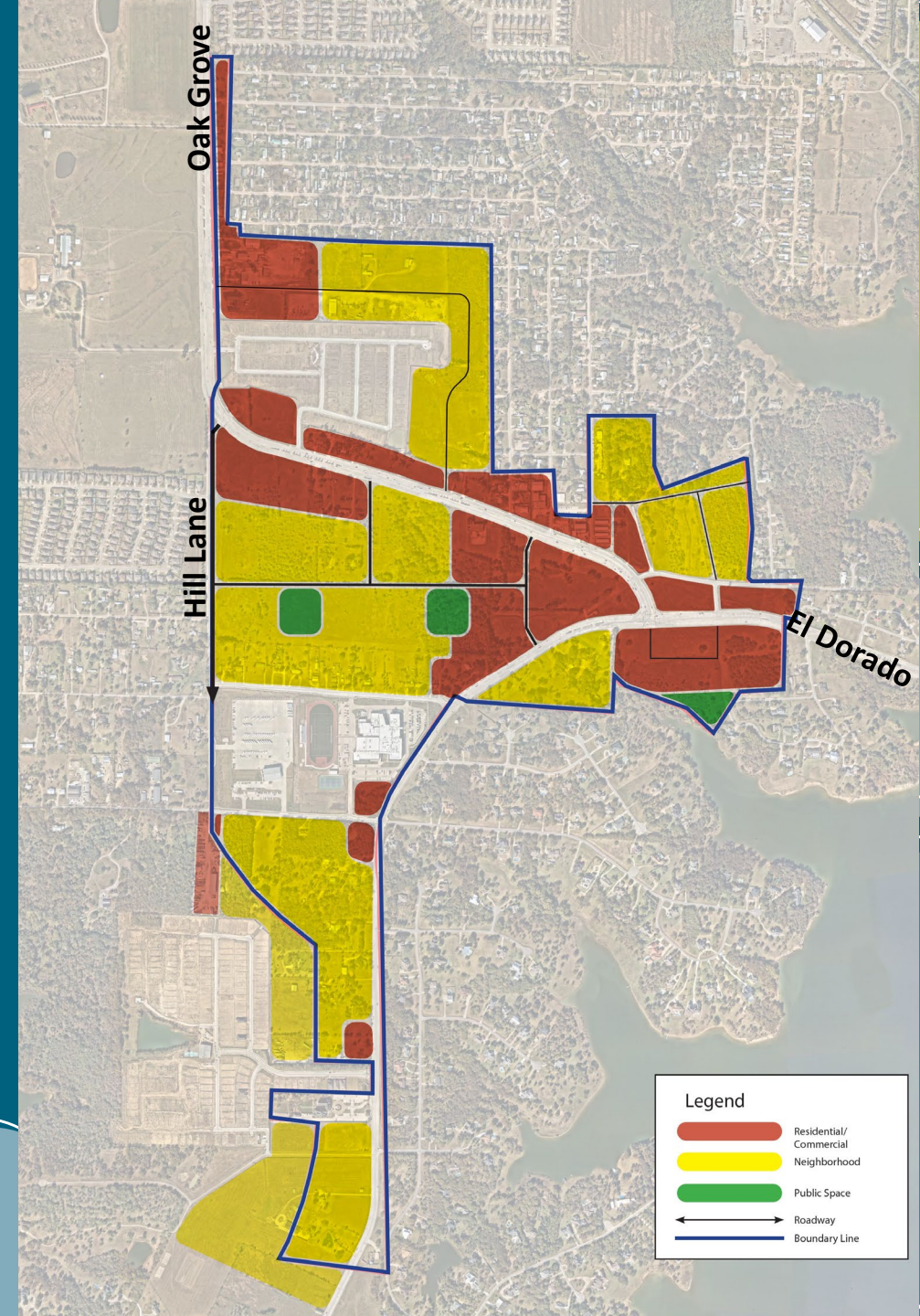
In order to understand what can be built, two scenarios were developed based on input from the first committee meeting.

- **Traditional development**
 - Utilize typical residential and commercial uses found throughout the Town
- **Neighborhood center development**
 - Develop a core area for walkable commercial, allow for some middle density housing, and buffer the edges with traditional single-family and landscaping



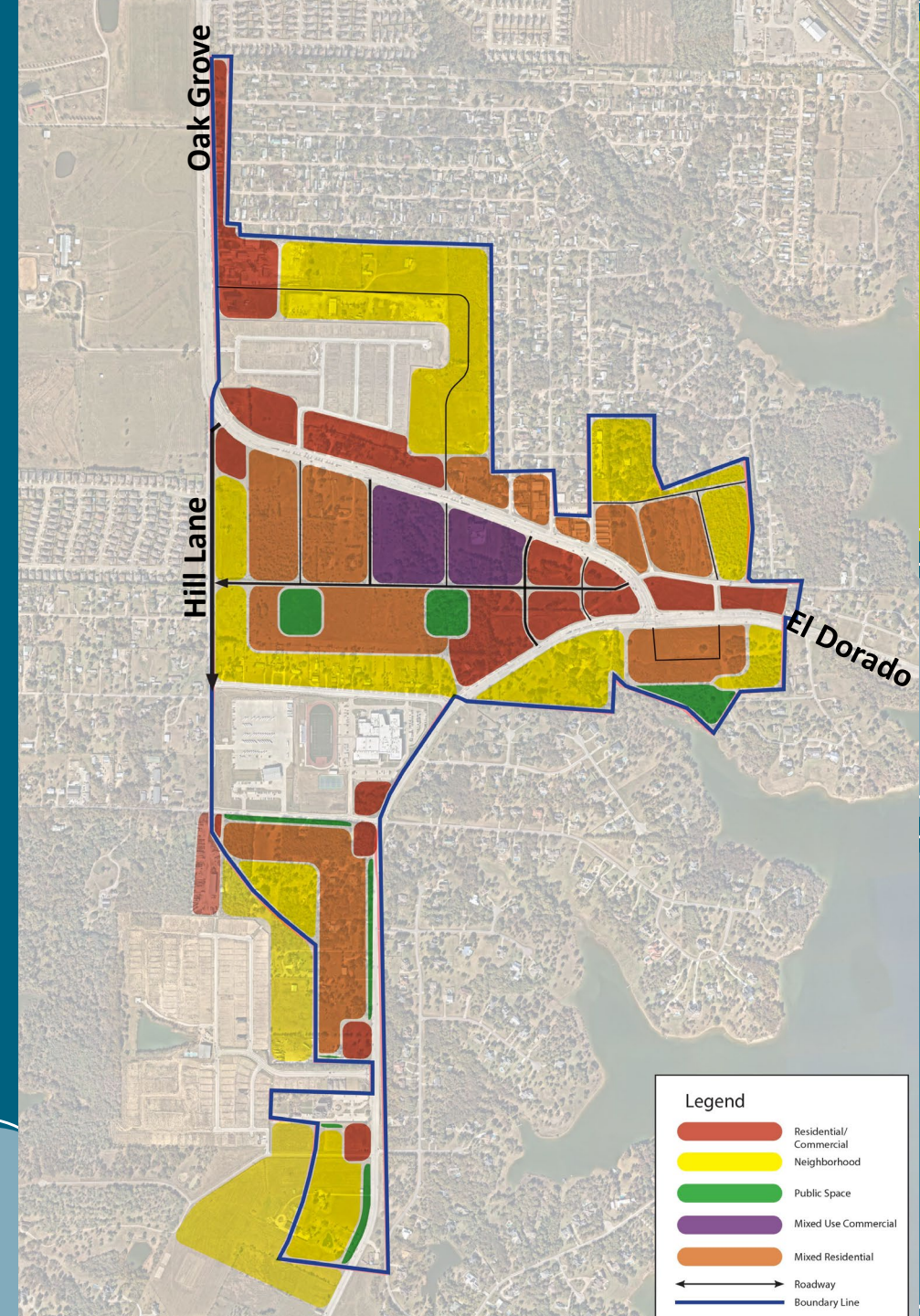
Scenario 1: Traditional Development

- Focused on neighborhood commercial along Oak Grove, and at key intersections along El Dorado
- Incorporated greenspace to provide stormwater detention as amenities in development
- Buffered existing residential with new residential; densities from 3-6 dwelling units per acre (du/ac)
- Managed mobility and connectivity through interconnected local streets



Scenario 2: Neighborhood Center Development

- Focused neighborhood commercial and mixed-use commercial west of intersection at Oak Grove and El Dorado
- Extended neighborhood commercial along Oak Grove and key intersections of El Dorado.
- Incorporated greenspace to provide stormwater detention as amenities in development and buffer mixed residential along roadways
- Buffered existing residential with new residential; densities from 3-6 dwelling units per acre (du/ac)
- Managed mobility and connectivity through interconnected local streets



Land use type definitions

In order to understand and clarify the terms used for land uses in the scenarios, a series of definitions were established.

Land Use Types:

- Neighborhood
- Retail/Commercial
- Mixed-Residential

These definitions will be the starting points for land use definitions in a Comprehensive Plan update by Town staff.

Land Use Types

Neighborhood

(Scenarios 1 & 2)

- Based on existing neighborhood layout and context
- Appropriate transitions to existing neighborhoods with respect to densities, screening, and buffering within new neighborhoods
- Density range: 3-6 DU/AC



Land Use Types

Retail/Commercial (Scenarios 1 & 2)

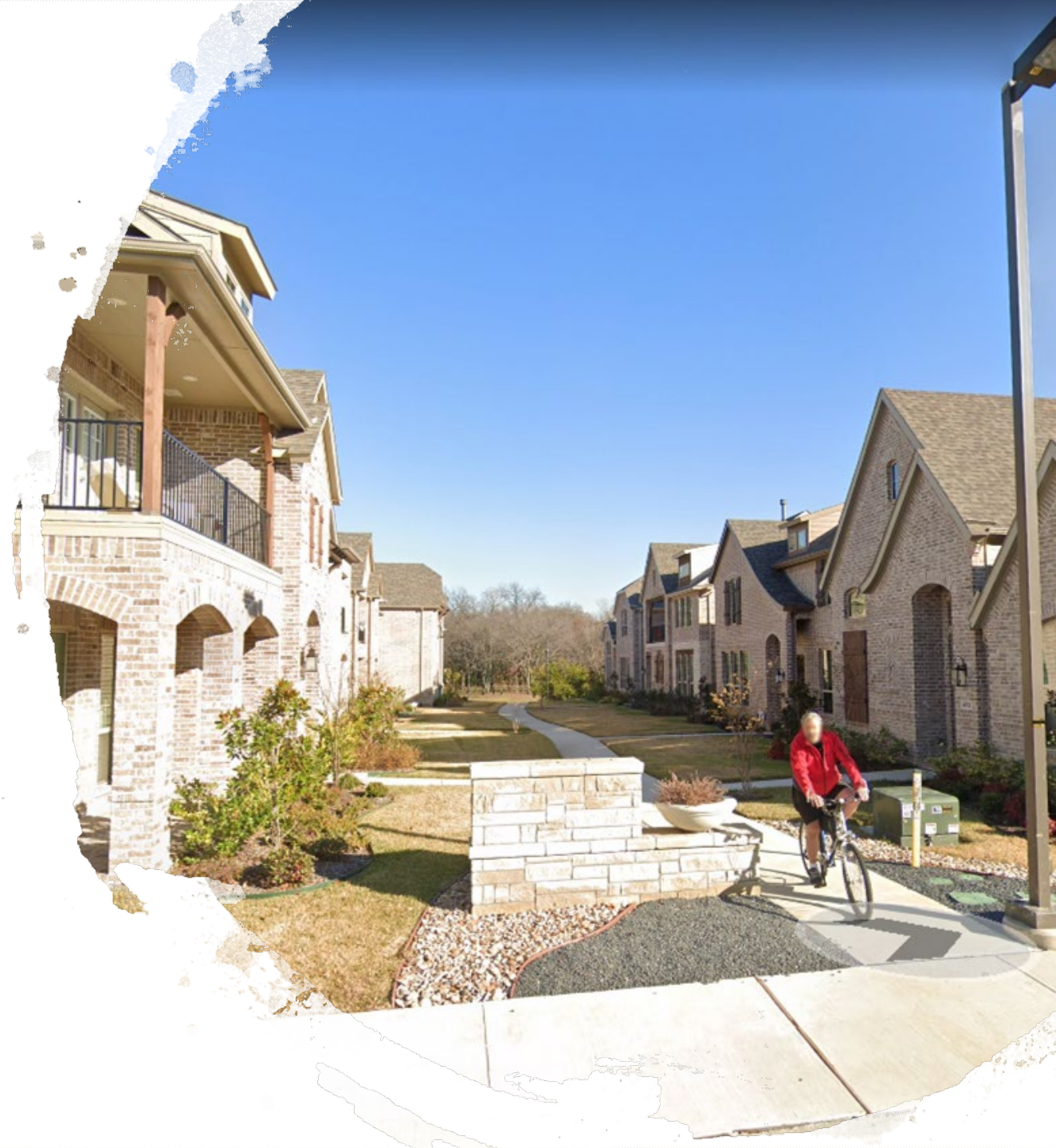
- Mostly neighborhood retail with restaurants uses or mid-rise office buildings
- May include lodging and related uses
- May include professional offices as a transition to adjoining neighborhoods
- One to two stories generally



