

**TOWN OF LITTLE ELM
ORDINANCE NO. 1741**

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ORDINANCE NO. 1477, ON APPROXIMATELY 5.0 ACRES OF LAND LOCATED AT 1767 AND 1777 OLD HIGHWAY 24, GENERALLY 300 FEET EAST OF THE INTERSECTION OF OAK GROVE PARKWAY AND OLD HIGHWAY 24, IN ORDER TO AMEND PERMITTED USES AND ESTABLISH MODIFIED USES WITHIN THE EXISTING PLANNED DEVELOPMENT DISTRICT; 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 to amend a Planned Development District established under Ordinance No. 1477 by amending Section 3. G. Permitted Uses on approximately 5.0 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 November 2, 2023 the Planning & Zoning Commission considered and made recommendations on a request to amend Planned Development, (Case No. PD-23-04008); 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. 1477, on property located at 1767 and 1777 Old Highway 24, within Little Elm's town limits, on approximately 5.0 acres of land more particularly described as **Exhibit A**, and attached hereto, amending Section 3. G. Permitted Uses, to allow for all Light Commercial uses as shown in the Town's Schedule of Uses, with modified uses as stated within **Exhibit B**, 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 standards shall be in accordance with existing Planned Development Ordinance No. 1477, the permitted uses shall be in accordance with the Light Commercial (LC) District, and all applicable provisions of Chapter 106 – Zoning Ordinance in general, plus as specified herein:

- a. Newly established and defined modified uses, allowed through Specific Use Permit, only within Lot 1, as shown in **Exhibit B**:
 - i. Heavy Machinery Showroom and Storage, Indoor Only
 - ii. Auto, Boat, Sales/leasing and storage, new and used, Indoor Only
 - iii. Manufacturing, Light Assembly
 - iv. Reprographic Shop

SECTION 4. PLANNED DEVELOPMENT MASTER PLAN. The Concept Plan and related plans, images, and documents approved and described as **Exhibit C** attached hereto and made a part hereof, as approved through Ordinance No. 1477. The subject property shall be improved in accordance with the plans set forth through Ordinance No. 1477, with allowance for one drive-thru, at the west end-cap of the retail building, as previously captured through administrative approval.

- 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
Metes and Bounds

EXHIBIT "A"

TRACT 1

BEGINNING FOR THE SOUTHEAST CORNER OF THE TRACT BEING DESCRIBED HEREIN AT A 1/2" SQUARE TUBE FOUND FOR THE SOUTHEAST CORNER OF SAID 5.000 ACRES IN THE NORTH LINE OF F.M. HIGHWAY 720 IN A CURVE TO THE RIGHT, HAVING A RADIUS OF 2819.79 FEET, AT THE SOUTHWEST CORNER OF THE CALLED 9.392 ACRE TRACT DESCRIBED IN THE DEED TO HAROLD V. PRICE, ET UX, RECORDED IN VOLUME 1008, PAGE 695 DEED RECORDS;

THENCE ALONG THE ARC OF SAID CURVE ALONG SAID HIGHWAY AN ARC DISTANCE OF 179.48 FEET (CHORD BEARING OF NORTH 79 DEGREES 49 MINUTES 35 SECONDS WEST A DISTANCE OF 179.45 FEET) TO A CAPPED IRON ROD SET FOR THE SOUTHEAST CORNER OF THE CALLED TWO (2) ACRE TRACT DESCRIBED IN THE FINAL DECREE OF DIVORCE DATE JULY 15TH 1987, CAUSE NUMBER 86-2406-C;

THENCE NORTH 08 DEGREES 18 MINUTES 50 SECONDS WEST WITH THE EAST LINE OF SAID TWO ACRES, SEVERING SAID 5.000 ACRES A DISTANCE OF 713.30 FEET TO A CAPPED IRON SET FOR THE NORTHEAST CORNER OF SAID TWO ACRES IN THE NORTH LINE OF SAID 5.000 ACRES;

THENCE NORTH 66 DEGREES 50 MINUTES 04 SECONDS EAST WITH SAID NORTH LINE GENERALLY ALONG A FENCE A DISTANCE OF 176.07 FEET TO A 1/2" SQUARE TUBE FOUND FOR THE NORTHEAST CORNER OF SAID 5.000 ACRES AT THE NORTHWEST CORNER OF SAID PRICE TRACT;

THENCE SOUTH 08 DEGREES 18 MINUTES 50 SECONDS EAST WITH THE EAST LINE OF SAID 5.000 ACRES AND THE WEST LINE OF SAID PRICE TRACT, GENERALLY ALONG A FENCE A DISTANCE OF 815.34 FEET TO THE PLACE OF BEGINNING AND ENCLOSING 2.990 ACRES OF LAND.

TRACT 2

BEGINNING FOR THE SOUTHWEST CORNER OF THE TRACT BEING DESCRIBED HEREIN AT A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 5.000 ACRES IN THE NORTH LINE OF FM HIGHWAY 720 AT THE SOUTHEAST CORNER OF THE CALLED 3.390 ACRE TRACT DESCRIBED IN THE DEED TO JAMES F. HENSON, JR. ET UX, RECORDED IN VOLUME 928, PAGE 685 DEED RECORDS;

THENCE NORTH 08 DEGREES 8 MINUTES 50 SECONDS WEST WITH THE WEST LINE OF SAID 5.000 ACRES AND THE EAST LINE OF SAID 3.390 ACRES, GENERALLY ALONG A FENCE A DISTANCE OF 604.62 FEET TO A CAPPED IRON ROD SET FOR AN ANGLE POINT IN SAID LINE;

THENCE NORTH 10 DEGREES 33 MINUTES 27 SECONDS WEST CONTINUING WITH SAID LINE A DISTANCE OF 22.30 FEET TO A CAPPED IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 5.000 ACRES;

