



# TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

December 2, 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 November 18, 2021 regular Planning and Zoning Commission meeting minutes.
2. **FINAL PLAT**/Prairie Oaks Phase 3A (FP-21-03391). Presentation, discussion, and consideration on a request for a Final Plat for Prairie Oaks Phase 3A. Establishing eighty-one (81) single-family lots and two (2) open space HOA lots from an existing abstract survey on approximately 20.901 acres, situated in the MARSELLA JONES SURVEY, ABSTRACT NO. 662, within Little Elm's town limits.
3. **PUBLIC HEARING**/ Hardwicke Food Truck Park (PD-21-06182). Public hearing, discussion, and take action on a recommendation regarding a request to rezone approximately 3.23 acres of land, currently zoned as Lakefront District and Single Family A1, generally located at on the south side of Eldorado Parkway, approximately 200 feet east of Hardwicke Lane, within Little Elm's town limits, in order to establish a new Planned Development district based on the Lakefront District requirements with allowance for additional uses, to allow outdoor temporary outdoor activities on site.
  - Staff Report/Applicant Presentation
  - Open Public Hearing
  - Receive Public Comment
  - Close Public Hearing
  - Discussion and Recommendation

4. **PUBLIC HEARING/** Lakefront District Text Amendment (ZOA-21-06657). Public hearing, discussion, and take action on a recommendation regarding a proposed text amendment to Chapter 106, Zoning Ordinance, by amending Sec.106.04.02 Lakefront District, in order to clarify height requirements.
- Staff Report
  - Open Public Hearing
  - Receive Public Comment
  - Close Public Hearing
  - Discussion and Recommendation

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

5. **Adjourn**

#### Certificate

I certify that the above notice of the Planning & Zoning Commission meeting was posted on the bulletin board of the Town of Little Elm, Texas on November 29, 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.

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Olga Chernomorets - Planning Manager



# TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

12/02/2021

## OVERVIEW

<b>Project</b>	Adoption of the November 18, 2021 Planning & Zoning Commission Meeting Minutes
<b>P&amp;Z Hearing</b>	12/02/2021
<b>Council Hearing</b>	N/A
<b>Size</b>	N/A
<b>Current Zoning</b>	N/A
<b>Proposed Use</b>	N/A
<b>Existing Use</b>	N/A
<b>Future Land Use Plan Designation</b>	N/A
<b>Applicant</b>	N/A
<b>Owner</b>	N/A
<b>Strategic Goal</b>	

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### Agenda Item

Discuss and take action regarding the approval of the November 18, 2021 regular Planning and Zoning Commission meeting minutes.

### Location

N/A

### Planning Analysis

N/A

### Recommended Action

N/A

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### Attachments

P&Z Minutes November 18, 2021

# DRAFT



## Minutes

### Town of Little Elm

### PLANNING & ZONING COMMISSION

### Regular Meeting

Thursday, NOVEMBER 18, 2021 - 7:00 pm

Present: Michael Bell, Chairman; Ron Trees, Vice Chairman; Brian Rawlins, Commissioner; Robert Martin, Commissioner; Danny Weakley, Commissioner; Tom Ocelli, Commissioner

Absent: Stephen Horn, Commissioner; Brent Hagenbuch, Commissioner

Staff Present: Hayden Brodowsky, Development Services Manager  
Olga Chernomorets, Planning Manager  
Brian Salvesen, Planner

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

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

1. Discuss and take action regarding the approval of the November 4, 2021 regular Planning and Zoning Commission meeting minutes.

Motion: Approve the November 4, 2021 regular Planning and Zoning Meeting minutes as presented.

Motion by Vice Chairman Ron Trees, seconded by Commissioner Danny Weakley

AYE: Chairman Michael Bell, Vice Chairman Ron Trees, Commissioner Brian Rawlins, Commissioner Robert Martin, Commissioner Danny Weakley, Commissioner Tom Ocelli

**6 - 0 Passed - Unanimously**

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 presented the details of the plat, that the plat had previously been withdrawn by the applicant for the previous two meetings, and that the plat did not currently meet the town's subdivision requirements.

Motion: Deny plat based on not meeting the town's subdivision requirements.

Motion by Commissioner Robert Martin, seconded by Commissioner Tom Ocelli

AYE: Chairman Michael Bell, Vice Chairman Ron Trees, Commissioner Brian Rawlins, Commissioner Robert Martin, Commissioner Danny Weakley, Commissioner Tom Ocelli

**6 - 0 Passed - Unanimously**

3. **REPLAT/Shawnee Trail (RP-21-03793).** Presentation, discussion, and consideration on a request for approval of a replat for Shawnee Trail Church of Christ Addition Block A, Lot 1 and creation of Lot 2R, both on approximately 13.058 acres, situated in the Christian Bohrmann Survey, Abstract 86, within Little Elm's town limits, in order to establish multiple utility, access, and fire lane easements, dedicate right-of-way, and abandon multiple easements for the purpose of new commercial development on Block A, Lot 1R.

Staff informed the commission that the applicant requested withdrawal from the agenda.

Motion: Accept withdrawal from the agenda.

Motion by Vice Chairman Ron Trees,

AYE: Chairman Michael Bell, Vice Chairman Ron Trees, Commissioner Brian Rawlins, Commissioner Robert Martin, Commissioner Danny Weakley, Commissioner Tom Ocelli

**6 - 0 Passed - Unanimously**

4. **FINAL PLAT/Gardenia Retail Center (FP 21-05194).** Presentation, discussion, and consideration on a request for approval of a Final Plat for Gardenia and 380 Addition, Lot 1, Block A, on approximately 3.141 acres situated in the Jose Gonzalez Survey, Abstract #447, located in the E.T.J of the Town of Little Elm, establishing multiple utility and access easement necessary for a commercial development.

Staff presented on the details of the plat and clarified the only outstanding comment from the review was the date needing to be updated. Therefore, staff recommended that the commission make the date correction part of the approval.

Motion: Approve the plat with the condition that the date be updated to the most recent date of plat document revision.

Motion by Commissioner Danny Weakley, seconded by Commissioner Robert Martin

AYE: Chairman Michael Bell, Vice Chairman Ron Trees, Commissioner Brian Rawlins, Commissioner Robert Martin, Commissioner Danny Weakley, Commissioner Tom Ocelli

**6 - 0 Passed - Unanimously**

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

Staff gave the commission a summary of approvals at the latest Town Council meeting and noted several items likely to be presented to the Commission in the future.

5. **Adjourn**

Commissioner Bell adjourned the November 18, 2021 regular Planning and Zoning Commission meeting at 6:11 pm.



# TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

12/02/2021

## OVERVIEW

<b>Project</b>	FINAL PLAT/Prairie Oaks Phase 3A
<b>P&amp;Z Hearing</b>	12/02/2021
<b>Council Hearing</b>	N/A
<b>Size</b>	Approximately 20.901 acres
<b>Current Zoning</b>	Planned Development (PD-SF4)
<b>Proposed Use</b>	Single Family Residential
<b>Existing Use</b>	Open Space
<b>Future Land Use Plan Designation</b>	Low Density Residential
<b>Applicant</b>	Kimley-Horn and Associates, Inc.
<b>Owner</b>	2016 BLACKHAWK 155 HOLDINGS, LTD
<b>Strategic Goal</b>	Promote and expand Little Elm's identity

## Agenda Item

**FINAL PLAT/Prairie Oaks Phase 3A (FP-21-03391).** Presentation, discussion, and consideration on a request for a Final Plat for Prairie Oaks Phase 3A. Establishing eighty-one (81) single-family lots and two (2) open space HOA lots from an existing abstract survey on approximately 20.901 acres, situated in the MARSELLA JONES SURVEY, ABSTRACT NO. 662, within Little Elm's town limits.

## Location

Generally located on the north side of Lloyds Road and east of Bent Brook Road within Little Elm's town limits.

## Planning Analysis

The purpose of this Final Plat (FP-21-03391) is to continue the development of the Prairie Oaks Planned Development and subdivision. The Existing Planned Development stipulates that the total number of lots allowed is 495. The completion of Phase 3A will place the overall development at 459 lots, which is within the threshold of the total number of lots. The Planned Development also sets a requirement on the number of certain lot sizes allowed, specifically, fifty-foot (50') and sixty-foot (60') lots. They are permitted to have 325 fifty-foot (50') lots and 170 sixty-foot (60') lots. If approved, this plat would complete the total number of sixty-foot (60') lots specified in the Planned Development.

## Recommended Action

Prairie Oaks Phase 3A meets the requirements in Section 107 - Subdivision Ordinance as well as the requirements listed in Planned Development 46 (PD-46).

Staff recommends approval of FP-21-03391 with the following conditions;

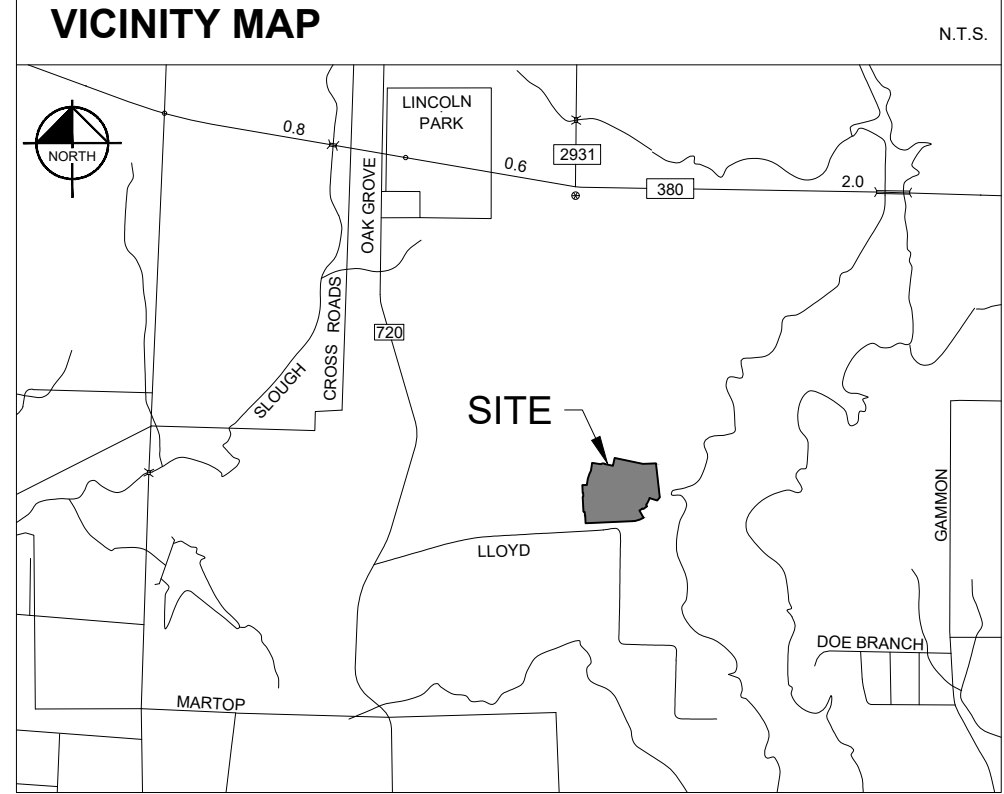
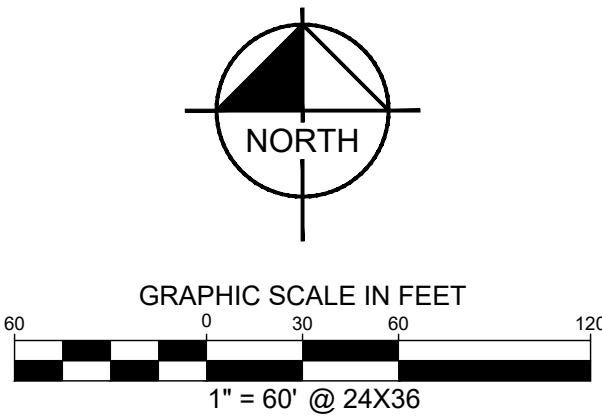
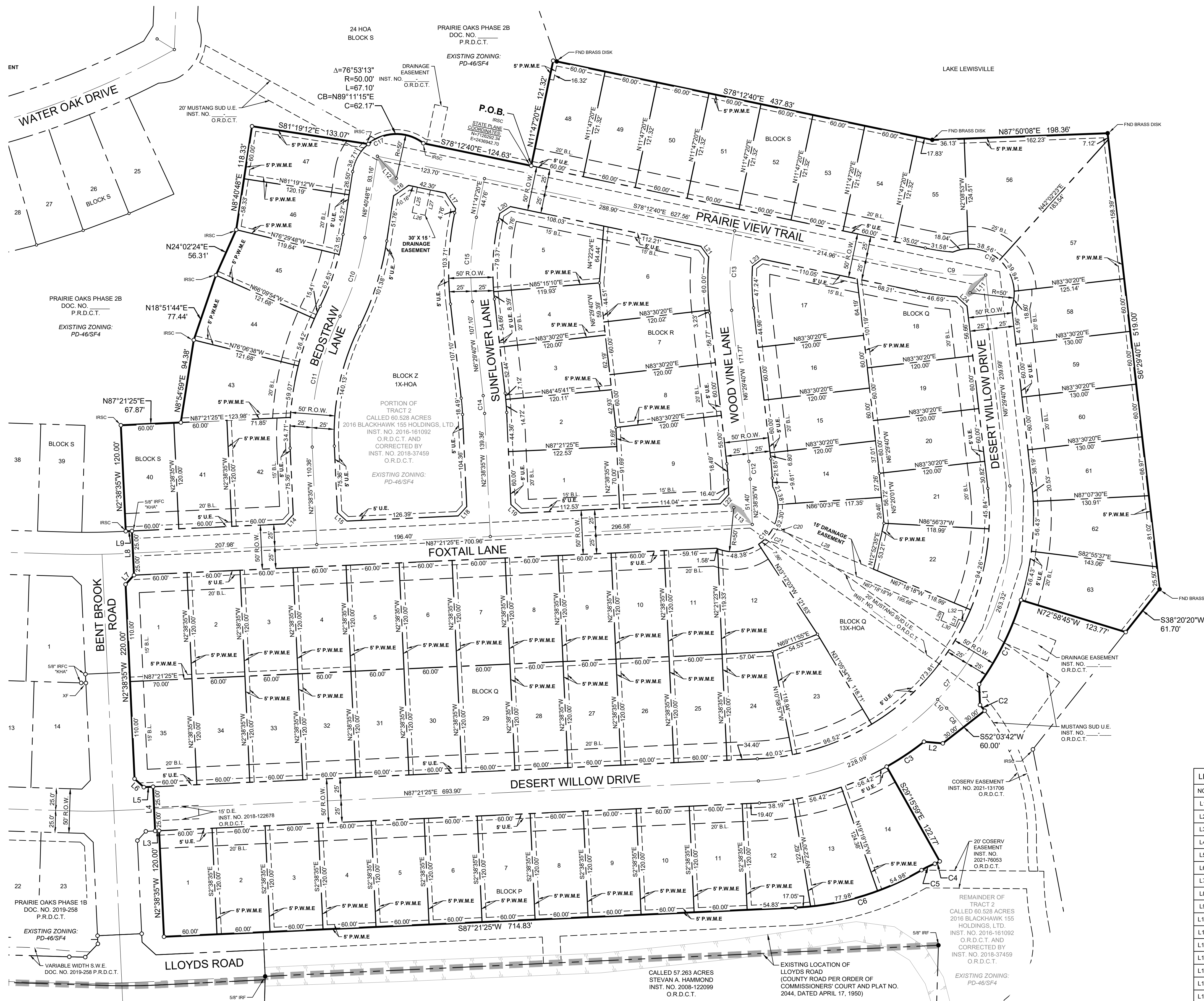
1. Prior to recording the final plat, all traffic mitigation measures shall be implemented as recommended in the approved traffic impact analysis

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#### **Attachments**

Final Plat

Location Map



NOTES:

- All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. All dimensions shown are ground distances. To obtain a grid distance, multiply the ground distance by the Project Combined Factor (PCF) of 0.9998515011.
- Notice - selling a portion of this property 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.
- This plat does not alter or remove existing deed restrictions, if any, on the property.
- All lots comply with the minimum size requirements of the zoning district.
- This property may be subject to charges related to impact fees and the applicant should contact the Town regarding any applicable fees due.
- All common areas will be owned and maintained by the HOA/POA.
- According to Community Panel No. 48121C0405G, dated 04-18-11 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Denton County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is not within a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
- Screening wall maintenance easements shown hereon are for the private use and benefit of the Homeowners Association (H.O.A.) for the purpose of maintaining screening walls.
- All retaining walls over 4' in height shall be maintained by the HOA. The private wall maintenance easements shown hereon are for the private use and benefit of the HOA for the purpose of maintaining retaining walls over 4' in height.
- All corners set are monumented with a 5/8 inch iron rod with red plastic cap stamped "KHA", unless otherwise noted.
- Minimum finished floor elevations are at least 2 feet above the 100 year flood plain.

