



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

November 2, 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. **5:45 PM Work Session**
2. **6:00 PM Regular Meeting**
3. **Roll Call**
4. **Discuss and take action to select a Chairperson.**
5. **Consent Agenda**
 1. Discuss and take action regarding the approval of the October 19, 2023, Regular Planning and Zoning Commission Meeting Minutes.
 2. FINAL PLAT/ Lake Pointe (FP-23-02563) Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 77.030 acres, situated in the Marsella Jones Survey, Abstract No. 66, T. Rodriguez Survey, Abstract No. 1068, and J.M. Mcneil Survey, Abstract 884, within Little Elm's Town Extraterritorial Limits, in order to establish 222 residential lots, 15 open space lots, and necessary right-of-way and easements necessary for development.
 - Presentation
 - Discussion
 - Consideration
6. **Regular Agenda**

1. PUBLIC HEARING/ Lakeside Shops and Business Park Amendment (PD-23-04008). Public hearing, discussion, and take action on a recommendation regarding a request to rezone approximately five acres of land, currently zoned as Planned Development, based on Light Commercial Standards, through Ordinance No. 1477, generally located 300 feet east of the intersection of Old Highway 24 and Oak Grove Parkway, within Little Elm’s town limits, in order to amend the permitted uses within the Planned Development District.
 - Staff Report
 - Continue Public Hearing
 - Receive Public Comment
 - Close Public Hearing
 - Discussion and Recommendation

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

8. **Adjourn**

Certificate

I certify that the above notice of the Planning & Zoning Commission meeting was posted on the bulletin board of the Town of Little Elm, Texas on October 30th, 2023, prior to 6:00 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.

Brian Salvesen - Senior Planner



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

11/02/2023

OVERVIEW

Project	Discuss and take action to select a Chairperson
P&Z Hearing	11/02/2023
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 to select a Chairperson.

Location

N/A

Planning Analysis

Chairperson Bell has requested to step down from the roll of Chairperson but remain in his roll as P&Z Commissioner. Per Town Code the Commission must have a Chairperson and Vice-Chair in order to do business.

Recommended Action

N/A



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

11/02/2023

OVERVIEW

Project	N/A
P&Z Hearing	11/02/2023
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 October 19, 2023, Regular Planning and Zoning Commission Meeting Minutes.

Location

N/A

Planning Analysis

N/A

Recommended Action

N/A

Attachments

Meeting Minutes 10 19 23

DRAFT



Minutes

Town of Little Elm

PLANNING & ZONING COMMISSION

Regular Meeting

Thursday, OCTOBER 19, 2023 - 7:00 pm

Present: Tom Ocelli, Commissioner; Brent Thibeaux, Commissioner; Robert Martin, Commissioner; Deb Cadet, Alternate Commissioner

Absent: Jack Skinner, Commissioner; Stephen Horn, Commissioner; Michael Bell, Chairman; Ron Trees, Vice-Chair; Chip Norman, Commissioner

Staff Present: Olga Chernomorets, Managing Director of Planning Services
Brian Salvesen, Senior Planner
Citlali Castro, Planner

1. **5:45 PM Work Session**

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

3. **Roll Call**

Motion: Appoint Commissioner Robert Martin as temporary Chair.

Motion by Commissioner Brent Thibeaux, seconded by Commissioner Tom Ocelli

AYE: Commissioner Tom Ocelli, Commissioner Brent Thibeaux, Commissioner Robert Martin, Alternate Commissioner Deb Cadet

4 - 0 Passed - Unanimously

4. **Consent Agenda**

Motion: Approve consent agenda as presented.

Motion by Commissioner Tom Ocelli, seconded by Alternate Commissioner Deb Cadet

AYE: Commissioner Tom Ocelli, Commissioner Brent Thibeaux, Commissioner Robert Martin, Alternate Commissioner Deb Cadet

4 - 0 Passed - Unanimously

1. Discuss and take action regarding the approval of the October 5, 2023, Regular Planning and Zoning Commission Meeting Minutes.

Agenda item approved in consent agenda motion.

2. **FINAL PLAT/ Lake Pointe (FP-23-02563)** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 77.030 acres, situated in the Marsella Jones Survey, Abstract No. 66, T. Rodriguez Survey, Abstract No. 1068, and J.M. Mcneil Survey, Abstract 884, within Little Elm's Town Extraterritorial Limits, in order to establish 222 residential lots, 15 open space lots, and necessary right-of-way and easements necessary for development.
 - Presentation
 - Discussion
 - Consideration

Applicant's extension request approved in Consent Agenda motion.