THENCE NORTH 66 DEGREES 50 MINUTES 04 SECONDS EAST WITH THE NORTH LINE OF SAID 5.000 ACRES, GENERALLY ALONG A FENCE A DISTANCE OF 135.12 FEET TO A CAPPED IRON ROD SET FOR THE NORTHEAST CORNER OF SAID TWO ACRE TRACT, FROM WHICH A SQUARE IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 5.000 ACRES BEARS NORTH 66 DEGREES 50 MINUTES 04 SECONDS EAST A DISTANCE OF 176.07 FEET;

THENCE SOUTH 08 DEGREES 18 MINUTES 50 SECONDS EAST WITH A LINE PARALLEL WITH THE MOST SOUTHERLY WEST LINE OF SAID 5.000 ACRES A DISTANCE OF 713.30 FEET TO A CAPPED IRON ROD SET FOR THE SOUTHEAST CORNER OF SAID TWO ACRE TRACT IN THE SOUTH LINE OF SAID 5.000 ACRES AND THE NORTH LINE OF SAID HIGHWAY IN A CURVE TO THE RIGHT HAVING A RADIUS OF 2819.79 FEET;

THENCE ALONG SAID LINE ALONG AND NEAR A FENCE AN ARC DISTANCE OF 129.81 FEET (CHORD BEARING OF NORTH 76 DEGREES 34 MINUTES 57 SECONDS WEST A DISTANCE OF 139.80 FEET) TO THE PLACE OF BEGINNING AND ENCLOSING 2.000 ACRES OF LAND.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is

Exhibit B Proposed Uses

1) Use Regulations.

No building, structure, land or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed or altered except for one more of the uses as outlined within Light Commercial District, unless otherwise specified herein.

- a. Restaurant Drive-Thru is permitted by right, specifically as it currently exists, on Lot 2, western end-cap of Building 100.
- b. Lot 1 allows for additional modified uses as defined below:

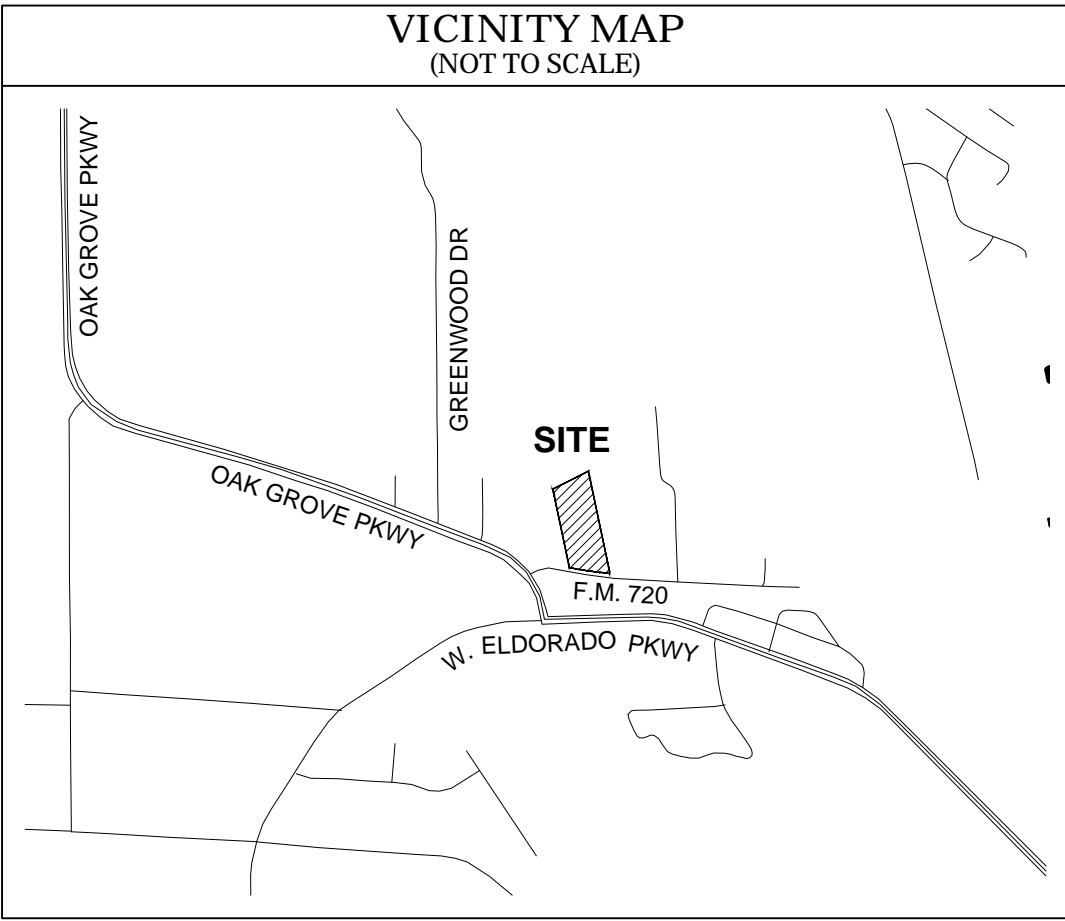
Use	
Heavy Machinery Showroom and Storage, Indoor Only*	SUP
Auto, Boat, Sales/leasing and storage, new and used, Indoor Only*	SUP
Manufacturing, Light Assembly	SUP
Reprographic Shop*	SUP