Land Use Types

Mixed Residential (Scenario 2)

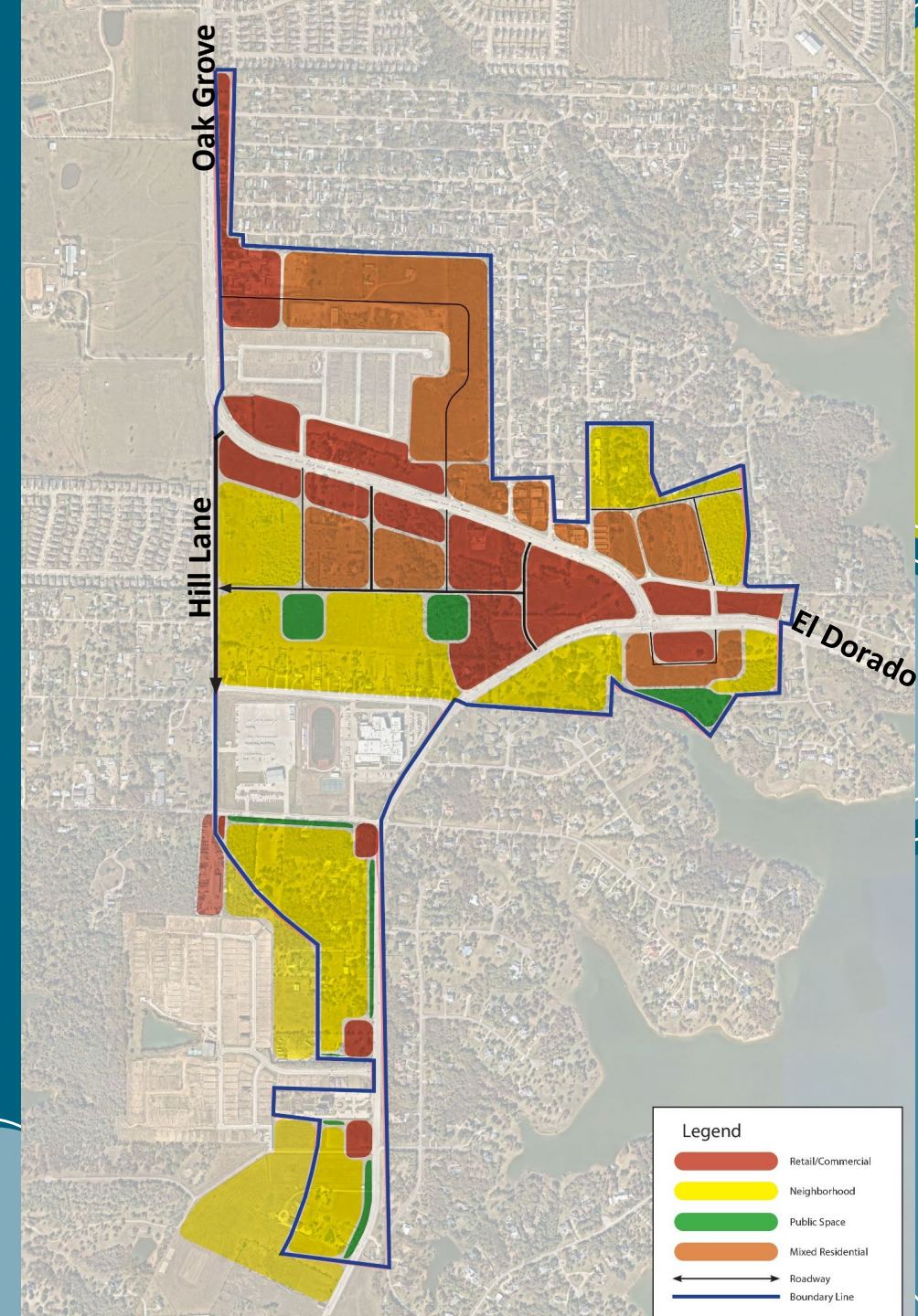
- Range of single family from large lot, to patio homes, to townhome transitions to neighborhood commercial
- Recreation related uses with access to parks and open space
- Overall residential density of 6 to 10 units per acre



Final Concept

Based on input from the third committee meeting, this concept was determined to be an approach for the west side area.

- Focuses neighborhood commercial along Oak Grove, and at key intersections along El Dorado
- Incorporates greenspace to provide stormwater detention as amenities in development
- Buffers existing residential with new residential; densities from 3-6 dwelling units per acre (du/ac)
- Manages mobility and connectivity through interconnected local streets
- Focuses neighborhood commercial west of intersection at Oak Grove and El Dorado



Prioritization for Implementation

Critical Infrastructure & Programs (1-2 years):

- Franchise and municipal utility coordination (Gas and Fiber are the highest priority)
- Local mobility and connectivity map
- Coordinated Stormwater Plan
- Future Land Use Plan and zoning clean-up
- Property title clean-up (Old Hwy 24)

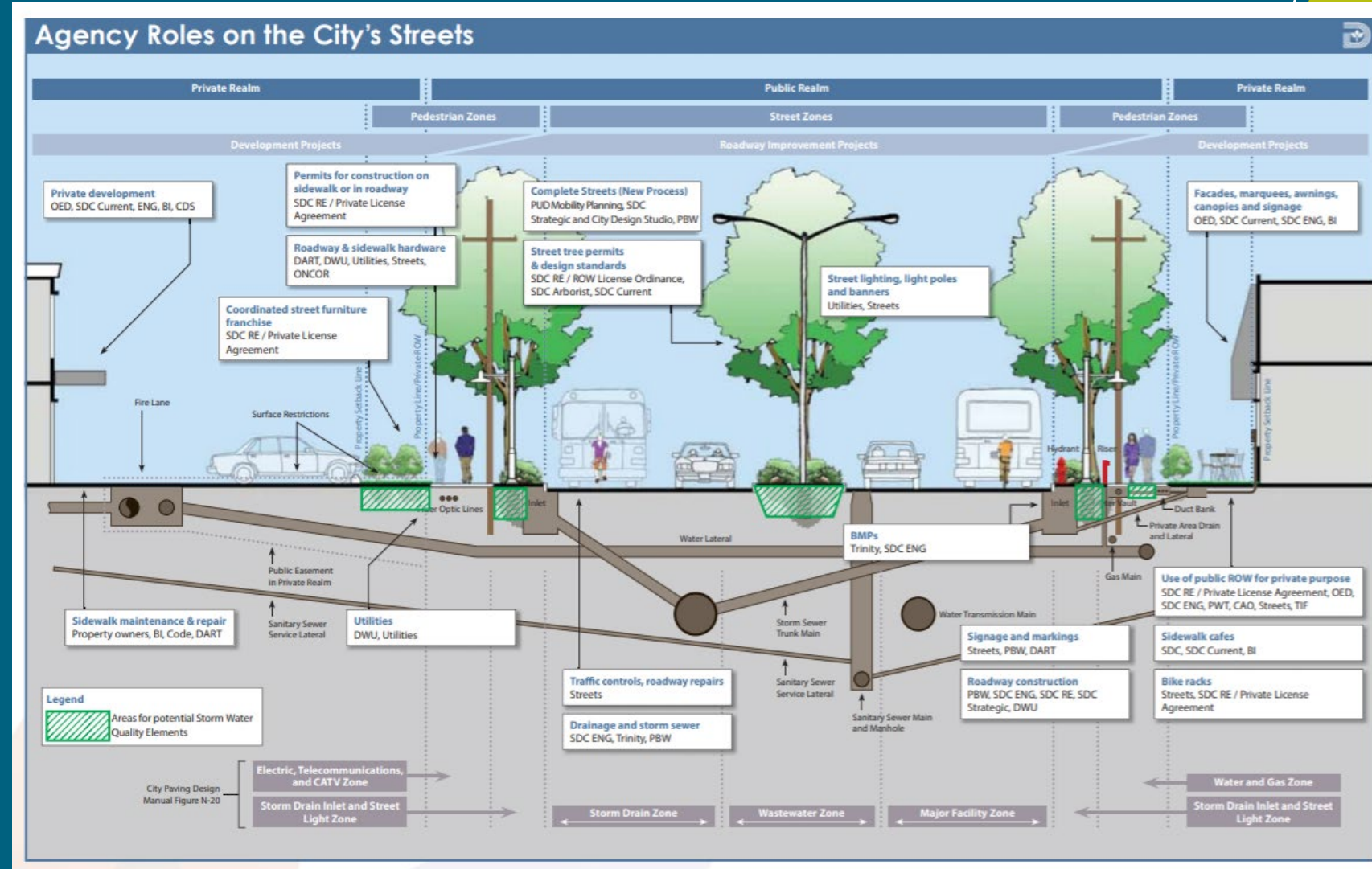
Secondary Infrastructure & Programs (2-5 years):

- Hill Lane Reconstruction
- Pedestrian connectivity improvements
- Gateways and Wayfinding improvements

