



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

May 4, 2023

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. **5:50 PM Work Session**

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

3. **Roll Call**

4. **Consent Agenda**

1. Discuss and take action regarding the approval of the April 20, 2023, Regular Planning and Zoning Commission Meeting Minutes.

2. **FINAL PLAT/ Ace Hardware (FP-23-01029).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 7.645 acres, situated in D.M. Cule Survey, Abstract No. 226, within Little Elm's Town Limits, in order to establish one commercial lot and easements necessary for development.

- Presentation
- Discussion
- Recommendation

3. **FINAL PLAT/ King Road Business Park (FP-23-01030).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 8.251 acres, situated in J.W. King Survey, Abstract No. 694, within Little Elm's Town Limits, in order to establish a commercial lot, easements, and dedicate Right-of-way necessary for development.

- Presentation
- Discussion
- Recommendation

5. **Regular Agenda**

1. **REPLAT/ North Texas Collegiate Academy (FP-23-00833).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 4.219 acres, situated in D. Cule Survey, Abstract No. 226, within Little Elm's Town Limits, in order to combine multiple lots into one commercial lot, and establishing easements necessary for development.
 - Presentation
 - Discussion
 - Consideration
2. **SUBDIVISION VARIANCE/Ladera Little Elm (VAR-23-01532).** Presentation, discussion, and consideration on a request for a Variance from Section 107 - Subdivision Ordinance, for Ladera Little Elm, approximately 58.5 acres, situated in the DAVID M. CULE SURVEY, Abstract No. 226, within Little Elm's town limit, in order to allow for asphalt street construction instead of concrete as required by the Town's Engineering Design Standards.
 - Staff Report
 - Applicant Presentation
 - Discussion and Recommendation
6. **Discussion of future agenda items, update on Council action, and requests for new business considerations**
7. **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 May 1, 2023, prior to 5:00 p.m. The Little Elm Town Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made 48 hours prior to this meeting. Please contact the Town Secretary's office at 214-975-0404 or 972-377-5540 (fax) for arrangements.

Olga Chernomorets - Managing Director of Planning



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

05/04/2023

OVERVIEW

Project	Discuss and take action regarding the approval of the April 20, 2023, Regular Planning and Zoning Commission Meeting Minutes.
P&Z Hearing	05/04/2023
Council Hearing	N/A
Size	N/A
Current Zoning	N/A
Proposed Use	N/A
Existing Use	N/A
Future Land Use Plan Designation	N/A
Applicant	N/A
Owner	N/A
Strategic Goal	

Agenda Item

Discuss and take action regarding the approval of the April 20, 2023, Regular Planning and Zoning Commission Meeting Minutes.

Location

N/A

Planning Analysis

N/A

Recommended Action

N/A

Attachments

P&Z Minutes April 20, 2023



Minutes
Town of Little Elm
PLANNING & ZONING COMMISSION
Regular Meeting
Thursday, APRIL 20, 2023 - 7:00 pm

Present: Michael Bell, Chairperson; Ron Trees, Vice-Chair; Tom Ocelli, Commissioner; Stephen Horn, Commissioner; Brent Thibeaux, Commissioner; Robert Martin, Commissioner

Absent: Jack Skinner, Commissioner; Chip Norman, Alternate Commissioner; Debra Cadet, Alternate Commissioner

Staff Present: Olga Chernomorets, Managing Director of Planning
Brian Salvesen, Planner

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

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

Chairperson Bell opened the meeting at 6pm.

3. **Roll Call**

4. **Consent Agenda**

Motion: Approve consent agenda as presented.

Motion by Vice-Chair Ron Trees, seconded by Commissioner Brent Thibeaux

AYE: Chairperson Michael Bell, Vice-Chair Ron Trees, Commissioner Tom Ocelli,
Commissioner Stephen Horn, Commissioner Brent Thibeaux, Commissioner Robert
Martin

6 - 0 Passed - Unanimously

1. Discuss and take action regarding the approval of the April 6, 2023. Regular Planning and Zoning Commission Meeting Minutes.

Agenda item approved in the consent agenda motion.

2. **FINAL PLAT/ Ace Hardware (FP-23-01029).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 7.645 acres, situated in D.M. Cule Survey, Abstract No. 226, within Little Elm's Town Limits, in order to establish one commercial lot and easements necessary for development.
- Presentation
 - Discussion
 - Recommendation

Extension request approved in the consent agenda motion.

3. **FINAL PLAT/ Magnolia Stampede Addition (FP-23-00596).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 2.241 acres, situated in the J. Gonzales Survey, Abstract No. 447, within Little Elm's Town limits, in order to establish one commercial lot with easements accordingly.
- Presentation
 - Discussion
 - Recommendation

Extension request approved in the consent agenda motion.

4. **FINAL PLAT/ Spiritas Ranch Phase 1 South (FP-22-00830).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 102.904 acres, situated in Marsella Jones Survey, Abstract No. 662, within Little Elm's Town Limits, in order to establish residential lots, easements, and Right-of-way necessary for development.
- Presentation
 - Discussion
 - Recommendation

Agenda item approved with conditions in the consent agenda motion.

5. **FINAL PLAT / Spiritas Ranch Phase 1 - North (FP-23-00782).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 22.703 acres, situated in Marsella Jones Survey, Abstract No. 662, within Little Elm's Town Limits, in order to establish residential lots, easements, and Right-of-way necessary for development.
- Presentation
 - Discussion
 - Recommendation

Agenda item approved with conditions in the consent agenda motion.

6. **REPLAT/ Alta 380 Addition, Lots 1R and X, Block A (RP-23-00597).** Presentation, discussion, and consideration on a request of a replat consisting of 1.697 acres, being a replat of lot 1, Block A, Alta 380 Addition, situated in the M. Jones Survey, Abstract No. 662, within Little Elm's Town limits.
- Presentation
 - Discussion
 - Consideration

Request to withdraw was approved in the consent agenda motion.

7. **REPLAT/ North Texas Collegiate Academy (FP-23-00833).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 4.219 acres, situated in D. Cule Survey, Abstract No. 226, within Little Elm's Town Limits, in order to combine multiple lots into one commercial lot, and establishing easements necessary for development.
 - Presentation
 - Discussion
 - Consideration

Extension request approved in consent agenda motion.

5. **Regular Agenda**

1. **PUBLIC HEARING/ Parkwood Collision (PD-22-13027).** Public hearing, discussion, and consider action on a request to rezone approximately 4.13 acres of land, currently zoned as Light Commercial (LC), generally located at 26784 E. University Drive, within Little Elm's town limits, in order to establish a new Planned Development district based on Light Commercial (LC) district requirements with modified uses and development standards to allow for new commercial development with electrical vehicle repair.
 - Staff Report/Applicant Presentation
 - Open Public Hearing
 - Receive Public Comment
 - Close Public Hearing
 - Discussion and Recommendation

Staff briefed the commission on the agenda item.

Commissioner Horn had questions on how to solidify the use and the screening of the property. The Commission, staff, and the applicant all worked towards classifying the proposed use as "Modern Production Collision Repair." This use would serve the needs of the applicant to service both electric and internal combustion engine vehicles. This use can be defined as "Vehicle body work limited to production vehicles, generally within 10 years of their manufacture date."

Chairperson Bell had questions on the storage of hazardous materials and the size of parking spots.

Since the applicant focuses on electric vehicles and only on body repair, not mechanical or battery replacement, there are no major hazardous material storage considerations.

Commissioner Ocelli wanted to ensure that the Highway 380 expansion would not hinder development of the property.

The plans have been designed to accommodate TXDOT's latest plans for expansion.

Chairperson Bell opened the public hearing at 6:47pm.

With no one indicating they wished to speak, the public hearing was closed at 6:48pm.

The Commission continued to discuss the screening of the lot as well as the parking space sizes.

Motion: Recommend approval of the agenda item with conditions by staff in addition to the following recommendations:

1. Lot 2 shall have 10 foot by 20 foot parking spaces in the row along Highway 380.
2. Add screening of rear parking lot along access easement on western boundary.
3. Classify Use as "Modern Production Collision Repair"

Motion by Commissioner Stephen Horn, seconded by Commissioner Tom Ocelli

AYE: Chairperson Michael Bell, Vice-Chair Ron Trees, Commissioner Tom Ocelli,
Commissioner Stephen Horn, Commissioner Brent Thibeaux, Commissioner Robert
Martin

6 - 0 Passed - Unanimously

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

Meeting adjourned at 7:11pm.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

05/04/2023

OVERVIEW

Project	FINAL PLAT/ Ace Hardware (FP-23-01029)
P&Z Hearing	05/04/2023
Council Hearing	N/A
Size	Approximately 7.645 acres
Current Zoning	Planned Development (Light Commercial Base)
Proposed Use	Planned Development (Light Commercial Base)
Existing Use	Vacant
Future Land Use Plan Designation	Commercial/Retail
Applicant	Roger Yale
Owner	Roger Yale
Strategic Goal	

Agenda Item

FINAL PLAT/ Ace Hardware (FP-23-01029). Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 7.645 acres, situated in D.M. Cule Survey, Abstract No. 226, within Little Elm's Town Limits, in order to establish one commercial lot and easements necessary for development.

- Presentation
- Discussion
- Recommendation

Location

Generally located 400 feet east of the intersection of Hill Lane and Oak Grove Parkway, within Little Elm's town limits.

Planning Analysis

The purpose of a final plat is to ensure that the proposed subdivision and development of the land is consistent with all standards of the Town's Subdivision Ordinance pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the Town or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided to allow the final plat to be recorded.

Recommended Action

The applicant has requested an extension to the May 18, 2023, Regular Planning and Zoning Commission meeting. Staff recommends approval of the applicant's extension request.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

05/04/2023

OVERVIEW

Project	FINAL PLAT/ King Road Business Park (FP-23-01030)
P&Z Hearing	05/04/2023
Council Hearing	N/A
Size	Approximately 8.251 acres
Current Zoning	Light Commercial (LC)
Proposed Use	Commercial
Existing Use	Commercial
Future Land Use Plan Designation	Retail/Commercial
Applicant	Kamran Mehdizadeh
Owner	Kamran Mehdizadeh
Strategic Goal	

Agenda Item

FINAL PLAT/ King Road Business Park (FP-23-01030). Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 8.251 acres, situated in J.W. King Survey, Abstract No. 694, within Little Elm's Town Limits, in order to establish a commercial lot, easements, and dedicate Right-of-way necessary for development.

- Presentation
- Discussion
- Recommendation

Location

Generally located on the northwest side of the King Road and Anthem Drive intersection, within Little Elm's town limits.

Planning Analysis

At this time, the plat does not meet the Town's Subdivision Ordinance requirements and the applicant has requested an extension to the May 18th, 2023, Planning and Zoning Commission meeting.

Recommended Action

Staff recommends approval of the extension request.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

05/04/2023

OVERVIEW

Project	REPLAT/ North Texas Collegiate Academy (FP-23-00833)
P&Z Hearing	05/04/2023
Council Hearing	N/A
Size	Approximately 4.219 acres
Current Zoning	Planned Development (Light Commercial Base)
Proposed Use	Public Charter School
Existing Use	Public Charter School
Future Land Use Plan Designation	Retail/Commercial
Applicant	Dr. Lisa Stanley, North Texas Collegiate Academy
Owner	Dr. Lisa Stanley, North Texas Collegiate Academy
Strategic Goal	

Agenda Item

REPLAT/ North Texas Collegiate Academy (FP-23-00833). Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 4.219 acres, situated in D. Cule Survey, Abstract No. 226, within Little Elm's Town Limits, in order to combine multiple lots into one commercial lot, and establishing easements necessary for development.

- Presentation
- Discussion
- Consideration

Location

Generally located at the intersection of Crestwood Place and FM 720, within Little Elm's Town Limits.