SUP: Specific Use Permit

- i. **Heavy Machinery Showroom and Storage, Indoor Only.** A retail or wholesale facility that sells and stores heavy machinery such as farm equipment, dredging equipment, paving equipment, etc., without any outdoor storage.
- ii. **Auto, Boat, Sales/leasing and storage, new and used, Indoor Only.** Retail sales, rental, leasing, and/or showroom/storage of new or used operable automobiles, light load vehicles, or boats, without any outdoor storage or display.
- iii. **Manufacturing, Light Assembly.** A facility that involves light assembly, fabrication, and/or packaging of finished products or parts, predominately from previously prepared materials, and the use of small-scale machinery, tools and labor to make items for use or sale. May also include warehousing, research and development, wholesaling operations with infrequent customer or client visits, and may include related office and shipping areas. Light industry is often assembly-based and is typically consumer-oriented (i.e., most light industrial products are sold to retail stores or end users rather than as intermediate parts for use by other industries). Light industry generally has less environmental impact than those associated with heavy industry. Light industries require a relatively small amount of raw materials, area and power. Examples of light industry include, but are not limited to, plastic items, clothing, shoes, foods, beverages, personal care and home care products, cosmetics, drugs, furniture, consumer electronics, and home appliances.
- iv. **Reprographic Shop.** A facility for the reproduction of materials or drawings on a job order basis utilizing lithography, off-set printing, digital printing, or other printing techniques, for purposed of custom design, promotional marketing, banners, brochures, posters, mounting, lamination, bindery, and graphic design. etc.

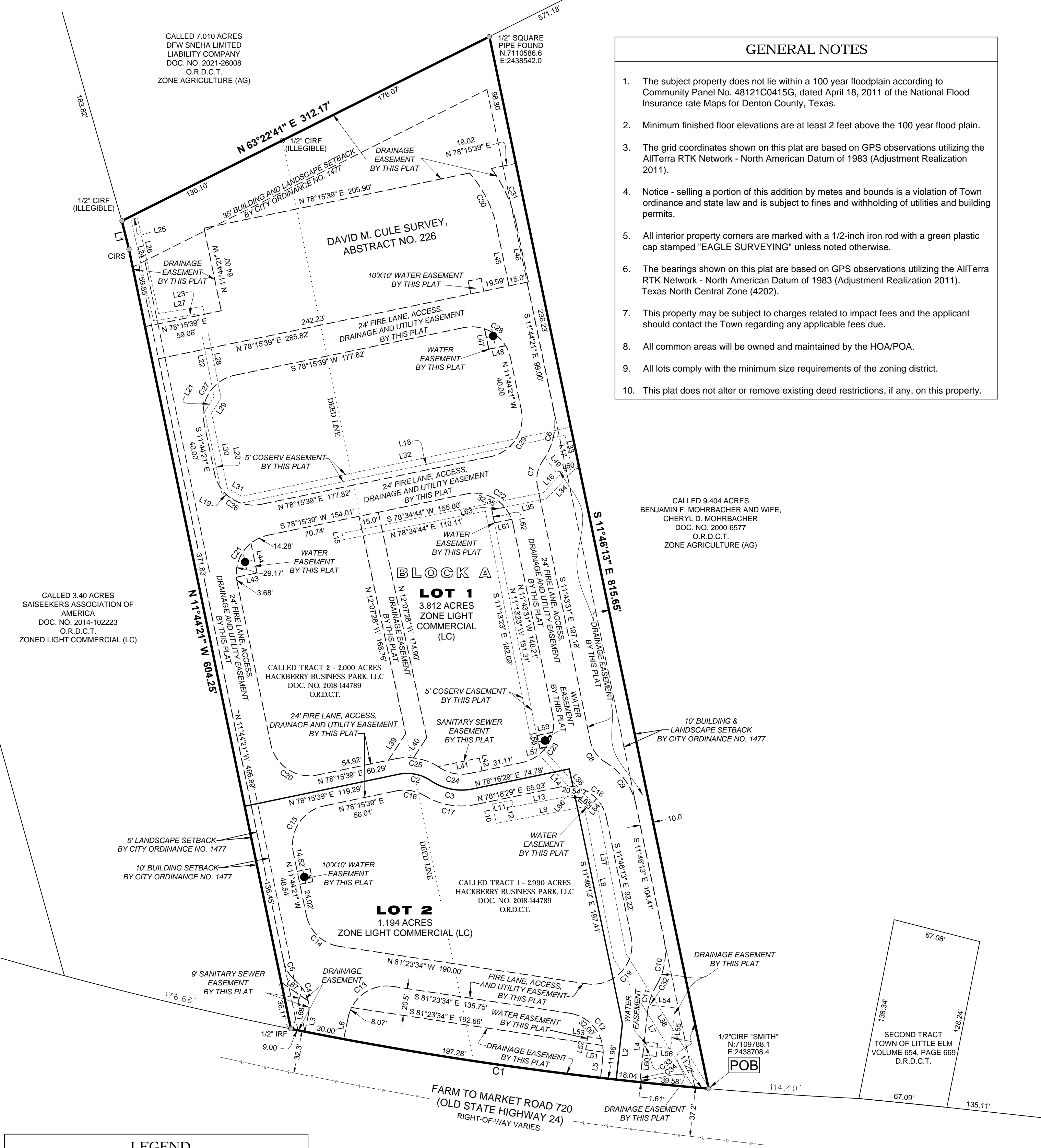
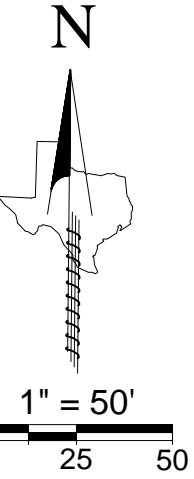
Exhibit C