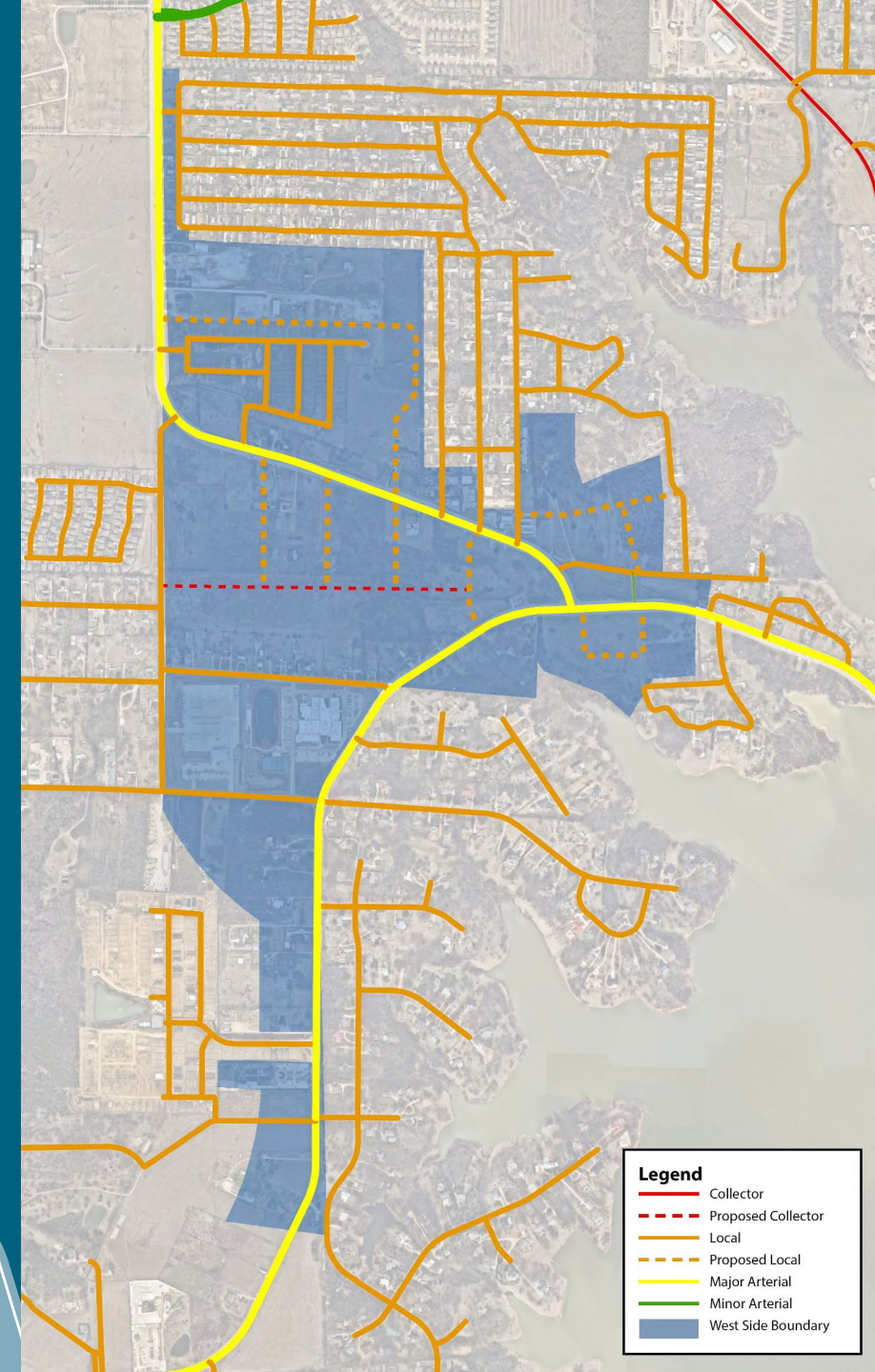
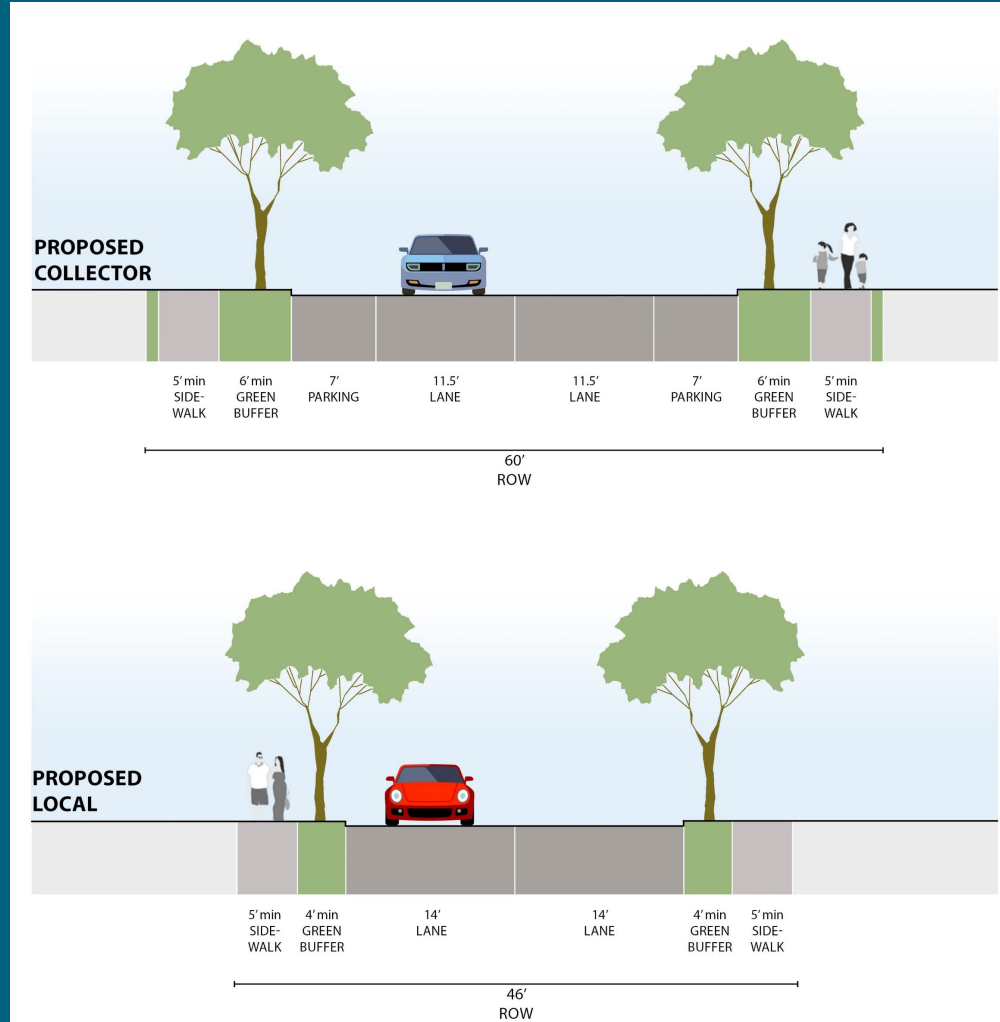
Utility Coordination

Excerpt from Dallas Street Design Manual

- Additional fiber improvements to expand service
- Natural gas improvements to support commercial development
- Assemble design criteria that reflect intended development on the west side
- Example graphic shows the potential arrangement of street utilities that the Town can manage and their role in that management.



Local mobility and connectivity map



Coordinated Stormwater Plan

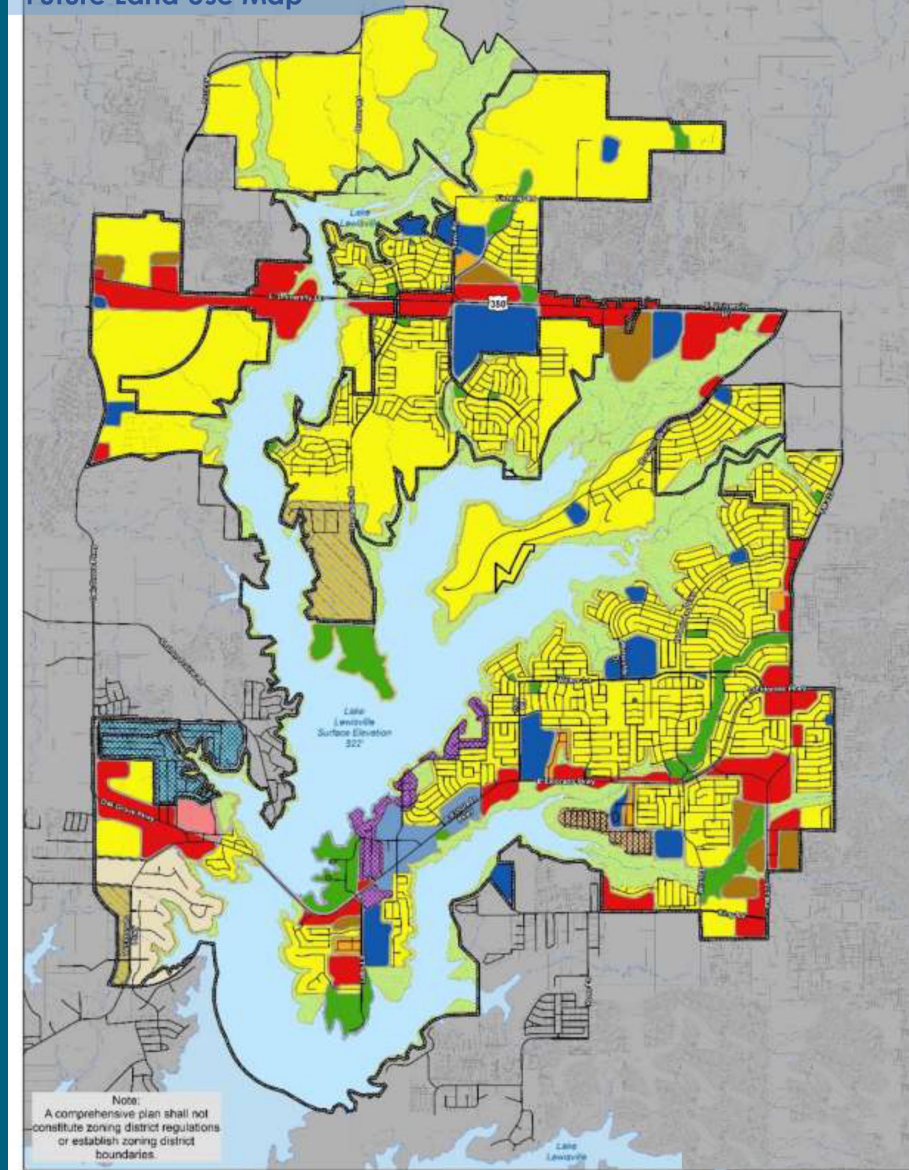
- Provide a unified method to continually improve and develop a filtration system from rainfall, runoff, inflow, outflow run off.
- The west side should include green space that is used as detention or retention pond.



Future Land Use Plan

- Adjusting the MU on the west side
- Adjusting Estate Residential where the middle school is currently located
- Adding Commercial/Retail to the residential in the southern region of the site off of Eldorado Drive