Planning Analysis

The purpose of a replat is to make changes to a recorded final plat. This replat will combine several lots into one in conjunction with abandonment of the Town Right-of-way that bisects the property, done by separate instrument. The plat will also establish utility and fire lane easements where previously no easement existed.

Recommended Action

At this time, the applicant is not able to meet all the Town's subdivision ordinance requirements and requests that the plat be withdrawn. Staff recommends approval of the applicant's request to withdraw.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

05/04/2023

OVERVIEW

Project	SUBDIVISION VARIANCE/ Ladera Little Elm (VAR-23-01532)
P&Z Hearing	05/04/2023
Council Hearing	N/A
Size	Approximately 58.5 acres
Current Zoning	Planned Development (Ordinance #1638)
Proposed Use	Residential
Existing Use	Vacant
Future Land Use Plan Designation	Residential
Applicant	John Delin, Integrity Group LLC
Owner	John Delin, Integrity Group LLC
Strategic Goal	

Agenda Item

SUBDIVISION VARIANCE/Ladera Little Elm (VAR-23-01532). Presentation, discussion, and consideration on a request for a Variance from Section 107 - Subdivision Ordinance, for Ladera Little Elm, approximately 58.5 acres, situated in the DAVID M. CULE SURVEY, Abstract No. 226, within Little Elm's town limit, in order to allow for asphalt street construction instead of concrete as required by the Town's Engineering Design Standards.

- Staff Report
- Applicant Presentation
- Discussion and Recommendation

Location

Generally located on the east side of Hill Land, approximately 700 feet south of the intersection of Oak Grove Parkway and Hill Lane, within Little Elm's town limits.

Planning Analysis

This request originated from the review of the Site Development Plans (SDV) for Phase 1 of Ladera Little Elm (Ladera), an age-restricted Planned Development community. The Planned Development, zoned through Ordinance No. 1638, and accompanying Development Agreement (DA) were both approved 6-0 by Town Council on October 19, 2021. On April 18, 2023, the applicant submitted a Variance Request with attached Letter of Intent and paving plan details, requesting to utilize asphalt for the construction of the private streets throughout the development.

Part of the SDV process is including a "For Reference" Final Plat that will later become a separate Final Plat submittal once the staff and applicant are confident further SDV revisions won't have any major conflict with the submitted Final Plat.

Per the Letter of Intent, the applicant states that the rising cost of building materials has caused the projected offering price of each home to rise 27%, from \$290,000 to \$369,000. The applicant states the offering price of the homes would only rise to around \$348,000, a 20% increase over the original projected offering price, if asphalt was utilized instead of concrete for the construction of the private streets throughout the development. The applicant maintains that since Ladera is a gated-community with privately maintained streets, the responsibility of maintenance will fall on the Condominium Owners Association (COA) and not the Town. The applicant is therefore requesting a variance to Sec. 107.08.03 - Streets and alleys, (c) Private streets, which requires private streets "shall be designed and constructed to the same standards as for public streets, in accordance with the engineering design standards." Town Standards Details included as an attachment for reference.

The Town Engineer has reviewed the variance request and supporting documentation and cannot recommend approval for the following reasons:

1. The application does not provide sufficient information to determine if the proposed asphalt paving materials and cross-section will provide an equivalent level of performance and longevity, as compared to the current standards described in the Subdivision Ordinance.
2. While the proposed streets within the development will be maintained by a homeowner's association established by the developer, the underground water system will be dedicated to the Town of Little Elm. As a result, maintenance procedures for the system will differ from the standard procedures used by the Public Works department at crossing locations.
3. The application appears to describe financial hardship as the primary reason for the requested variance. According to section 107.01.01(a)(3) of the Subdivision Ordinance, pecuniary interests alone shall not be justification for the granting of a variance.

Recommended Action

This is a major variance request to Subdivision Ordinance requirements and is first directed to the Town Engineer for determination. The Town Engineer has reviewed and denied the request, which is now brought before the Planning and Zoning Commission for consideration as an appeal. If P&Z chooses to deny the request, the applicant can then appeal the decision to Town Council for further consideration.

The Town Engineer recommends denial of VAR-23--01532 based on the following reasons:

1. The application does not provide sufficient information to determine if the proposed asphalt paving materials and cross-section will provide an equivalent level of performance and longevity, as compared to the current standards described in the Subdivision Ordinance.
2. While the proposed streets within the development will be maintained by a homeowner's association established by the developer, the underground water system will be dedicated to the Town of Little Elm. As a result, maintenance procedures for the system will differ from the standard procedures used by the Public Works department at crossing locations.
3. The application appears to describe financial hardship as the primary reason for the requested variance. According to section 107.01.01(a)(3) of the Subdivision Ordinance, pecuniary interests alone shall not be justification for the granting of a variance.

Attachments

Variance LOI

Variance Supporting Documents

Engineer Review

Town Standard Details



INTEGRITY GROUP

Developing & Building Dreams

April 18, 2023

Ms. Olga Chernomorets
Planning Manager
Town of Little Elm
100 W. Eldorado Pkwy.
Little Elm, TX 75068

RE: LOI - Ladera Little Elm – Major Subdivision Variance

Ms. Chernomorets,

Please accept this LOI as an explanation of the proposed application. We are submitting a Major Subdivision Variance for review and to forward to P&Z and Town Council. The proposed variance request is for the Private Gated and Private Street Ladera Little Elm Active Adult Community for the installation of Asphalt streets in lieu of Concrete streets.

REQUEST OVERVIEW

This Variance is being requested on behalf of Ladera Little Elm and the future Homeowners of Ladera Little Elm. With the skyrocketing cost of materials since the pandemic, the offering price for home will be north of \$369,000. As originally presented for Town Council approval, the price point was planned as starting in the “\$290,000’s”. The latest factor in the escalation has been Concrete. With the significant and regular increases in concrete, this is one major factor which has pushed the number to the \$369,000 amount. With the option for Asphalt available, the price point for homes will drop to a more modest amount of ~\$348,000, still considerably higher than the original plan.

One of the unique aspects about Ladera is the gated-community will be maintained and managed by a Condominium Owners Association (stricter enforcement than a HOA)– including all *Streets*, greenspace, and amenities. The fees paid to the COA and the initial funding of the Reserve account of approximately \$400,000, will establish the security of the ongoing maintenance. The condo documents also cover the long-term maintenance and the fact the Town of Little Elm will not be responsible. They read as follows;

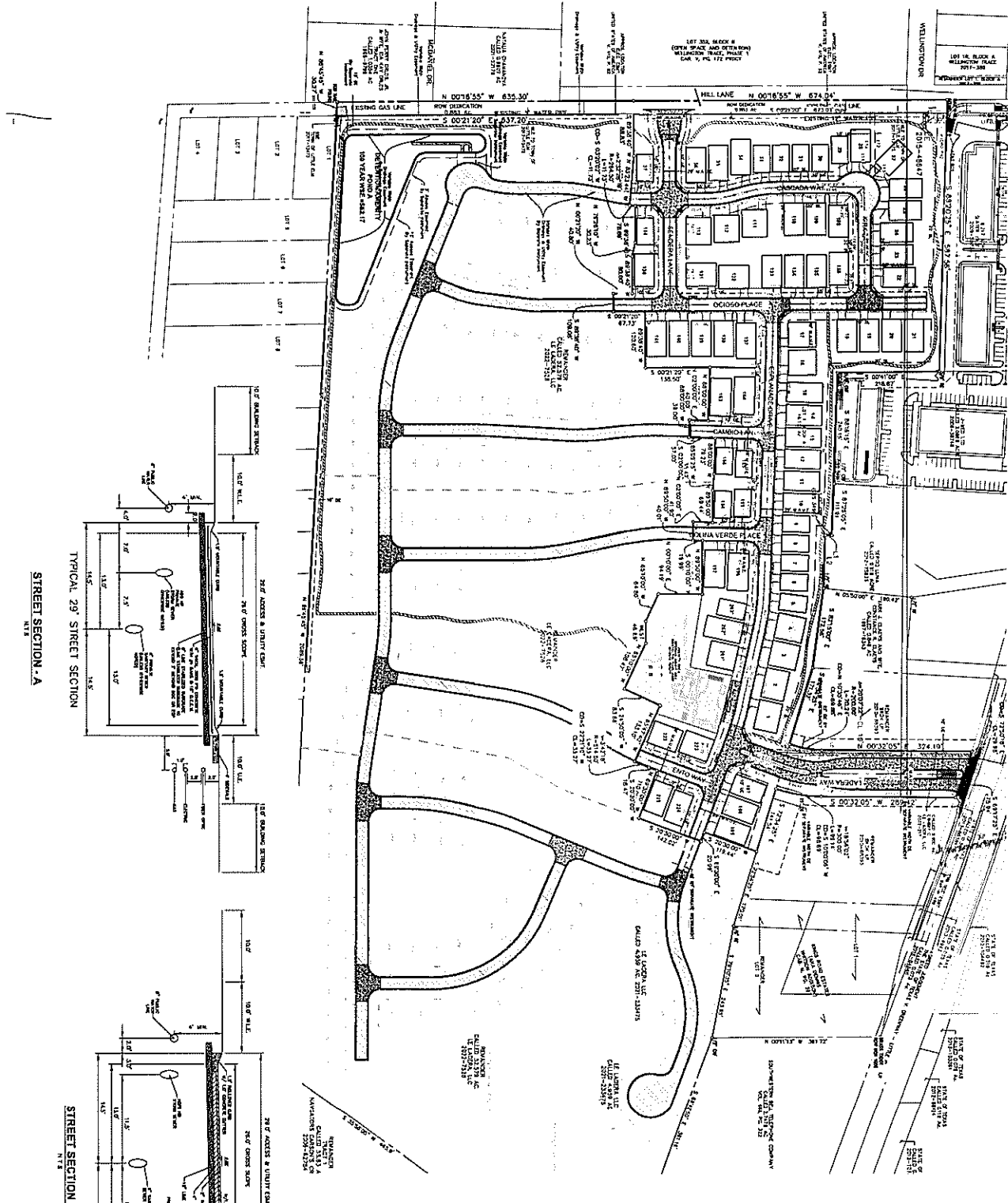
4.12 Private Streets. Streets within the Property are private (the “Private Streets”). Private Streets are General Common Elements and are administered and maintained by the Association. The Association acting through the Board, has the express authority to adopt, amend, repeal and enforce Rules for use of Private Streets, including but not limited to: (i) identification of vehicles used by Owners, Residents and their guests; (ii) designation of parking or no-parking area; (iii) limitations or prohibitions on curbside parking; (iv) removal or prohibition of vehicles that violate applicable Rules; and (v) fines for violations of applicable Rules. The Private Streets shall provide perpetual access for police and other emergency vehicles, public and private utility maintenance and service personnel, solid waste collection services, the U.S. Postal Service, and government employees in pursuit of their official duties. Unless dedicated to and accepted by the City or such other governmental entity, maintenance of the Private Streets is solely the responsibility of the Association. No portion of the Private Streets may be dedicated as a public right-of-way to the City without the prior written consent of the City.

Thank you for your consideration of the presented request. We look forward to working with the Town Staff and to gain approval for this request. Please feel free to contact us to discuss any comments or questions you have during the review of this request.

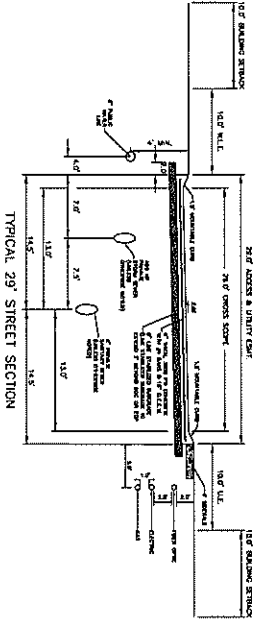
Kindest Regards,

A handwritten signature in black ink, appearing to read 'John Delin', with a large, stylized loop at the end.