Previously Approved Planned Development Ordinance No. 1477



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 14°08'58" W	22.29
L2	S 06°14'52" W	42.79
L3	S 11°39'24" W	12.96
L4	N 06°14'52" E	53.52
L5	S 06°14'52" W	16.23
L6	N 11°39'24" E	16.73
L7	S 31°46'12" E	98.86
L8	S 11°00'19" E	117.50
L9	N 79°18'40" E	67.97
L10	S 10°41'20" E	15.00
L11	S 79°18'40" W	15.00
L12	N 10°41'20" W	4.92
L13	S 79°18'40" W	48.63
L14	S 42°34'21" E	49.18
L15	S 10°34'53" E	5.00
L16	S 43°43'30" W	30.39
L17	S 11°45'58" E	22.17
L18	N 78°08'23" E	248.37
L19	S 61°19'53" E	16.54
L20	S 11°56'48" E	62.53
L21	S 31°45'58" W	13.69
L22	S 11°10'52" E	63.98
L23	N 81°02'21" E	33.92
L24	S 12°30'55" E	75.70
L25	S 78°51'45" W	5.03
L26	N 12°30'55" W	70.94
L27	S 81°02'21" W	34.03
L28	N 11°10'52" W	70.76
L29	N 31°45'58" E	13.65
L30	N 11°56'48" W	58.22
L31	N 61°19'53" W	12.50
L32	S 78°08'23" W	253.29
L33	N 11°45'58" W	29.81
L34	N 43°43'30" E	34.59
L35	N 78°34'44" E	42.34
L36	N 42°34'21" W	66.91
L37	N 11°00'19" W	112.01
L38	N 31°46'12" W	118.07
L39	N 33°04'06" E	24.06
L40	N 33°04'06" E	18.46
L41	S 78°16'39" W	32.00
L42	N 11°43'51" W	10.00
L43	S 78°15'39" W	16.03
L44	N 11°44'21" W	23.00
L45	N 11°44'21" W	44.68
L46	N 11°44'21" W	44.68
L47	S 11°44'21" E	15.74
L48	S 78°15'39" W	13.00
L49	N 36°47'05" W	13.95
L50	S 80°18'25" W	17.90
L51	N 81°33'31" W	13.36
L52	S 08°26'29" W	10.00
L53	N 81°33'31" W	10.00
L54	S 83°45'08" E	17.33
L55	S 06°14'52" W	31.00
L56	N 83°45'08" W	18.00
L57	N 78°15'39" E	4.76
L58	N 11°44'21" W	10.00
L59	N 78°15'39" E	12.00
L60	S 06°14'52" W	18.01
L61	S 78°15'39" W	13.27
L62	S 11°44'21" E	10.00
L63	S 78°15'39" W	10.00
L64	S 38°49'24" E	9.81
L65	S 51°55'18" E	10.00
L66	S 38°04'42" W	9.64
L67	S 55°17'15" E	24.86
L68	N 11°39'24" E	32.23

CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	320.48'	2819.79'	6°30'43"	N 81°51'10" W	320.31'
C2	25.55'	32.00'	45°45'09"	N 78°51'46" W	24.88'
C3	33.63'	42.00'	45°44'19"	S 78°51'22" E	32.64'
C4	23.95'	25.00'	54°53'56"	S 15°47'34" E	23.05'
C5	13.75'	25.00'	31°30'12"	S 27°29'27" E	13.57'
C6	40.44'	49.00'	47°17'01"	N 11°54'10" E	39.30'
C7	20.63'	25.00'	47°16'11"	N 11°54'34" E	20.05'
C8	20.78'	25.00'	47°37'49"	N 35°32'28" W	20.19'
C9	40.70'	49.00'	47°35'07"	N 35°33'47" W	39.54'
C10	36.32'	49.00'	42°27'53"	N 09°27'43" E	35.49'
C11	21.33'	50.00'	24°26'47"	N 18°29'16" E	21.17'
C12	45.89'	30.00'	87°39'28"	S 37°34'21" E	41.54'
C13	45.63'	30.00'	96°57'02"	N 55°07'55" E	41.28'
C14	36.47'	30.00'	69°39'13"	N 46°33'57" W	34.27'
C15	47.12'	30.00'	90°00'00"	N 33°15'39" E	42.43'
C16	22.41'	30.00'	42°47'56"	S 80°20'23" E	21.89'
C17	40.32'	54.00'	42°47'07"	S 80°19'58" E	39.39'
C18	47.10'	30.00'	89°57'18"	S 56°44'52" E	42.41'
C19	57.79'	30.00'	110°22'39"	S 43°25'06" W	49.26'
C20	47.12'	30.00'	90°00'00"	S 56°44'21" E	42.43'
C21	47.12'	30.00'	90°00'00"	S 33°15'39" W	42.43'
C22	47.13'	30.00'	90°00'50"	N 56°43'56" W	42.43'
C23	47.12'	30.00'	90°00'00"	N 33°16'29" E	42.43'
C24	23.95'	30.00'	45°44'19"	S 78°51'22" E	23.32'
C25	35.14'	44.00'	45°45'09"	S 78°51'46" E	34.21'
C26	47.12'	30.00'	90°00'00"	S 56°44'21" E	42.43'
C27	47.12'	30.00'	90°00'00"	S 33°15'39" W	42.43'
C28	47.12'	30.00'	90°00'00"	N 56°44'21" W	42.43'
C29	47.12'	30.00'	90°00'00"	N 33°15'39" E	42.43'
C30	47.36'	92.50'	29°20'09"	N 26°24'25" W	46.85'
C31	46.78'	107.50'	24°56'01"	N 24°12'21" W	46.41'
C32	4.35'	2.50'	99°38'11"	S 33°56'02" E	3.82'
C33	3.93'	2.50'	90°00'00"	S 51°14'52" W	3.54'
C34	8.76'	29.50'	17°00'41"	S 04°24'36" E	8.73'



GENERAL NOTES

- The subject property does not lie within a 100 year floodplain according to Community Panel No. 48121C0415G, dated April 18, 2011 of the National Flood Insurance rate Maps for Denton County, Texas.
- Minimum finished floor elevations are at least 2 feet above the 100 year flood plain.
- The grid coordinates shown on this plat are based on GPS observations utilizing the AITerra RTK Network - North American Datum of 1983 (Adjustment Realization 2011).
- Notice - selling a portion of this addition by metes and bounds is a violation of Town ordinance and state law and is subject to fines and withholding of utilities and building permits.
- All interior property corners are marked with a 1/2-inch iron rod with a green plastic cap stamped "EAGLE SURVEYING" unless noted otherwise.
- The bearings shown on this plat are based on GPS observations utilizing the AITerra RTK Network - North American Datum of 1983 (Adjustment Realization 2011). Texas North Central Zone (4202).
- 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.
- All lots comply with the minimum size requirements of the zoning district.
- This plat does not alter or remove existing deed restrictions, if any, on this property.