5. **Regular Agenda**

1. **PUBLIC HEARING/3573 Pinnacle Bay (RP-23-03501).** Public hearing, discussion, and take action on a recommendation regarding a request for a replat of Block A, Lot 140A, of Sunrise Bay at Lake Lewisville, from one residential lot into two residential lots, Lots 140 and 141, on approximately 2.669 acres of land generally located northwest of the intersection of Pinnacle Bay Drive and Pinnacle Circle, approximately 300 feet west of the eastern terminus of Pinnacle Bay Drive, within Little Elm's town limits.
 - Staff Report
 - Continue Public Comment
 - Close Public Hearing
 - Discussion and Recommendation

Staff presented the agenda item.

Commissioner Martin closed public hearing at 6:03pm.

Motion: Approve the applicants request to withdraw.

Motion by Commissioner Brent Thibeaux, seconded by Commissioner Tom Ocelli

AYE: Commissioner Tom Ocelli, Commissioner Brent Thibeaux, Commissioner Robert Martin, Alternate Commissioner Deb Cadet

4 - 0 Passed - Unanimously

2. **PUBLIC HEARING/ Alta 380 Planned Development Amendment (PD-23-03411).** Public hearing, discussion, and take action on a recommendation regarding a request to rezone approximately 35 acres of land, currently zoned as Planned Development based on Light Commercial and Multifamily District Standards through Ordinance No. 1589, as amended by Ordinance No. 1713, generally located on the northwest corner of US Highway 380 and FM 2931, within Little Elm's town limits, in order to amend the existing concept plan to provide for modifications to the

internal site layout.

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

Staff presented the agenda item.

The applicant was there to answer questions if needed.

Commissioner Cadet had questions regarding the timeline of the project, and potential tenants.

Commissioner Martin asked if the detention pond already existed.

Commissioner Martin opened the public hearing at 6:16pm

The public hearing was closed at 6:16 pm.

Commissioner Ocelli supported the agenda item because of the time that put to get the project to where it is now.

Commissioner Martin also supported the agenda item because the applicant continued to work on the item, even after they were denied and believes it will be great for the Town of Little Elm.

Commissioner Thibeaux supported the agenda item because it is new development in the Town of Little Elm.

Motion: Approve agenda item with the following conditions:

- Interior commercial lots can utilize future multitenant monument signs located on either Lot 7 or Lot 10, of the existing subdivision plat. The proposed signs for all lots will otherwise be required to meet all Town Standards in Chapters 86 and 106.
- Detention/Retention areas along a right-of-way may be amenitized with improvements. A bench, shaded seating structure or pavilion constitutes an improvement. A paved walking path must be provided along one internal side of the pond, connecting to existing sidewalks. Tree planting shall be provided as shown on the Planting Concept Plan. All landscaping within these areas shall be irrigated and shall comply with the Zoning Ordinance, as it exists or may be amended in accordance with the standards in effect at the time of development or requested change.
- Detention/Retention planning and improvements shall be provided at the time of Site Development Permitting of first of the two commercial lots along the northern most boundary, intended for hotel development.
- Modifications to the Concept Site Layout:
 - The Concept Plan attached hereto and incorporated herein by reference, demonstrates locations of the proposed and existing buildings and improvements within the Subject Property. Any amendment to the concept plan approved as a part of the ordinance establishing the Planned Development District is a change in zoning district classification and must follow the same procedures as set forth in Section 106.04.03, except that the Director of Development Services may approve revisions which do not alter the basic relationship of the proposed development and reflect the original intent of this Planned Development District.

Motion by Commissioner Tom Ocelli, seconded by Commissioner Brent Thibeaux

AYE: Commissioner Tom Ocelli, Commissioner Brent Thibeaux, Commissioner Robert Martin, Alternate Commissioner Deb Cadet

4 - 0 Passed - Unanimously

3. **PUBLIC HEARING/ Lakeside Shops and Business Park Amendment (PD-23-04008).** Public hearing, discussion, and take action on a recommendation regarding a request to rezone approximately five acres of land, currently zoned as Planned Development, based on Light Commercial Standards, through Ordinance No. 1477, generally located 300 feet east of the intersection of Old Highway 24 and Oak Grove Parkway, within Little Elm's town limits, in order to amend the permitted uses within the Planned Development District.

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

The applicant's extension request was presented by staff.

Commissioner Martin opened the public hearing at 6:19pm and left it open.

Motion: Approve the applicant's extension request extending the item to the November 2nd, 2023 Regular Planning and Zoning Meeting.

Motion by Commissioner Brent Thibeaux, seconded by Alternate Commissioner Deb Cadet

AYE: Commissioner Tom Ocelli, Commissioner Brent Thibeaux, Commissioner Robert Martin, Alternate Commissioner Deb Cadet

4 - 0 Passed - Unanimously

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

The consideration the request to notify HOAs about subdivision of land in residential areas will be addressed through a workshop discussion at the November 2nd, 2023 meeting.