FINAL PLAT  
PRAIRIE OAKS PHASE 3A

BLOCK P, LOTS 1-14; BLOCK Q, LOTS 1-35;  
BLOCK R, LOTS 1-9; BLOCK S, LOTS 40-63;  
BLOCK Z, LOT 1;

81 SINGLE FAMILY RESIDENTIAL LOTS  
AND 2 HOA LOTS

BEING 20.901 ACRES SITUATED IN  
MARSELLA JONES SURVEY, ABSTRACT NO. 662  
TOWN OF LITTLE ELM, DENTON COUNTY, TEXAS

**Kimley»Horn**

6160 Warren Parkway, Suite 210  
Frisco, Texas 75034

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

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	CDS	KHA	NOV. 2021	069312504	1 OF 2

**OWNERS:**  
2016 BLACKHAWK 155 HOLDINGS, LTD  
5305 Village Creek  
Plano, Texas 75093  
Phone: 972-960-7500  
Contact: John S. Dowdall, President  
Email: j\_dowdall@msn.com

**APPLICANT:**  
Kimley-Horn and Associates, Inc.  
13455 Noel Road  
Two Galleria Office Tower, Suite 700  
Dallas, Texas 75240  
Phone: 972-770-1300  
Contact: Peyton McGee, PE  
Email: peyton.mcgee@kimley-horn.com

LEGEND

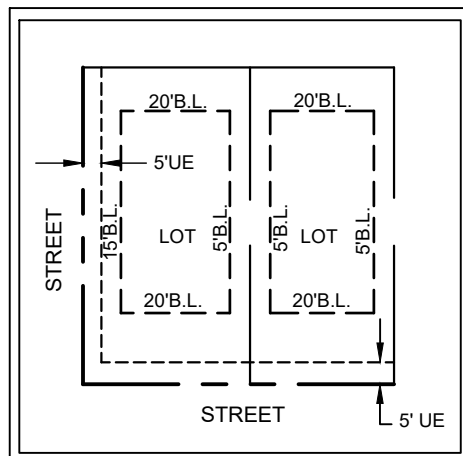
IRSC	5/8" IRON ROD W/ "KHA" CAP SET
IRFC	IRON ROD WITH CAP FOUND
PKS	PK NAIL SET
PKF	PK NAIL FOUND
IRF	IRON ROD FOUND
XS	"X" CUT IN CONCRETE SET
XF	"X" CUT IN CONCRETE FOUND
P.O.B.	POINT OF BEGINNING
U.E.	UTILITY EASEMENT
P.W.M.E.	PRIVATE WALL MAINTENANCE EASEMENT
B.L.	BUILDING LINE
D.R.D.C.T.	DEED RECORDS OF DENTON COUNTY, TEXAS
O.R.D.C.T.	OFFICIAL RECORDS OF DENTON COUNTY, TEXAS
P.R.D.C.T.	PLAT RECORDS OF DENTON COUNTY, TEXAS

LINE TYPE LEGEND

---	BOUNDARY LINE
---	EASEMENT LINE
---	BUILDING LINE
---	CITY LIMIT

LAND USE TABLE:

LAND USE	ACREAGE	LOTS
RESIDENTIAL	14.709	81 LOTS
HOA/OPEN SPACE	0.965	Z-1X HOA
HOA/OPEN SPACE	0.696	Q-13X HOA
STREET /ALLEY R.O.W.	4.531	-
TOTAL	20.901	83 LOTS



SETBACK DETAIL

LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	S02°24'25"E	23.42'	L17	N33°12'40"W	21.21'
L2	N85°03'28"W	21.41'	L18	N42°21'25"E	14.14'
L3	S87°21'25"W	4.50'	L19	S47°38'35"E	14.14'
L4	N02°38'35"W	50.00'	L20	S56°47'20"W	14.14'
L5	S87°21'25"W	10.50'	L21	N36°17'30"W	14.97'
L6	N47°38'35"W	14.14'	L22	N42°21'25"E	14.14'
L7	N42°21'25"E	14.14'	L23	S53°01'44"W	13.30'
L8	N02°38'35"W	50.00'	L24	N46°58'50"W	15.40'
L9	S87°21'25"W	7.02'	L25	S11°47'20"W	29.30'
L10	S46°12'16"E	14.07'	L26	S78°12'40"E	15.00'
L11	N41°25'50"E	26.94'	L27	S11°47'20"W	29.30'
L12	N40°46'24"W	32.90'	L28	N67°18'18"W	102.99'
L13	S47°38'35"E	28.28'	L29	S22°41'42"W	9.00'
L14	N42°21'25"E	14.14'	L30	S67°18'18"E	18.00'
L15	S47°38'35"E	14.14'	L31	N22°41'42"E	9.00'
L16	S55°14'04"W	20.63'	L32	N67°18'18"W	7.90'

CURVE TABLE					CURVE TABLE				
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	NO.	DELTA	RADIUS	LENGTH
C1	18°50'17"	325.00'	106.86'	S26°26'24"W	106.38'	C11	29°11'43"	300.00'	152.87'
C2	2°05'48"	230.00'	8.42'	S38°59'12"E	8.42'	C12	3°51'05"	300.00'	20.17'
C3	8°56'40"	325.00'	50.74'	S56°15'41"W	50.68'	C13	17°15'27"	300.00'	90.36'
C4	10°38'19"	33.50'	6.22'	S64°02'11"W	6.21'	C14	3°51'05"	300.00'	20.17'
C5	9°51'31"	97.00'	16.69'	S64°25'35"W	16.67'	C15	18°17'00"	300.00'	95.73'
C6	27°51'35"	308.50'	150.01'	S73°25'37"W	148.53'	C16	132°09'56"	50.00'	115.34'
C7	93°51'05"	300.00'	491.40'	N40°25'53"E	438.28'	C17	118°57'03"	50.00'	103.80'
C8	8°15'58"	200.00'	28.85'	N42°04'17"W	28.83'	C18	141°41'02"	50.00'	123.64'
C9	14°07'48"	300.00'	73.98'	S85°16'34"E	73.80'	C20	7°39'36"	147.50'	19.72'
C10	17°52'20"	300.00'	93.58'	N17°36'58"E	93.20'	C21	10°21'22"	132.50'	23.95'



OWNER'S CERTIFICATE

STATE OF TEXAS §

COUNTY OF DENTON §

WHEREAS 2016 BLACKHAWK 155 HOLDINGS, LTD., is the owner of a tract of land situated in the Marsella Jones Survey, Abstract No. 662, Denton County, Texas, and being a portion of a called 60.528 acre tract of land described as Tract 2 in a Special Warranty Deed to 2016 Blackhawk 155 Holdings, Ltd., as recorded in Instrument No. 2016-161092 of the Official Records of Denton County, Texas, and corrected by Instrument No. 2018-37459 of the Official Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with plastic cap stamped "KHA" set for the northerly most southeast corner of Lot 24, Block S of Prairie Oaks Phase 2B, according to the Final Plat thereof recorded in Document No. \_\_\_\_ of the Plat Records of Denton County, Texas;

THENCE North 11°47'20" East, along the easterly line of said Lot 24, a distance of 121.32 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for an ell corner on the easterly line of said Lot 24;

THENCE South 78°12'40" East, continuing along the easterly line of said Lot 24, and along the monumented west line of Lake Lewisville and the easterly line of said Tract 2, a distance of 437.83 feet to brass disk found for corner;

THENCE North 87°50'08" East, continuing along the monumented west line of Lake Lewisville and the easterly line of said Tract 2, a distance of 198.36 feet to a brass disk found corner;

THENCE South 06°29'40" East, continuing along the monumented west line of Lake Lewisville and the easterly line of said Tract 2, a distance of 519.00 feet to a brass disk found corner for corner;

THENCE South 38°20'20" West, continuing along the monumented west line of Lake Lewisville and the easterly line of said Tract 2, a distance of 61.70 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE departing the monument west line of said Lake Lewisville, the easterly line of said Tract 2, and crossing said Tract 2, the following:

North 72°58'45" West, a distance of 123.77 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 18°50'17", a radius of 325.00 feet, a chord bearing and distance of South 26°26'24" West, 106.38 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 106.86 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 2°24'25" East, a distance of 23.42 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 2°05'48", a radius of 230.00 feet, a chord bearing and distance of South 38°59'12" East, 8.42 feet;

in a southeasterly direction, with said curve to the right, an arc distance of 8.42 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 52°03'42" West, a distance of 60.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 85°03'26" West, a distance of 21.41 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 8°56'40", a radius of 325.00 feet, a chord bearing and distance of South 56°15'41" West, 50.68 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 50.74 feet to a point for corner;

South 29°15'59" East, a distance of 122.77 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 10°38'19", a radius of 33.50 feet, a chord bearing and distance of South 64°02'11" West, 6.21 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 6.22 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the left having a central angle of 9°51'31", a radius of 97.00 feet, a chord bearing and distance of South 64°25'35" West, 16.67 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 16.69 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the right having a central angle of 27°51'35", a radius of 308.50 feet, a chord bearing and distance of South 73°25'37" West, 148.53 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 150.01 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 87°21'25" West, a distance of 714.83 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 2°38'35" West, a distance of 120.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 87°21'25" West, a distance of 4.50 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for the south end of the easterly terminus of Desert Willow Drive, a 50 foot right of way, as dedicated in Prairie Oaks Phase 1A, according to the Final Plat thereof recorded in Document No. 2019-27 of the Plat Records of Denton County, Texas;

THENCE along the easterly line of said Prairie Oaks Phase 1A and said Prairie Oaks Phase 2B, the following:

North 02°38'35" West, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 87°21'25" West, a distance of 10.50 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 47°38'35" West, a distance of 14.14 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 02°38'35" West, a distance of 220.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 42°21'25" East, a distance of 14.14 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 02°38'35" West, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 87°21'25" West, a distance of 7.02 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 02°38'35" West, a distance of 120.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 87°21'25" East, a distance of 67.87 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 08°54'59" East, a distance of 94.38 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 18°51'44" East, a distance of 77.44 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 24°02'24" East, a distance of 56.31 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 08°40'48" East, a distance of 118.33 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 81°19'12" East, a distance of 133.07 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 76°53'13", a radius of 50.00 feet, a chord bearing and distance of North 89°11'15" East, 62.17 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 67.10 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 78°12'40" East, a distance of 124.63 feet to the POINT OF BEGINNING and containing 20.901 acres (910,442 square feet) of land, more or less.

OWNER'S DEDICATION

STATE OF TEXAS §

COUNTY OF DENTON §

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That 2016 BLACKHAWK 155 HOLDINGS, LTD., ("Owner") does hereby adopt this plat designating the hereinabove property as PRAIRIE OAKS PHASE 3A, an addition to the Town of Little Elm, Denton County, Texas, and does hereby dedicate to the public use forever, their streets, alleys and public use areas shown hereon, the easements, as shown, for mutual use and accommodation of the Town of Little Elm and all public utilities desiring to use or using same. The Town of Little Elm and any public utility company shall have the right to remove and keep removed all or parts of any building, fences, shrubs, trees or other improvements or growths, which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on said Easements, and the Town of Little Elm and all public utilities constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems, without the necessity, at anytime, of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Little Elm, Texas.

