

**TOWN OF LITTLE ELM
ORDINANCE NO. 1742**

**AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS,
AMENDING THE COMPREHENSIVE ZONING ORDINANCE, BY
AMENDING EXISTING PLANNED DEVELOPMENT ORDINANCE NO.
1589, AS AMENDED BY ORDINANCE NO. 1713, IN ORDER TO
REVISE THE CONCEPT PLAN; PROVIDING A SAVINGS CLAUSE;
CORRECTING THE OFFICIAL ZONING MAP; PROVIDING A
PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A
REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town of Little Elm ("Town") is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Charter adopted on May 1, 2001; and

WHEREAS, the Town possesses all the rights, powers, and authorities possessed by all home rule municipalities, including the authority to regulate land uses under Chapter 211 of the Texas Local Government Code; and

WHEREAS, a request for an amendment to existing Planned Development Ordinance No. 1589, as amended by Ordinance No. 1713, on approximately 30.853 acres of land, more specifically described in the exhibits, attached hereto; and

WHEREAS, this zoning change is in accordance with the most current adopted Comprehensive Plan of the Town of Little Elm; and

WHEREAS, the Town Council and the Planning & Zoning Commission of the Town of Little Elm, in compliance with the laws of the State of Texas and the ordinances of the Town of Little Elm, have given the required notices and held the required public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof regarding the requested zoning change described herein; and

WHEREAS, at its regular meeting held on October 19, 2023 the Planning & Zoning Commission considered and made recommendations on a request to amend existing Planned Development Ordinance No. 1589 (Case No. PD-23-03411); and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning & Zoning Commission and any other information and materials received at

the public hearing, the Town Council of the Town of Little Elm, Texas, has determined that the request is in the interest of public health, safety and welfare of the citizens of the Town of Little Elm.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. ZONING AMENDMENT. That Ordinance No. 226 of the Town of Little Elm, Texas, the same being the Comprehensive Zoning Ordinance of the Town, is hereby amended by amending existing Planned Development Ordinance No. 1589, as amended by Ordinance No. 1713, in order to revise the existing concept plan to provide for modifications to the internal site layout, generally located on the northwest corner of US Highway 380 and FM 2931, within Little Elm's town limits, approximately 30.853 acres of land more particularly described as **Exhibit A**, and attached hereto, subject to all of the terms and conditions set forth herein, the terms and conditions of the Comprehensive Zoning Ordinance, and all other applicable ordinances, laws, rules, regulations, and standards.

SECTION 3. CONDITIONS AND REGULATIONS. The permitted uses and standards shall be in accordance with existing Planned Development Ordinance No. 1589, as amended by Ordinance No. 1713, and all applicable provisions of Chapter 106 – Zoning Ordinance in general, with the exception of the following requirements, which are otherwise captured within the development plans, as depicted within **Exhibit B** attached hereto:

- a) The Concept Plan attached hereto and incorporated herein by reference, demonstrates locations of the proposed structures and improvements within the Subject Property. Amendments to the Concept Plan, approved as a part of this Ordinance, is a change in zoning district classification and must follow the same procedures as set forth in Section 106.04.03, requiring Council action, except that the Director of Development Services may approve revisions which do not alter the basic relationship of the proposed development and reflect the original intent of this Planned Development District.
- b) Interior commercial lots can utilize future multitenant monument signs located on either Lot 7 or Lot 10, of the existing subdivision plat. The proposed signs for all lots will otherwise be required to meet all Town Standards in Chapters 86 and 106.

- c) Detention/Retention areas along a right-of-way may be amenitized with improvements. A bench, shaded seating structure or pavilion constitutes an improvement. A paved walking path must be provided along one internal side of the pond, connecting to existing sidewalks. Tree planting shall be provided as shown on the Planting Concept Plan. All landscaping within these areas shall be irrigated and shall comply with the Zoning Ordinance, as it exists or may be amended in accordance with the standards in effect at the time of development or requested change.
- d) Detention/Retention planning and improvements shall be provided at the time of Site Development Permitting of first of the two commercial lots along the northern most boundary, intended for hotel development.
- e) Revised, Town Council approved, executed, and recorded Development Agreement is required.

SECTION 4. PLANNED DEVELOPMENT MASTER PLAN. The Concept Plan Exhibit and related plans, images, and documents approved and described, as **Exhibit B**, attached hereto and made a part hereof are approved in addition to those existing within Planned Development Ordinances No. 1589 and No. 1713. The subject property shall be improved in accordance with the plans set forth in **Exhibit B**.

- a) If, after two years from the date of approval of the Planned Development Master Plan, no substantial development progress has been made within the PD, then the Planned Development Master Plan shall expire. If the Planned Development Master Plan expires, a new Planned Development Master Plan must be submitted and approved according to the procedures within the Zoning Ordinance, Planned Development Districts. An extension of the two year expiration shall be granted if a development application for the PD has been submitted and is undergoing the development review process or if the Director of Development Services determines development progress is occurring.
- b) The Planned Development Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accordance with the plan until it is amended by the City Council.
- c) If a change to the Concept Plan, if any, is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development.