OWNER'S CERTIFICATE & DEDICATION

STATE OF TEXAS
COUNTY OF DENTON

WHEREAS, **HACKBERRY BUSINESS PARK, LLC**, is the owner of a 5.006 acre tract of land out of the DAVID M. CULE SURVEY, ABSTRACT NUMBER 226, situated in the Town of Little Elm, Denton County, Texas and being all of a called Tract 1 - 2.990 acre tract of land and all of a called Tract 2 - 2.000 acre tract conveyed to Hackberry Business Park, LLC by deed of record in Document Number 2018-144789 of the Official Records of Denton County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING, at a 1/2 inch iron rod with yellow plastic cap stamped "JE SMITH" found in the curving North right-of-way line of Farm to Market Road 720 (right-of-way varies), being the Southwest corner of a called 9.404 acre tract of land conveyed to Benjamin and Cheryl Mohrbacher by deed of record in Document Number 2000-6577 of said Official Records, also being the Southeast corner of said 2.990 acre tract and hereof;

THENCE, along the curving North right-of-way line of Farm to Market Road 720, being in part, the common South line of said 2.990 acre tract, and in part, the common South line of said 2.000 acre tract, along a non-tangent curve to the right, having a radius of 2819.79 feet, a chord bearing of N81°51'10"W, a chord length of 320.31 feet, a delta angle of 06°30'43", an arc length of 320.48 feet to a 1/2 inch iron rod found at the Southeast corner of a called 3.40 acre tract of land conveyed to Saisseekers Association of America by deed of record in Document Number 2014-102223 of said Official Records, being the Southwest corner of said 2.000 acre tract and hereof;

THENCE, leaving the North right-of-way line of Farm to Market Road 720, along the East line of said 3.40 acre tract and the common West line of said 2.000 acre tract, the following two (2) courses and distances:

- N11°44'21"W, a distance of 604.25 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
- N14°08'58"W, a distance of 22.29 feet to a 1/2 inch iron rod with unreadable orange plastic cap found in the South line of a called 7.010 acre tract of land conveyed to DFW Snehia Limited Liability Company by deed of record in Document Number 2021-26008 of said Official Records, being the Northwest corner of said 2.000 acre tract and hereof;

THENCE, N63°22'41"E, leaving the East line of said 3.40 acre tract, along the South line of said 7.010 acre tract, being in part, the common North line of said 2.000 acre tract, and in part, the common North line of said 2.990 acre tract, passing at a distance of 136.10 feet a 1/2 inch iron rod with illegible yellow plastic cap found at the Northwest corner of said 2.990 acre tract, being the Northeast corner of said 2.000 acre tract, and continuing for a total distance of 176.07 feet to a 1/2 inch square pipe found at the Northwest corner of said 9.404 acre tract, being the Northeast corner of said 2.990 acre tract and hereof;

THENCE, S11°46'13"E, leaving the South line of said 7.010 acre tract, along the West line of said 9.404 acre tract, being the common East line of said 2.990 acre tract, a distance of 815.65 feet to the **POINT OF BEGINNING** and containing an area of 5.006 Acres, or (218,052 Square Feet) of land, more or less.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, **HACKBERRY BUSINESS PARK, LLC**, does hereby adopt this plat, designating herein described property as **LAKE SIDE SHOPS AND BUSINESS PARK**, an addition to the Town 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. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the drainage and utility easements as shown. Said drainage and utility easements being hereby reserved for the mutual use and accommodation of all public utilities desiring to use same. All and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on the drainage and utility easement and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said drainage and utility easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone.

OWNER: **HACKBERRY BUSINESS PARK, LLC**, a Texas liability company

BY: _____
Authorized Agent Date

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, 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 expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas

CERTIFICATE OF SURVEYOR

STATE OF TEXAS
COUNTY OF DENTON

I, **MATTHEW RAABE**, 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-inch iron rods with green plastic caps stamped "EAGLE SURVEYING" under my direction and supervision in accordance with the current provisions of the Texas Administrative Code and the Ordinances of the Town of Little Elm, Denton County, Texas.

PRELIMINARY
this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

Matthew Raabe, R.P.L.S. #6402 Date

STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, the undersigned authority, on this day personally appeared **MATTHEW RAABE**, 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 _____, 20____.

Notary Public in and for the State of Texas

FINAL PLAT
LAKE SIDE SHOPS AND
BUSINESS PARK
LOTS 1 & 2, BLOCK A

BEING 5.006 ACRES OF LAND OUT OF THE
DAVID M. CULE SURVEY, ABSTRACT NO. 226
TOWN OF LITTLE ELM, DENTON COUNTY, TEXAS

DATE OF PREPARATION: 8/17/2022 SCALE: 1" = 50'

RECORDED IN CABINET _____, SLIDE _____

Project
2108.006-05

Date
09-13-2022

Drafter
CHW/EN

EAGLE SURVEYING

EAGLE SURVEYING, LLC
222 S. Elm Street, Suite: 200
Denton, TX 76201
(940) 222-3009
TX Firm #10194177

SURVEYOR
Eagle Surveying, LLC
Contact: Brad Eubanks
Brad@eaglesurveying.com
222 S. Elm Street, Suite: 200
Denton, TX 76201
(940) 222-3009

ENGINEER
Marshall Gage, LLC
Contact: Daniel Kelleher
sd@marshallgage.com
207 E. Virginia, Suite: 216
McKinney, TX 75069
(972) 542-9018

OWNER
Hackberry Business Park, LLC
Contact: Daniel Kelleher
Dan@asapstarters.com
1118 Timber Lane
Frisco, TX 75034
(972) 370-7710