WITNESS, my hand, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

2016 BLACKHAWK 155 HOLDINGS, LTD., a Texas corporation

By: John S. Dowdall, President

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned Authority, A Notary Public in and for said county and state, on this day personally appeared John S. Dowdall, 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 purpose and consideration thereof expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC in and for the STATE OF TEXAS

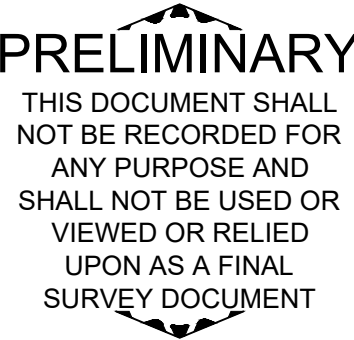
LOT TABLE			LOT TABLE			LOT TABLE			LOT TABLE		
LOT NO.	ACRES	SQ. FT.	LOT NO.	ACRES	SQ. FT.	LOT NO.	ACRES	SQ. FT.	LOT NO.	ACRES	SQ. FT.
BLOCK P LOT 1	0.165	7,200	BLOCK Q LOT 12	0.214	9,302	BLOCK R LOT 2	0.173	7,522	BLOCK S LOT 57	0.301	13,096
BLOCK P LOT 2	0.165	7,200	BLOCK Q LOT 13X	0.696	30,323	BLOCK R LOT 3	0.168	7,306	BLOCK S LOT 58	0.178	7,745
BLOCK P LOT 3	0.165	7,200	BLOCK Q LOT 14	0.169	7,382	BLOCK R LOT 4	0.169	7,346	BLOCK S LOT 59	0.179	7,800
BLOCK P LOT 4	0.165	7,200	BLOCK Q LOT 15	0.165	7,200	BLOCK R LOT 5	0.225	9,813	BLOCK S LOT 60	0.179	7,800
BLOCK P LOT 5	0.165	7,200	BLOCK Q LOT 16	0.165	7,200	BLOCK R LOT 6	0.248	10,789	BLOCK S LOT 61	0.188	8,176
BLOCK P LOT 6	0.165	7,200	BLOCK Q LOT 17	0.228	9,913	BLOCK R LOT 7	0.165	7,200	BLOCK S LOT 62	0.213	9,263
BLOCK P LOT 7	0.165	7,200	BLOCK Q LOT 18	0.225	9,811	BLOCK R LOT 8	0.165	7,200	BLOCK S LOT 63	0.219	9,528
BLOCK P LOT 8	0.165	7,200	BLOCK Q LOT 19	0.165	7,200	BLOCK R LOT 9	0.269	11,702	BLOCK Z LOT 1X	0.965	42,019
BLOCK P LOT 9	0.165	7,200	BLOCK Q LOT 20	0.165	7,200	BLOCK S LOT 40	0.165	7,200			
BLOCK P LOT 10	0.165	7,200	BLOCK Q LOT 21	0.184	8,013	BLOCK S LOT 41	0.165	7,200			
BLOCK P LOT 11	0.165	7,200	BLOCK Q LOT 22	0.204	8,870	BLOCK S LOT 42	0.192	8,371			
BLOCK P LOT 12	0.179	7,807	BLOCK Q LOT 23	0.208	9,079	BLOCK S LOT 43	0.212	9,253			
BLOCK P LOT 13	0.191	8,331	BLOCK Q LOT 24	0.181	7,888	BLOCK S LOT 44	0.185	8,063			
BLOCK P LOT 14	0.189	8,254	BLOCK Q LOT 25	0.165	7,200	BLOCK S LOT 45	0.187	8,159			
BLOCK Q LOT 1	0.192	8,350	BLOCK Q LOT 26	0.165	7,200	BLOCK S LOT 46	0.175	7,612			
BLOCK Q LOT 2	0.165	7,200	BLOCK Q LOT 27	0.165	7,200	BLOCK S LOT 47	0.169	7,347			
BLOCK Q LOT 3	0.165	7,200	BLOCK Q LOT 28	0.165	7,200	BLOCK S LOT 48	0.167	7,279			
BLOCK Q LOT 4	0.165	7,200	BLOCK Q LOT 29	0.165	7,200	BLOCK S LOT 49	0.167	7,279			
BLOCK Q LOT 5	0.165	7,200	BLOCK Q LOT 30	0.165	7,200	BLOCK S LOT 50	0.167	7,279			
BLOCK Q LOT 6	0.165	7,200	BLOCK Q LOT 31	0.165	7,200	BLOCK S LOT 51	0.167	7,279			
BLOCK Q LOT 7	0.165	7,200	BLOCK Q LOT 32	0.165	7,200	BLOCK S LOT 52	0.167	7,279			
BLOCK Q LOT 8	0.165	7,200	BLOCK Q LOT 33	0.165	7,200	BLOCK S LOT 53	0.167	7,279			
BLOCK Q LOT 9	0.165	7,200	BLOCK Q LOT 34	0.165	7,200	BLOCK S LOT 54	0.167	7,279			
BLOCK Q LOT 10	0.165	7,200	BLOCK Q LOT 35	0.192	8,350	BLOCK S LOT 55	0.196	8,539			
BLOCK Q LOT 11	0.166	7,236	BLOCK R LOT 1	0.196	8,527	BLOCK S LOT 56	0.317	13,815			

SURVEYORS CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

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

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



STATE OF TEXAS §  
COUNTY OF COLLIN §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC in and for the STATE OF TEXAS

TOWN OF LITTLE ELM APPROVAL

APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_  
by the Town Council of the Town of Little Elm, Texas.

Town Official

Town Secretary

FINAL PLAT  
PRAIRIE OAKS PHASE 3A

BLOCK P, LOTS 1-14; BLOCK Q, LOTS 1-35;  
BLOCK R, LOTS 1-9; BLOCK S, LOTS 40-63;  
BLOCK Z, LOT 1;

81 SINGLE FAMILY RESIDENTIAL LOTS  
AND 2 HOA LOTS

BEING 20.901 ACRES SITUATED IN  
MARSELLA JONES SURVEY, ABSTRACT NO. 662  
TOWN OF LITTLE ELM, DENTON COUNTY, TEXAS

Kimley»Horn

6160 Warren Parkway, Suite 210  
Frisco, Texas 75034  
Tel. No. (972) 335-3580  
FIRM # 10193822

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	CDS	KHA	NOV. 2021	069312504	2 OF 2




OWNERS:  
2016 BLACKHAWK 155 HOLDINGS, LTD  
5305 Village Creek  
Plano, Texas 75093  
Phone: 972-960-7500  
Contact: John S. Dowdall, President  
Email: j\_dowdall@msn.com

APPLICANT:  
Kimley-Horn and Associates, Inc.  
13455 Noel Road  
Two Galleria Office Tower, Suite 700  
Dallas, Texas 75240  
Phone: 972-770-1300  
Contact: Peyton McGee, PE  
Email: peyton.mcghee@kimley-horn.com





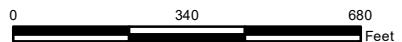
**Legend**

-  Subject Property
-  Parcels
-  Town Limits

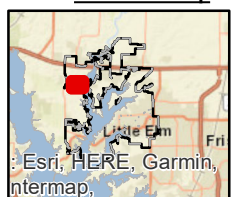


**Prairie Oaks 3A (FP-21-03391)**

Date: 11/29/2021



**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.*





# TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

12/02/2021

## OVERVIEW

<b>Project</b>	PUBLIC HEARING/ Hardwicke Food Truck Park (PD-21-06182)
<b>P&amp;Z Hearing</b>	12/02/2021
<b>Council Hearing</b>	January 4, 2021
<b>Size</b>	3.23 acres
<b>Current Zoning</b>	Lakefront District (LF)
<b>Proposed Use</b>	Commercial
<b>Existing Use</b>	Commercial
<b>Future Land Use Plan Designation</b>	Lakefront District (LF)
<b>Applicant</b>	Little Elm Economic Development Corporation
<b>Owner</b>	Little Elm Economic Development Corporation
<b>Strategic Goal</b>	

## Agenda Item

PUBLIC HEARING/ Hardwicke Food Truck Park (PD-21-06182). Public hearing, discussion, and take action on a recommendation regarding a request to rezone approximately 3.23 acres of land, currently zoned as Lakefront District and Single Family A1, generally located at on the south side of Eldorado Parkway, approximately 200 feet east of Hardwicke Lane, within Little Elm's town limits, in order to establish a new Planned Development district based on the Lakefront District requirements with allowance for additional uses, to allow outdoor temporary outdoor activities on site.

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

## Location

Generally located at on the south side of Eldorado Parkway, approximately 200 feet east of Hardwicke Lane, within Little Elm's Town limits.

## Planning Analysis



**Background.** Subject Property consists of three lots totaling 3.23 acres, zoned as Lakefront District (LF). The majority of the property is currently developed as a parking lot, which is shared by the adjacent shared use commercial kitchen, On the Fly, directly to the west. The property also contains green open space along the southern border with the existing residential neighborhood, Single Family (A1), currently being utilized for occasional outdoor events associated with the commercial kitchen food truck operations. The other two lots within the subject area contain a Water Pump Station, on the northeast corner, which is not being proposed for any changes, and undeveloped land which previously housed a single family home, and is being proposed to be incorporated into this PD as a continuation to the existing open green space.

The Town of Little Elm Economic Development Corporation (EDC) owns the subject property and has long term visions to utilize the property as part of a larger redevelopment opportunity sometime in the future. While the details of the long term plans are being realized, EDC would like to utilize the proper to temporarily host a food truck park and various outdoor events for the local community. Because of the specific and temporary use nature, such action requires zoning the property to a Planned Development (PD) district, based on the existing Lakefront District (LF) with the added temporary uses allowed as-of-right.

**Proposal.** The Town of Little Elm Economic Development Corporation (EDC) is requesting to establish a new Planned Development (PD) district in order to allow temporary outdoor activities with accessory facilities on the site. These uses are intended to be an initial phase of low impact development until a future development opportunity moves forward.

The applicant is requesting the following additional uses to be permitted by right:

- Farmers Market
- Commercial Amusement, Outdoor
- Outdoor Events
- Food Truck Park

The applicant is requesting the following additional accessory uses to be permitted by right:

- Patios, covered and/or enclosed
- Patios, flatwork (concrete or pavers)
- Portable bar
- Picnic tables
- Temporary lighting
- Temporary portable restrooms

The proposed outdoor activities will follow the requirements set forth in the Food Truck Ordinance with regard to hours and operation, and events including music or live entertainment will still require the approval of a special event permit, reviewed on a case by case basis.

**Development Standards.** The permitted height and area regulations shall be in accordance with the existing Lakefront District. The Concept Plan incorporated as part of this PD demonstrates potential locations and relationships to the uses permitted under this PD, but does not apply to any future vertical development of the subject property.

**Landscape.** Due to the temporary nature of this proposal, landscaping requirements are not being applied at this time' however, any future vertical development will be required to go through the full zoning process and adhere to the Lakefront District standards.

**Screening standards.** Masonry and/or wrought-iron fencing will be provided along Hardwicke Lane and around the entry drive from Hardwicke Lane up to 100 feet at a minimum. The existing board on board fence with stone columns will be extended along the entirety of the property's adjacency with the residential neighborhood. **Comprehensive Plan.** The Town's Comprehensive Plan identifies this area as part of the envisioned Lakefront District, providing the cultural and civic center for the community through enhanced pedestrian friendly atmosphere and lakeside community character. The proposed temporary use of the site activates the street scape to provide a more inviting and engaging outdoor pedestrian experience mirroring

the intent of the district.

### **Recommended Action**

The proposed PD aligns with the Town's goals and vision of the latest comprehensive plan for the lakefront district by both ensuring that the Lakefront District is a pedestrian-oriented area as well as providing a formal public open space to serve as focal point and gathering area for the community. Staff recommends approval of the request as proposed.

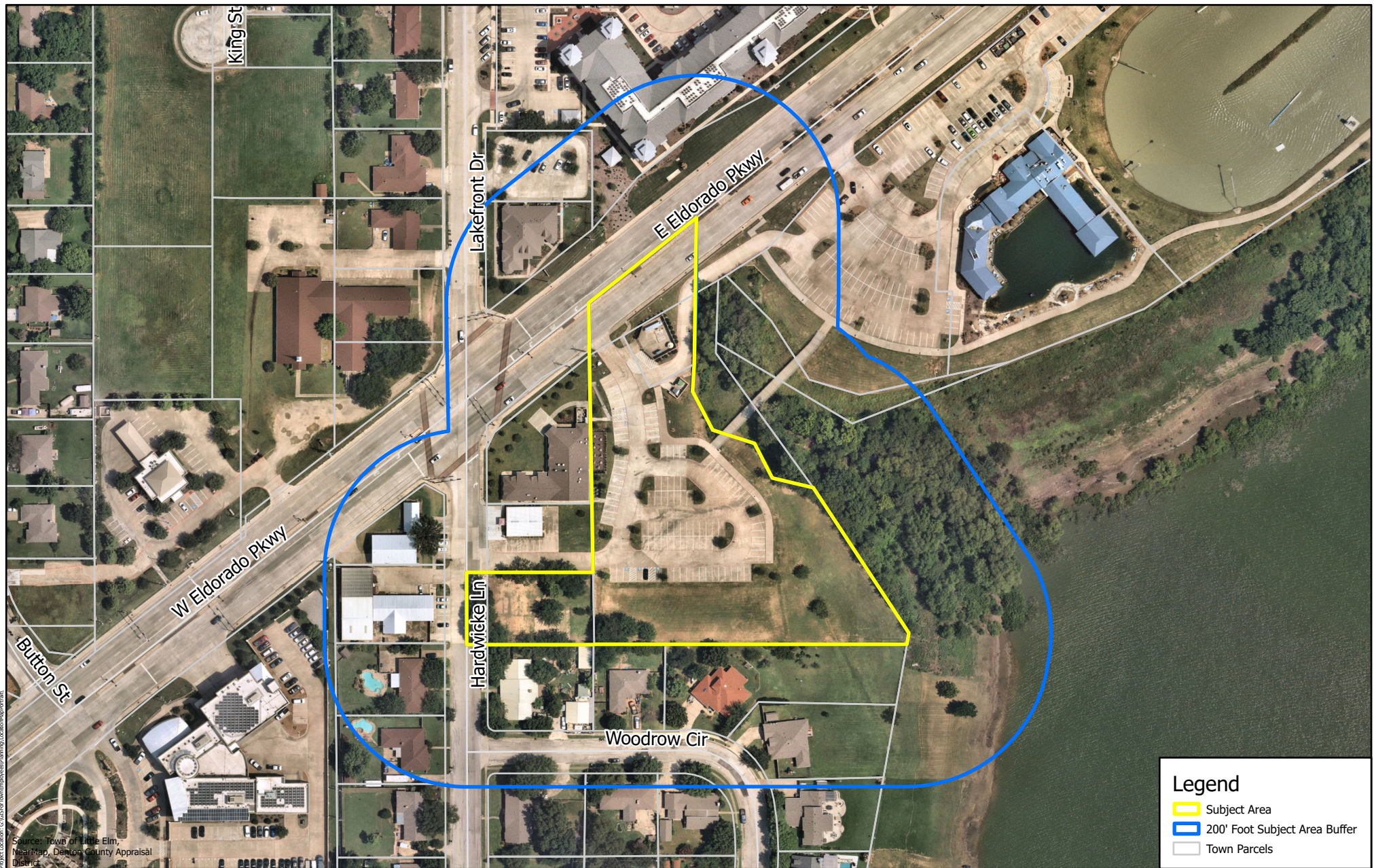
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### **Attachments**

Location Map

Hardwicke Food Truck Park PD - Text and Exhibits





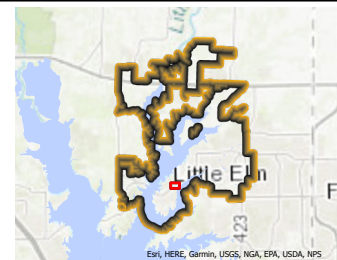
## Hardwicke Food Truck Park Rezoning and PD Map



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

Date: 11/22/2021

0 0.03 0.05 0.1 Miles



This product is to be used for graphical representation only. The accuracy is not to be taken/used as data produced for engineering purposes or by a Registered Professional Land Surveyor for the State of Texas. For this level of detail, supervision and certification of the produced data by a Registered Professional Land Surveyor for the State of Texas would have to be performed. Town of Little Elm and its members assume no responsibility for the accuracy of said data.