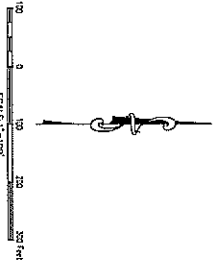
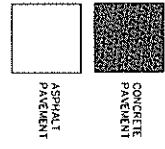
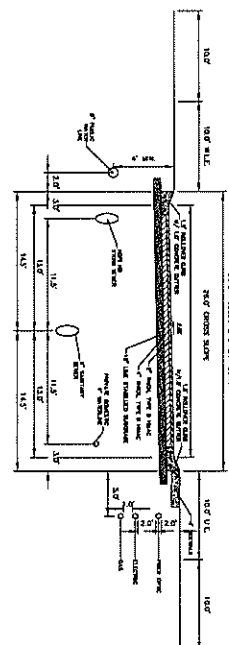
John Delin



STREET SECTION - A
N.T.S.



STREET SECTION - B
N.T.S.



DATE: 07/17/2020
 PREPARED BY: J. McAdams
 CHECKED BY: J. McAdams
 381 W. BIRCH AVE. SUITE 104
 DENVER, CO 80202
 PHONE: 303-733-1178
 EMAIL: JMcAdams@mcadams.com

20200310474

EX

PAVING EXHIBIT

LADERA LITTLE ELM
 PHASE 1
 Lot 1, Block A
 58.50 Acres
 in the
 DAVID M. CULE SURVEY, ABSTRACT NO. 226
 TOWN OF LITTLE ELM
 DENTON COUNTY, TEXAS



The John R. McAdams
 Company, Inc.
 1111 Fossil Drive
 Lewisville, Texas 75077
 817-436-8712
 201 Country View Drive
 Irving, Texas 75039
 940-249-1912
 www.mcadams.com



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111 HILLSIDE DRIVE
LEWISVILLE, TEXAS 75057
972-436-9712
TBPE FIRM NO. 19762

201 COUNTRY VIEW DRIVE
ROANOKE, TEXAS 76262
940-240-1012
TBPLS FIRM NO. 10194440

PROJECT:

LADERA LITTLE ELM - PH1

PAVING IMPROVEMENTS

PROJECT JOB NUMBER:

10

NUMBER OF LOTS:

74

ITEM NO.	ITEM DESCRIPTION	UNIT	PLAN QUANTITY	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
1	6" 3600 PSI PAVEMENT / 4" HMAC TYPE "B"	SY	13,855	\$93.75	\$1,298,906.25	\$43.87	\$607,818.85
2	6" TREATED BASE (48lbs/SY)	SY	13,855	\$10.15	\$140,628.25	\$9.18	\$127,188.90
3	LIME	TON	333	\$355.00	\$118,044.60	\$327.00	\$108,734.04
4	MOUNTABLE CURB AND GUTTER	LF	8,434	\$65.56	\$552,933.04	\$49.85	\$420,434.90
Date: Monday, April 17, 2023					TOTAL PAVING COST	\$2,110,512.14	
					TOTAL ASPHALT COST	\$1,264,176.69	

Integrity/Developer Reasons

*Based upon Ph 1 of 74 lots, this equates to an ~ \$11,500 savings per lot

*The Ph 1 concrete number above, is ~ \$450,000 OVER our entire budget for concrete when designed

Consumer Reasons

*Base price from CC Powerpoint has gone from \$290k to \$369k. With Asphalt, can bring to \$348k

*Lower maintenance costs

*Integrity will handle concreting of intersection valley's & other crucial locations

*Integrity will holdoff final 2" cap until major construction has been completed

*Once final cap is installed, less traffic on our Streets. UPS & Garbage trucks. Occasional moving van

*Integrity will fund an additional \$100,000 to the reserve fund for maintenance costs. Will already fund \$368k

When home costs rise \$10,000, another 1000 people are eliminated from buying. NAHB

Denton County
Juli Luke
County Clerk

Instrument Number: 213

ERecordings-RP

SPECIAL WARRANTY DEED

Recorded On: January 03, 2022 11:57 AM

Number of Pages: 6

" Examined and Charged as Follows: "

Total Recording: \$46.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

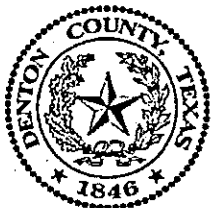
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 213
Receipt Number: 20211230000923
Recorded Date/Time: January 03, 2022 11:57 AM
User: Meredith K
Station: Station 20

Record and Return To:

eRecording Partners



STATE OF TEXAS
COUNTY OF DENTON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke
County Clerk
Denton County, TX

AFTER RECORDING RETURN TO:

361 W. Byron Nelson
#104

Roanoke Tx 76262
Attention: _____

ILT
GF# 2100 1070 RUK

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DENTON

§

That Bill Kirk, as the owner of an undivided 50% Fractional Interest in the Property described below and David Kirk, as the owner of an undivided 50% Fractional Interest in the Property described below (collectively, the "**Grantor**"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, and in further consideration of the execution and delivery by Grantee (as defined below) of a promissory note (the "Note"), payable to the order of Pinnacle Bank ("**Lender**") in the principal amount of One Million Six Hundred Fifty Thousand and no/100ths Dollars (\$1,650,000.00), secured by a vendor's lien and additionally secured by a deed of trust executed by Grantee to Ronny D. Korb, as Trustee for the benefit of Lender, covering, among other things, the Property (as defined below), the receipt and sufficiency of which are acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY to LE LADERA, LLC, a Texas limited liability company ("**Grantee**"), whose address is 361 W. Byron Nelson Blvd., Suite 104, Roanoke, TX 76262, the real property in Denton County, Texas composed of the following:

All of that certain tract of real property located in Denton County, Texas, containing 52.579 acres of land, more or less, as more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the "**Land**"), together with all rights of Grantor whatsoever relating to the Land, including (i) any and all rights, titles, powers, privileges, easements, licenses, rights-of-way, and interests of Grantor, either at law or in equity, in possession or in expectancy, in and to any land lying in the streets, highways, roads, alleys, rights-of-way or sidewalks open or proposed, above, over, under, through or adjoining the Land, and in and to any strips or gores of real estate adjoining the Land all of Grantor's right, title and interest in and to privileges, easements, and appurtenances thereto,

including all of Grantor's right, title and interest, if any, in and to any appurtenances thereto and (ii) any improvements situated thereon (hereinafter collectively referred to as the "**Property**").

Notwithstanding anything contained herein to the contrary, Grantor RETAINS and RESERVES from conveyance all oil, gas and other minerals owned by Grantor in, on, and under the Property; provided that Grantor forever releases and waives, on behalf of itself and its successors and assigns, all rights of ingress and egress to enter upon the surface of the Property for purposes of exploring for, developing, drilling, producing, transporting, mining, treating, storing or any other purposes incident to the development or production of the oil, gas and other minerals herein reserved by Grantor (or owned or held by any other persons or entities owned or controlled, directly or indirectly, by Grantor) in, on, and under the Property. Grantor and its contractors, agents and affiliated entities shall have the limited right to enter the subsurface of the Property with a subsurface horizontal or directional wellbore in an effort to explore for and develop oil and gas under the Property, provided that any drilling beneath the surface of the Property shall be at a depth of at least 500 feet beneath the surface of the Property, and any subsurface production shall be at least 2,000 feet beneath the surface of the Property.

This conveyance is made and accepted subject to the exceptions, items and matters described on **Exhibit B** attached hereto, and incorporated herein by reference, to the extent the same are valid and subsisting and affect title to the property conveyed hereby (collectively, the "**Permitted Exceptions**").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, its successors and assigns forever; and Grantor does hereby bind itself and its successors and assigns, to WARRANT and FOREVER DEFEND, subject to the Permitted Exceptions, all and singular the Property unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

EXCEPT AS EXPRESSLY PROVIDED IN THAT CERTAIN CONTRACT FOR SALE OF REAL ESTATE BY AND BETWEEN GRANTOR AND INTEGRITY GROUP, LLC, A TEXAS LIMITED LIABILITY COMPANY, AS PREDECESSOR-IN-INTEREST TO GRANTEE (AS AMENDED, THE "**CONTRACT**"), THE CONVEYANCE OF THE PROPERTY AS PROVIDED FOR HEREIN IS MADE ON AN "AS IS WHERE IS" AND "**WITH ALL FAULTS**" BASIS, AND GRANTEE EXPRESSLY ACKNOWLEDGES THAT, FOR THE CONSIDERATION RECITED HEREIN, EXCEPT FOR THE SPECIAL WARRANTY OF TITLE SET FORTH HEREIN, GRANTOR MAKES NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTY AND SPECIFICALLY DISCLAIMS ANY REPRESENTATION, WARRANTY OR GUARANTY WITH RESPECT TO THE PROPERTY, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY REPRESENTATION OR WARRANTY AS TO THE PROPERTY'S CONDITION, FITNESS FOR A PARTICULAR PURPOSE, QUALITY, FREEDOM FROM DEFECTS OR CONTAMINATION (WHETHER OR NOT DETECTABLE BY INSPECTION), COMPLIANCE WITH ZONING OR OTHER LEGAL REQUIREMENTS, OR AS TO THE AVAILABILITY OR EXISTENCE OF ANY UTILITY OR OTHER GOVERNMENTAL OR

PRIVATE SERVICES, OR AS TO THE AMOUNT OF TAXES ASSESSED TO THE PROPERTY. GRANTEE, ON BEHALF OF ITSELF AND ALL FUTURE OWNERS AND OCCUPANTS OF THE PROPERTY, HEREBY WAIVES AND RELEASES GRANTOR FROM ANY CLAIMS FOR RECOVERY OF COSTS ASSOCIATED WITH CONDUCT OF ANY VOLUNTARY ACTION OR ANY REMEDIAL RESPONSES, CORRECTIVE ACTION OR CLOSURE UNDER ANY APPLICABLE FEDERAL, STATE OR LOCAL ENVIRONMENTAL LAWS.

But it is expressly agreed that the vendor's lien, as well as superior title in and to the Property, is retained against the Property in favor of Grantor, its successors and assigns until the entire principal balance of the Note and any interest are fully paid according to their terms, when this Special Warranty Deed with Vendor's Lien will become absolute. In consideration of the cash payment to Grantor, Grantor assigns, without recourse or warranty, the vendor's lien and superior title to Lender, its successors and assigns, as additional security for payment of the Note to Lender.

EXECUTED TO BE EFFECTIVE as of December 22, 2021.

GRANTOR:

By: Bill Kirk

Bill Kirk, the owner of an undivided 50% Fractional Interest in the Property

By: David Kirk

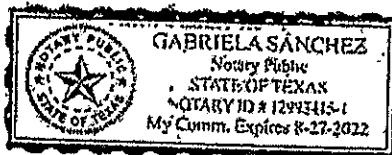
David Kirk, the owner of an undivided 50% Fractional Interest in the Property

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF Midland

This instrument was acknowledged before me, the undersigned authority, on this 22nd day of December, 2021, by Bill Kirk and David Kirk.