Future Land Use Map

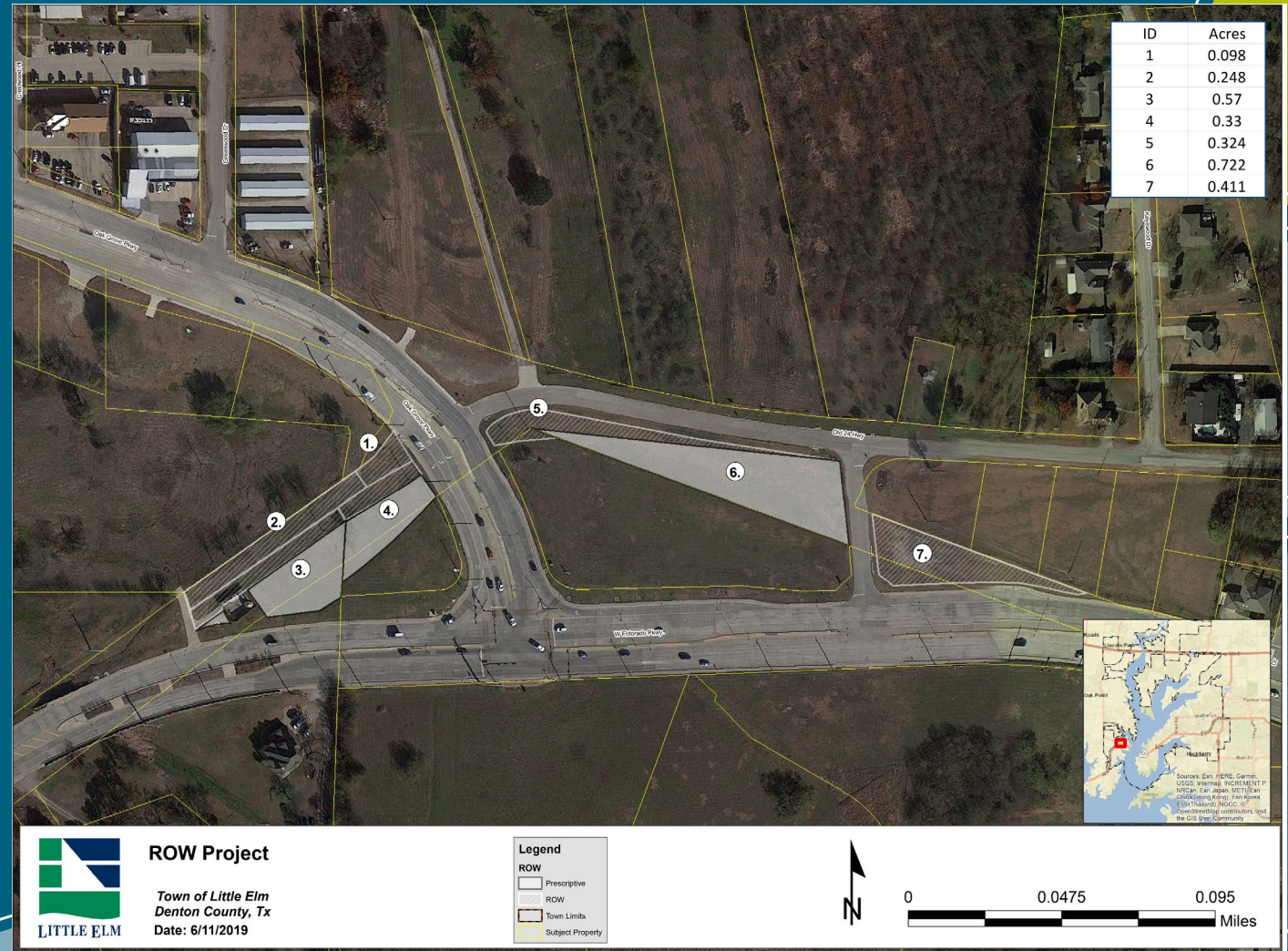


Future Land Use

Estate Residential	High Density Residential	Retail/Commercial	Special Planning Area 3	Town Limits
Ranchette Residential	Public/Semi-Public	Lakeloft District	Mixed Use	ETJ
Low Density Residential	Parks and Open Space	Special Planning Area 1	Lake Lewisville	Streams
Medium Density Residential	Floodplain/OORP	Special Planning Area 2		

Property title clean-up (Old Hwy 24)

- Cleaning up the property titles will allow for the land use to be easily recognized for future land use.

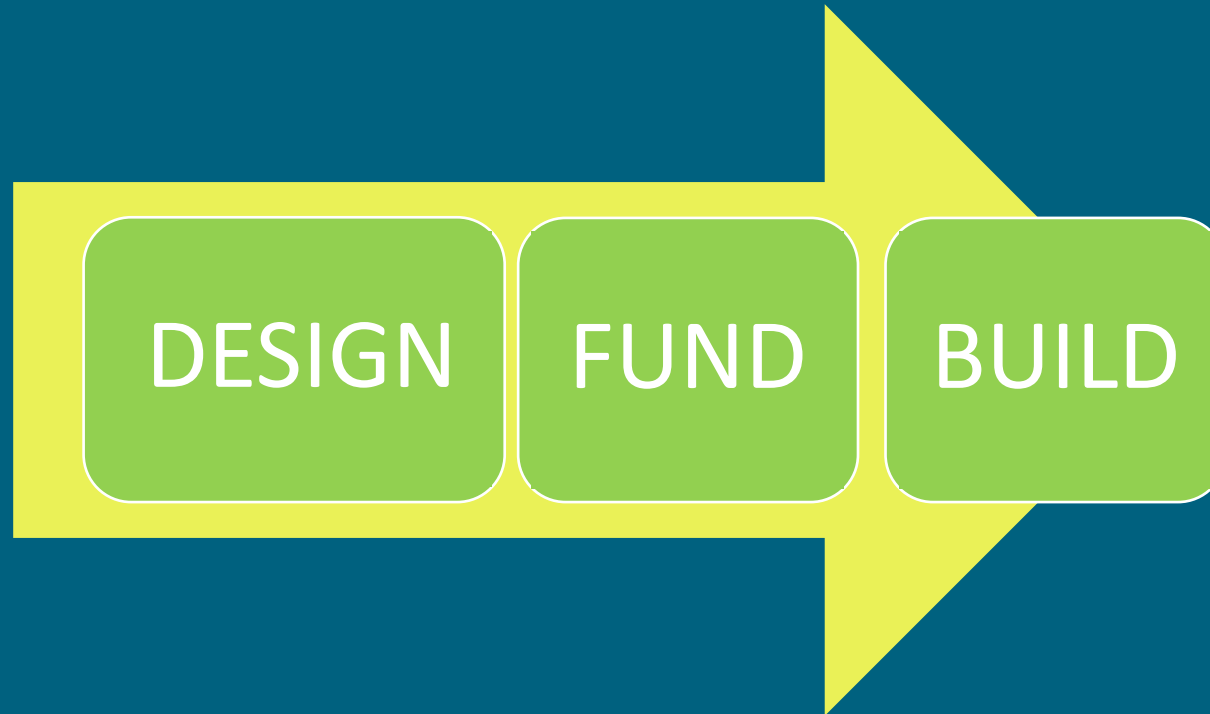


Hill Lane Reconstruction

- Essential to have coordination with the county
- For economic development must support walkability
- Utilize green infrastructure to maximize aesthetic of roadway and decrease overall cost
- Include a vision design approach to support context sensitive design



Conventional Design Approach



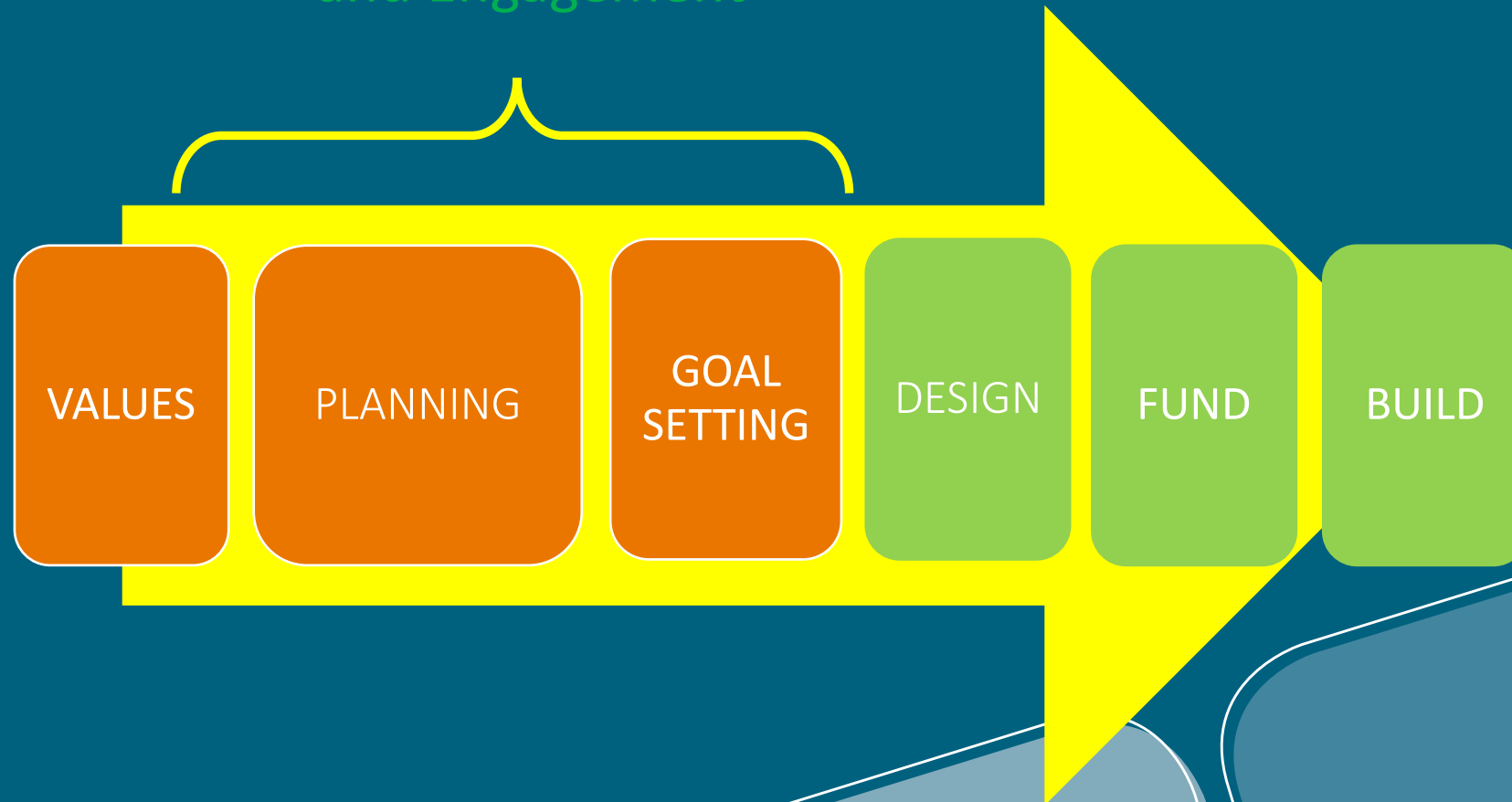
Risk of Conventional Approach

- Limited mobility choices
- Gaps in the network
- Details block by block are missed
- Missed opportunities to advance community goals
- Influences on vitality
- Neighborhood Isolation
- Conflicting projects



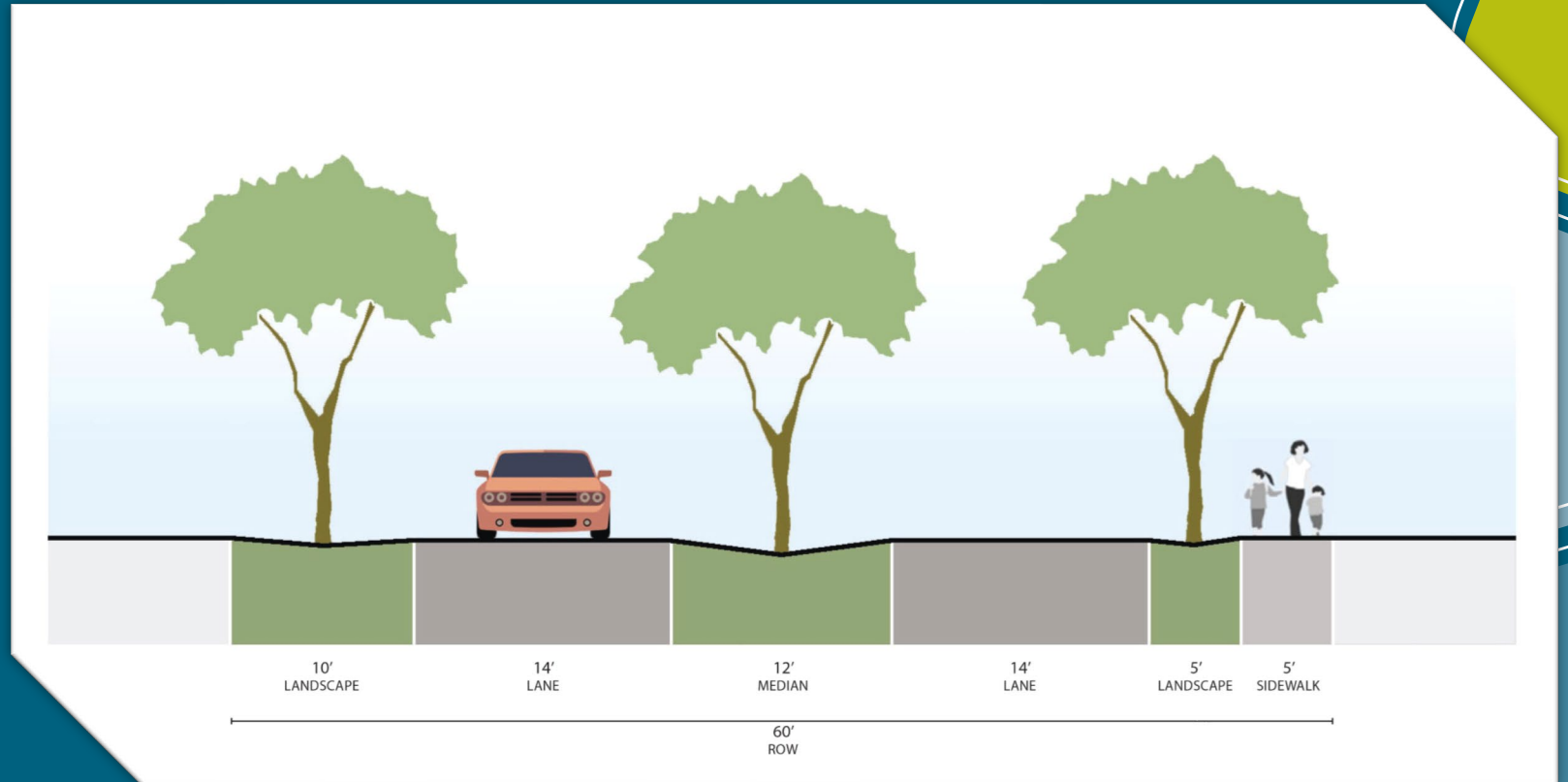
Vision Design Approach

Process from Strategic Plan
and Engagement



Street Characteristics for Hill Lane

- 60' of ROW width
- Vehicle and bus accommodations
- Rural neighborhood character maintained
- Green infrastructure reduces costs
- Provide sidewalks on east side of street