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# **HARDWICKE FOOD TRUCK PARK**

PLANNED DEVELOPMENT REGULATIONS

DATE: NOVEMBER 2021

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PREPARED BY:



**Place Strategies**  
Building Community Together

209 W 2<sup>nd</sup> Street, #180  
Fort Worth, TX 76102  
817-269-1863

# **Hardwicke Food Truck Park Planned Development District Statement of Intent and Purpose**

This zoning submittal encompasses approximately 3.23 total acres of land within the Town of Little Elm more fully described on the legal description attached as Exhibit A (the "Property") and depicted on Exhibit C. The proposed use for the Property is to provide temporary outdoor entertainment on existing Lakefront District zoned property. This planned development ("PD") will provide the zoning regulations necessary to develop the site (Exhibit B) and the final layout must generally conform to Exhibit C.

It is the intent of this PD to retain the base zoning for the property as Lakefront District. Any conflict between this PD and the Zoning Ordinance shall be resolved in favor of those regulations set forth in this PD, or as may be ascertained through the intent of this PD. As used herein "Zoning Ordinance" means the comprehensive zoning of the Town of Little Elm, Texas, in effect on the effective date of this Agreement, except otherwise defined in this Agreement. Uses and development regulations specifically modified, designated or included in this PD shall not be subject to amendment after the date of the adoption of this PD (the "Effective Date") (whether through the amendment of the Zoning Ordinance or otherwise), except through an amendment of this PD. Uses and development regulations which otherwise are not specifically modified, designated or included in this PD shall be controlled by the "Zoning Ordinance", unless the context provides to the contrary.

## **Project Location**

The proposed PD is located on the southeast corner of the intersection of Eldorado Parkway and Hardwicke Lane. Legal descriptions (Exhibit A), a property exhibit (Exhibit C) and a site plan (Exhibit D) have been provided.

The project area is primarily surrounded by compatible Lakefront District uses of entertainment, dining and outdoor activities to the north, community facilities to the west, existing single family residential uses to the south and Lake Lewisville to the East.

## **Site Plan**

Exhibit D identifies and locates the proposed temporary activities and improvements to serve this activity.

EXHIBIT A – Metes and Bounds

WHEREAS; LITTLE ELM ECONOMIC DEVELOPMENT CORPORATION is the owner of all that certain lot, tract or parcel of land lying and being situated in the Town of Little Elm, Denton County, Texas and being a part of the JM Jones Survey, Abstract Number 667, and being a part of the Richard Hensworth Survey, Abstract Number 577, and being all of that called 2.694 acre tract of land described in deed to Little Elm Economic Development Corporation recorded in Instrument number 2013-50503, Real Property Records, Denton County, Texas and also all of that called 0.188 acre tract as described in Probate to the Town of Little Elm, Denton County, Texas recorded in Instrument 2013-50504, Real Property Records, Denton County, Texas and being all of that certain tract of land described in Correction Affidavit recorded in Instrument 2017-9739, Real Property Records, Denton County, Texas and being all of Lot 11, Block H, First Section of Little Elm Townsite, an addition to the Town of Little Elm, Denton County, Texas according to the plat recorded in Volume 2, Page 226, Plat Records, Denton County, Texas and being more fully described by metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod found at the Southwest corner of said Lot 11 and being in the East line of Hardwicke Lane;

THENCE along said East line, North 00 degrees 11 minutes 19 seconds West, 100.00 feet to a capped iron rod set stamped "KAZ" for the Northwest corner of said Lot 11, same being the Southwest corner of Lot 12, of said Block H, First Section of Little Elm Townsite;

THENCE North 89 degrees 46 minutes 59 seconds East, departing said East line, a distance of 150.43 feet to a capped 1/2 inch iron rod set stamped "KAZ" for the Northeast corner of said Lot 11, same being the Southeast corner of said Lot 12;

THENCE North 00 degrees 11 minutes 15 seconds West, a distance of 310.10 feet to a capped 1/2 inch iron rod set stamped "KAZ" for the Northernmost Northwest corner of the herein described tract, same being in the South right of way line of West Eldorado Parkway;

THENCE North 51 degrees 49 minutes 15 seconds East, along said South right of way line, a distance of 31.41 feet to a capped 1/2 inch iron rod set stamped "KAZ";

THENCE North 62 degrees 11 minutes 10 seconds East, continuing along said South right of way line, a distance of 138.72 feet to a capped 1/2 inch iron rod set stamped "KAZ" for the Northeast corner of said herein described tract;

THENCE South 03 degrees 19 minutes 49 seconds West, departing said South right of way line, a distance of 138.22 feet to a capped 1/2 inch iron rod set stamped "KAZ";

THENCE South 27 degrees 39 minutes 46 seconds East, a distance of 61.00 feet to a capped 1/2 inch iron rod set stamped "KAZ";

THENCE South 72 degrees 29 minutes 02 seconds East, a distance of 61.83 feet to a 1/2 inch iron rod found;

THENCE South 27 degrees 27 minutes 05 seconds East, a distance of 54.78 feet to a capped 1/2 inch iron rod set stamped "KAZ";

THENCE South 76 degrees 51 minutes 29 seconds East, a distance of 58.96 feet to a 1/2 inch iron rod found;

THENCE South 33 degrees 49 minutes 20 seconds East, a distance of 243.28 feet to an aluminum disk found;

THENCE South 09 degrees 04 minutes 58 seconds West, a distance of 18.04 feet to a 5/8 inch iron rod found for the Southeast corner of said herein described tract;

THENCE South 89 degrees 46 minutes 59 seconds West, a distance of 590.97 feet to the POINT OF BEGINNING and containing 140,565 square feet or 3.23 acres of land, more or less.

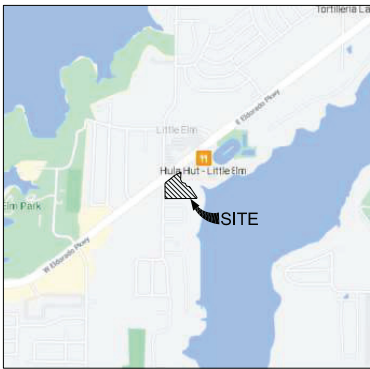
## Exhibit B

### Planned Development District Standards

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#### General Conditions for PD

1. Purpose. The purpose of the PD Planned Development district is to allow outdoor activities and appropriate accessory facilities on the site. These uses are intended to be an initial phase of low impact development until a future development opportunity moves forward.
2. Base zoning district. The permitted uses and standards shall be in accordance with the Lakefront zoning district, unless otherwise specified herein.
3. Additional uses. The following additional uses shall be permitted by right:
  - a. Food Truck Park
  - b. Outdoor Events
  - c. Commercial Amusement, Outdoor
  - d. Farmers Market
4. Accessory Uses. The following accessory uses shall be permitted by right:
  - a. Patios, covered and/or enclosed
  - b. Patios, flatwork (concrete or pavers)
  - c. Portable bar
  - d. Picnic tables
  - e. Temporary lighting
  - f. Temporary portable restrooms
5. Height and area regulations. The permitted height and area regulations shall be in accordance with the Lakefront zoning district, unless otherwise specified herein.
6. Conceptual plan required. The Concept Plan attached hereto as Exhibit D, and incorporated herein by reference, demonstrates potential locations and relationships to the uses permitted under this PD. This Conceptual Plan does not apply to any future vertical development that may replace this PD in the future, and those projects shall adhere to the Lakefront District zoning standards.
7. Landscape requirements. Not required for this PD's Additional Uses and Accessory Uses. Any vertical development shall adhere to the Lakefront District zoning standards.
8. Screening standards. Masonry and/or wrought-iron fencing shall be required along Hardwicke Lane and the entry drive from Hardwicke Lane up to 100 feet at a minimum. Any vertical development shall adhere to the Lakefront District zoning standards.
9. Open space. Due to temporary nature of this PD, no open space nor retention or detention is required for this PD. Any vertical development shall adhere to the Lakefront District zoning standards.
10. Architectural standards. Not required for this PD's Additional Uses and Accessory Uses. Any vertical development shall adhere to the Lakefront District zoning standards.



VICINITY MAP  
NOT TO SCALE

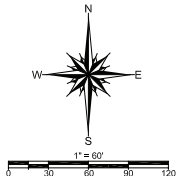
GENERAL NOTES:

1. ALL CORNERS ARE MARKED WITH CAPPED 1/2" IRON RODS STAMPED "KAZ" UNLESS OTHERWISE NOTED.
2. FLOOD STATEMENT: I HAVE REVIEWED THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE TOWN OF LITTLE ELM, COMMUNITY NUMBER 48152 EFFECTIVE DATE 4-18-2011 AND THAT MAP INDICATES AS SCALED, THAT A PORTION OF THIS PROPERTY IS WITHIN "NON-SHADED ZONE X" DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD (500-YEAR)" AS SHOWN ON PANEL 415 G OF SAID MAP.
3. THE PURPOSE OF THIS FINAL PLAT IS TO CREATE 3 LOTS.
4. NOTE: BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT.
5. ALL LOTS COMPLY WITH THE MINIMUM SIZE REQUIREMENTS OF THE ZONING DISTRICT.
6. THIS PROPERTY MAY BE SUBJECT TO CHARGES RELATED TO IMPACT FEES AND THE APPLICANT SHOULD CONTACT THE TOWN REGARDING ANY APPLICABLE FEES DUE.
7. NOTICE: SELLING A PORTION OF THIS ADDITION BY METES & BOUNDS IS A VIOLATION OF THE TOWN SUBDIVISION ORDINANCE AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
8. THIS PLAT DOES NOT ALTER OR REMOVE ANY RESTRICTIONS, IF ANY, ON THIS PROPERTY.
9. THIS PROPERTY IS CURRENTLY ZONED \_\_\_\_\_

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 21°49'15" E	31.41'
L2	S 27°39'46" E	61.00'
L3	S 72°29'02" E	61.83'
L4	S 27°27'05" E	54.78'
L5	S 76°51'29" E	58.96'
L6	S 09°04'58" W	18.04'

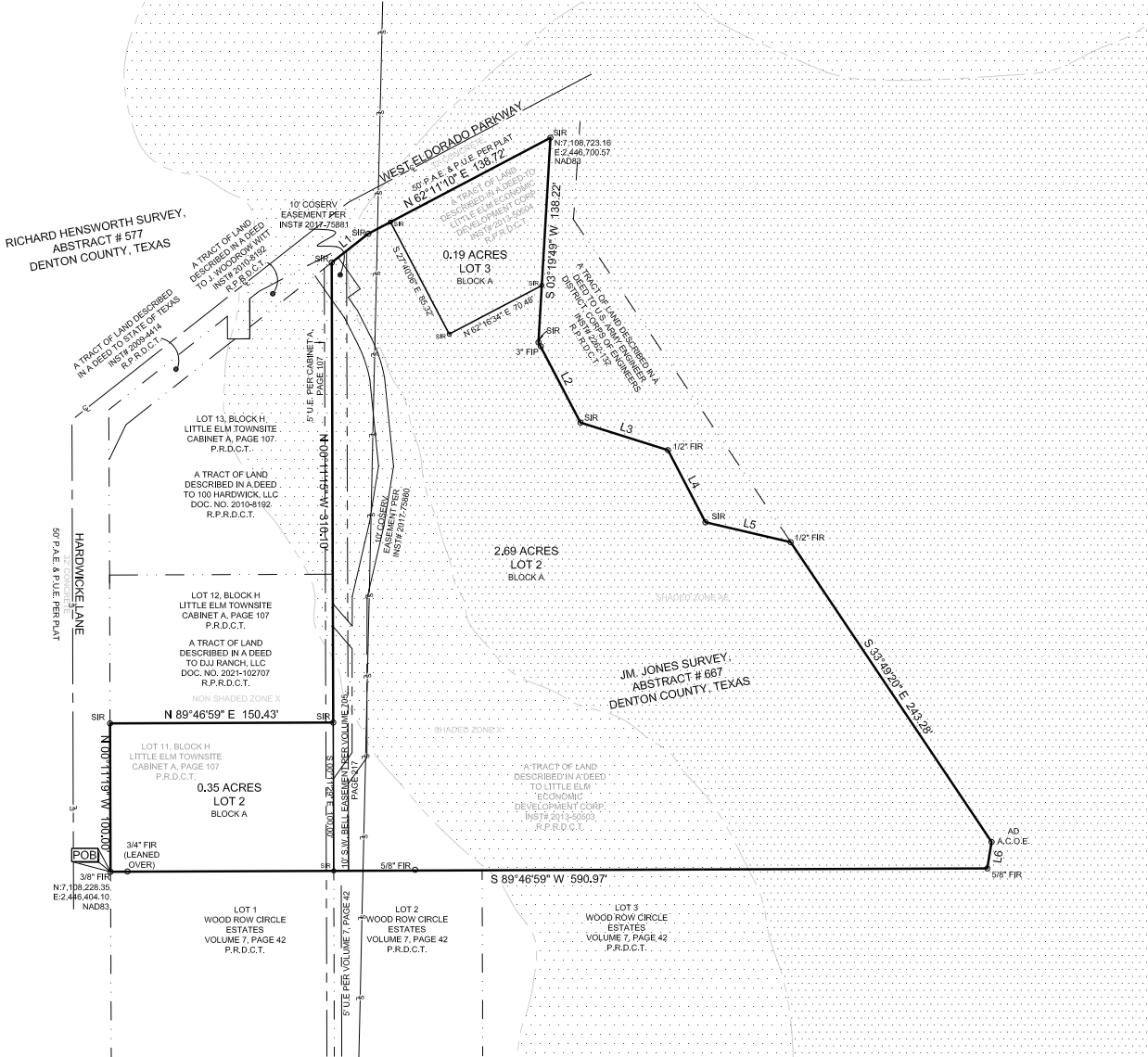
LEGEND

R.O.W. = RIGHT-OF-WAY  
POB = POINT OF BEGINNING  
1/2" IR = 1/2" IRON ROD FOUND  
C.I.P.I.R.S. = CAPPED IRON ROD SET  
R.P.R.D.C.T. = REAL PROPERTY RECORDS DENTON COUNTY TEXAS  
D.R.D.C.T. = DEED RECORDS DENTON COUNTY TEXAS  
M.N.L.F.F.E. = MINIMUM FINISHED FLOOR ELEVATION  
W.S.E.L. = WATER SURFACE ELEVATION  
P.U.E. = PUBLIC UTILITY EASEMENT  
U.E. = UTILITY EASEMENT  
D.E. = DRAINAGE EASEMENT  
P.A.E., F.L.E., & U.E. = PUBLIC ACCESS, FIRELANE & UTILITY EASEMENTS  
—+— = SURVEY LINE  
—C— = CENTERLINE OF ROAD



SURVEYOR:  
KAZ SURVEYING, INC.  
1720 WESTMINSTER STREET  
DENTON, TEXAS 76205  
PHONE: (940) 382-3446  
TBPLS FRM #10002100