ORDINANCE NO. 1477

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, HEREOF AMENDED, BY REZONING APPROXIMATELY 5.0 ACRES OF LAND FROM LIGHT COMMERCIAL TO PLANNED DEVELOPMENT-LIGHT COMMERCIAL (PD-LC), TO ESTABLISH AND ALLOW FOR THE USE OF OFFICE/WAREHOUSE WITH MODIFIED DEVELOPMENT STANDARDS, GENERALLY LOCATED ON THE NORTH SIDE OF OLD STATE HIGHWAY 24, APPROXIMATELY 305 FEET EAST OF OAK GROVE PARKWAY; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING FOR 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, the Future Land Use Plan of the 2017 Comprehensive Plan designates the subject property as Mixed Use; and

WHEREAS, a request for a change in zoning has been initiated by Daniel Kelleher to allow for office/warehouse with modified design standards on 5.0 acres of land more specifically described on the Location Map, attached hereto; and

WHEREAS, the Town Council and the Planning and 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 rezoning described herein; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and 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 rezoning request would be 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. The Comprehensive Zoning Ordinance of the Town, is hereby amended by providing for a **Planned Development district (PD)** on approximately 5.0 acres of land to establish and allow for the use of office/warehouse with modified development standards, generally located on the north side of Old State Highway 24, approximately 305 feet east of Oak Grove Parkway a tract of land more particularly described on Location Map, attached hereto, subject to all of the terms and conditions set forth herein, and all other applicable ordinances, laws, rules, regulations, and standards.

SECTION 3. CONDITIONS. The following special ordinance provisions shall apply to the subject property:

The permitted uses and standards shall be in accordance with the Light Commercial (LC) zoning district and Architectural Standards for Commercial Structural, unless otherwise specified herein:

A. GENERAL PURPOSE AND DESCRIPTION:

The Lakeside Shops and Business Park Planned Development is intended primarily for the conduct of a mix of uses including retail, office, restaurant, service-oriented uses, and office/warehouse.

B. PERMITTED USES:

Those uses listed in the chart below (Subsection G) as “P” are authorized uses permitted by right. Those uses listed as “S” are allowed with the approval of a Specific Use Permit (SUP) by the Town Council. Additionally, the following use will be allowed, as defined:

- 1) Office/Warehouse
 - a. An establishment that primarily consists of an office and/or commercial use with an incidental need to store supplies or products that are associated with the primary use. Warehousing/storage may be utilized for up to 80% of the overall floor area per tenant space.

C. DEVELOPMENT REGULATIONS:

Maximum Height	45'
Maximum Front Yard Setback	None
Minimum Side Yard Setback	10'
Minimum Rear Yard Setback	35'
Minimum Area/Tenant Space	1,500 square feet

D. PARKING REQUIREMENTS:

- 1) Office/warehouse buildings will provide the following number of parking spaces:
 - a. A ratio of 40% office (One space per 300 square feet of floor area) to 60% warehouse (One space per 1,000 square feet of floor area) will be used to calculate the required number of spaces in aggregate to be shared among the various buildings
- 2) Parking reduction: As part of this development, the total number of required parking spaces calculated under this section may be reduced by twenty (20) percent.

E. LANDSCAPING & SCREENING REQUIREMENTS:

- 1) Landscaped yards shall be provided as follows:
 - a. Along the side yards, a minimum width of five (5) feet shall be required along the western property line and ten (10) feet shall be required along the eastern property line.
 - b. Along the rear yard adjacent to residential use or zoning, a minimum width of thirty-five (35) feet shall be required.
- 2) Landscaping required:
 - a. A minimum of fifteen (15) percent open space will be provided in the development.
 - b. The development will exceed the minimum number of required plantings within the front and side yards by a minimum of twenty (20) percent.
 - c. A perimeter fence will be installed as shown on the Concept plan, Exhibit A, in accordance with the following:
 - i. Along western boundary line of development:
 - a) Ornamental iron fence, minimum six (6) feet tall with an irrigated living screen.
 - ii. Along eastern boundary line of development:
 - a) Ornamental iron fence, minimum six (6) feet tall with an irrigated living screen.
 - iii. Along rear boundary line of development:
 - a) Masonry wall, eight (8) feet tall.

F. ARCHITECTURAL STANDARDS FOR COMMERCIAL STRUCTURES

(Includes office, retail, commercial, etc.)

- 1) Design standards.
 - a. All buildings within this planned development shall have similar materials, colors.
 - b. All structures shall be architecturally finished fully to meet the Town's Architectural Standards for Commercial Structures with compatible

materials and colors on sides that can be seen from a public right-of-way. Elevations that are in the interior of the development and have limited sighting from a public right-of-way or side yard may be constructed of 3-step stucco.

G. PERMITTED USES

Planned Development Zoning Districts Uses. Uses not depicted in the chart below or described in Subsection B (above) shall be prohibited. P=permitted by right; S=Specific Use Permit required.

	PD-LC Planned Development
Primary Residential Uses	
Mixed Use Building	P
Institutional & Special Uses	
College, University, or Trade School	P
Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority	P
Golf Course, Tennis club, Polo Club, or Country Club (private)	P
Hospital	P
Municipal Uses operated by the Town of Little Elm	P
Museum/Art Gallery	P
Park or Playground	P
Recreation Center	P
Religious Facility	P
School, Private, Charter or Parochial	S
Retail Uses	
Antique Shop and Used Furniture, inside only	P
Arcade	S
Bakery, Candy or Ice-Cream Shop	S
Bar/Brewpub	P
Building Material and Hardware Sales, Major	P
Building Material and Hardware Sales, Minor	P
Commercial Amusement, Indoor	P
Florist	P
Greenhouse or Nursery for Retail Plant Sales	P
Portable Building Sales	P
Restaurant, Dine-in	P
Restaurant, Drive-in	S
Restaurant, Drive-thru	S
Restaurant, with Brewpub	P
Restaurant, Pick-up only	P
Retail Use (other than listed)	P