7. **Adjourn**

Meeting adjourned at 6:23pm.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

11/02/2023

OVERVIEW

Project	FINAL PLAT/ Lake Pointe (FP-23-02563)
P&Z Hearing	11/02/2023
Council Hearing	N/A
Size	Approximately 77.030 acres
Current Zoning	Extraterritorial Jurisdiction
Proposed Use	Residential
Existing Use	Vacant
Future Land Use Plan Designation	Ranchette Residential
Applicant	Kirby Jones, Petit Engineering
Owner	Paloma South LP
Strategic Goal	

Agenda Item

FINAL PLAT/ Lake Pointe (FP-23-02563) Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 77.030 acres, situated in the Marsella Jones Survey, Abstract No. 66, T. Rodriguez Survey, Abstract No. 1068, and J.M. Mcneil Survey, Abstract 884, within Little Elm's Town Extraterritorial Limits, in order to establish 222 residential lots, 15 open space lots, and necessary right-of-way and easements necessary for development.

- Presentation
- Discussion
- Consideration

Location

Generally located on the southwest corner of Izzy Lane and Gammon Road, within Little Elm's Extraterritorial Jurisdiction.

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

Staff recommends approval with the following conditions:

- Hatch any easements that are to be abandoned
- Include Name and Email of preparer
- Include recording information for easement recorded by separate plat before this plat is recorded
- Provide wall maintenance easement (WME) for all walls greater than 4'.
- Clarify or remove text annotated by engineering review.

Attachments

Location Map

Lake Pointe Plat



- Subject Property
- Parcels
- Town Limits
- Town ETJ

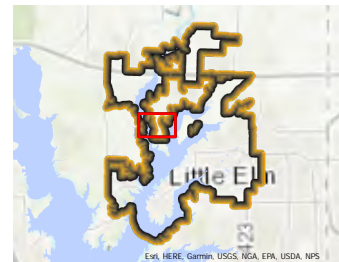
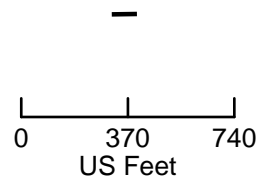
Source: Town of Little Elm,
Aerial Map, Denton County Appraisal
District



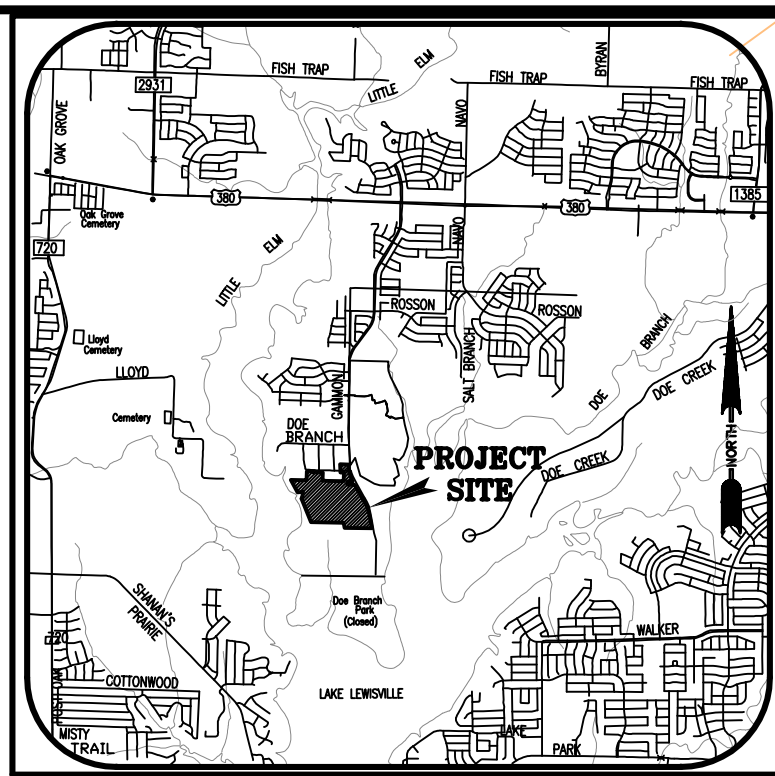
Lake Pointe Subdivision
Little Elm, TX 75068