Pedestrian connectivity improvements

- Essential to have coordination with the county
- For economic development must support walkability
- Utilize green infrastructure to maximize aesthetic of roadway and decrease cost
- Include a vision design approach to support context sensitive design



Gateways and Wayfinding Improvements

- Start with a signature element to mark the gateway, make these gateways into **“selfie moments”** by making them accessible to the public.
- Continue improvements prior and after the **signature elements through lighting**, banners, and signage
- Improve **street crossings and pedestrian infrastructure** within the commercial core of the area



Gateways and Wayfinding improvements



Banner Lamp Post



Lighthouse Monument



South El Dorado Gateway Monument













TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

10/21/2021

OVERVIEW

Project	PUBLIC HEARING/ Community Facilities Text Amendment (ZOA-21-05689)
P&Z Hearing	10/21/2021
Council Hearing	November 16, 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/ Community Facilities Text Amendment (ZOA-21-05689). A proposed text amendment to Chapter 106, Zoning Ordinance, by amending Sec.106.03.03(d) Zoning Districts (Non-Residential/Commercial/Industrial, Community Facilities District), Sec. 106.01.14 Land Use Definitions, and Sec. 106.05.01(b) (Schedule of Uses – Nonresidential Zoning Districts), in order to allow for incidental uses within the Community Facilities District.

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

Location

N/A

Planning Analysis

In recent years it has become more and more common for school districts to partner with various business entities in order to provide students with on-campus professional training opportunities. Most recently, these types of partnerships are being taken to the next level, offering the students part-time employment within the campus branch of that business entity, becoming a fully student-ran operation. The partnerships offer students an educational component as well as real-life experience of running the business and interacting with actual clients or customers. Some examples of these partnerships include, but are not limited to an on-campus restaurant, a radio station, and a bank branch.

The business entity locates on campus, provides regular business operations to students and employees of the institution in which they are located, as well as members of the public, primarily during school hours, with some limited after hours operations as necessary, and employs primarily the students of the institution they are located within, with one or two trained professionals to oversee the student workers.

As this trend becomes more popular, it is important to ensure that the Town's Zoning Ordinance (Chapter 106) acknowledges this type of operation as a listed incidental use and provides the appropriate zoning district where such use would be allowed. In these cases, the primary user is the school district and the primary use is the school, which would fall under the Community Facilities (CF) zoning district. Therefore, Staff is proposing to amend certain sections of the Zoning Ordinance, relevant to the Community Facilities (CF) district as well as the definition of incidental uses in order to accommodate such operations.

Currently, Sec.106.03.03(d) Zoning Districts (Non-Residential/Commercial/Industrial, Community Facilities District), reads as follows:

(d) CF Community Facilities District.

(1) Purpose. The community facilities district is established to apply to those lands where federal, state or local government activities are conducted, where governments hold title to such lands, or for public and private educational and medical facilities. Certain nongovernmental and non-institutional uses may be permitted to provide necessary services to governmental and institutional uses.

Staff is proposing the following amendment language:

(d) CF Community Facilities District.

(1) Purpose. The community facilities district is established to apply to those lands where federal, state or local government activities are conducted, where governments hold title to such lands, or for public and private educational and medical facilities. Certain nongovernmental and non-institutional uses may be permitted to provide necessary services to governmental and institutional uses, ***or incidental retail and service uses which are appropriate and subordinate to the principal use, and offer instruction, training, and employment opportunities for the primary intended user of the principal use.***

Currently, Sec. 106.01.14 Land Use Definitions, reads as follows:

Incidental retail and service uses. Defined as operating within another establishment, such as a bank branch, nail salon, eyewear service, tax service, etc. within a "big box" store. May also be located within an office complex or hotel, such as a deli, convenience store, or restaurant for the use of the employees, guests.

Staff is proposing the following amended language:

Incidental retail and service uses. Defined as operating within another establishment, such as a bank branch, nail salon, eyewear service, tax service, etc. within a "big box" store. May also be located within an office complex, hotel, ***or institution***, such as a deli, convenience store, or restaurant for the

use of the employees, guests, ***and students.***

Currently, Sec. 106.05.01(b) (Schedule of Uses – Nonresidential Zoning Districts) does not permit Incidental Retail and Service Uses under the Community Facilities (CF) district. Staff is proposing to amend the Schedule of Uses to allow Incidental Retail and Service Uses as Permitted, as-of-right, under the Community Facilities (CF) district.

Recommended Action

Staff recommends approval of the proposed text amendment as presented.

Attachments

Amended Sec. 106.01.14 Land use definitions.

Amended Sec. 106.03.03 Zoning districts Non residential commercial industrial.

Amended Sec. 106.05.01 Schedule of uses.

Sec. 106.01.15 Other zoning ordinance definitions.

Access lane, major. Any privately owned on-site drive or lane intended to access the primary entrance(s) to land parcels and parking areas, and which accommodates vehicles or pedestrians. Such major access lanes may serve as fire lanes. Such lanes will likely intersect a major roadway at a median break, subject to the director's approval.

Access lane, minor. Any privately owned on-site drive or lane intended for internal access to land parcels and parking areas, and which accommodates vehicles or pedestrians.

Accessory use. Defined as any land use or building that, by its nature, is not the primary use of the tract of land upon which it is located. For example, a garage is secondary to the residence. In commercial districts, an accessory use is that which occupies less than 50 percent of the square footage of the main building.

Acts of nature. An extraordinary interruption by a natural cause (such as a flood or earthquake) of the usual course of events that experience, prescience, or care cannot reasonably foresee or prevent.

Advertising sign or structure. Any cloth, card, paper, metal, glass, wooden, plastic, plaster, or stone sign or other sign, device, or structure of any character whatsoever, including a statuary or place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building, or structure. The term placed shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Neither directional, warning, nor other signs posted by public officials in the course of their public shall be construed as advertising signs for the purpose of this chapter. (See chapter 86 of the Code of Ordinances, "Signs" for further details)

Agricultural use. A use that consist of the growing of crops mainly for food and fiber, or the keeping, grazing, breeding, or feeding of animals for the products they produce or for eventual sale.

Alley. A minor, one-lane drive which is used primarily for vehicular access to the back or side of properties otherwise abutting or facing a street.

Animal shelter. A public or private facility for the enclosure of animals, especially stray, abandoned or unlicensed pets, with the intention of animal adoption.

Apartment. A room or suite of rooms arranged, designed, or occupied as the residence by a single-family, individual or group of individuals. Also known as a "unit."

Apartment accessory uses. Any structure that is intended for the use of residents, visitors, or employees of an apartment complex and includes, but is not be limited to, leasing centers, amenity centers, offices, and/or laundry facilities.

Applicant. Any person or entity that submits to the town an application for a permit required by the town for a project. To be qualified as an applicant under this chapter, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this chapter. The term shall be restricted to include only the property owner or a duly authorized agent and representative of the property owner.

Application for a permit. Any document filed with the town that clearly indicates that the applicant is seeking consideration for a permit, the type of permit sought, and provides the town with fair notice of the project, and when used in this zoning ordinance, shall include a plan for development; but excluding applications to establish or amend a zoning district, including but not limited to a request to establish or amend a Planned Development District or to receive or amend a specific use permit.

Area of the lot. The square footage of a lot shall be the net area of the lot and shall not include portions of streets or alleys.

Basement. A story located primarily below the natural grade line of the property.

Bay. A large opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access. Also referred to as docks or internal loading spaces.

Bay door. An oversized door, typically with roll-up or swing-type doors, commonly used in conjunction with docks, bays, and loading spaces.

Block. An area enclosed by streets and occupied by or intended for buildings, or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side.

Block face. The portion of a block adjacent to the street.

Block length. The length of the block face between two street intersections.

Buildable area. The allowable area available to construct a building or structure after complying with the town's applicable setback and maximum lot coverage requirements.

Building. Any structure built for the support, shelter, and enclosure of persons, animals, chattels or movable property of any kind.

Building ends. Those sides of a building having the lesser dimensions as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple family dwelling, a "building end" shall be interpreted as being the more narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

Building height. The vertical distance between the average of the highest and lowest points of grade of that portion of the lot covered by the building to the highest point of a structure, not including chimneys, aerials, and similar projections.

Building line. A line parallel or approximately parallel to the street line at a specific distance there from, marking the minimum distance from the street line that a building may be erected.

Building official. The building inspector or administrative official charged with responsibility for issuing permits and enforcing the zoning ordinance and building code.

Building, main. A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

Building site. A single tract of land located within a single block, which (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. A building site may be subsequently subdivided into two or more building sites, and a number of building sites may be combined into one building site, subject to the provisions of this chapter and subdivision ordinance.

Build-to line. A line parallel or approximately parallel to the street line at a specific distance therefrom, marking the maximum distance from the street line that a building may be erected - generally used in form-based zoning districts.

Candlepower. The quantity of light required to illuminate a surface one foot distance from a light source to the intensity of one footcandle.

Carnival or circus. A traveling show or exhibition, sometimes housed in tents which has no permanent structure or installation and may include restaurants and retail shops incidental to the use.

Carport. A structure open on a minimum of three sides designed or used to shelter the owner's vehicle, not to exceed 24 feet on its longest dimension. Carports are generally prohibited in the town. Also called "covered parking area."

Cellar. That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

Cemetery and/or mausoleum. A cemetery is a place designed for the burial of the dead. A mausoleum is a building with places for the entombment of the dead.

Certificate of occupancy or compliance. An official certificate issued by the town through the building official which indicated conformance with or approved conditional waiver from the zoning regulations and authorized legal use of the premises for which it is issued.

Comprehensive plan. Policies adopted by the town council which govern the future development of the town and which consist of various components governing specific geographic areas as well as functions and services provided by the town.

Court. An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

Day services, adult. A facility that provides services under an adult day care program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult day services centers (also referred to as adult day care centers) must be licensed by the Texas Department of Human Services.

Decibel (dBA). A unit of measurement of sound pressure.

Depth of lot. The mean horizontal distance between the front and rear lot lines.

Depth of rear yard. The mean horizontal distance between the rear line of a building other than an accessory building and the rear lot line except as modified by this chapter.

Development. Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

Director. The director of development services for the Town of Little Elm.

Disability or handicap. With respect to an individual:

- (1) A physical or mental impairment which substantially limits one or more of such person's major life activities,
- (2) A record of having such an impairment, or
- (3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance. (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802))

District. A section of the town for which the regulations governing the area, height, or use of buildings are uniform for each type and class of structure.

Dwelling unit. A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters of an individual or family and including facilities for food preparation and sleeping.

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Fence, open ornamental. Fencing constructed with wrought iron, tubular steel, or similar materials and designed to allow for partial visibility from one side of the fence to the other. Open or namental fences may have solid masonry foundations, columns, or similar features. Chain link fences are not included in this definition.