Store, Big Box	P
Store, Convenience	P
Store, Discount, Variety, or Department Store	P
Store, Drugstore or Pharmacy	P
Store, Feed	P
Store, Florist	P
Store, Grocery	P
Store, Hardware & Home Imp.	P
Store, Incidental (within another use)	P
Store, Liquor	S
Store, Pet Shop	P
Store, Shopping Center	P
Store, other than listed above	P
Theatre, Indoor	P
Winery/Brewery Retail Sales	P
Service Uses	
Bank, Savings and Loan, or Credit Union	P
Catering Service	P
Child Care Center	S
Cleaning and pressing (small shop/pickup)	P
Clinic/Medical Lab	P
Clinic, Animal (no outside runs)	P
Commissary	S
Contractor's Shop (Inside Only)	P
Custom Personal Service	P
Gunsmith	P
Gymnastics/Dance Studio/Martial Arts	P
Health/Fitness Center	P
Household Appliance/Electronics Service and Repair	P
Incidental Retail & Service Uses	P
Laundry/Dry Cleaning, Pickup Station	P
Office, Professional and General Administrative	P
Personal Service (other than listed)	P
Print Shop, Minor Retail Shop	P
Studio, Photography, Music, Artistry	P
Studio, Media	P
Automobile & Vehicular Uses	
Auto/Boat/RV Repair, Minor, Indoor Only	S
Auto/Boat/RV Sales, Accessories Only	S
Motorcycle Sales/Service, Indoor Only	S
Industrial & Manufacturing Uses	
Office/Warehouse*	P*
Research and Development Center	P
Winery/Brewery/Distillery Manufacturing	S

*See definitions and associated standards in Subsection B (above)

- H. Phasing – No office/warehouse structure shall receive a Certificate of Occupancy until the associated retail structure begins vertical construction.

SECTION 4. 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 in direct 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 change 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.

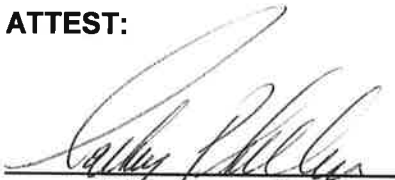
SECTION 7. SEVERABILITY. The sections, paragraphs, sentences, phrases, and words of this Ordinance are severable, and If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid 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. Upon adoption, 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 4th day of December, 2018.

ATTEST:


Kathy Phillips, Town Secretary

The Town of Little Elm, Texas


David Hillock, Mayor





TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

November 15, 2018

OVERVIEW

Project	Lakeside Shops and Business Park Rezoning (18-PD-007)
P&Z Hearing	11/15/2018
Council Hearing	12/04/2018
Request	A request for a Planned Development to establish and allow the use of office/warehouse
Size	Approximately 5.0 acres
Current Zoning	Light Commercial (LC)
Proposed Zoning	Planned Development-Light Commercial (PD-LC)
Existing Use	Vacant Property
Future Land Use Plan Designation	Mixed Use
Applicant	Daniel Kelleher – Lakeside Shops and Business Park
Owner	ETE 10, LLC

Location

The subject property is generally located on the north side of Old State Highway 24, approximately 305 feet east of Oak Grove Parkway, within Little Elm's town limits.

Planning Analysis

The proposed amendment request is to establish and allow the use of office/warehouse with modified standards to architectural design. The use of "office/warehouse" is not an established use within the zoning ordinance. This request is a hybrid of uses and categories that fall in both commercial and industrial districts. The Town, in its continued growth, is starting to capture

interest from specific types of commercial and office uses that also have a need for on-site storage in a warehouse-type setting. Upon initial meetings with the applicant, staff expressed concern regarding the development of a product that is more suitable for industrial districts.

In considering this request, staff looks to several sections of the Comprehensive Plan. The first section that touches upon this request is the Growth section of the Plan. A primary goal within the section calls for the correlation "of town services with anticipated population growth and capacity." From a commercial growth perspective, this request is compatible with this language as staff believes the proposed use will help to capture new commercial needs. This perspective reaches to the Employment Opportunities section of the Plan, which states in its primary goal to "encourage the establishment of new businesses...thereby creating increased and diversified employment opportunities." Additionally, Objective 5 within this section calls for the creation of opportunities for office development. The proposed plan also reflects the Town's desire to promote "designs that incorporate Little Elm's relationship with Lewisville Lake, such as the use of Little Elm's lighthouse theme" as noted in Objective 8.

Looking at the Aesthetic Appearance section within Chapter 3 (Livability) of the Plan, the subject request appears to be compatible with the Town's goal to "maximize desirability and aesthetic appeal throughout the Town." The unique and inviting development will provide this area an attractive, active feel which should help catch the attention of motorists along Eldorado Parkway and Oak Grove Parkway for the retail component.

The Future Land Use Plan (FLUP) map calls for the designation of Mixed Use. The Plan's definition for Mixed Use is "vertical and horizontal mix of residential, non-residential, and public uses." This request is generally compatible with this language, a mix of commercial and office uses with supportive warehousing will be developed near existing residential uses.

Included with this report are proposed stipulations that generally conform to the existing base zoning of Light Commercial (LC). Staff is generally in support of the request with the exception of the applicant's proposed warehouse percentage of up to 80% per tenant space. Staff feels a maximum of 60% warehouse area per tenant space will help to ensure a more office oriented development rather than industrial as discussed earlier in this analysis.

To recap the November 15, 2018 Planning & Zoning Commission meeting, staff requested that the Commission consider the phasing of the requested development and noted that in recent PD requests with retail uses associated with other, potentially less desirable uses within the proposed development, Council has approved the requested zoning with language that assures the retail component is constructed prior to other uses being able to obtain certain permits or certificates of occupancy.

Recommended Action

The Planning & Zoning Commission recommended approval of the request per the applicant's proposed standards.