OWNER:  
LITTLE ELM ECONOMIC DEVELOPMENT CORPORATION  
100 W. ELDORADO PARKWAY  
LITTLE ELM, TEXAS 75068  
PHONE: (214) 975-0489  
CONTACT: WESLEY BRANDON



STATE OF TEXAS  
COUNTY OF DENTON

WHEREAS: LITTLE ELM ECONOMIC DEVELOPMENT CORPORATION is the owner of all that certain lot, tract or parcel of land lying and being situated in the Town of Little Elm, Denton County, Texas and being a part of the JM Jones Survey, Abstract Number 667, and being a part of that called 2.694 acre tract of land described in deed to Little Elm Economic Development Corporation recorded in Instrument number 2013-50503, Real Property Records, Denton County, Texas and also all of that called 0.188 acre tract as described in Probate to the Town of Little Elm, Denton County, Texas recorded in Instrument 2013-50504, Real Property Records, Denton County, Texas and being all of that certain tract of land described in Correction Affidavit recorded in Instrument 2017-9739, Real Property Records, Denton County, Texas and being all of Lot 11, Block H, First Section of Little Elm Township, an addition to the Town of Little Elm, Denton County, Texas according to the plat recorded in Volume 2, Page 226, Plat Records, Denton County, Texas and being more fully described by metes and bounds as follows:

BEGINNING at a 3/8 Inch Iron rod found at the Southwest corner of said Lot 11 and being in the East line of Hardwick Lane;

THENCE along said East line, North 00 degrees 11 minutes 19 seconds West, 100.00 feet to a capped iron rod set stamped "KAZ" for the Northwest corner of said Lot 11, same being the Southwest corner of Lot 12, of said Block H, First Section of Little Elm Township;

THENCE North 89 degrees 46 minutes 59 seconds East, departing said East line, a distance of 150.43 feet to a capped 1/2 Inch iron rod set stamped "KAZ" for the Northeast corner of said Lot 11, same being the Southeast corner of said Lot 12;

THENCE North 00 degrees 11 minutes 15 seconds West, a distance of 310.10 feet to a capped 1/2 Inch iron rod set stamped "KAZ" for the Northernmost Northwest corner of the herein described tract, same being in the South right of way line of West Eldorado Parkway;

THENCE North 51 degrees 49 minutes 15 seconds East, along said South right of way line, a distance of 31.41 feet to a capped 1/2 Inch iron rod set stamped "KAZ";

THENCE North 62 degrees 11 minutes 10 seconds East, continuing along said South right of way line, a distance of 138.72 feet to a capped 1/2 Inch iron rod set stamped "KAZ" for the Northeast corner of said herein described tract;

THENCE South 03 degrees 19 minutes 49 seconds West, departing said South right of way line, a distance of 138.22 feet to a capped 1/2 Inch iron rod set stamped "KAZ";

THENCE South 27 degrees 39 minutes 46 seconds East, a distance of 61.00 feet to a capped 1/2 Inch iron rod set stamped "KAZ";

THENCE South 72 degrees 29 minutes 02 seconds East, a distance of 61.83 feet to a 1/2 Inch iron rod found;

THENCE South 27 degrees 27 minutes 05 seconds East, a distance of 54.78 feet to a capped 1/2 Inch iron rod set stamped "KAZ";

THENCE South 76 degrees 51 minutes 29 seconds East, a distance of 58.96 feet to a 1/2 Inch iron rod found;

THENCE South 33 degrees 49 minutes 20 seconds East, a distance of 243.28 feet to an aluminum disk found;

THENCE South 09 degrees 04 minutes 58 seconds West, a distance of 18.04 feet to a 5/8 Inch iron rod found for the Southeast corner of said herein described tract;

THENCE South 89 degrees 46 minutes 59 seconds West, a distance of 590.97 feet to the POINT OF BEGINNING and containing 140,565 square feet or 3.23 acres of land, more or less.

OWNER'S DEDICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT LITTLE ELM ECONOMIC DEVELOPMENT CORPORATION DOES HEREBY ADOPT THIS FINAL PLAT, DESIGNATING THE HEREIN DESCRIBED PROPERTY AS **LITTLE ELM HARDWICK ADDITION**, AN ADDITION IN THE CITY OF LITTLE ELM, DENTON COUNTY, TEXAS AND DOES HEREBY DEDICATE TO PUBLIC USE FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

LITTLE ELM ECONOMIC DEVELOPMENT CORPORATION

BY: \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, 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 CONSIDERATIONS THEREIN.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF \_\_\_\_\_

\_\_\_\_\_  
COUNTY

MY COMMISSION EXPIRES ON \_\_\_\_\_

CERTIFICATE OF SURVEYOR

STATE OF TEXAS  
COUNTY OF DENTON

I, KENNETH A. ZOLLINGER, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND AND THAT THE MONUMENTS SHOWN HEREON WERE FOUND OR PLACED WITH 1/2" IRON RODS CAPPED "KAZ" UNDER MY DIRECTION AND SUPERVISION IN ACCORDANCE WITH THE ORDINANCES OF THE CITY OF DENTON, DENTON COUNTY, TEXAS.

KENNETH A. ZOLLINGER, R.P.L.S., # \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KENNETH A. ZOLLINGER, 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 CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC, DENTON COUNTY, TEXAS, \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_.

CERTIFICATE OF FINAL PLAT APPROVAL

APPROVED

TOWN OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_  
TOWN OF LITTLE ELM, TEXAS

THE UNDERSIGNED, THE TOWN SECRETARY OF THE TOWN OF LITTLE ELM, TEXAS, HEREBY CERTIFIES THAT THE FOREGOING FINAL PLAT OF LOTS 1-6, BLOCK A, PALLADIUM ADDITION, PHASE 2, TO THE TOWN OF LITTLE ELM WAS SUBMITTED TO THE PLANNING AND ZONING COMMISSION ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021, AND THE COMMISSION, BY FORMAL ACTION, THEN AND THERE ACCEPTED THE FINAL PLAT AND HEREBY AUTHORIZES THE DEVELOPER TO PROCEED WITH THE CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS AND INFRASTRUCTURE AS INDICATED ON THE ACCOMPANYING CONSTRUCTION PLANS, AND SAID COMMISSION FURTHER AUTHORIZES THE CHAIRMAN OF THE PLANNING AND ZONING COMMISSION TO NOTE THE ACCEPTANCE THEREOF BY SIGNING HIS/HER NAME AS HEREINAFORE SUBSCRIBED.

WITNESS MY HAND THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

TOWN SECRETARY  
TOWN OF LITTLE ELM, TEXAS



1720 WESTMINSTER  
DENTON, TX 76205  
(940) 382-3446  
JOB NUMBER: 180052-05  
DRAWN BY: MLB  
DATE: 10-08-2021  
R.P.L.S.  
KENNETH A. ZOLLINGER

Exhibit C : Property Survey

FINAL PLAT  
LOTS 1-3, BLOCK A  
PALLADIUM ADDITION, PHASE 2

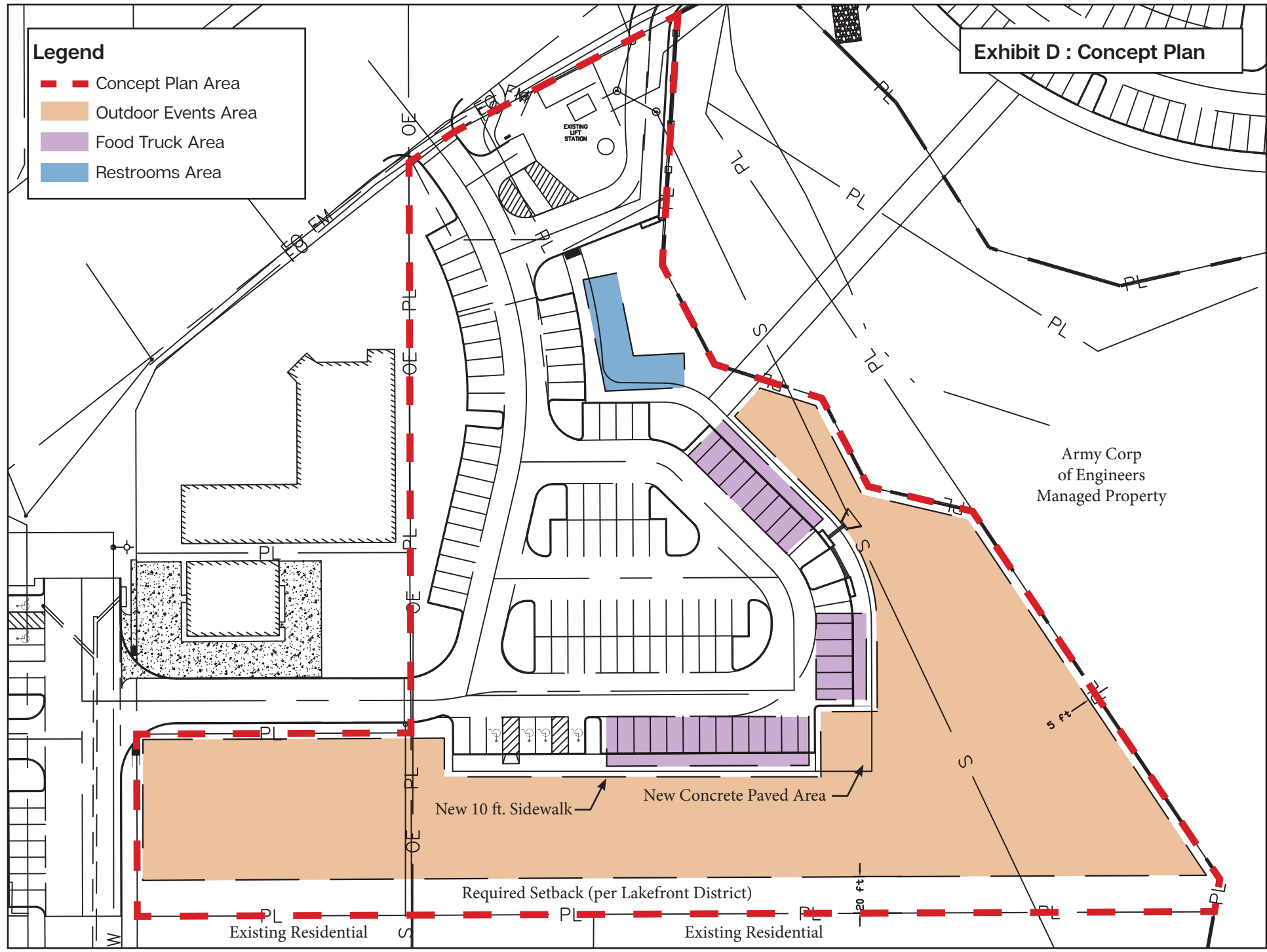
BEING 3.23 ACRES IN THE  
JM JONES SURVEY, ABSTRACT NUMBER 667, AND IN THE  
RICHARD HENSWORTH SURVEY, ABSTRACT NUMBER 577,  
DENTON COUNTY, TEXAS



Exhibit D : Concept Plan

**Legend**

- Concept Plan Area
- Outdoor Events Area
- Food Truck Area
- Restrooms Area





# TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

12/02/2021

## OVERVIEW

<b>Project</b>	PUBLIC HEARING/ Lakefront District Text Amendment (ZOA-21-06657)
<b>P&amp;Z Hearing</b>	12/02/2021
<b>Council Hearing</b>	December 7, 2021
<b>Size</b>	N/A
<b>Current Zoning</b>	N/A
<b>Proposed Use</b>	N/A
<b>Existing Use</b>	N/A
<b>Future Land Use Plan Designation</b>	N/A
<b>Applicant</b>	Town of Little Elm
<b>Owner</b>	N/A
<b>Strategic Goal</b>	Promote and expand Little Elm's identity

## Agenda Item

**PUBLIC HEARING/** Lakefront District Text Amendment (ZOA-21-06657). Public hearing, discussion, and take action on a recommendation regarding a proposed text amendment to Chapter 106, Zoning Ordinance, by amending Sec.106.04.02 Lakefront District, in order to clarify height requirements.

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

## Location

N/A

## Planning Analysis

In 2008 the Town adopted a Comprehensive Plan that identified the desire to provide a mix of housing opportunities, create a pedestrian friendly street environment, encourage nonhomogeneous residential and commercial developments, and introduce urban design that would promote the implementation of small town design guidelines in order to maximize desirability and aesthetic appeal throughout the Town. The top priority identified in the 2008 Comprehensive Plan was the establishment of a form-based Town Center zoning district and incorporate quality design standards. Over the next several years the Town adopted form-based code (2009) and initiated several rezonings (2008, 2011, and 2017) in order to establish and

ultimately expand the Town Center district, now known as Section 106.04.02 - Lakefront District.

The purpose of Section 106.04.02 - Lakefront District is to establish a pedestrian-oriented lakefront to serve as the civic and cultural heart of the town. The Lakefront District establishes the goals and visions for the area, and outlines development standards necessary to guide future development toward meeting the intent of the district. It also establishes a major and minor waiver process to allow flexibility and developer creativity.

Major waivers are major changes to the design standards or changes which may appear to be in conflict with the goals and intent of the district. Major waivers may only be approved by the Town Council, following a recommendation by the Planning and Zoning Commission, in conjunction with a decision on an application for approval of a Regulating Plan or Site Plan. Major waivers include:

- Required retail construction
- Building height for non-landmark buildings
- Exceeding the maximum leasable retail area
- Residential at-grade design standards
- Parking requirements
- Parking garage design standards

In order to approve a major waiver, the Town Council must find that the waiver:

- Meets the general intent of this district, and
- Is consistent with the overall plan and vision for the district, and
- Will result in an improved project which will be an attractive contribution to the Lakefront District

Currently, the development standards provide a height requirement that is challenging for staff to interpret and enforce.

**Building form.**

Buildings shall not exceed four stories except where adjacent to Eldorado, which may be up to seven stories provided that views of the lake are not significantly blocked for neighboring development. Additional height along Eldorado may be allowed at specific locations by minor waiver.

Since the district's adoption, there have only been a few developments within the designated area that have gone through the approval process, following the district's requirements. As the Town continues to grow, Staff anticipates more development applications within the Lakefront District. Staff requested guidance from Town Council on November 16th, 2021 in order to establish consistency in how the height requirement is to be interpreted and enforced moving forward. Through work session discussion, it was indicated that the maximum allowable height should be reduced to three stories, or a maximum of 45 feet, with an option for additional height through the major waiver process.

In order to make these changes, Staff is proposing to amend Section 106.04.02 - Lakefront District by revising the height requirement under Division 4. - Buildings, (c) Building standards as follows:

**Building form.**

Buildings shall not exceed three stories, or 45 feet, in height; additional height along Eldorado Parkway may be allowed at specific locations by major waiver.