Gabriela Sanchez
Notary Public, State of Texas

My Commission Expires: 08-27-22

ACKNOWLEDGMENT

STATE OF TEXAS

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§
§

COUNTY OF

Denton

This instrument was acknowledged before me, the undersigned authority, on this
day of December, 2021, by Bill Kirk

22

Notary Public, State of Texas

My Commission Expires: _____

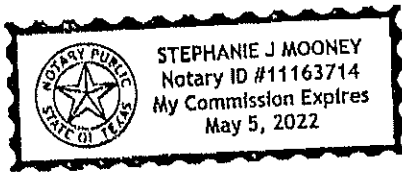


EXHIBIT B

Permitted Exceptions

1. Standby fees, taxes and assessments by any taxing authority for the year 2021, and subsequent years.
2. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
3. Easement created in instrument executed by Tom McDaniel and wife, Pricy L. McDaniel to Texas Power and Light Company, dated April 23, 1955, and recorded in Volume 411, Page 280, Deed Records, Denton County, Texas.
4. Easement created in instrument executed by Tom McDaniel and wife, Pricy L. McDaniel to Texas Power and Light Company, dated August 20, 1956, and recorded in Volume 427, Page 117, Deed Records, Denton County, Texas.
5. Easement created in instrument executed by Tom McDaniel and wife, Pricy L. McDaniel to Texas Power and Light Company, dated May 27, 1963, and recorded in Volume 498, Page 42, Deed Records, Denton County, Texas.
6. Easements executed by Tom McDaniel and Pricy McDaniel to Texas Power & Light Company, filed June 19, 1969, recorded in/under Volume 586, Page 612 and Volume 586, Page 613, of the Real Property Records of Denton County, Texas.
7. Easement created in instrument executed by Tom McDaniel and Pricy McDaniel to Texas Power and Light Company, dated June 25, 1974, and recorded in Volume 717, Page 908, Deed Records, Denton County, Texas.
8. Utilities Easement executed by BKDK, LP, to the Town of Little Elm, dated April 8, 2015, filed May 7, 2015, recorded in/under Clerk's File Number 2015-48647 of the Real Property Records of Denton County, Texas.
9. Water Line Easement executed by BKDK, LP, to the Town of Little Elm, filed February 2, 2017, recorded in/under Clerk's File Number 2017-13472 of the Real Property Records of Denton County, Texas.
10. Sanitary Sewer Easement executed by BKDK, LP, to the Town of Little Elm, filed February 2, 2017, recorded in/under Clerk's File Number 2017-13473 of the Real Property Records of Denton County, Texas.

[Go back](#)

Search Results

Search By

Account Number ▼

Search

300543DEN

Account Type

Real ▼

Pay Status:

Both

Paid

Unpaid

Search

Helpful Hints ▼

1 results found for **300543DEN**

(showing page 1 of 1)

[Select All](#)

ACCOUNT NUMBER

300543DEN

OWNER NAME

LE LADERA LLC

PROPERTY LOCATION

TOTAL DUE

\$0.00

TYPE

 Real

[Select](#)

[Details](#)

Accounts Selected: 0

Total Due: \$0

[Add to Cart](#)

MEMO

Date: April 27, 2023

To: Olga Chernomorets, Managing Director of
Planning Services

From: Wesley Brandon, Assistant Director of
Development Services / Town Engineer



RE: Ladera Subdivision
Subdivision Ordinance Variance Request (Major)

I have reviewed the variance request dated April 18, 2023 regarding the applicant's proposal to utilize alternative paving materials. It is my understanding that the property owner intends to construct portions of the roadways within the development with asphalt paving, rather than concrete paving as required in the Subdivision Ordinance.

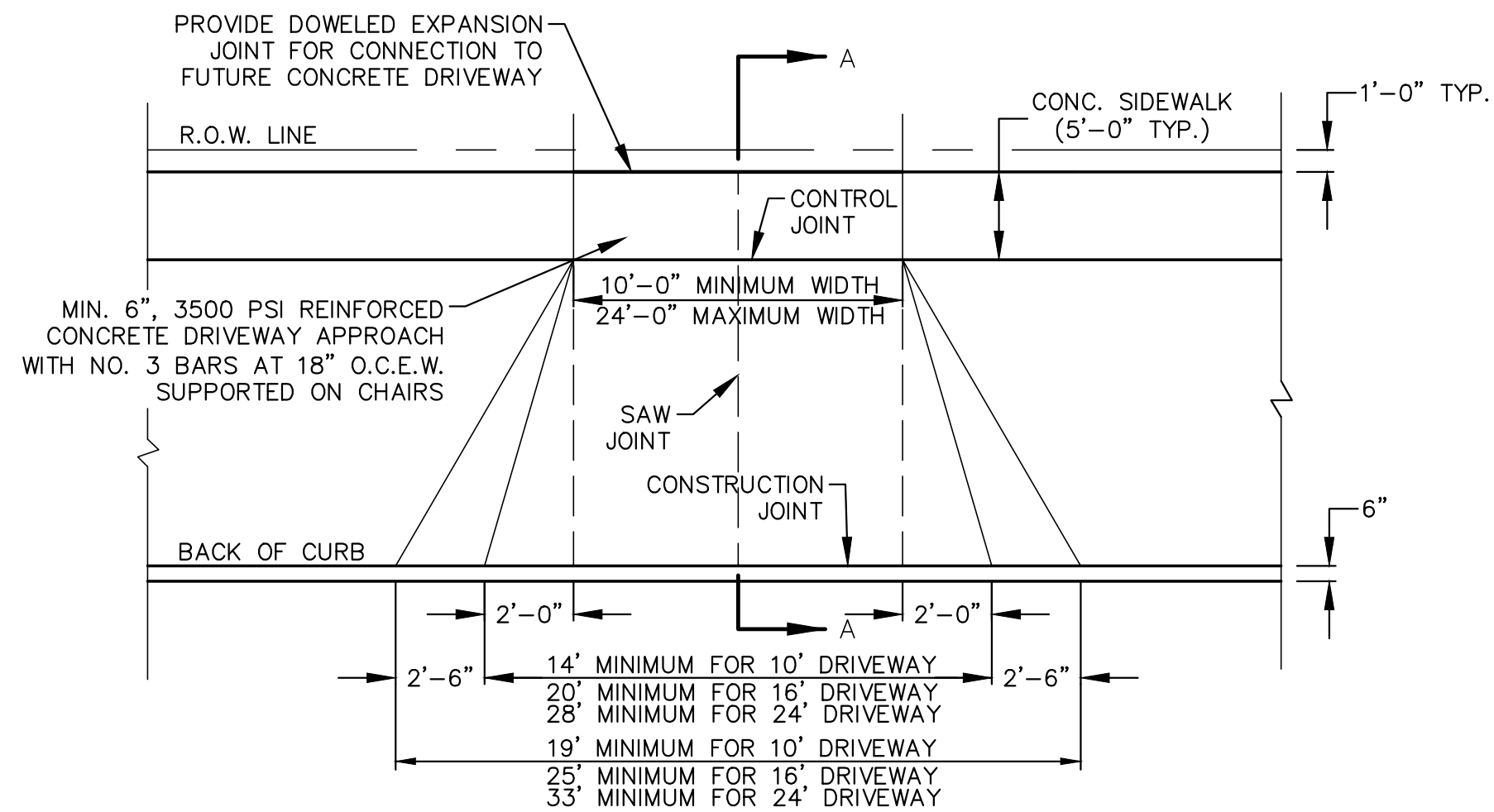
After reviewing the applicant's request and supporting documentation, as well as the Town's Subdivision Ordinance, I cannot recommend approval of the variance request for the following reasons:

1. The application does not provide sufficient information to determine if the proposed asphalt paving materials and cross-section will provide an equivalent level of performance and longevity, as compared to the current standards described in the Subdivision Ordinance.
2. While the proposed streets within the development will be maintained by a homeowner's association established by the developer, the underground water system will be dedicated to the Town of Little Elm. As a result, maintenance procedures for the system will differ from the standard procedures used by the Public Works department at crossing locations.
3. The application appears to describe financial hardship as the primary reason for the requested variance. According to section 107.01.01(a)(3) of the Subdivision Ordinance, pecuniary interests alone shall not be justification for the granting of a variance.

Section 107.10.01 of the Town's Subdivision Ordinance contains information regarding the applicant's option to appeal this decision.

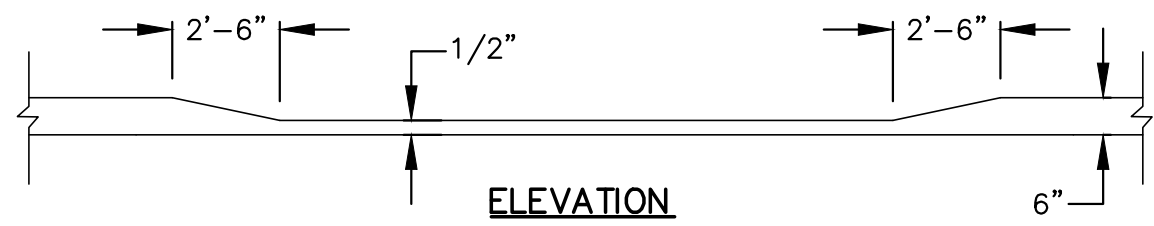
Thanks

Wesley

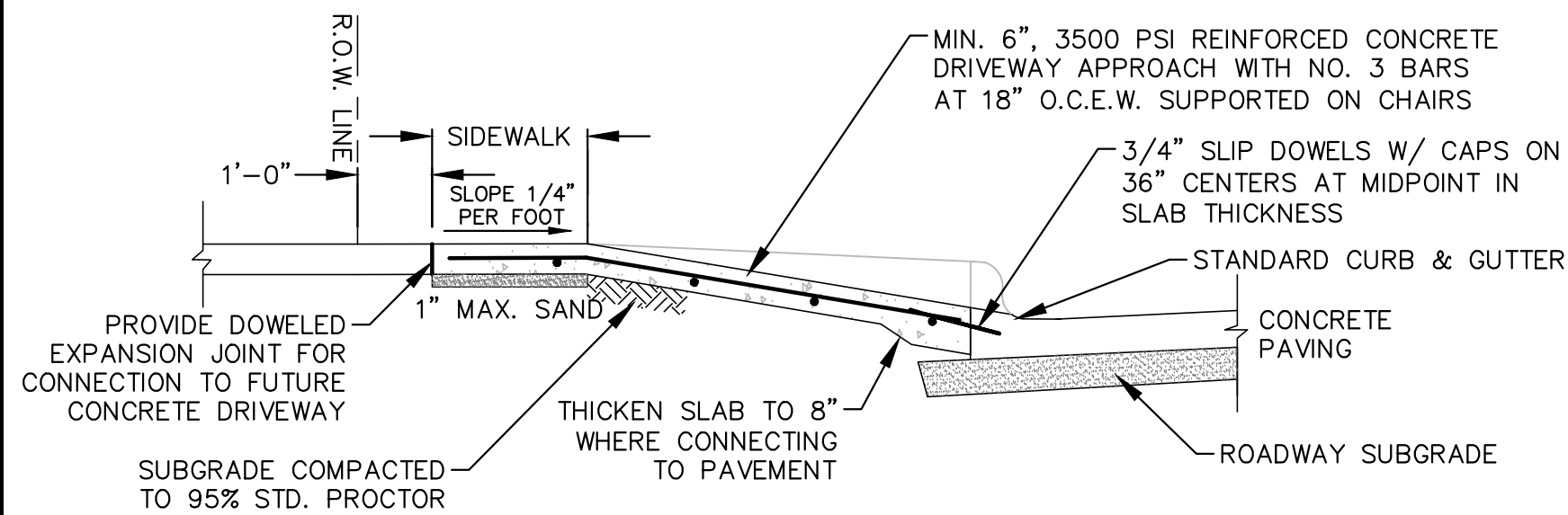


NOTE:
EXISTING CURB AND GUTTER, IF ANY, MUST BE SAWED AS DIRECTED BY THE TOWN ENGINEER. HORIZONTAL CURB CUT SHALL BE MADE AT AN ELEVATION OF 1/2" ABOVE THE EXISTING GUTTER WITH A MINIMUM LENGTH AS SHOWN. THE TRADITIONAL SAW CUT SHALL HAVE A RUN OF 2'-6" AND SHALL RISE TO MEET THE EXISTING TOP OF CURB. ALL EXPOSED EDGES SHALL BE GRIND TO A 1/4" RADIUS. SAW CUTTING SHALL BE PERFORMED WITH A RIDE-ON SAW EQUIPPED WITH A DIAMOND SAW BLADE.