Attachments: Location Map, Plan Exhibits, Proposed Stipulations, Ordinance No. 1477



Lakeside Shops
1812 & 1816 Old State Highway 24
Town of Little Elm
Denton County, Tx
Date: 9/17/2018

Legend



Subject Property



Location Map

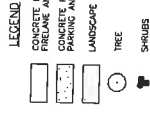


BRONCO COUNTY, TEXAS

10/10/2019

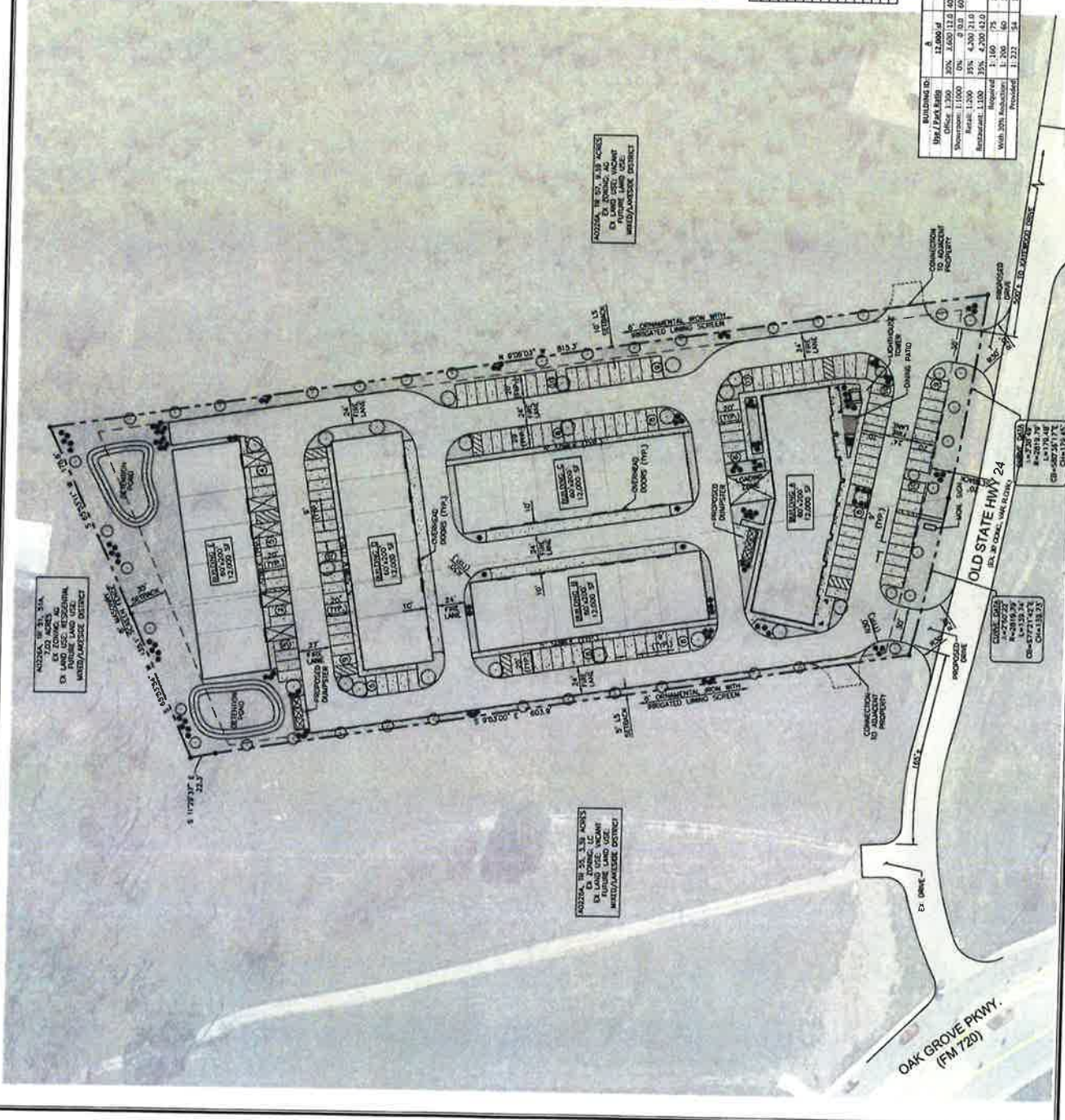
Planning Communities: Designing the Systems That Serve Them

www.elsevier.com



NOTE:

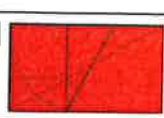
1. ALL BUILDINGS SHALL BE ONE STORY IN HEIGHT.
2. EXISTING TREES AT BACK OF PROPERTY (NEAR SOD) WILL BE PRESERVED IN POSSIBLE. THE PROPOSED DETENTION POND & SCHEMATIC IS SHOWN AND LOCATION.
3. THE SITE GENERALLY DRAINS TO THE EAST AND NORTH. ON-SITE DRAINAGE FACILITIES WILL BE DESIGNED TO MITIGATE RUNOFF.
4. DUMPSTER ENCLOSURES SHALL BE 14'-2" AND SCREENED PER TOWN OF LITTLE ELM STANDARDS.

[illegible][illegible]



NEW PLANS FOR
**LAKEVIEW SHOPS
& BUSINESS PARK**
LITTLE ELM, TEXAS
OLD STATE HWY 24

BATES ARCHITECTS
MARK M. MARTIN, ARCHITECT
MICHAEL A. BATES, ARCHITECT
501 S. LOOP 268, #25
DENTON, TEXAS 76201
PH: 817.381.4888
FAX: 817.381.4888



PROJECT NO.
18-229

SHEET **A1**
OF 1



SOUTH ELEVATION - PUBLIC SIDE

NORTH ELEVATION - PRIVATE SIDE

OVERALL PERCENTAGES:

STUCCO 35%
HARDIE SIDING 24%
KING SIZED BRICK 20%
STONE 5%