SECTION 5. SAVINGS. This Ordinance shall be cumulative of all other ordinances of the Town, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are indirect conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the

provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 5. ZONING MAP. The official zoning map of the Town shall be amended to reflect the changes in zoning made by this ordinance.

SECTION 6. PENALTY. Any person, firm, or corporation violating any of the provision of this ordinance shall be punished by a penalty of a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. SEVERABILITY. The sections, paragraphs, sentences , phrases, and words of this Ordinance are severable, and if any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid or unconstitutional, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, and the Town Council hereby declares that it would have adopted the valid portions and applications of the ordinance without the valid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 8. REPEALER. That all ordinances of the Town of Little Elm in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of that conflict.

SECTION 9. EFFECTIVE DATE. That this Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the Town Charter.

PASSED AND APPROVED by the Town Council of the Town of Little Elm, Texas on the 5th day of December, 2023.

Town of Little Elm, Texas

Curtis Cornelious, Mayor

ATTEST:

Caitlan Biggs, Town Secretary

Exhibit A
Property Description

BEING a tract of land situated in the Marsella Jones Survey, Abstract No. 662, Town of Little Elm, Denton County, Texas and being all of a called 19.151 acre tract of land described in the Special Warranty Deed to Little Elm 380 2931 Partners, LLC., recorded in Document No. 2021-133264, Official Records, Denton County, Texas, (O.R.D.C.T.), and being all of a called 10.000 acre tract of land and a called 1.697 acre tract of land, both described in the Special Warranty Deed to ALTA 3Eighty, LLC., recorded in Document No. 2021-128914, O.R.D.C.T., and being more particularly described as follows:

BEGINNING at an "X" cut in concrete found for the northwest corner of Lot 7, Block A of Brakes Plus Addition, an addition to the Town of Little Elm, Denton County, Texas, according to the plat thereof recorded in Document No. 2017-13, Plat Records, Denton County, Texas (P.R.D.C.T.);

THENCE South 10°31'20" West, with the west line of said Lot 7, Block A, a distance of 283.30 feet to a 1/2-inch iron rod with pink plastic cap stamped "TXDOT SURVEY MARKER, RIGHT OF WAY MONUMENT" (hereinafter referred to as "TXDOT Monument") found for corner in the north right-of-way line U.S. Highway No. 380, (a variable width public right-of-way);

THENCE with said north right-of-way line, the following courses and distances:

North 79°40'11" West, a distance of 23.69 feet to a TXDOT Monument found at the beginning of a tangent curve to the left having a central angle of 1°52'32", a radius of 6556.67 feet, a chord bearing and distance of North 80°36'27" West, a distance of 214.62 feet;

In a northwesterly direction, along said curve to the left, an arc distance of 214.63 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" found at the beginning of a reverse curve to the right having a central angle of 1°52'32", a radius of 4643.33 feet, a chord bearing and distance of North 80°36'27" West, a distance of 151.99 feet;

In a northwesterly direction, along said curve to the right, an arc distance of 152.00 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" found for corner;

North 79°40'11" West, a distance of 179.66 feet to a 5/8-inch iron rod with yellow plastic cap stamped "Petitt RPLS 4807" found for corner;

North 81°32'43" West, a distance of 231.86 feet to a 5/8-inch iron rod with yellow plastic cap stamped "Petitt RPLS 4807" found for corner;

North 79°13'48" West, at a distance of 3.00 feet, passing an "X" cut found at the southeast corner of said 1.697 acre tract, and continuing with said north right-of-way line for a total distance of 141.22 feet to the southwest corner of said 1.697 acre tract from which a 1/2-inch iron rod with yellow plastic cap stamped "Metroplex" found bears South 2°51'32" East, a distance of 0.39 feet;

THENCE North 1°57'18" East, passing at a distance of 13.78 feet a 5/8-inch iron rod with yellow plastic cap stamped "Petitt RPLS 4807" found at the southeast corner of Lot 4X, Block J of Hillstone Pointe Phase 1A, 2 and 3, an addition to the Town of Little Elm, Texas according to the plat thereof recorded in Document No. 2019-307 P.R.D.C.T., as amended by Document No. 2020-155, P.R.D.C.T., continuing with common line of said 1.697 acre tract and said Hillstone Pointe Phase 1A, 2 and 3, a total distance of 914.32 feet to an "X" cut in concrete found at the southwest corner of Lot 1, Block A, The Landing at Little Elm, an addition to the Town of Little Elm, Texas according to the plat thereof recorded in Document No. 2021-172, P.R.D.C.T.;