**Recommended Action**

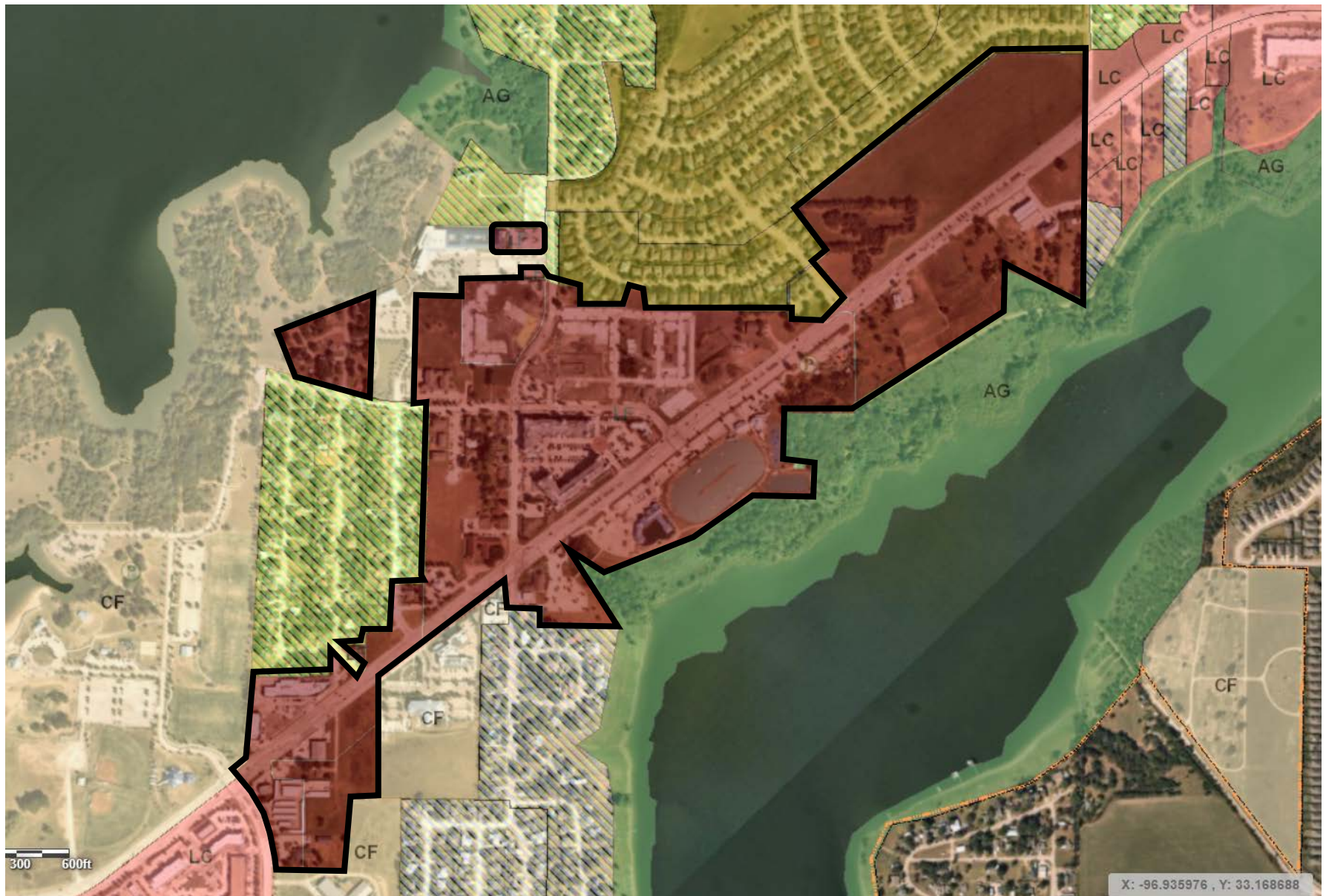
Staff recommends approval of the proposed text amendment.

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**Attachments**

Lakefront District Location

Sec. 106.04.02 Lakefront District - Amended



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## Sec. 106.04.02 Lakefront District.

### DIVISION 1. PURPOSE, GOALS AND INTENT

(a) Purpose.

The purpose of the Lakefront District is to implement the adopted recommendations of the comprehensive plan by establishing a pedestrian-oriented lakefront which will serve as the civic and cultural heart of the town for generations.

(b) Goals. The goals of this Code are:

- (1) To build on the town's targeted "lakeside community character," with built form and materials that are reminiscent of lakefront communities.
- (2) Make the sustainable through:
  - a. Providing for integrated mixed use;
  - b. Embodying LEED-ND (Leadership in Energy and Environmental Design Neighborhood Development) principles; and
  - c. Assuring pedestrian and bicycle friendliness;
- (3) To provide development and land use flexibility within the framework of a form-based development code;
- (4) To provide a mix of residential, retail and office uses in a pedestrian and bicycle-friendly environment; and
- (5) To encourage high quality development through providing a balance of development standards and expeditious administrative approvals for projects which meet the intent of this Code.

(c) Intent. The intent of this Code is:

- (1) To provide a comfortable and attractive environment for pedestrians, which include such things as buildings framing public space, interesting street walls, street trees, lighting and street furniture;
- (2) To construct buildings close to the sidewalk and street;
- (3) To construct continuous building frontage along block faces except where it is desirable to provide for pedestrian and auto pass-through to parking at mid block;
- (4) To provide shared parking that will benefit the entire district;
- (5) To encourage the use of public parks and plazas as a focus for mixed use developments;
- (6) To design and build flexible buildings that can accommodate a range of uses over time;
- (7) To design streets, access lanes and buildings that will provide a high level of connectivity between parcels and projects for pedestrians, bicycles and autos; and
- (8) To create a safe multi-modal mixed use environment.

(Ord. No. 1407, § 2, 8-15-2017)

### DIVISION 2. DEFINITIONS

The following definitions shall apply within the Lakefront Code.

Access lane. Any on-site drive or lane intended to accommodate autos or pedestrians.

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Charleston house. This is a house that is built close to the front sidewalk but also has one building edge adjacent to a shared property line, thereby creating a useable side yard. (See table 1 Building Disposition) A double Charleston house is two single-family Charleston houses which share a common wall (and property line).

Review committee. A committee constituted by the town to advise the director on major development waivers. (See section 106.04.02, "Lakefront District - division 9(b) review process")

Building facade, primary. Any facade that faces a public street or open space.

District. The entire area covered by the lakefront code.

Entry, primary. The main entry to a building on a block face. There must be at least one main building entry for each ground floor use, tenant or lobby on each block face which contains the use or tenant.

Flats. Urban apartments located in a pedestrian friendly mixed use development, and usually positioned above the ground floor.

Landmark buildings. Buildings which are located on axis with a terminating street or at the intersection of streets. Such buildings shall incorporate architectural features which address height and articulation that emphasize the importance of such a location.

Live-work. A fee-simple dwelling unit that contains, to a limited extent, a separate commercial component on the ground floor. It is in the form similar to a townhouse or store with residential quarters above or behind the commercial use.

Loft. A flexible residential space which may be partially used for an artist or design studio, and which is characterized by higher than normal ceilings, open floor plans and often, exposed duct work.

Loft, mixed use. A mixed use building that includes a majority of residential use such as lofts, apartments, condominiums and offices, but contains nonresidential use in a portion of the ground floor.

Major thoroughfare. This refers to the ultimate configuration of Eldorado Parkway.

Parking, shared. Parking which is shared by tenants, visitors and the general public. Hours of availability and use may be further defined in cooperation with the town.

Patio house. This refers to a home which occupies the boundary of the lot while defining one or more private patios. (See Table 1 Building Disposition)

Regulating plan. A plan that governs the development of a multi-phased project area as defined in. (See section 106.04.02, "Lakefront District - division 9(c) regulating plan")

Retail use. For the purposes of the Lakefront Code, retail use is defined as a business having as its primary function, the supply of merchandise or wares to the end consumer. Such sales constitute the "primary function of the business when sales equal at least 80 percent of the gross sales of the business.

Stacked flat. A condominium, apartment or loft which is part of a building of similar units. Flats located on the ground floor must still meet the requirements for direct front door access to a stoop and a public sidewalk.

Stoop. A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate.

Streetscape. The urban element that establishes 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



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for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

Lakefront engineering and landscape standards. Any approved town standards which govern such items as street, streetscape, drainage, signage and other public improvements in the Lakefront District.

Town manager. The town manager of the Town of Little Elm or his designee.

Townhouse. An attached dwelling unit located on a platted lot which shares at least one common wall with another such unit. Townhouses are grouped together in clusters of three to six units.

Urban design officer (UDO). The planning manager shall serve as the urban design officer for the Lakefront District.

Waiver to design standards, major (major waiver). A significant change to the standards of this Code, as identified in the district regulations and requiring planning and zoning commission and town council approval. (See section 106.04.02, "lakefront district division 3(g) and 9(e) regarding waivers of design standards")

Waiver to design standards, minor (minor waiver). A minor change to the standards of this Code that is not contrary to the stated goals and intent of the district. (See section 106.04.02, "lakefront district division 3(g) and 9(e) regarding waivers of design standards")

(Ord. No. 1407, § 2, 8-15-2017)

### DIVISION 3. GENERAL DISTRICT STANDARDS

#### (a) Building and land use.

Intent. It is intended that allowed uses will encourage pedestrian-oriented mixed use projects that are well integrated with retail and residential activities.

- (1) Retail, personal service, residential and office uses shall be allowed throughout the district in accordance with the list of authorized uses set forth in appendix 1 Lakefront Land Use. Uses which are not specifically authorized require a major waiver.
- (2) Where "required retail at-grade construction" is designated on the conceptual framework plan, the ground floor adjacent to the street should be constructed to retail building standards for a depth of at least 50 feet, however a smaller depth may be allowed if the retail is serving as a "liner" use which is masking a parking garage, by minor waiver.
- (3) All changes to access drives require a minor waiver.

#### (b) Block face.

Intent. It is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to creating an attractive and active pedestrian environment, with allowance for some limited variation and opportunities for outside dining, pocket parks and special building entry features. Buildings should also be constructed close to the street to provide a sense of enclosure.

It is also intended that blocks be as short as practical to both support pedestrian access/walkability and to facilitate the process of renewal and regeneration of buildings and frontages over the long term.

- (1) Continuous building frontage will be considered to be met if 80 percent or more of the primary building facade is located within 15 feet of the right-of-way or build-to line designated on an approved plan. This shall apply to each phase of development unless otherwise approved. However, administrative approval of a minor waiver will permit down to 70 percent, provided that the reduction results in an attractive outdoor dining area, building entry feature or other amenity which contributes to the streetscape. A greater reduction shall require approval of a major waiver.

- 
- (2) Facades shall generally be built parallel to the street frontage, except at street intersections, where a facade containing a primary building entrance may be curved or angled toward an intersection.
  - (3) Build-to lines.
    - a. Build-to lines shall be measured from the planned street right-of-way or public easement, as established on the approved regulating plan and the standards in this chapter. The entire area between the back-of-curb and the primary building facade shall be dedicated as public right-of-way or have a public access easement placed upon it.
    - b. Exterior steps, stoops, chimneys, and bay windows may encroach beyond the build-to line by two feet, but not into a public right-of-way. Balconies ten feet or more above the sidewalk may encroach up to six feet including a public right-of-way or access lane.
    - c. Awnings may encroach above the public sidewalk without limit, but may not extend into a vehicular roadway or accessway.
  - (c) Streets; intent. It is the intent that public and private streets and accessways provide a framework that will facilitate the movement of pedestrians and autos in an attractive environment, and provide for incremental long term revitalization and redevelopment of parcels to meet changing market sector needs. All streets and blocks in the Lakefront Code shall conform to the provisions of this section.
    - 1. Street standards. Standards for streets within the district shall be approved as part of a regulating plan and shall be in generally conformity with appendix 2 thoroughfare assemblies.
    - 2. Street pattern. The pattern of all streets in the project area shall be based upon a small scale grid system of interconnecting streets, and shall connect to adjoining nonsingle-family properties.
  - (d) Streetscape and landscape; intent. It is the intent to both encourage and require streetscape and landscaping that reinforces the lakefront character of Little Elm as envisioned in the Comprehensive Plan. It is also the intent to create comfortable pedestrian environments and lower summer ambient temperature by shading sidewalks, parking areas and drive lanes.
    - 1. Streetscape standards. Shade trees are required along all public street rights-of-way, either within the ROW or immediately adjacent at an average of 20 feet on center.

Where buildings are not adjacent to the sidewalk, a second row of trees shall be provided in place of a building wall unless adjacent to a plaza or pocket park or approved by minor waiver as a temporary condition.
    - 2. Site landscaping shall include drought tolerant grasses and shrubs as listed in the town's list of approved plant materials.
    - 3. Residential ground floor frontages shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for tree wells is limited to ground cover and low shrubs.
  - (e) Transition from single-family zoning. On any property in the Lakefront District which shares a lot line with a single-family zoned property:
    - (1) The setback shall be a minimum of 20 feet from the property line, and
    - (2) Maximum building height within 50 feet shall be 35 feet. Beyond 50 feet, the height shall increase at a rate of one foot for each foot the building is set back, to the maximum allowed number of stories.
  - (f) Waivers of design standards. The following waivers are authorized within the Code, subject to the procedures in division 9E and as otherwise specified in this Code.



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Minor waivers include:

- Requirement to line a parking garage with buildings
- Requirement for continuous building frontage
- Establishment of build-to line
- Encroachment into the build-to line
- Residential landscape requirement
- Increased building height for "landmark" buildings
- Design of buildings without tri-partite architecture
- Required frequency of building entries along a street edge
- Window detailing
- Exterior building and roof materials
- Exterior building color
- Retail at-grade design standards
- Landscape standards
- Location of bicycle parking
- Minor revisions to thoroughfare assemblies

Major waivers include:

- Required retail construction
- Building height for non-landmark buildings
- Exceeding the maximum leasable retail area
- Residential at-grade design standards
- Parking requirements
- Parking garage design standards

(Ord. No. 1407, § 2, 8-15-2017)

#### DIVISION 4. BUILDINGS

(a) Intent. The intent of this section is to create an attractive and active Lakefront Town style district; and the size, disposition, function and design of buildings play an important role in achieving that goal. This includes encouraging the appropriate use of:

- Landmark "lighthouse" elements
- Cementitious fiberboard siding in the form of planks or board and batten
- Metal or tile - (clay or cement) roofing material

It is also intended that commercial spaces are designed and constructed in a manner that allows flexibility to accommodate a range of uses over time in order to avoid the need to demolish and rebuild for successive uses. Buildings should directly contribute to the attractiveness, safety and function of the street and public areas. Buildings that accommodate retail at-grade should feature the retail activity over the building's architecture.

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Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.





It is intended by this section, to encourage a variety of building and design solutions in response to the standards and regulations outlined herein.