PLAN



ELEVATION

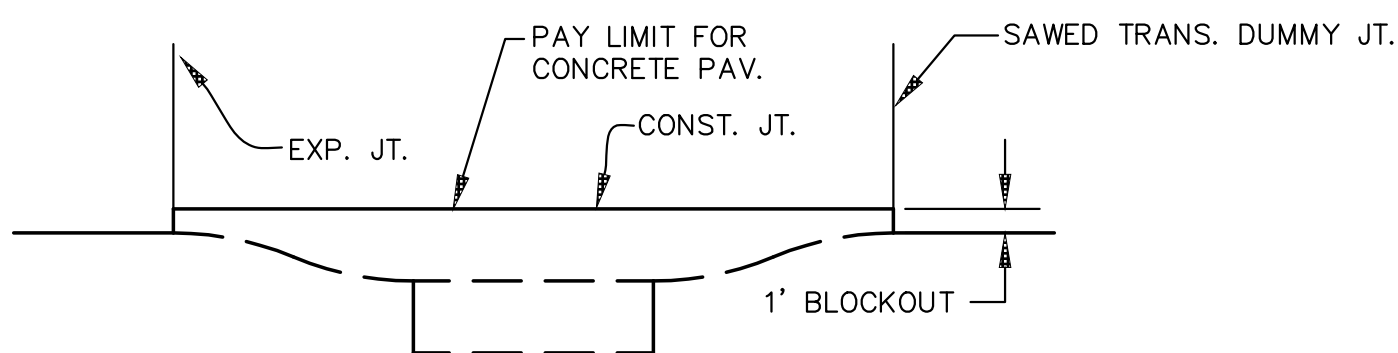


SECTION A-A

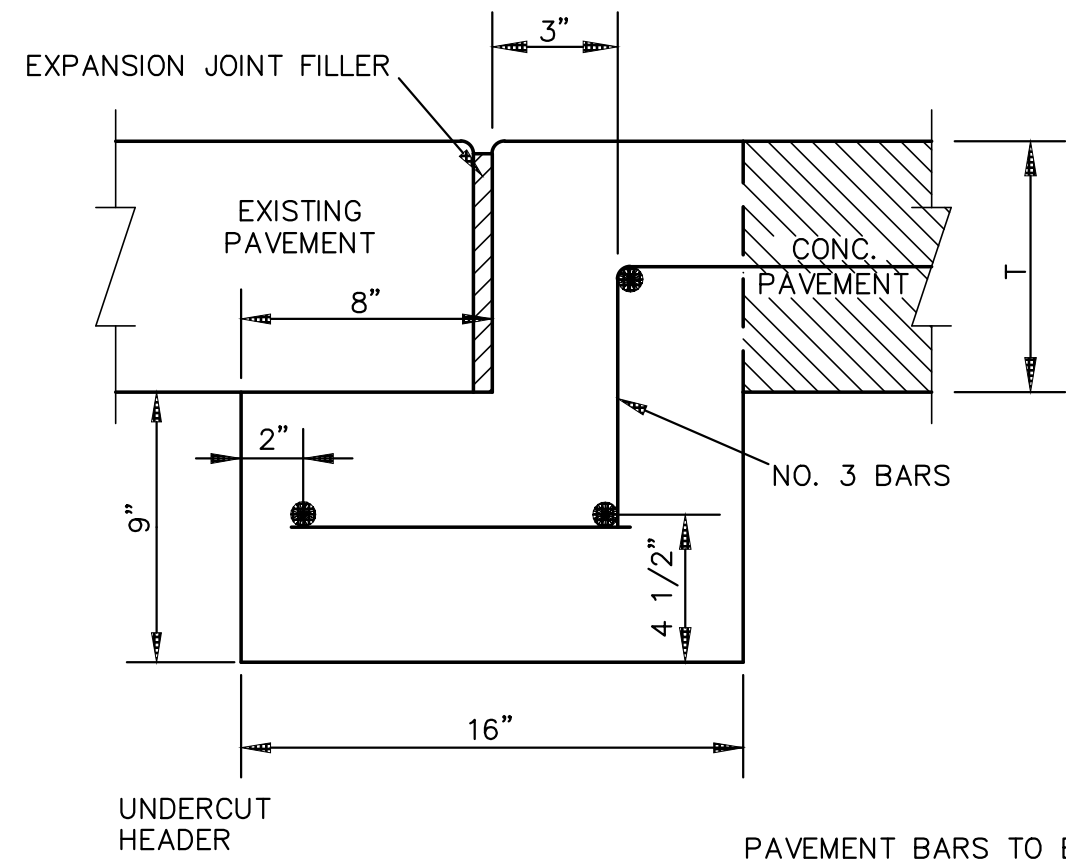
NOTE:

1. SIDEWALK SECTION THROUGH DRIVEWAY SHALL BE POURED SAME THICKNESS AS DRIVEWAY APPROACH. (EXISTING SIDEWALK, IF ANY, SHALL BE REMOVED AND REPLACED)
2. ALL CONCRETE DRIVEWAYS SHALL BE REINFORCED WITH MIN. NO. 3 BARS FROM THE DRIVEWAY APPROACH TO THE HOUSE OR BUILDING.

RESIDENTIAL APPROACH (CONCRETE PAVING)
N.T.S.

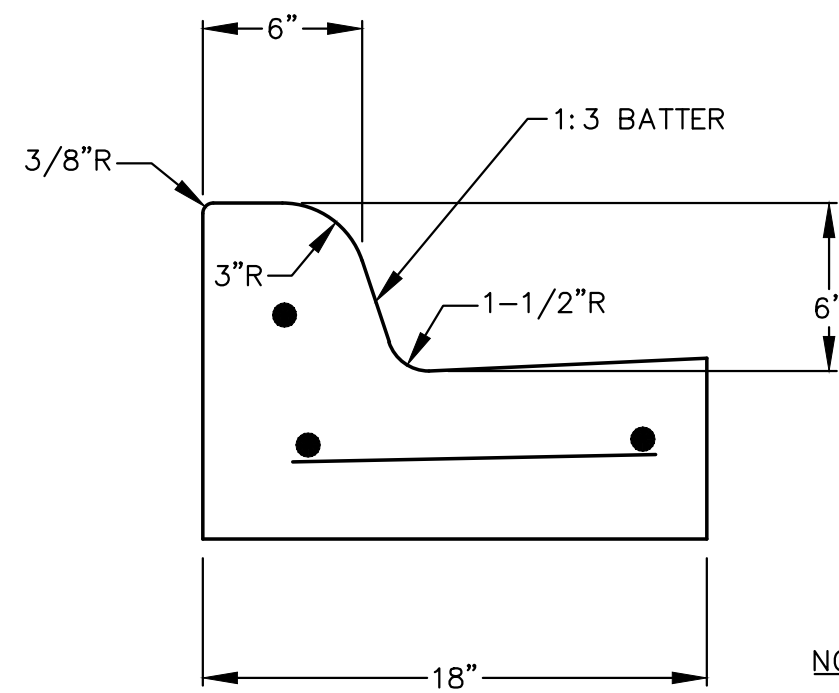


BLOCKOUT FOR RECESSED INLET
N.T.S.



PAVEMENT BARS TO BE BENT DOWN INTO HEADER. HEADER AND PAVEMENT TO BE MONOLITHIC.

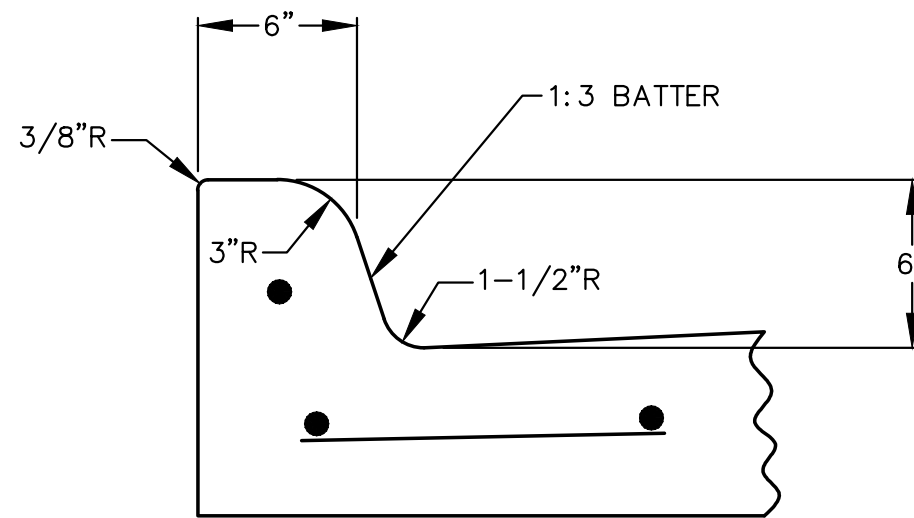
STREET HEADER
N.T.S.



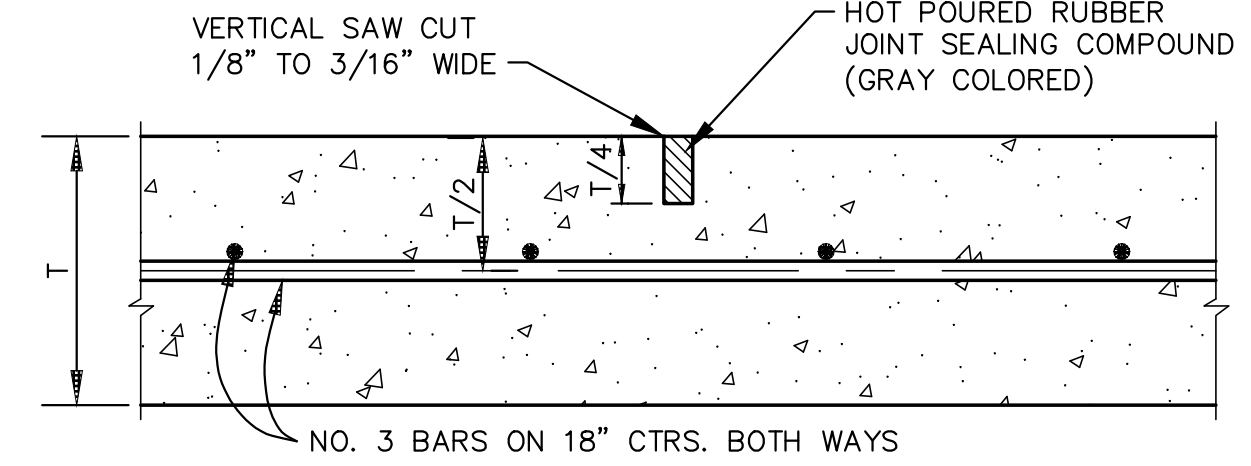
18" CURB & GUTTER
N.T.S.