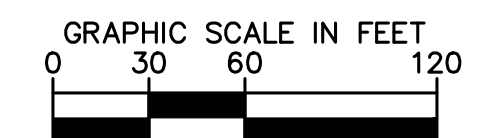
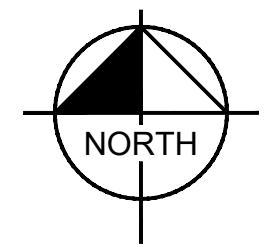
THENCE South 88°30'32" East, with the south line of said Lot 1, Block A, passing at a distance of 1441.67 feet, the southeast corner of said Lot 1, Block A, and the southwest corner of a 25-foot right-of-way dedication as dedicated by said Plat of The Landing at Little Elm, and continuing with the south line of said The Landing at Little Elm in all for a total distance of 1466.67 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" found in the west right-of-way line of Farm to Market Road 2931 (a variable width public right-of-way);

THENCE South 0°55'50" West, with said west right-of-way line, a distance of 782.08 feet to an "X" cut in concrete found for corner;

THENCE North 89°20'36" West, departing said right-of-way, passing at a distance of 10.00 feet the northeast corner of Lot 1, Block A of CST Addition, an addition to the Town of Little Elm, Denton County, Texas, according to the plat thereof recorded in Document No. 2015-425, P.R.D.C.T., and continuing with the north line of said CST Addition, a total distance of 373.81 feet to an "X" cut in concrete found at the northwest corner of said CST Addition and being the northeast corner of said Brakes Plus Addition;

THENCE North 79°33'26" West, with the north line of said Lot 1, Block A, of Brakes Plus Addition, a distance of 131.50 feet to the **POINT OF BEGINNING** and containing a computed area of 1,344,007 square feet or 30.853 acres of land

Exhibit B
Development Plans, Images, and Documents



LEGEND

- PROPOSED DETENTION POND
- PROPOSED BUILDING
- PROPERTY LINE
- POND
- COMMERCIAL
- MULTI-FAMILY

NOTE:

THIS CONCEPT PLAN IS FOR CONCEPTUAL PURPOSES ONLY AND DOES NOT SERVE AS A SITE PLAN. ULTIMATE BUILDING SIZE, PARKING SPACE PROVISION, AND LANDSCAPING TO BE DETERMINED AT THE TIME OF PERMITTING.

FM NO. 2931
(A VARIABLE WIDTH RIGHT-OF-WAY)

U. S. HIGHWAY NO. 380
(A VARIABLE WIDTH RIGHT-OF-WAY)

US 380 & FM 2931

Little Elm, TX
September 2023

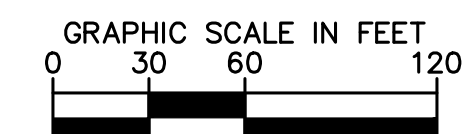
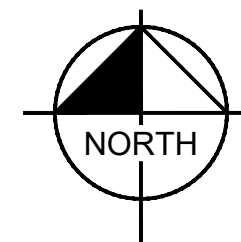
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LAST SAVED

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10/2/2023 4:49 PM

Kimley»Horn

13455 Noel Road
Two Galleria Office Tower, Suite 700
Dallas, Texas 75240
(972) 770-1300
State of Texas Registration No. F-928

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PREPARED WITHOUT THE BENEFIT OF A SURVEY OR CONTACT WITH THE CITY/COUNTY, ETC.



LEGEND

- PROPOSED DETENTION POND
- PROPOSED BUILDING
- PROPERTY LINE
- POTENTIAL PEDESTRIAN PATH
- POTENTIAL STAMPED CONCRETE CROSSWALK
- POND
- COMMERCIAL
- MULTI-FAMILY

NOTES

POTENTIAL PEDESTRIAN PATHS SHOWN FOR REFERENCE ONLY. FINAL PEDESTRIAN LAYOUTS WILL BE DETERMINED FOR EACH INDIVIDUAL LOT AND APPROVED BY THE TOWN OF LITTLE ELM

FM NO. 2931
(A VARIABLE WIDTH RIGHT-OF-WAY)

U. S. HIGHWAY NO. 380
(A VARIABLE WIDTH RIGHT-OF-WAY)

US 380 & FM 2931

Little Elm, TX
September 2023

DWG NAME
LAST SAVED

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LandDesign.

5301 ALPHA ROAD, SUITE 24
DALLAS, TX 75240
214.785.8009
WWW.LANDDESIGN.COM


WOOD PARTNERS
5440 HARVEST HILL RD
SUITE 206
DALLAS, TX 75230



WOOD
PARTNERS

KEY MAP

SEAL



07.16.2021

ISSUE FOR CONSTRUCTION

ALTA 3EIGHTY

WOOD PARTNERS
TOWN OF LITTLE ELM
DENTON COUNTY, TEXAS



[illegible]

DESIGNED BY: JW, MD
DRAWN BY: MD
CHECKED BY: JW

SCALE

NORTH

VERT: N/A
HORZ: 1"=20'



PLANTING PLAN

SHEET NUMBER

L6-05