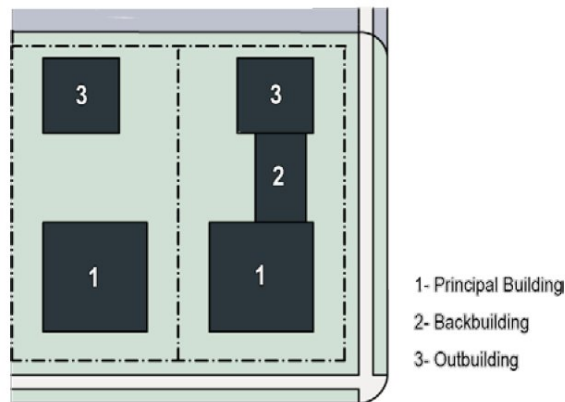
(b) General building configuration.

(1) General building disposition.

- a. Buildings shall be disposed in relation to the boundaries of their lots according to Table 1 Building Disposition.
- b. One principal building at the frontage and one outbuilding to the rear may be built on each lot. A back-building may be built between the principal building and the outbuilding on the side-frontage of corner lots as shown in Table 2 Building Location.
- c. Facades shall be built generally parallel or tangent to the principal frontage line. For lots having two frontages, the one along the more urban frontage of the two shall be the principal frontage unless otherwise determined by minor waiver.
- d. Single-Family outbuilding rear setbacks shall be a minimum of eight feet from the alley right-of-way to the garage door if there is one, or three feet to the building wall if not. Townhomes with rear patios and a detached garage may have a minimum setback of three feet. In the absence of a rear alley or lane, the rear setback shall be a minimum of three feet.
- e. Loading docks and service areas shall be permitted on frontages only when absolutely necessary, by minor waiver.

Building disposition. This table approximates the location of the structure relative to the boundaries of each individual lot, establishing suitable basic building types for each transect zone.

<p><b>ARTICLE IV, TABLE B</b></p> <p><b>LAKEFRONT BUILDING DISPOSITION</b></p>	
<p><b>A. Side yard:</b> Specific Types - Charleston House, Charleston Double House. A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Side yard House abuts a neighboring Side yard House, the type is known as a twin or Charleston Double House. Energy costs, and sometimes noise, are reduced by sharing a party wall in this Disposition.</p>	
<p><b>B. Rear yard:</b> Specific Types - Townhouse, Live-Work unit, loft building, Stacked Flats, Mixed Use Block, Flex Building. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Façade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking. Garages may be attached or detached.</p>	
<p><b>C. Courtyard:</b> Specific Types - Patio House. A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is one of the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>	
<p><b>D. Urban:</b> Specific Types - Stacked Flats, mixed use lofts, office, and retail. A building which occupies the entire site. This is the most urban type, and is common in downtowns. It can accommodate a wide range of functions.</p>	



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(c) Building standards.

(1) Building form.

- a. Buildings shall not exceed ~~four three stories, or 45 feet, in height; except where adjacent to Eldorado, which may be up to seven stories provided that views of the lake are not significantly blocked for neighboring development.~~ A additional height along Eldorado Parkway may be allowed at specific locations by ~~minor~~ major waiver.
- b. All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.
- c. Buildings which are located on axis with a terminating street or access lane or at the intersection of streets and/or access lanes shall be considered a landmark building. Such buildings shall be designed with landmark features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.

(2) Architectural features. Where clearly visible from a public street, open space or access lane:

- a. Roofs. For buildings with hip, gable or mansard roofs (unless otherwise allowed by minor waiver):
  1. Allowed materials include standing seam, clay or concrete tile (barrel or Roman shape)
  2. Skylights and roof vents shall not be visible.
- b. Windows, except for retail at-grade, shall be vertical in proportion and have at least a three-inch reveal. Vertically proportioned windows which are joined together by a mullion shall be considered as meeting this standard.
- c. Each building and separate lease space at-grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries must be inset from the front building plane by at least three feet. Functioning entries must be located no greater than 60 feet apart. Corner entries may count as a primary entry for both intersecting street frontages.

(3) Exterior facade materials. The following shall apply to all exterior walls of buildings and parking structures which are clearly visible from a public street, walkway or open space:

- a. Allowed exterior materials. Allowed exterior surface materials are categorized into three groups:
  1. Group A. Brick and stone.
  2. Group B. Stucco, architectural concrete block with integrated color, factory primed cementitious fiberboard (in the form of lap siding or board and batten). Cementitious fiberboard is limited to 20 percent of any facade.
  3. Group C. Accent; Metal, EIFS, wood and tile.
- b. Prohibited exterior materials. Prohibited exterior surface materials include cinderblock and aggregate finished surfaces.
- c. Primary facades. The following shall apply to all exterior walls of buildings which are clearly visible from a public street, open space, or active storefront:

Primary facades, excluding windows, doors, and other openings, shall be constructed of at least 80 percent group A materials and up to 20 percent group B materials. However, accent materials from group C may be allowed in limited application for architectural features.
- d. Secondary facades. The following shall apply to all exterior walls of buildings (15,000 square feet or larger) which are not clearly visible from a public street, open space or active storefront:

- 
1. Walls, excluding windows, doors, and other openings, shall be constructed of a minimum of 20 percent group A materials and up to 80 percent group B materials. However, the color of the walls shall match the primary facades.
  2. Wrapping the primary facade treatment. Secondary facades which are adjacent to the primary facade shall contain the primary facade treatment for at least ten percent of its area. This may occur as a simple continuation of the primary facade treatment, or elements such as cornices, bases and vertical elements. In all cases, however, wall surface materials shall wrap the corner.
  3. Walls which are constructed on a property line as one of a series of in-line buildings where the wall will become part of a common wall shall be subject to minor waiver approval and may include a greater distance of "wrapping" and more lenient use of other materials such as cinder block.
- e. Two materials. At least two materials shall be used on all exterior facades.
  - f. Windows and glazing shall be limited to a minimum of 30 percent and maximum of 70 percent of each building elevation (see 6.b below for special requirements for retail at-grade).
  - g. A variation of up to 15 percent of the standard above, and the material type may be approved by administrative approval of a minor waiver, provided that it is demonstrated that:
    1. The requested material use will result in achieving the town's architectural goals, and
    2. The change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.
- (4) Color.
- a. The dominant color of all buildings (including any above-grade parking structures) shall be muted shades of color. Black and stark white shall not be used except as an accent color. There are no restrictions on accent colors which comprise less than one percent of the building face, except that florescent colors are prohibited.
  - b. Roof colors shall be a muted shade of cool gray, warm gray, brown or red.
- (5) Residential at-grade.
- a. All buildings which have residential unit floor plates within six feet of grade shall include a primary front door entrance into the unit which may be accessed from the sidewalk. Any change to this standard shall be considered a major waiver.
  - b. The entry shall be located a minimum of two feet above the sidewalk elevation and include a minimum 24 square foot stoop. If pre-empted by topographic conditions, the entry may be lowered in elevation, subject to approval of the director. However, up to 50 percent of units may be ADA accessible from the sidewalk provided there is a maximum four-foot largely transparent metal fence separating the private area from the public sidewalk area. Any change to this standard shall be considered a major waiver.
  - c. Units must also include windows which provide residents a view of the street or public access easement and sidewalk area. Any change to this standard shall be considered a minor waiver if pre-empted by topographic conditions.
  - d. Lobbies to upper stories may be located at-grade level.
  - e. Balcony and patio railings and fences shall be largely transparent and constructed of glass, wrought iron or metal. Masonry columns may be used on patios provided that they are used as accents. Wood fences and railings and chain-link fencing are prohibited.

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- f. Townhouses shall meet the town standards for that unit type.
- (6) Nonresidential at-grade.
- a. The ground floor entry must be located at the approximate elevation of the adjacent sidewalk.
  - b. Retail uses adjacent to the sidewalk at-grade shall:
    - 1. Be constructed to meet fire code separation from any other uses constructed above;
    - 2. Have a minimum clear height of 16 feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per building code;
    - 3. Have an awning or canopy which extends at least six feet over the sidewalk for at least 75 percent of the frontage on any portion of the primary facade. Such awning or canopy shall maintain a minimum seven and one-half foot clearance over the sidewalk; and
    - 4. Have highly transparent glass windows for at least 60 percent, but no greater than 80 percent, of the ground floor facade.

(Ord. No. 1407, § 2, 8-15-2017)

#### DIVISION 5. PARKING AND ACCESSIBILITY

- (a) Vehicle parking.
- (1) Intent. The following is the intent of the town's parking policies and this Code:
- a. Support the creation of shared parking in order to enable visitors to park once at a convenient location and to access a variety of commercial enterprises in a pedestrian and bicycle-friendly environment.
  - b. Manage parking so that it is convenient and efficient, and supports an active and vibrant mixed use environment.
  - c. Ensure ease of access to parking.
  - d. Provide flexibility for changes in land uses which have different parking requirements within the district.
  - e. Provide flexibility for the redevelopment of small sites.
  - f. Avoid diffused, inefficient single-purpose reserved parking.
  - g. Avoid adverse parking impacts on residential neighborhoods.
  - h. Ensure that any parking structures do not dominate the public environment, by lining the edge of structures with residential or commercial uses where visible from public roads and open space.
- (2) Parking requirements. Off-street facilities shall be provided in accordance with this subsection.
- a. Off-street parking spaces for the applicable use classification shall meet the following minimum number of spaces in Table 3 Parking Calculations.
  - b. Parking location. All off-street surface parking shall be located at least 15 feet behind the front facade which faces on a street or public open space, and shall be accessed by alley or short driveway between buildings. Any change to this standard shall be considered a minor waiver.
  - c. At-grade parking. All at-grade parking lots fronting roadways shall be screened from view as outlined in division 3(e) streetscape and landscape and division 8 landscape of this Code. Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long term parking. In which case, such long term surface parking areas shall meet the

requirements of division 7(e) parking lot landscape. For the purpose of this section, long term parking shall be determined by the director, and may include parking which has a likelihood of being in place for a period of seven years or more.

- d. Parking calculations. The shared parking factor for two functions, when divided into the sum of the two amounts as listed on the required parking table below, produces the effective parking needed for each site involved in sharing. Conversely, if the sharing factor is used as a multiplier, it indicates the amount of building allowed on each site given the parking available.

ARTICLE IV, TABLE C	
LAKEFRONT PARKING CALCULATIONS	
Land Use	Minimum Parking Requirements
Residential	1 space per bedroom, up to 2 spaces per dwelling
Lodging (hotel, inn)	1 space per bedroom
Office, Retail, Restaurant	1 space per every 400 square feet
Civic and Other uses	To be determined by minor waiver

ARTICLE IV, TABLE D				
LAKEFRONT SHARED PARKING FACTOR				
	Residential	Lodging	Office	Retail
Residential	1	1.1	1.4	1.2
Lodging (hotel, inn)	1.1	1	1.7	1.3
Office	1.4	1.7	1	1.2
Retail	1.2	1.3	1.2	1

\* Parking requirements are based on at least 90 percent non-reserved stalls; otherwise, the requirement shall be 1/300 square feet for office, retail or restaurant use.

Note 1. Open space and civic space do not require parking.

Note 2. Active recreation or sports facilities parking requirements shall be determined by minor waiver.

Note 3. On-street parking shall not count toward meeting residential parking requirements.

- e. Parking garages—Where approved.
  1. Parking garages which are adjacent to a street shall be set back a minimum of 50 feet and lined with buildings containing any permitted use but parking.
  2. Off-street below grade parking is permitted to the lot lines, but must be designed to allow planting of landscape as defined in division 7 landscape. No below grade parking beneath a building shall be visible from the sidewalk.
- f. Shared parking.
  1. Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two or more specific uses occurs at alternating time periods, or where shared parking is massed and configured in a way that increases its efficient use. Required parking shall be determined by a parking analysis study approved by the director.
  2. Shared parking shall be clearly designated with signs and markings.

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- (b) Bicycle parking.
    - (1) Goals. Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.
    - (2) Required bicycle parking. Bicycle parking shall be provided based on at least one space for every ten automobile parking spaces required as part of the base parking requirement in subsection (a)(2) above.
    - (3) Bicycle parking standards.
      - a. Location.
        - 1. Required bicycle parking must be located within 50 feet of an entrance to the building. With approval of a minor waiver, bicycle parking may be located in the public right-of-way.
        - 2. Bicycle parking may be provided within a building, but the location must be easily accessible to bicycles.
        - 3. Any bicycle parking in the public right-of-way should be located within the band created by street trees and pedestrian street lights, however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.
      - b. Signs. If bicycle parking is not visible from the street, then a sign must be posted indicating the location of the bicycle parking facilities.
    - (4) Standards for bicycle rack types and dimensions.
      - a. Rack type. Bicycle rack types and standards shall be approved by the town.
      - b. Parking space dimensions.
        - 1. Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations, the overhead clearance must be at least seven feet.
        - 2. An aisle for bicycle maneuvering must be provided and maintained beside or between each row of bicycle parking. This aisle must be at least five feet wide.
        - 3. Each required bicycle parking space must be accessible without moving another bicycle.
  - (c) Accessibility throughout the district area. All parcels within a project area shall be platted and laid out in a manner that ensures connectivity for pedestrian and automobile movement both within the project and to adjacent nonsingle-family zoned properties.

#### DIVISION 6. LIGHTING AND MECHANICAL

- (a) Intent. It is the intent of this section to provide a level and consistency of lighting that supports pedestrian activity and promotes safety, and to reduce the visual impact of mechanical equipment on the public realm.
- (b) Standards.
  - (1) Average lighting levels within project areas should be approximately:
    - a. Urban Residential three foot-candles (fc);
    - b. Urban Retail six fc;
    - c. Parking areas 1.5 fc;
    - d. Street intersections three fc;
    - e. Street centerline 1.7 fc.



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- (2) Lighting elements shall be incandescent, metal halide, halogen or LED in a white spectrum light. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings.
  - (3) All lighting shall be focused downward or narrowly focused on its intended target such as signs, parking and pedestrian walkways. No lighting source from a commercial activity shall be visible by a residential unit.
  - (4) The entire district shall utilize the basic fixtures and furnishings in the public areas as are approved by the town.
  - (5) Mechanical and electrical equipment, transformers, meters, garbage containers and loading areas shall meet town standards.

(Ord. No. 1407, § 2, 8-15-2017)

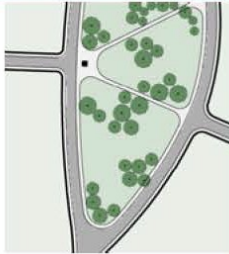
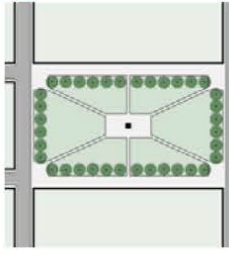
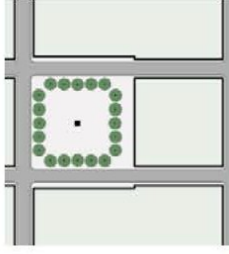
#### DIVISION 7. LANDSCAPE

- (a) Intent. Landscaping within the Lakefront Code shall comply with the provisions in this section, the town's list of approved plant materials and with the standards contained in article VI, part two, landscaping of the town's zoning ordinance. Where conflicts exist between this district and the zoning ordinance, the requirements in this district shall be applied.