Fence, residential. Fencing for residential rear yard screening is generally wood. See regulations in section 106.06.32, "residential fences."

Fence, solid masonry screening wall. Fences or screening walls are generally solid masonry with columns. See regulations in section 106.06.31, "screening."

Fire lane. A fire apparatus access road according to the International Fire Code adopted by the town.

Floodplain. Any property within the limits as delineated by FEMA (Federal Emergency Management Agency) of the 100-year floodplain or as amended by an engineering flood study of the ultimate developed conditions prior to any reclamation.

Floor area. The total square feet of usable floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports or garages. Sometimes called "air conditioned space."

Floor area ratio (FAR). An indicated ratio between the number of square feet of total floor area in the main building on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building floor area by the lot area.

Footcandle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. When metric units are used, lux is the unit of light quantity. One lux equals one lumen per square meter of area. One footcandle equals 10.76 lux.

Frequency. The number of times per second a vibration or sound wave oscillates.

Glare. Direct light emitted from a light source, which is sufficient to cause annoyance, discomfort, or temporary loss of visual performance and visibility.

Grade.

- (1) For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.
- (2) For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street.
- (3) For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior wall of the building.
- (4) Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street.
- (5) Where no sidewalk has been constructed, the building official shall establish such sidewalk level or its equivalent for the purpose of these regulations.

Gross floor area. The gross floor space of an apartment house shall be measured by taking the outside dimension of the apartment building at each floor level, excluding, however, the floor area of basements or attics not used for residential purposes.

Height of buildings. The vertical distance measured from the highest of the following three levels:

- (1) From the street curb level;
- (2) From the established or main street grade in case the curb has not been constructed;
- (3) From the average finished ground level adjoining the building if it sets back from the street line.
- (4) To the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch to the foot, or to the mean height level of the top of the main plates and highest ridge for other roofs.

Height of yard or court. The vertical distance from the lowest level of such yard or court to the highest of any boundary wall.

Home occupation. An occupation, which is secondary to the primary use of a dwelling as a residence, conducted on residential premises by the occupant of the residence. Home occupations shall be subject to the conditions set forth in section 106.05.02.2(k) "home occupations" of the zoning ordinance. Any activity carried out for personal gain in a dwelling unit by a resident of the premises, which occupation is secondary to the residential purpose of the premises. A residential structure used exclusively for a business with no permanent, overnight residence is considered a business and not a home occupation.

Infill development. The development of structures in vacant lots within developed areas which can utilize existing infrastructure.

Junk. The term "junk" includes scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so weak, deteriorated or obsolete as to make them unusable in their existing condition.

Landfill. A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.

Landscape architect. A person who holds a license to practice landscape architecture in the State of Texas.

Landscaping. Material such as, but not limited to, grass, groundcovers, shrubs, vines, hedges, trees, and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

Loading space. An off-street space or berth used for the delivery and loading or unloading of vehicles.

Lot. A parcel of land occupied or to be occupied by one building, or unit group of buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and having its principal frontage upon a public street or a place.

Lot coverage. The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot. The lot area covered by all structures located thereon. Structures shall include main structures and accessory structures with or without a permeable roof. Lot coverage does not include uncovered patios, drives, walkways, swimming pools or swimming pool decks.

Lot depth. The mean horizontal distance from the front street line to the rear line.

Lot lines. The lines bounding a lot as defined herein.

Lot line, front. The boundary between a lot and the street on which it fronts.

Lot line, rear. The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the building official shall determine the rear line.

Lot line, side. Any lot boundary line not a front or rear line thereof. A sideline may be a party lot line, a line bordering on an alley or place or side street line.

Lot of record. A lot which has been recorded in the office of the county clerk.

Lot, corner. A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has the smaller dimension, unless otherwise specified by the building official.

Lot, flag or panhandle. A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than 25 feet. The maximum distance of the area less than the required width from the front property line shall be 110 feet.

Lot, interior. A lot whose property lines do not abut upon any street.

Lot, key. A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley shall be considered a key lot.

Lot, reverse corner. A corner lot abutting upon two intersecting streets where the rear lot line of one lot is also the side lot line of an adjoining lot.

Lot, through. An interior lot having frontage on two streets.

Lot, width. The horizontal distance between side property lines, measured at the front building or setback line, as established by the minimum front yard requirement of this chapter.

Nonconforming use, legal. A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance [from which this chapter is derived] or amendments thereto, but which does not currently conform to the use regulations of the district in which it is situated. (See section 106.05.05, "nonconforming uses" for more detailed information)

Nonresidential. Property zoned or used for other than residential purposes. For the purposes of this chapter, multifamily developments are considered to be commercial and nonresidential.

Occupancy. The use or intended use of the land or buildings by proprietors or tenants.

Octave band. A portion of the audible sound spectrum. An octave band analyzer divides the audible sound spectrum into eight octave bands.

Odor threshold. The concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person. Determination of the odor threshold is prescribed by A.S.T.M.D. 1391-57, Standard Method for Measuring Odor in Atmosphere.

Open space. Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the typical projections of cornices, eaves or porches.

Outside merchandise display, temporary. A temporary display of merchandise for sale outside of a building.

Outside storage and display, permanent. A primary land use providing outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts. This definition does not include temporary outside merchandise display, such as a sidewalk sale.

Outside storage and display, under eave display, temporary. The temporary display of merchandise for sale located immediately outside the main entrance to the building and generally in the area that is adjacent to the building and between the building and the walkway/entrance. Items include, but are not limited to, firewood, plants, pumpkins, shopping carts, and other items. (See section 106.05.03(g), "open storage, under eave display," for regulations)

Parking space. An area of not less than 180 square feet (measuring approximately nine feet by 20 feet not on a public street or alley, surfaced with concrete, enclosed or unenclosed, together with a driveway connecting the parking space with a street or alley permitting free ingress and egress. Head-in parking adjacent to a public thoroughfare or major access lanes shall not be permitted unless in the Lakefront District.

Particulate matter. Finely divided solid or liquid matter, other than water, which is released into the atmosphere.

Permit. A license, certificate, approval, registration, consent, permit, contract, or other agreement for the construction or provision of service from a utility owned, operated, or controlled by the town, or other form of authorization required by law, rule, regulation, order, or ordinance, which has been approved by the town, that a person or entity must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought, and for which the application for the permit or information required to be submitted for consideration

provides fair notice of the project to the town. Notwithstanding, an ordinance establishing or changing a zoning district, including but not limited to an ordinance establishing or amending a Planned Development District or specific use permit, is not considered a permit under this definition.

Photometric plan. A point-by-point plan depicting the intensity height, and location of lighting on the property.

Planned Development District. Intentional associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed, or operated or integral land use units either by a single owner or a combination of owners.

Planning and zoning commission. The agency appointed by the town council as an advisory body to council and which is authorized to recommend changes in the zoning ordinance and is authorized to decide matters relating to platting.

Plat. A plan of a subdivision of land creating legal building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the town and subject to approval by the planning and zoning commission. Reference to a plat in this chapter means an official plat of record which has been approved by the planning and zoning commission and filed in the plat records of Denton County.

Premises. Land together with any buildings or structures occupying it.

Primary use. The principal or predominant use of any lot or building.

Private franchised utility, other than listed. A nonpublic utility requiring special facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or the normal franchised utilities. Railroad track and right-of-way, but not including railroad stations, sidings, team tracks, loading facilities, dock yards or maintenance areas.

Private street development. A development of two or more lots sharing private gated vehicular accessways that are not dedicated to the public and are not publicly maintained. Private streets and alleys may be established only under the terms of both the subdivision ordinance and the zoning ordinance, sections 106.05.02.2(t), "private street development/gated communities - existing subdivisions" and (u), "private street development/gated communities - new subdivisions." The term "private street" shall include alleys within a private gated community.

Riparian buffer. An area of permanent vegetation adjacent to a watercourse and actively managed to maintain the integrity of stream channels and shorelines to reduce the impact of upland sources by trapping, filtering, and converting pollutants and supplying food, cover, and thermal protection to fish and other wildlife. The director shall establish and maintain a riparian buffer/corridor map.

Riparian corridor. An ecosystem that includes three major components: stream channel, floodplain, and transitional upland fringe. The director shall establish and maintain a riparian buffer/corridor map indicating riparian corridor locations.

River stone. This is smooth river cobble measuring approximately three to eight inches in diameter.

Room. A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.

Screening. Screening is defined as a solid barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the lot line when viewed from any height between ground level and seven feet above ground level.

Secondary use. A use included in a building or on a lot that is a lesser percentage of area than the primary use.

Shopping cart. A shopping cart is a metal or plastic conveyance meant to move goods from the store to a vehicle. The carts are owned by the store and not to be taken off premises (see section 106.05.03(f), "open storage, temporary" and (g), "open storage, under eave display" for regulations).

Shopping center. A group of primarily retail, service, commercial, and restaurant establishments planned, constructed and managed as a single entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements, and includes a managed sign program for all tenants.

Sign. Any device, including its structure and component parts, which conveys commercial messages for visual communication or advertising that is used for the purpose of attracting attention of the public, but not including any lawful display of merchandise. Signs are governed by chapter 86 of the Code of Ordinances.

Site plan. A detailed set of plans including such things as building footprints, parking, landscaping, photometrics, and building elevations. (See section 106.02.15, "site plan approval" for more detailed information)

Smoke. The visible discharge of particulate matter from chimney, vent, exhaust, or combustion process.

Snow cone establishment. A structure for the temporary sale of snow cones and similar pre-packaged food items.

Special exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special exceptions if specific provision for the special exception is made.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half-story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level established or mean street grade or average ground level, as mentioned in "height of buildings" of this section. The standard height for a story is 11 feet, six inches.

Story, half. A single room within a dwelling unit above the second floor. A half-story will occupy no less than two-thirds of the area under the roof, and shall have non-operating opaque windows for facades that face adjacent properties. Transparent windows may face the front yard. A half-story containing independent apartment, living quarters, or bedroom shall be counted as a full story.

Street. A thoroughfare which affords principal means of access to property abutting thereon.

Street line. The dividing line between the street and the abutting property.

Streetscape. The urban elements that establish the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

Structure. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, including but not limited to advertising, signs, billboards, and poster panels but exclusive of customary fences or boundary or retaining walls.

Structural alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure, accessory. Any structure, either attached or detached from the main dwelling, the use of which is incidental to that of the main structure and located on the same lot. Accessory structures include, but are not limited to patio covers, arbors, gazebos, cabanas, outdoor kitchens, recreational fire enclosures, solar panels,

flagpoles, trellis, and structures/sheds or the like. A permit is required for many accessory structures. (See section 106.05.02.1(a) through (i) for requirements, "accessory uses.")

Temporary building. An industrialized or modular building or structure without a permanent foundation shall be considered a temporary building. Membrane structures shall not be considered a temporary building.

Thoroughfare. Same as street.

Town. References to the "town" shall mean the Town of Little Elm, Texas.

Town council. The governing body of the Town of Little Elm, Texas.

Toxic and noxious matter. Any solid, liquid or gaseous matter which is present in sufficient quantities to endanger health, safety or comfort of persons in the vicinity or which may cause injury or damage to property.

Tri-partite design. The technique of dividing the architectural elements of a building into three horizontal planes, with a distinctive base, middle and top. The top plane may be smaller in size and considered an architectural feature.



Urban mixed use. A development or portion of a development that includes a mixture of residential and nonresidential uses in a configuration where a majority of the buildings are two or more stories tall and pedestrian oriented.

Usable open space. An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent, shall have no dimension of less than ten feet, and may include landscaping, walks, recreational facilities and decorative objects such as art work or fountains. Usable open space shall not include: roof tops, accessory buildings, except those portions of any building designed specifically for recreational purposes, parking areas, driveways, turnaround areas, or the right-of-way of easement or public and private streets or alleys.