NOTES:

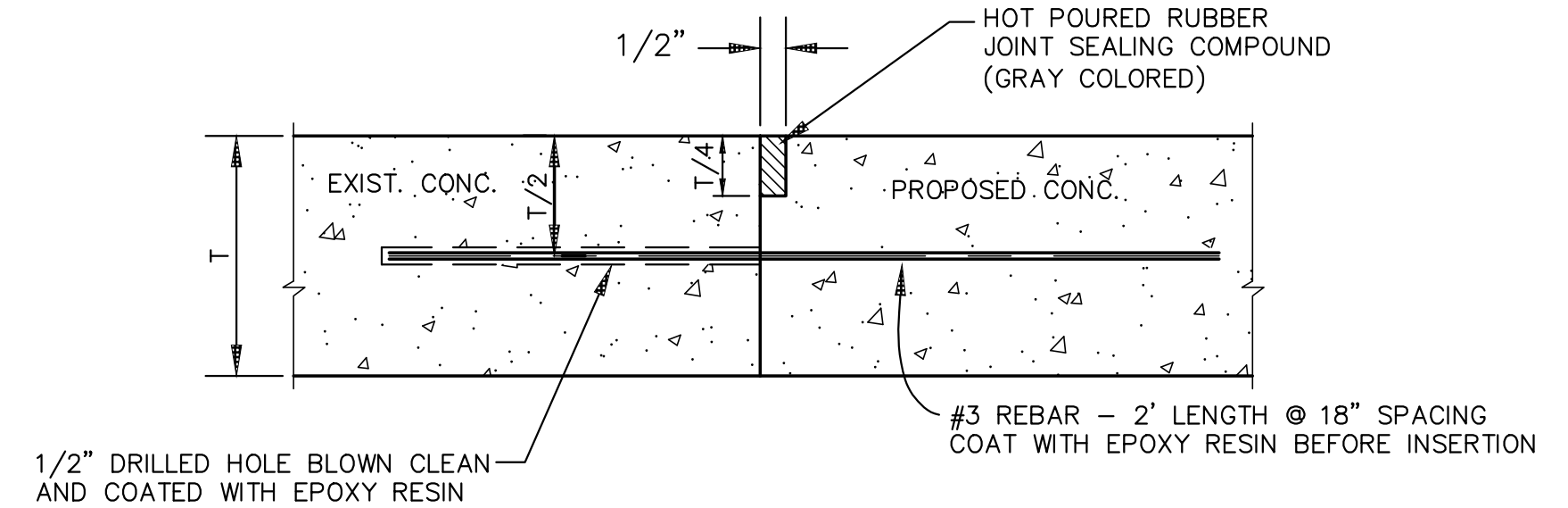
1. INSTALL ANCHOR JT. WHEN CONNECTING TO EXISTING CONC. PAVEMENT. SEE DETAIL THIS SHEET.
2. REINFORCEMENT SHALL BE NO. 4 BARS UNLESS NOTED OTHERWISE.



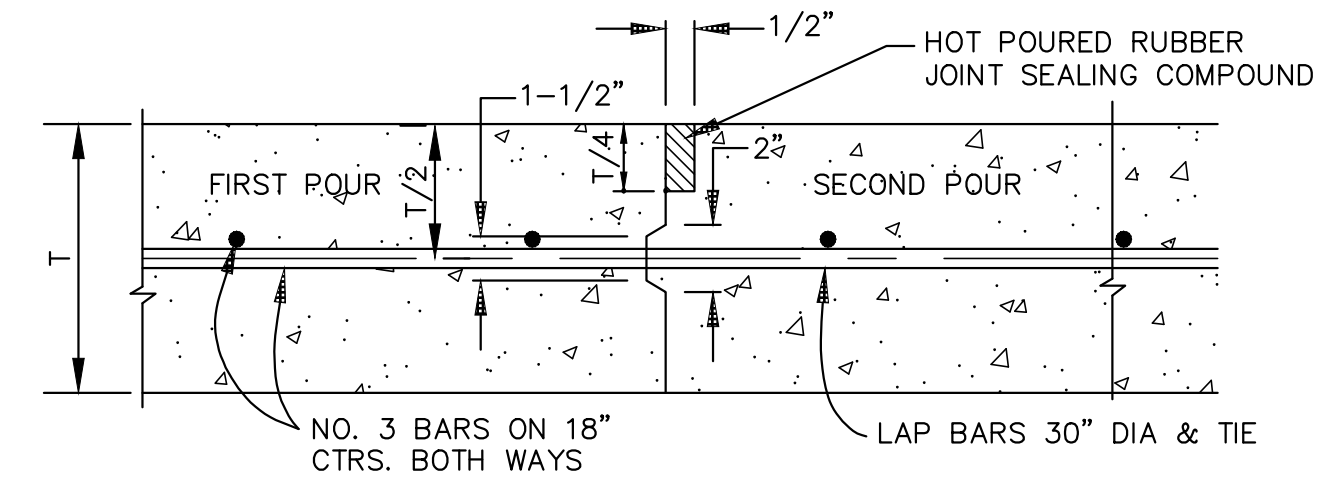
INTEGRAL CURB
N.T.S.



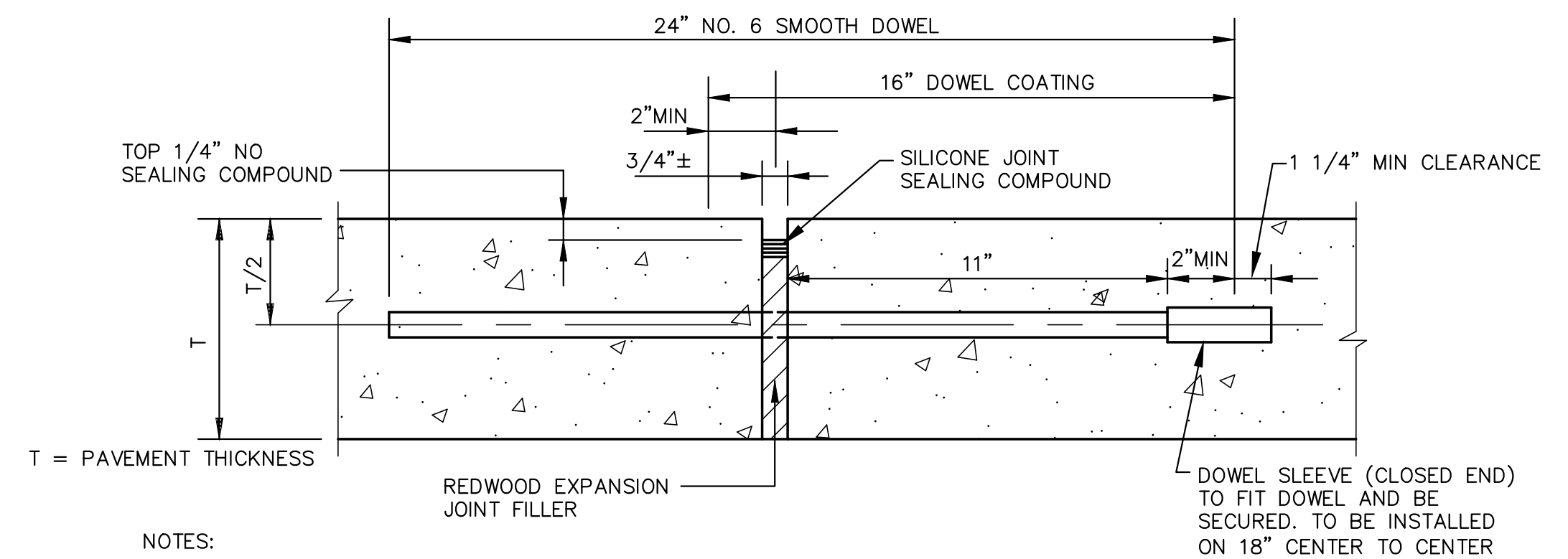
SAWED DUMMY JOINT
N.T.S.



ANCHOR JOINT
N.T.S.



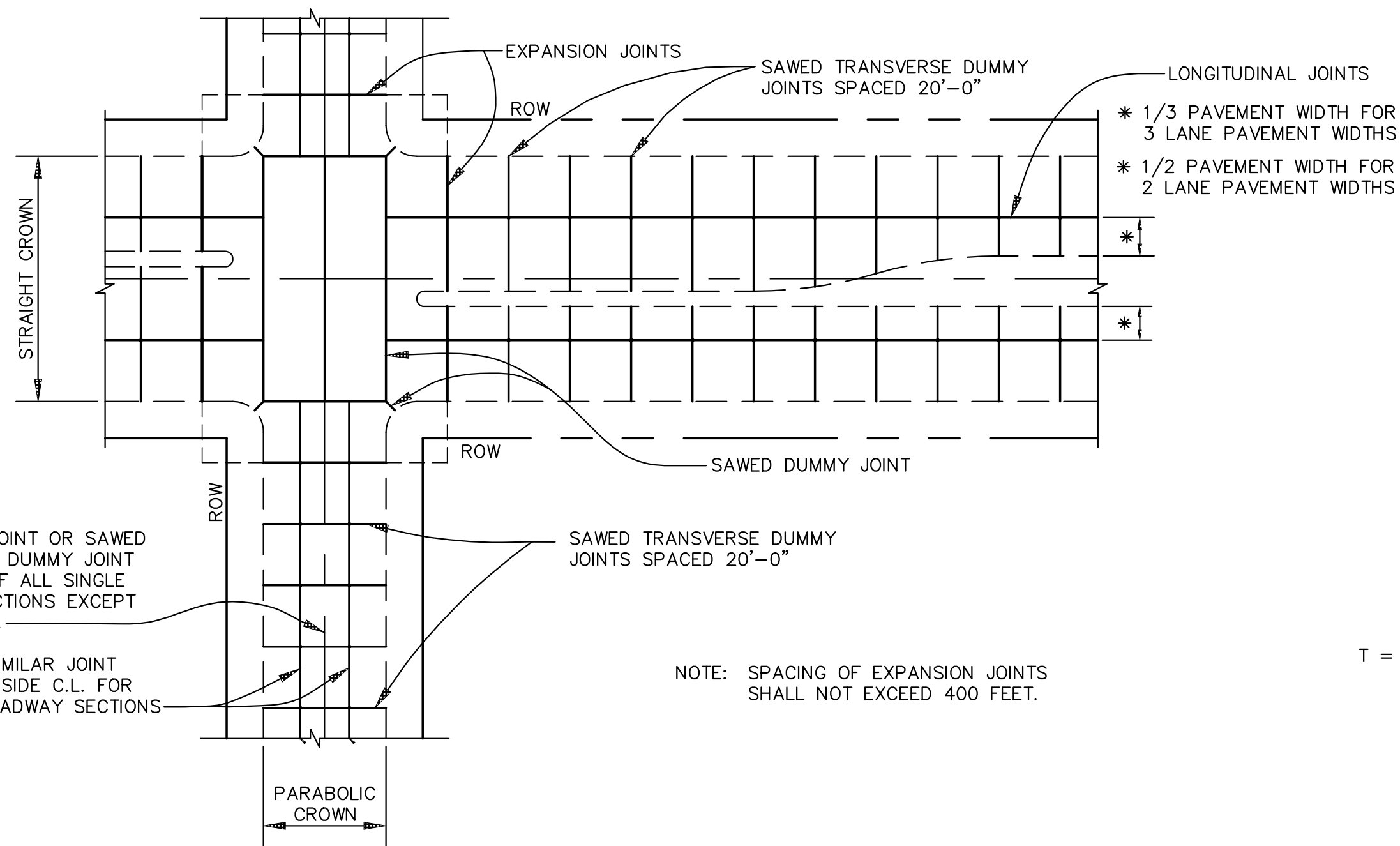
CONSTRUCTION JOINT FOR PAVEMENT
N.T.S.