It is the intent of this section to:

- (1) Support the Comprehensive Plan's goals for a Lakefront character;
  - (2) Provide the town with a unique and identifiable streetscape corridor;
  - (3) Contribute to pedestrian safety and comfort;
  - (4) Reduce the amount of solar heat gain in paved and hard surface areas.
- (b) Street trees.
    - (1) Street trees may be planted between the sidewalk and the curb. They may also be planted within three feet of a curb, sidewalk or other structure, provided that they are selected from the town's urban tree list.
    - (2) All required street trees shall be:
      - a. At least three-inch caliper;
      - b. Single trunk;
      - c. Limbed-up to six feet.
  - (c) Plant material. Front yards shall be landscaped except at building entries, seating areas and adjacent to commercial uses, where the front yard may be paved. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, and seasonal color in conformity with the town's list of approve plant materials and article VI of the town's zoning ordinance. Applicants are encouraged to use palm trees or other hardy desert-type plants to enhance the lakefront character.
  - (d) Paving material.
    - (1) Paving material in front yards and on sidewalks shall be warm toned, natural materials such as brick, stone and concrete.
    - (2) Asphalt and gravel as paving materials are prohibited.
  - (e) Parking lot landscape.

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- (1) Surface parking lots shall be screened to a minimum height of 30 inches from all adjacent public streets and open space. The screen must extend along all edges of the parking lot and must be in conformity with screening standards set out in article VI, division 2, landscaping of the town's zoning ordinance. It may be accomplished through the use of masonry walls, ornamental metal, evergreen plant materials, or a combination thereof. Planting beds for screen planting shall be a minimum of four feet in width.
  - (2) Interior parking lot landscape shall also be consistent with article VI, division 2, landscaping of the town's zoning ordinance. However, parking lots shall not exceed eight spaces in a row without being interrupted by a landscaped island (nine-foot minimum). Islands shall be planted with a minimum of one shade tree for every eight vehicle spaces.
  - (3) No landscaping shall be required for the interior of structured parking facilities.
  - (f) Detention/retention ponds. Detention/retention ponds shall be designed in a manner as to be an amenity to the development and shall not require fencing.
  - (g) Open space and landscaping for residential mixed use projects.
    - (1) In lieu of the town's requirement for open space and trees for residential development, a green, square or plaza shall be provided and approved as part of the regulating or site plan. (See Table 4 Open Space)
  - (h) Other landscape requirements.
    - (1) The landscape point system shall not apply to projects within the Lakefront District.
    - (2) The requirement for a ten-foot landscape buffer between parcels shall not apply except where adjacent to single-family zoned property.

ARTICLE IV, TABLE E LAKEFRONT OPEN SPACE	
<p><b>Green:</b> An Open Space, available for unstructured recreation. A Green may be spatially defined by streets, landscaping and/or building frontages. Its landscape shall consist of lawn and trees.</p>	
<p><b>Square:</b> An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building frontages or streets. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares.</p>	
<p><b>Plaza:</b> An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement but include shade in the form of trees or structure. Plazas should be located at the intersection of important streets.</p>	

#### DIVISION 8. SIGN STANDARDS

- (a) Intent. The intent of this section is to establish architectural controls, limit clutter and regulate commercial and locational signage. It is also intended to help enliven retail and restaurant mixed use areas. These standards should not be interpreted to prevent a for-sale sign, a political sign, or a noncommercial sign that is an exercise of noncommercial freedom of speech. Commercial and locational signage within the district are limited, regulated and controlled as provided in this Code, and all other signage shall be subject to the requirements of such town ordinances, rules and regulations that are in effect from time to time.
- (b) Signs, general standards.
  - (1) General standards.
    - a. Signage may only be externally lit with full-spectrum source, unless otherwise approved.
    - b. One address number, no more than six inches vertically, shall be attached to the building in proximity to the principal entrance.
- (c) Prohibited signs.
  - (1) The following signs shall not be allowed:
    - a. Off-premise signs;
    - b. Internally lit sign boxes;

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- c. Flashing or running light signs;
    - d. Pole signs;
  - (2) Signs shall not be mounted on roofs or project above roof line without approval of a minor waiver, and it is determined to make a positive contribution to the district as a whole.
- (d) Permitted signs.
- (1) Wall signs.
    - a. One wall sign per occupancy, per street frontage.
    - b. Maximum size is 30 square feet if located 12 feet or higher above grade; ten square feet if less than 12 feet above grade.
    - c. Minimum ten-foot distance between wall signs (excluding building identification sign or directory sign).
    - d. In addition, one wall-mounted sign, not exceeding six square feet in area, is permitted on any side or rear entrance open to the public. Such wall signs may only be lighted during the operating hours of business.
  - (2) Projecting and hanging signs, including graphic or icon signs, mounted perpendicularly to the wall.
    - a. A maximum of one per occupancy per building face.
    - b. A maximum area of six square feet per face; and a maximum of three feet in width.
    - c. Distance from the ground to the lower edge of the sign shall be seven and one-half feet or greater.
    - d. Minimum 15-foot distance between signs.
    - e. The height of the top edge of the signboard shall not exceed the height of the wall from which the sign projects, if attached to a single story building; or the height of the sill or bottom of any second story window, if attached to a multi-story building unless approved by minor waiver.
  - (3) Window signs.
    - a. The sign shall not exceed 30 percent of the window area.
    - b. Neon signs are allowed behind windows in commercial areas, but shall count toward the allowed window sign area.
  - (4) Building identification signs.
    - a. One per building face.
    - b. Must be 12 feet or higher above sidewalk level.
    - c. Maximum size 25 square feet.
    - d. Twenty-four-inch maximum height for letters or logos.
    - e. Applied letters shall be constructed of painted cast metal, bronze, brass, or anodized aluminum. Applied plastic letters are not permitted.
  - (5) Awning signs (for ground floor uses only).
    - a. One per occupancy per building face.
    - b. Minimum eight feet above sidewalk level for pedestrian clearance.

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- c. Ten square feet maximum sign area.
  - d. If acting as an auxiliary business sign, it shall be located on the valance only, and the height of the lettering shall not exceed four inches.
  - e. If acting as the main business sign, it shall not be in addition to a wall-mounted sign.
- (6) Monument signs.
- a. Monument signs shall only be allowed adjacent to the Eldorado right-of-way.
  - b. Architecturally compatible monument signs shall not exceed six feet in height or eight feet in length.
  - c. Vertically oriented monument signs may also be allowed by minor waiver where it is deemed that such signs will enliven the area.
- (7) Building directory signs.
- a. One per entrance.
  - b. The sign shall be located next to the entrance.
  - c. The sign shall project out from the wall to which it is attached no more than six inches.
  - d. The sign shall not extend above the parapet, eave or building facade.
  - e. Maximum size shall be eight square feet.
- (8) Restaurants and cafes.
- a. In addition to other signage, restaurants and cafes shall be permitted the following, limited to one of each type of sign per business:
  - b. A wall-mounted display featuring the actual menu as used at the dining table, to be contained within a shallow wood or metal case, and clearly visible through a glass front. The display case shall be attached to the building wall, next to the main entrance, at a height of approximately five feet, shall not exceed a total area of three square feet, and may be lighted.
  - c. An A-frame sidewalk sign displaying the name of the eatery, offerings and hours of operation.
  - d. Restaurant and retail areas may have a neon or special designed exterior sign, if approved by the CRC.

(Ord. No. 1407, § 2, 8-15-2017)

#### DIVISION 9. LAKEFRONT PROCEDURES

- (a) Intent. It is the intent of this section to off-set the high level of detailed standards in this Code with an expeditious approval of projects which meet its general goals and intent, and:
  - (1) To ensure adequate linkages and connections within and between project areas, and
  - (2) To ensure consistency and quality of design through use of professional review assistance.
- (b) Review process.
  - (1) A review committee ("committee") shall be established to provide guidance of interpretation of the Lakefront Code and make recommendations on significant issues that may arise. It is not intended to meet and review every administrative or legislative application that comes forward within the district.
    - The committee shall be comprised of the following:

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- Director of development services ("director")
  - Director of economic development ("EDC rep")
  - Planning manager (serving as "urban design officer" or "UDO")
  - Town engineer ("engineer")
  - A representative of the town council ("council liaison")
- (2) The urban design officer (UDO) shall serve as a technical advisor to the director and the committee. The UDO shall be the planning manager and a portion of the expense of the UDO's services will be borne by development fees paid to the town for development of land within the Lakefront District.
- (3) The director shall coordinate with the UDO and committee, and have staff administrative jurisdiction over any processes authorized under the Lakefront Code. The director of development services, the UDO and the committee shall be expeditious in their review and advance the permitting process by undertaking any action consistent with this code, state law, and the town Charter to facilitate the permitting process.
- (c) Regulating plan.
- (1) Approval of a regulating plan is required prior to approval of a site plan for any portion of a multi-phased project site area.
- (2) The regulating plan provides the framework for development and serves as a conceptual layout of a project area. It shall include such things as:
- a. Street and access lanes within the project area and connections to adjacent nonsingle-family zoned properties;
  - b. The location of general land use sites and for identification of retail at-grade;
  - c. Public open space and plazas; and
  - d. Hike and bike corridors and trails.
- (3) An application for a regulating plan shall be processed in accordance with the town's procedures for determining whether an application is complete. Following a determination of completeness, and unless the application is accompanied by a request for a major waiver, the director, or his designee, shall approve, approve with conditions or deny the application for a regulating plan and shall notify the applicant of his decision. In his deliberations, the director may consider a recommendation from the UDO.
- (4) Denial or conditional approval of a regulating plan by the director may be initially appealed to the planning and zoning commission and, following the recommendation of the commission, to the town council. The appeal shall be filed within 30 days of the date of the director's action on the application for approval of a regulating plan.
- (5) If the application includes a request for a major waiver, the director shall request a recommendation from the UDO and if appropriate the CRC, and schedule the application for hearing before the planning and zoning commission with his recommendation on the application. The planning and zoning commission, following a public hearing, shall forward its recommendation to the town council for hearing on the application and waiver request. The town council, following a public hearing, shall approve, approve with conditions or deny the application for a regulating plan and the major waiver request. The notice and hearing procedures for approval of a specific use permit shall be used to process the regulating plan and major waiver application.

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- (6) The director in making an initial decision on a regulating plan application, the planning and zoning commission in making recommendations to the town council, or the town council in deciding the application for regulating plan approval, shall determine whether the plan is consistent with the comprehensive plan and meets the goals and intent of the Lakefront Code.
- (d) Site plan.
- (1) Prior to obtaining a building permit, a site plan must be approved by the director or town council, demonstrating that the proposal meets the goals, intent and general standards contained in this Code.
- (2) A site plan application must include the following information and documents that demonstrate compliance with the Lakefront Code:
- Detailed site plan showing proposed streets, buildings, parking areas, and landscaped areas;
  - Proposed uses;
  - Building elevations and sections;
  - Proposed parking calculations;
  - Any waivers being requested;
- (3) An application for a site plan shall be processed in accordance with the town's procedures for determining whether an application is complete. Following a determination of completeness, and unless the application is accompanied by a request for a major waiver, the director, or his designee, shall approve, approve with conditions or deny the application for a site plan and shall notify the applicant of his decision. In his deliberations, the director may consider a recommendation by the UDO.
- (4) Denial or conditional approval of a site plan by the director may be initially appealed to the planning and zoning commission and, following the recommendation of the commission, to the town council. The appeal shall be filed within 30 days of the date of the manager's action on the application for approval of a site plan.
- (5) If the application includes a request for a major waiver, the director shall request a recommendation from the UDO and if appropriate the CRC, and schedule the application for hearing before the planning and zoning commission with his recommendation on the application. The planning and zoning commission, following a public hearing, shall forward its recommendation to the town council for hearing on the application and waiver request. The town council, following a public hearing, shall approve, approve with conditions or deny the application for a site plan and the major waiver request. The notice and hearing procedures for approval of a specific use permit shall be used to process the site plan and major waiver application.
- (6) The director in making an initial decision on a site plan application, the planning and zoning commission in making recommendations to the town council, or the town council in deciding the application for site plan approval, shall determine whether the plan is consistent with the regulating plan for the property (if there is one), and meets the goals, intent and standards of the Lakefront Code.
- (e) Waivers of design standards.
- (1) For the purposes of this district, there shall be two types of waivers of design standards - minor and major. Requests for waivers shall not be subject to review or decision by the board of adjustment. A waiver request may only be made in conjunction with an application for a regulating plan, a site plan or subsequent to approval of a site plan.

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- (2) Minor waivers are those changes to design standards in the Lakefront Code that are determined to meet the goals and intent of this Code as stated in division 1 and throughout this Code. Minor waivers may be approved administratively by the director or his designee.
  - (3) Major waivers are major changes to the design standards in the Lakefront Code or which may appear to be in conflict with the goals and intent of this Code. Major waivers may only be approved by the town council, following a recommendation by the UDO and the planning and zoning commission, in conjunction with a decision on an application for approval of a regulating plan or site plan. In order to approve a major waiver, the town council must find that the waiver:
    - a. Meets the general intent of this district, and
    - b. Is consistent with the overall plan and vision for the district, and
    - c. Will result in an improved project which will be an attractive contribution to the Lakefront District.
  - (4) The town may impose conditions on granting any waiver in order to implement the regulating plan for the property or to mitigate negative impacts to neighboring properties or public streets or open space.
- (f) Amendments to the regulating plan.
- (1) Amendments to an approved regulating plan or site plan may be accomplished in the same manner as approval of the original approval, and may be accompanied by a request for major or minor waivers.
  - (2) An amendment to an approved regulating plan or site plan must be made prior to the time for lapse of approval provided in subsection (g) below. In the event an amended plan is approved, the approving authority amending the plan shall specify the time for lapse of such approval, consistent with subsection (g).
- (g) Lapse of approval. If a building permit has not been obtained within two years following approval of a regulating plan or site plan, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for extension shall be considered by the original approving authority in the same manner as for approval of the existing plan. The authority may grant an extension of the time for expiration of the plan for a period not to exceed two years from the date of expiration of the original application.
- Every request for extension shall include a statement of the reasons why the expiration date should be extended. The approving authority may grant a request for extension upon demonstration that circumstances beyond the control of the applicant have resulted in the applicant's inability to perform the tasks necessary to prevent the plan from expiring before the lapse date.
- (h) Graphics incorporated into Code. Any and all graphics from the approved form based codes document not supported by textual technological limitations are hereby codified as supporting material by reference.

(Ord. No. 1407, § 2, 8-15-2017)