Variance. An adjustment to the application of the specific regulations of the zoning ordinance or subdivision ordinance on a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the board of adjustment of the town council may grant a variance. (See section 106.02.02(g), "variances" for more information).

Vested rights. The specific land use rights that are granted upon receipt of certain applications. (See section 106.02.07, "vested rights" for more information).

Vibration. A periodic displacement of the earth measured in inches (related to sound).

Yard, front. All the open area across the full width of the lot contained between the front property line of the lot and any portion of the main building.

Yard, rear. All the open area between the rear lot line and the rear line of the main building and the side lot lines.

Yard, side. All the open area between the building and the sideline of the lot and extending from the front yard to the required minimum rear yard.

Yard, size. All the open area between the main building and the adjacent sideline of the lot, and extending entirely from the front yard to the rear yard thereof.

Yard. An open space at-grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided, in measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

(Ord. No. 1407, § 2, 8-15-2017; Ord. No. 1527, § 2, 10-15-19)

Sec. 106.03.03 Zoning districts—Non-residential/commercial/industrial.

(a) *AG Agricultural District.*

- (1) *General purpose and description.* Agricultural zoning strives to protect the viability of agriculture in a region. The AG Agricultural District's intent is to prevent the fragmentation of existing farms; provide for agricultural uses and uses compatible with or supportive of agriculture, including crop production, the raising of livestock, poultry and other animals; encourage compatibility of farm buildings with the surrounding neighborhood and avoid conflicts between agricultural and non-agricultural uses. The AG Agricultural District is also intended to protect areas that may be unsuitable for development because of physical problems, lack of infrastructure, constraints, or potential health or safety hazards such as flooding, as well as providing for preservation of natural open space areas.
- (2) *Use regulations.* No building, structure, land or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in section 106.05.01(b), "schedule of uses - nonresidential" or the following:
 - a. All forms of agriculture, horticulture, and animal husbandry, including necessary farm structures;
 - b. All agricultural/farm buildings including, but not limited to, a stable, barn, pen, corral, kennel, greenhouse, or coop;
 - c. Riding schools and/or horse boarding stables;
 - d. On-site sale of farm products, 75 percent of this must be produced on-site;
 - e. Bed and breakfast; or
 - f. Storage of recreational vehicles, camp trailers or other wheeled vehicles used for the pleasure of the owner (may not be inhabited).
- (3) *Height and area regulations.* The height of buildings and structures, the minimum dimensions of lots and yards, and the minimum lot area per family shall be as follows:

ARTICLE III, TABLE Q	
AG AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS	
Maximum height (2½ stories)	35'
Minimum front yard setback	45'
Minimum side yard setback	20'
Minimum side yard setback on corner ¹	28'
Minimum rear yard setback	30'
Minimum lot width (at building line) ²	60'
Minimum lot area	5 acres
Minimum floor area ³	1,600 sq. ft.

Note 1. Corner lots. Where interior lots have been planned or sold fronting on the side street, it may project not more than ten feet in front of the line established for buildings by the front yard requirements for the interior lots on the side street, provided this regulation shall not be interpreted to reduce the buildable width of a corner lot in separate ownership at the time of the passage of this chapter, to less than 28 feet, and provided that the side yard regulations above shall be observed.

Note 2. The minimum width of a lot shall be measured at the front building line provided that where a lot has less width than herein required, in separate ownership at the time of the passage of this chapter, this regulation will not prohibit the erection of a single-family dwelling. Lots bordering streets on curves or contours shall be 60 feet in width at the building line.

Note 3. Each dwelling unit hereafter erected, constructed, reconstructed or altered shall have a floor area, excluding basements, open and screened porches, and garages, of not less than 1,600 square feet.

- (4) *Residences.* One primary residential structure per lot.
- (5) *Accessory structures.* Agriculture related structures shall be made of masonry materials, metal, wood, or cementitious fiber board and are not required to meet the square footage requirements as referenced in section 106.05.021, "accessory uses."
- (6) *Parking requirement.* The minimum off-street parking requirements shall be an asphalt or concrete surface with four parking spaces per dwelling unit.

(b) *O Office District.*

- (1) *Use regulations.* No building, structure, land or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in section 106.05.01(b), "schedule of uses - nonresidential."
- (2) *Height and area regulations.* The height of buildings, the minimum dimensions of the lots and yards shall be as follows:

ARTICLE III, TABLE R	
O OFFICE DISTRICT DEVELOPMENT STANDARDS	
Maximum height ¹	60'
Minimum front yard setback	20'
Maximum front yard setback	100'
Minimum side yard setback ²	No minimum
Minimum side yard setback adjacent to residential ²	5'
Minimum rear yard setback	No minimum
Minimum rear yard setback adjacent to residential	35'
Minimum lot width	50'
Minimum lot area	1 acre

Note 1. Height. Nonresidential buildings shall not exceed 60 feet. Portions of buildings within 120 feet of a single-family residential lot may not exceed 45 feet in height. Beyond 120 feet, the building must fit within a plane created by a slope of one foot in additional height for each additional three feet from the property line.

Note 2. Side yard. Where a lot abuts upon the side of a lot zoned for dwelling purposes there shall be a side yard of not less than five feet, otherwise no side yard shall be required but, if provided, it shall be not less than five feet. On corner lots, with lots having reversed frontage at the rear, the side yard requirements shall be the same as A-2 Single-Family District.

(c) *NS Neighborhood Services District.*

- (1) *Use regulations.* No building, structure, land or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in section 106.05.01(b), "schedule of uses - nonresidential."

- (2) *Height and area regulations.* The height of buildings, the minimum dimensions of the lots and yards shall be as follows:

ARTICLE III, TABLE S	
NS NEIGHBORHOOD SERVICES DISTRICT DEVELOPMENT STANDARDS	
Maximum height ¹	60'
Minimum front yard setback	20'
Maximum front yard setback	100'
Minimum side yard setback ²	No minimum
Minimum side yard setback adjacent to residential ²	5'
Minimum rear yard setback	No minimum
Minimum rear yard setback adjacent to residential	35'
Minimum lot width	50'
Minimum lot area ³	1 acre

Note 1. Height. Nonresidential buildings shall not exceed 60 feet. Portions of buildings within 120 feet of a single-family residential lot may not exceed 45 feet in height. Beyond 120 feet, the building must fit within a plane created by a slope of one foot in additional height for each additional three feet from the property line.

Note 2. Side yard. Where a lot abuts upon the side of a lot zoned for dwelling purposes there shall be a side yard of not less than five feet, otherwise no side yard shall be required but, if provided, it shall be not less than five feet. On corner lots, with lots having reversed frontage at the rear, the side yard requirements shall be the same as A-2 Single-Family District.

Note 3. Lot size. The minimum lot size for nonresidential districts is one acre, unless otherwise approved through the site plan process.

(d) *CF Community Facilities District.*

- (1) *Purpose.* The community facilities district is established to apply to those lands where federal, state or local government activities are conducted, where governments hold title to such lands, or for public and private educational and medical facilities. Certain nongovernmental and non-institutional uses may be permitted to provide necessary services to governmental and institutional uses, **or incidental retail and service uses which are appropriate and subordinate to the principal use, and offer instruction, training, and employment opportunities for the primary intended user of the principal use.**
- (2) *Use regulations.* No building, structure, land or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in section 106.05.01(b), "schedule of uses - nonresidential."
- (3) *Height and area regulations.* The height of buildings, the minimum dimensions of the lots and yards shall be as follows:

ARTICLE III, TABLE T	
CF COMMUNITY FACILITIES DISTRICT DEVELOPMENT STANDARDS	
Maximum height ¹	60'
Minimum front yard setback	25'
Maximum front yard setback	100'
Minimum side yard setback ²	15'
Minimum side yard setback adjacent to residential ²	25'
Minimum rear yard setback	25'

Minimum rear yard setback adjacent to residential	35'
Minimum lot width	No minimum
Minimum lot area	No minimum
Minimum open space	15%
Maximum impervious area	75%

Note 1. Any nonsingle-family use that is over one story in height and that is located adjacent to (and not across any right-of-way from) any existing single-family zoning district shall be setback from the applicable perimeter property line a distance equal to the height of the building, but not less than 25 feet.

Note 2. Where a lot abuts upon the side of a lot zoned for dwelling purposes there shall be a side yard of not less than five feet, otherwise no side yard shall be required but, if provided, it shall be not less than five feet. On corner lots, with lots having reversed frontage at the rear, the side yard requirements shall be the same as O Office District.

(e) *LC Light Commercial District.*

- (1) *Use regulations.* No building, structure, land or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in section 106.05.01(b), "schedule of uses - nonresidential."
- (2) *Height and area regulations.* The height of buildings, the minimum dimensions of the lots and yards shall be as follows:

ARTICLE III, TABLE U**LC LIGHT COMMERCIAL DISTRICT DEVELOPMENT STANDARDS**

Maximum height ¹	60'
Minimum front yard setback	20'
Maximum front yard setback	100'
Minimum side yard setback ²	No minimum
Minimum side yard setback adjacent to residential ²	5'
Minimum rear yard setback	No minimum
Minimum rear yard setback adjacent to residential	35'
Minimum lot width	50'
Minimum lot area ³	1 acre

Note 1. Height. Nonresidential buildings shall not exceed 60 feet. Portions of buildings within 120 feet of a single-family residential lot may not exceed 45 feet in height. Beyond 120 feet, the building must fit within a plane created by a slope of one foot in additional height for each additional three feet from the property line.

Note 2. Side yard. Where a lot abuts upon the side of a lot zoned for dwelling purposes there shall be a side yard of not less than five feet, otherwise no side yard shall be required but, if provided, it shall be not less than five feet. On corner lots, with lots having reversed frontage at the rear, the side yard requirements shall be the same as A-2 Single-Family District.

Note 3. Lot size. The minimum lot size for nonresidential districts is one acre, unless otherwise approved through the site plan process.

(f) *HC Heavy Commercial District.*

- (1) *Use regulations.* No building, structure, land or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in section 106.05.01(b), "schedule of uses - nonresidential."
- (2) *Height and area regulations.* The height of buildings, the minimum dimensions of the lots and yards shall be as follows:

ARTICLE III, TABLE V**HC HEAVY COMMERCIAL DISTRICT DEVELOPMENT STANDARDS**

Maximum height ¹	60'
Minimum front yard setback	20'
Maximum front yard setback	100'
Minimum side yard setback ²	No minimum
Minimum side yard setback adjacent to residential ²	5'
Minimum rear yard setback	No minimum
Minimum rear yard setback adjacent to residential	35'
Minimum lot width	50'
Minimum lot area ³	1 acre

Note 1. Height. Nonresidential buildings shall not exceed 60 feet. Portions of buildings within 120 feet of a single-family residential lot may not exceed 45 feet in height. Beyond 120 feet, the building must fit within a plane created by a slope of one foot in additional height for each additional three feet from the property line.

Note 2. Side yard. Where a lot abuts upon the side of a lot zoned for dwelling purposes there shall be a side yard of not less than five feet, otherwise no side yard shall be required but, if provided, it shall be not less than five feet. On corner lots, with lots having reversed frontage at the rear, the side yard requirements shall be the same as A-2 Single-Family District.

Note 3. Lot size. The minimum lot size for nonresidential districts is one acre, unless otherwise approved through the site plan process.

(g) *LI Light Industrial District.*

- (1) *Use regulations.* No building, structure, land or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in section 106.05.01(b), "schedule of uses - nonresidential."
- (2) *Height and area regulations.* The height of buildings, the minimum dimensions of the lots and yards shall be as follows:

ARTICLE III, TABLE W	
LI LIGHT INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS	
Maximum height ¹	60'
Minimum front yard setback	20'
Maximum front yard setback	100'
Minimum side yard setback ²	No minimum
Minimum side yard setback adjacent to residential ²	20'
Minimum rear yard setback	No minimum
Minimum rear yard setback adjacent to residential	40'
Minimum lot width	No minimum
Minimum lot area ³	1 acre

Note 1. Height. Nonresidential buildings shall not exceed 60 feet. Portions of buildings within 120 feet of a single-family residential lot may not exceed 45 feet in height. Beyond 120 feet, the building must fit within a plane created by a slope of one foot in additional height for each additional three feet from the property line.