NOTES:

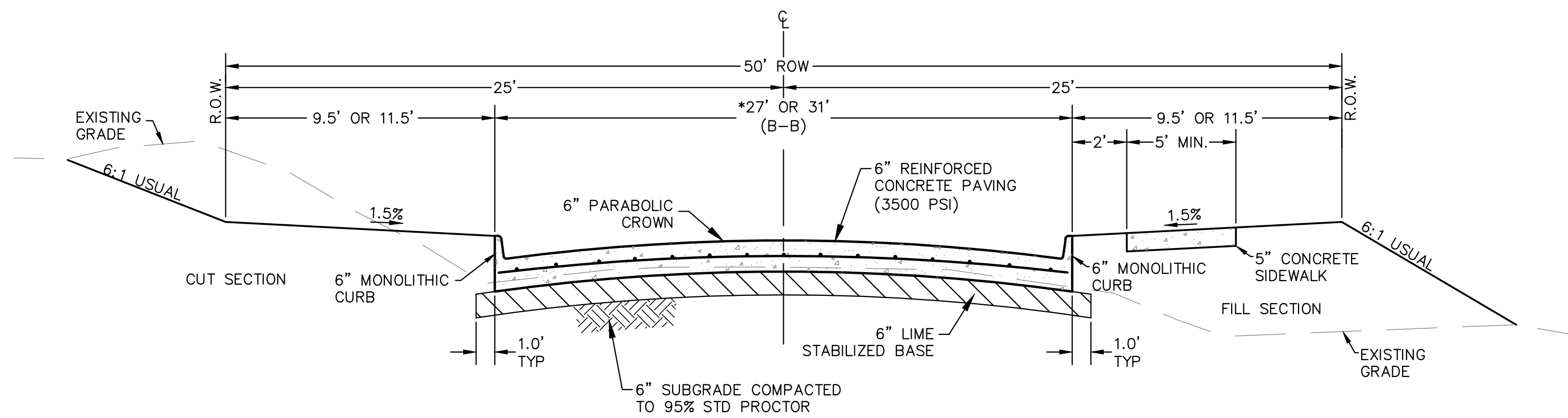
1. DOWELS AND REINFORCING BARS SHALL BE SUPPORTED BY CHAIRS OR OTHER DEVICES APPROVED BY TOWN ENGINEER.
2. JOINTS SHALL BE SPACED AT A MAXIMUM OF 400 FEET, LOCATED AT INTERSECTIONS.

TRANSVERSE EXPANSION JOINT
N.T.S.



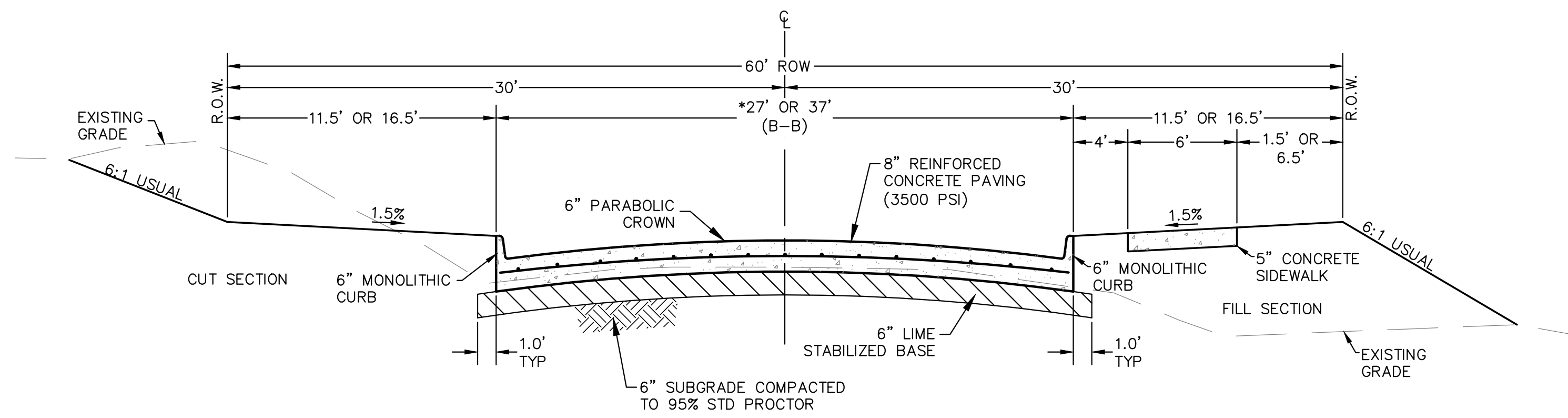
NOTE: SPACING OF EXPANSION JOINTS SHALL NOT EXCEED 400 FEET.

SPACING DIAGRAM FOR TRANSVERSE JOINTS
N.T.S.



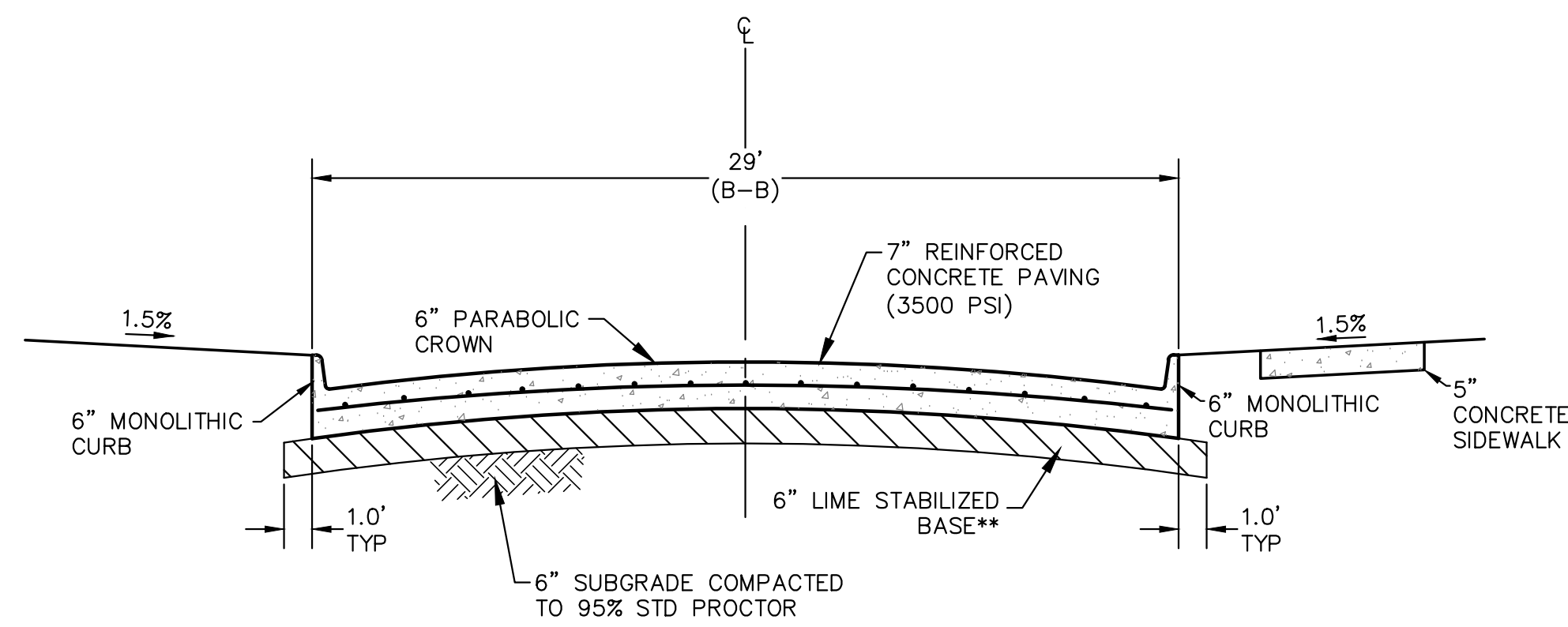
TYPICAL PAVEMENT SECTION
RESIDENTIAL STREET
N.T.S.

* 27' B-B PAVEMENT ONLY PERMITTED WITH
TOWN ENGINEER'S WRITTEN APPROVAL.



TYPICAL PAVEMENT SECTION
COLLECTOR STREET
N.T.S.

* 27' B-B PAVEMENT ONLY PERMITTED WITH
TOWN ENGINEER'S WRITTEN APPROVAL.

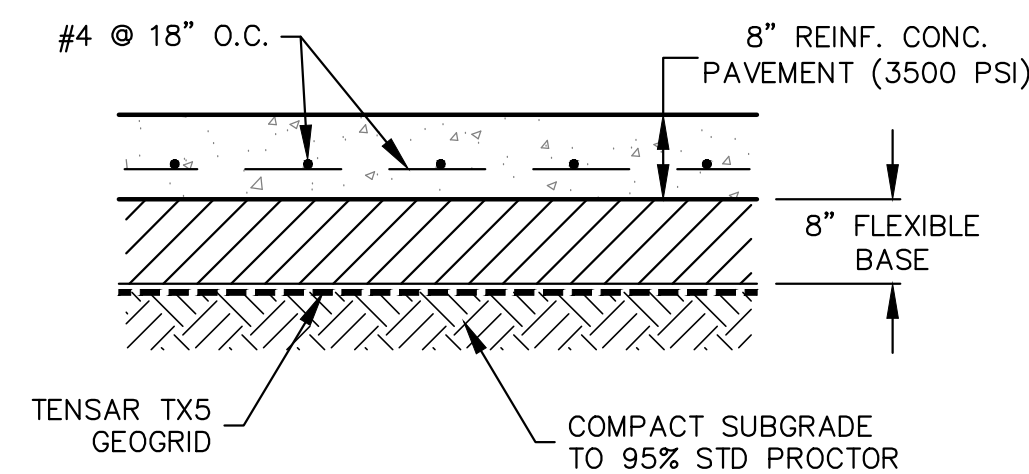


RESIDENTIAL STREET
ALTERNATIVE PAVEMENT SECTION
(29'-0" B-B)
N.T.S.

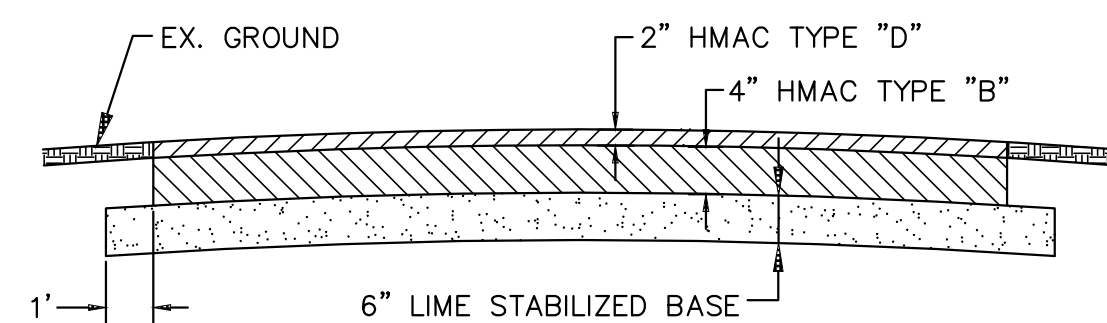
** LIME STABILIZATION MAY BE OMITTED IF 8" THICK
PAVEMENT IS CONSTRUCTED, SURFACE IS EMULSION
SEALED, AND SUBBASE COMPACTED TO 95% STD PROCTOR.

PAVEMENT NOTES:

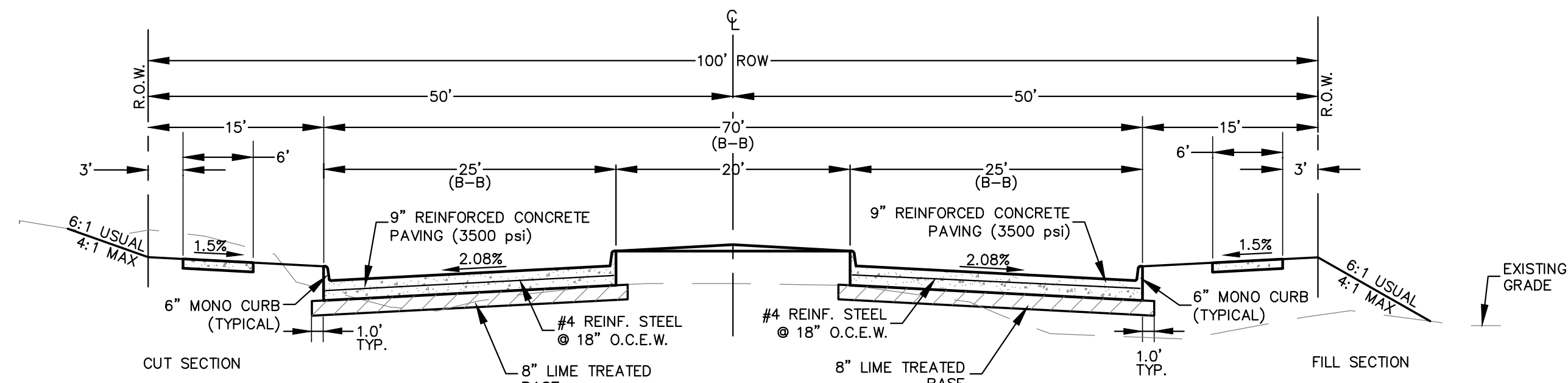
- 3500 PSI MACHINE POUR, 4000 PSI HAND POUR (AT DRIVEWAY APPROACH ONLY), REINFORCED CONCRETE PAVING (5.5 SACK/CY), NO. 4 BARS @ 18" O.C.E.W., WITH 6" MONOLITHIC CURB.
- BAR LAPS SHALL BE 30 BAR DIAMETERS.
- BAR CHAIRS SHALL BE PROVIDED BY CONTRACTOR.
- DO NOT PLACE CONCRETE JOINT WITHIN 2 FEET OF GUTTER LINE AT STREET CONNECTION.
- LIME SHALL BE APPLIED BY PERCENTAGE DRY UNIT WEIGHT OF SOIL TREATED TO A MINIMUM IN PLACE COMPACTED THICKNESS OF SIX (6) INCHES. FOR 6" THICK PAVEMENT, MINIMUM LIME APPLICATION IS 37 LBS/SQ FT; FOR 8" THICK PAVEMENT, MINIMUM LIME APPLICATION IS 54 LBS/SQ FT.
- FORMING OF PAVEMENT:
 - SLIP-FORM: SLIP-FORM PAVEMENT METHOD SHALL BE USED FOR ALL PUBLIC STREETS AND ALLEYS UNLESS OTHERWISE APPROVED BY THE TOWN ENGINEER.
 - HAND FORM: HAND FORMED PAVEMENT METHOD MAY BE USED FOR TURN LANE, DECELERATION LANE, DRIVEWAY APPROACH, OR REPLACING A PANEL OF PUBLIC STREET OR ALLEY.



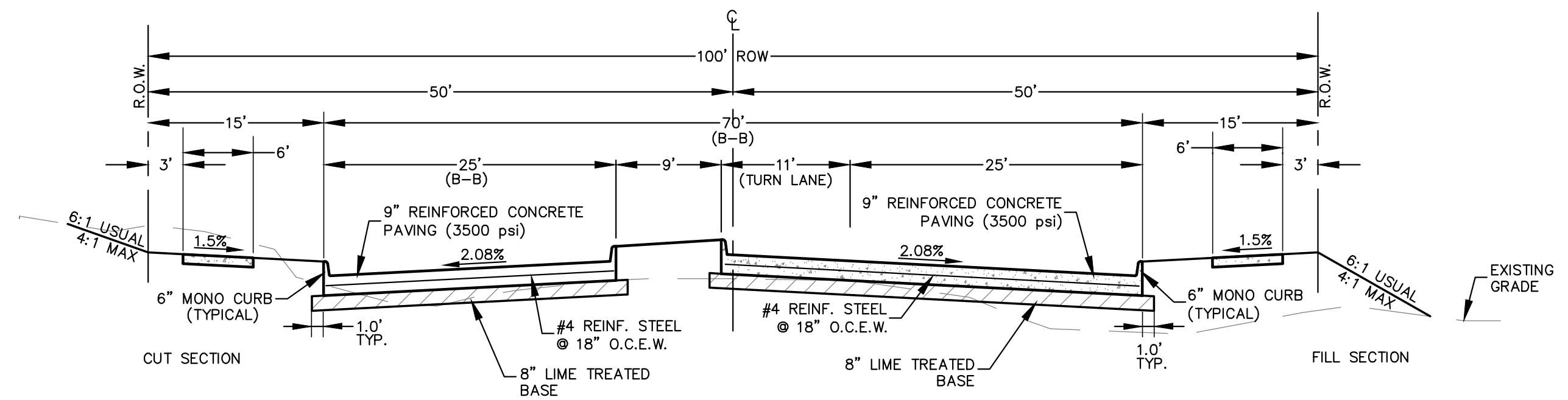
CONCRETE PAVEMENT REPAIR
TYPICAL SECTION
N.T.S.



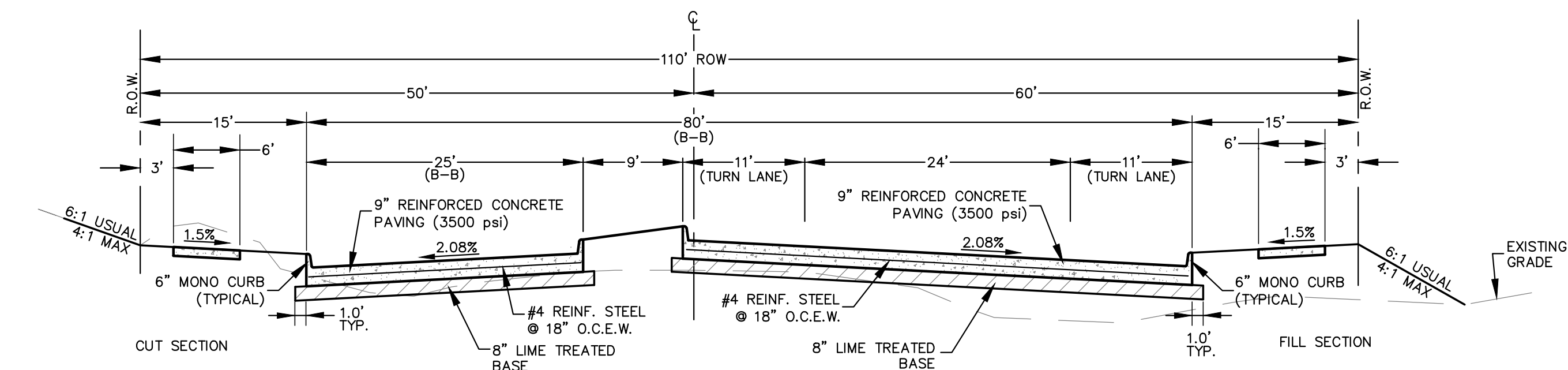
ASPHALT TRANSITION
TYPICAL SECTION
N.T.S.



TYPICAL SECTION

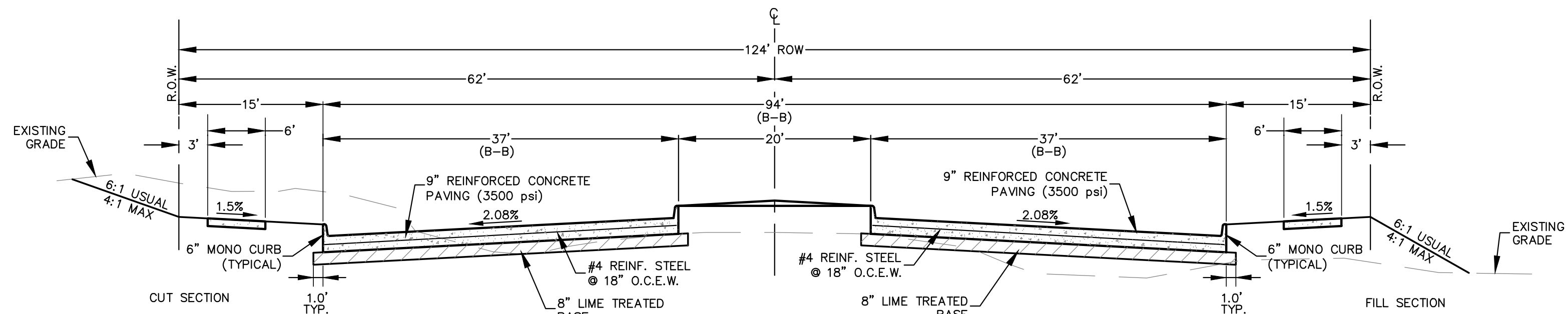


SECTION WITH LEFT
TURN LANE

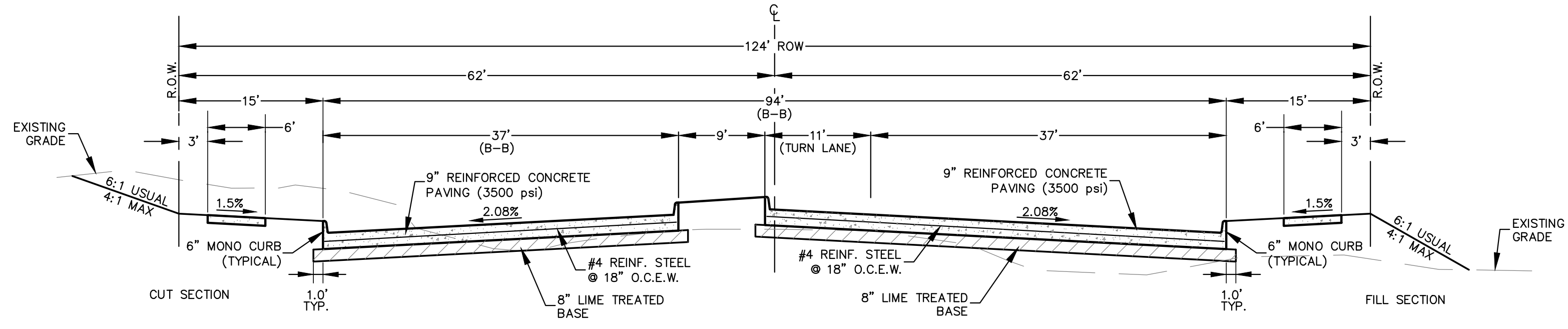


INTERSECTION WITH LEFT
& RIGHT TURN LANES

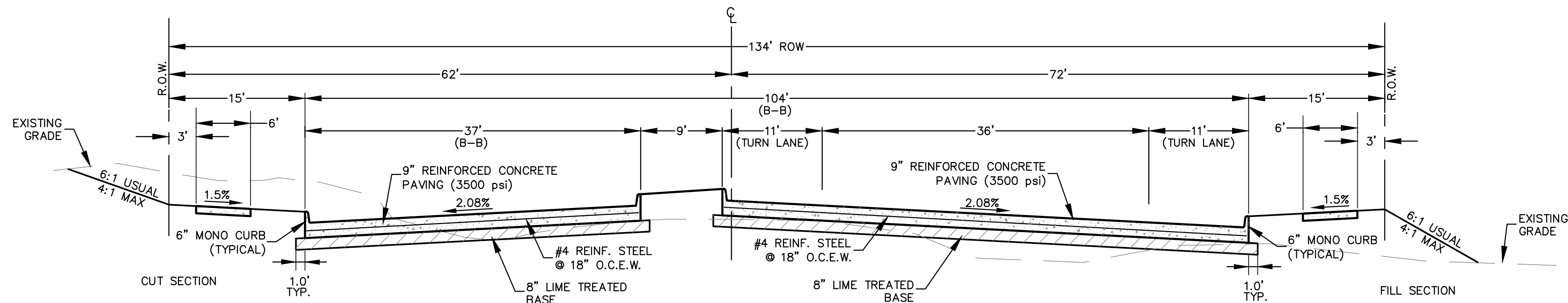
TYPICAL SECTIONS
FOUR-LANE DIVIDED THOROUGHFARE
N.T.S.



TYPICAL SECTION



SECTION WITH LEFT
TURN LANE



INTERSECTION WITH LEFT
& RIGHT TURN LANES

TYPICAL SECTIONS
SIX-LANE DIVIDED THOROUGHFARE
N.T.S.

PAVEMENT NOTES:

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DATE	REVISION	NO.	TRC	DESIGN BY:
			TRC	DRAWN BY:
			TRC	CHECKED BY:
			NONE	SCALE:
				JOB NUMBER:

TOWN OF LITTLE ELM, TEXAS
STANDARD DETAILS
TYPICAL PAVING DETAILS 3 OF 3