Note 2. Side yard. Where a lot abuts upon the side of a lot zoned for dwelling purposes there shall be a side yard of not less than five feet, otherwise no side yard shall be required but, if provided, it shall be not less than five feet. On corner lots, with lots having reversed frontage at the rear, the side yard requirements shall be the same as A-2 Single-Family District.

Note 3. Lot size. The minimum lot size for nonresidential districts is one acre, unless otherwise approved through the site plan process.

(h) *HI Heavy Industrial District.*

- (1) *Use regulations.* No building, structure, land or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in section 106.05.01(b), "schedule of uses - nonresidential."
- (2) *Height and area regulations.* The height of buildings, the minimum dimensions of the lots and yards shall be as follows:

ARTICLE III, TABLE X	
HI HEAVY INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS	
Maximum height ¹	60'

Minimum front yard setback	20'
Maximum front yard setback	100'
Minimum side yard setback ²	No minimum
Minimum side yard setback adjacent to residential ²	20'
Minimum rear yard setback	No minimum
Minimum Rear yard setback adjacent to residential	40'
Minimum lot width	No minimum
Minimum lot area ³	1 acre

Note 1. Height. Nonresidential buildings shall not exceed 60 feet. Portions of buildings within 120 feet of a single-family residential lot may not exceed 45 feet in height. Beyond 120 feet, the building must fit within a plane created by a slope of one foot in additional height for each additional three feet from the property line.

Note 2. Side yard. Where a lot abuts upon the side of a lot zoned for dwelling purposes there shall be a side yard of not less than five feet, otherwise no side yard shall be required but, if provided, it shall be not less than five feet. On corner lots, with lots having reversed frontage at the rear, the side yard requirements shall be the same as A-2 Single-Family District.

Note 3. Lot size. The minimum lot size for nonresidential districts is one acre, unless otherwise approved through the site plan process.

(Ord. No. 1407, § 2, 8-15-2017)

ARTICLE IV. SPECIAL DISTRICTS

Sec. 106.05.01 Schedule of uses.

Land and buildings in each of the following classified districts may be used for any of the following listed uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered or converted which is arranged or designed or used for other than uses specified for the district in which it is located as set forth by the use schedule located in section 106.05.01(a) and (b), "Schedule of uses - residential" and "schedule of uses - nonresidential," respectively.

(a) Residential zoning districts uses. P=permitted by right; C=conditional use; S=specific use permit required. A blank space indicates the use is prohibited in that district. **(TO REMAIN UNCHANGED)**

(b) *Nonresidential zoning districts uses.* P=permitted by right; C=Conditional Use; S=Specific Use Permit required.

ARTICLE V, TABLE B Nonresidential Zoning Districts	AG	O	NS	CF	LC	HC	LF	LI	HI
Primary Residential Uses									
Amenity center							P		
Dwelling, accessory	P								
Dwelling, assisted living facility		S			S	S			
Dwelling, assisted living home									
Dwelling, boarding house or rooming house									
Dwelling, duplex									
Dwelling, group home									
Dwelling, HUD Code man. home									
Dwelling, listed family home									
Dwelling, live-work unit							P		
Dwelling, mobile home									
Dwelling, model home									
Dwelling, multifamily									
Dwelling, single-family detached	P								
Dwelling, townhome							P	S	S
Senior living facility		S			S		S		
Mixed use building					C	C	P	C	C
Accessory and Incidental Uses									
Accessory structure	C	C	C	C	C	C	C	C	C
Automated dispenser machine			P		P	P		P	P
Automated intake machine			S		S	S		S	S
Automated teller machine, off-site			S		S	S		S	S
Caretaker's/guard's residence						C		C	C

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Construction yard, field office, temporary	C	C	C		C	C	C	C	C
Farm accessory building	C								
Home occupation	C				C	C	C		
Open storage, permanent/ongoing	S				S	S		S	S
Open storage, temporary					C	C		C	C
Seasonal sales	C				C	C		C	C
Solar panels, devices, commercial		C			C	C	C	C	C
Vending kiosk, commercial		C			C	C	C	C	C
Vending kiosk, not-for-profit	C	C	C	C	C	C	C	C	C
Wind energy conversion system (WECS)	C	C	C	C	C	C	C	C	C
Assembly uses	S	P	P	P	P	P	P	P	P
Athletic stadium or field	S	S	S	P	S	S		S	S
Cemetery or mausoleum	S	S	S		S	S		S	S
Institutional and Special Uses									
College, university, or trade school	S	P	S	P	P	P	S	P	P
Farm, ranch, stable, garden, or orchard	P								
Fraternal organization, lodge, civic club, fraternity, or sorority		P	P		P	P	P	P	P
Golf course, tennis club, polo club, or country club (private)	S	S	S	P	P	P		P	P
Gun or archery range, indoor				S	S	S		S	S
Hospital		S	S	P	P	P		P	P
Municipal uses operated by the Town of Little Elm	P	P	P	P	P	P	P	P	P
Museum/art gallery		S	S	P	P	P	P	P	P
Park or playground	P	P	P	P	P	P	P	P	P
Recreation center	S	P	P	P	P	P	P	P	P
Religious facility	P	P	P	P	P	P	P	P	P
School, private, charter or parochial	S	S	S	S	S	S	S	S	S
School, public	P	P	P	P	P	P	P	P	P
Infrastructure Type Uses									
Airport/landing field/heliport		C		C	C	C	C	C	C
Alternate energy system	C	C	C	C	C	C	C	C	C
Communication tower	C	C	C	C	C	C	S	C	C
Electric power generating plant	S			S	S	S		S	P
Electric substation	S	S	S	S	S	S	S	S	S
Helipad									
Private utility, other than listed	P	P	P	P	P	P	P	P	P
Sewage pumping station	P	P	P	P	P	P	P	P	P
Sewage treatment plant	S	S	S	S	S	S		S	S
Telephone exchange	S	S	P		P	P	P	P	P

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Transit center/bus terminal		P	P		P	P	P	P	P
Utility distribution/transmission line	S	S	S		S	S	S	S	S
Water Reservoir, water pumping station, water well	P	P	P		P	P	P	P	P
Water treatment plant	S	S	S		S	S		S	S
Retail Uses									
Antique shop and used furniture, inside only					P	P	P	P	P
Arcade					S	S	S	S	S
Bakery, candy or ice-cream shop			P		P	P	P	P	P
Bar/brewpub					S	S	P	S	S
Building material and hardware sales, major					P	P	P	P	P
Building material and hardware sales, minor					P	P	P	P	P
Commercial amusement, indoor					P	P	P	P	P
Commercial amusement, outdoor					S	S	S	P	P
Farmers market					S	S	S	S	
Florist			P		P	P	P	P	P
Greenhouse/nursery for plant sales		S			P	P	P	P	P
Heavy machinery sales and storage						P		P	P
Portable buildings sales					S	P		P	P
Private club					S	S			
Restaurant, dine-in		S	P		P	P	P	P	P
Restaurant, drive-in			S		P	P	P	P	P
Restaurant, drive-thru			S		P	P	P	P	P
Restaurant, with brewpub					P	P	P	P	P
Restaurant, pick-up only					P	P	P	P	P
Smoking Establishment		S	S		S	S	S	S	S
Store, big box					P	P	P	P	P
Store, convenience			P		P	P	P	P	P
Store, discount, variety, or department store					P	P	P	P	P
Store, drugstore or pharmacy					P	P	P	P	P
Store, feed					P	P		P	P
Store, florist			P		P	P	P	P	P
Store, grocery					P	P	P	P	P
Store, hardware and home imp.					P	P	P	P	P
Store, incidental (within another use)					P	P	P	P	P
Store, liquor					S	S	S	S	S
Store, pet shop					S	S	S	S	S
Store, shopping center					P	P	P	P	P
Store, other than listed above					P	P	P	P	P

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Theatre, indoor		S			P	P	P	P	P
Theatre, drive-in					S	P		P	P
Winery/brewery retail sales					P	P	P	P	P
Service Uses									
Alternative financial services					C	C		C	C
Bank, savings and loan, or credit union		P			P	P	P	P	P
Bed and breakfast inn	S	P	P		P		P		
Body art studio						S	S	S	S
Business Service	S	S	S		S	S	S	S	S
Campground or RV park	S								
Catering service					P	P	P	P	P
Child care center		S	S		S	S	S	S	S
Child care center, in-home	C								
Cleaning and pressing (small shop/pickup)			P		P	P	P	P	P
Clinic/medical lab		P	P		P	P	P	P	P
Clinic, animal (no outside runs)	S		P		P	P	P	P	P
Clinic, animal (with outside runs)	S				S	P		P	P
Commissary					S	S		S	S
Contractor's shop with outside storage						P		P	P
Contractor's shop inside only					P	P		P	P
Custom personal service		P	P		P	P	P	P	P
Day Service, Adult		S	S		S	S	S	S	S
Fairgrounds/exhibition area		S			S	P		P	P
Fortune teller/psychic						S		S	S
Funeral home/crematorium		S			S	S		S	S
Funeral home/mortuary		S			P	P	P	P	P
Gunsmith					P	P	P	P	P
Gymnastics/dance studio/martial arts		P	P		P	P	P	P	P
Health/fitness center		P			P	P	P	P	P
Hotel, extended stay					S	S	S	S	S
Hotel, full service					P	P	P	P	P
Hotel, limited service					S	S	S	S	S
Household appliance service and repair		S	P		P	P	P	P	P
Incidental retail and service uses			P	P	P	P	P	P	P
Kennel, no outside runs					P	P	P	P	P
Kennel, with outside runs					S	S	S	S	S
Laundry/dry cleaning, commercial						P		P	P
Laundry/dry cleaning, pickup station			P		P	P	P	P	P
Laundry/dry cleaning, self-service					P	P		P	P
Motel									
Office, professional and general administrative		P	P		P	P	P	P	P

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Personal service (other than listed)					P	P	P	P	P
Printshop, minor retail shop					P	P	P	P	P
Sexually oriented businesses								C	C
Studio, photography, music, artistry		P	P		P	P	P	P	P
Studio, media		P			P	P	P	P	P
Automobile and Vehicular Uses									
Auto/boat repair, major					S	S		S	S
Auto/boat repair, minor					S	S		S	S
Auto/boat sales, accessories only					P	P	P	P	P
Auto/boat sales/leasing, new, outdoor display					S	S		P	P
Auto/boat sales, used, outdoor display						S		P	P
Auto/boat/RV storage						S		P	P
Auto parking, lot or garage		P			P	P	P	P	P
Auto wash, automated					S	S		S	S
Auto wash, full-service					S	S		S	S
Auto wash, self-serve						S		S	S
Gas pumps/fuel sales					S	S		S	S
Manufactured/mobile home display and sales								S	P
Motorcycle sales/service					P	P		P	P
Truck, trailer, heavy equipment, RV, bus repair								P	P
Truck, trailer, heavy equipment, RV and bus sales and leasing						P		P	P
Truck terminal						P		P	P
Industrial and Manufacturing Uses									
Concrete batch plant, permanent									S
Concrete batch plant, temporary	C	C	C		C	C		C	C
Machine/welding shop								P	P
Manufacturing or industrial uses, heavy									C
Manufacturing or industrial uses, light								C	C
Mini-warehouse/self-storage						S		S	S
Office/showroom						P		P	P
Printshop, industrial						P		P	P
Research and dev't center						P		P	P
Salvage yard, wrecking yard									S
Warehouse/distribution center								P	P
Winery/brewery/distillery manufacturing					S	S	P	P	P

(Ord. No. 1407, § 2, 8-15-2017; Ord. No. 1582, § 2, 12-1-2020; Ord. No. 1587, § 2, 1-5-2021)