Town of Little Elm
Denton County, Tx

Date: 10/26/2023



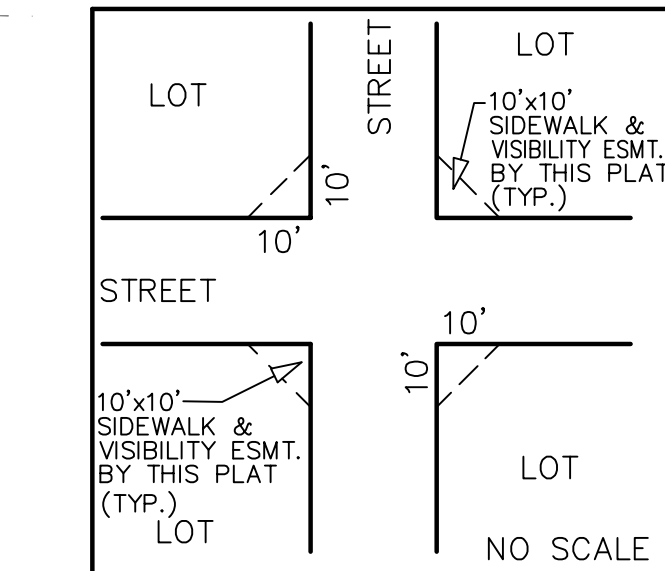
This product is to be used for graphical representation only. The accuracy is not to be taken/used as data produced for engineering purposes or by a Registered Professional Land Surveyor for the State of Texas. For this level of detail, supervision and certification of the produced data by a Registered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



LOCATION MAP

LEGEND

POB	POINT OF BEGINNING
VOL.	VOLUME
PG.	PAGE
CAB.	CABINET
PRDCT	PLAT RECORDS, DENTON COUNTY, TEXAS
RRDCT	REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS
DRDCT	DEED RECORDS, DENTON COUNTY, TEXAS
INST. NO.	MUSTANG SPECIAL UTILITY DISTRICT INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
UE	UTILITY EASEMENT
DE	DRAINAGE EASEMENT
SSE	SANITARY SEWER EASEMENT
WME	WALL MAINTENANCE EASEMENT BY DISTRICT
BL	BUILDING SETBACK LINE
DCFWSD	DENTON COUNTY FRESH WATER SUPPLY DISTRICT
IRF	IRON ROD FOUND
CIRF	5/8-INCH IRON ROD W/ CAP MARKED "PETITT-RPLS 4087" FOUND (UNLESS OTHERWISE NOTED)
CIRS	5/8-INCH IRON ROD W/ CAP MARKED "PETITT-ECD 6134" SET.
R.O.W.	RIGHT-OF-WAY
R (RP)	RADIUS (RADIUS POINT)
E	EASEMENT
COE	4-INCH BRASS DISK STAMPED "CORPS OF ENGINEER U.S. ARMY IN 6-INCH CONCRETE MONUMENT
	DESIGNATES SUBDIVISION BLOCK
	DESIGNATES STREET NAME CHANGE



10'x10' SIDEWALK & VISIBILITY ESMT. AT STREET INTERSECTION (TYPICAL EXCEPT AS SHOWN OTHERWISE)

FINAL PLAT
BLOCK A—LOTS 1,2,4—23,3X,24X,25X
BLOCK B—LOTS 1—36,37X
BLOCK C—LOTS 1—35,36X
BLOCK D—LOTS 1—19,20X
BLOCK E—LOTS 1—29, 30X,31X,32MSUD
BLOCK F—LOTS 1—22,23X
BLOCK G—LOTS 1—22,23X
BLOCK H—LOTS 1—20,21X
BLOCK J—LOTS 1—12,13X
BLOCK K—LOTS 1—4,5X,6X,7X
BLOCK L—LOT 1
LAKE POINTE
77.030 ACRES
213 RESIDENTIAL LOTS — 15 OPEN SPACES
9 LARGE RESIDENTIAL LOTS
STREET RIGHT-OF-WAY — 14.850 ACRES
SITUATED IN THE
DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 8-A
MARSELLA JONES SURVEY, ABSTRACT NO. 662
T. RODRIGUEZ SURVEY, ABSTRACT NO. 1068
J.M. MCNEIL SURVEY, ABSTRACT 884
TOWN OF LITTLE ELM'S ETJ
DENTON COUNTY, TEXAS

PETITT - ECD

CIVIL ENGINEERING SURVEYING CONSTRUCTION ADMINISTRATION
TPELS FIRM REGISTRATION
ENGINEERING FIRM #001145 — SURVEYING FIRM #10194792
1600 N. COLLINS BLVD. SUITE 300 DALLAS, TEXAS 75231
PHONE (214) 385-4100
KYLE@TEXASDRC.COM

DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 8-A
CONTACT:
CHRISTOPHER JORDAN
3100 MCKINNON ST., STE. 1100
DALLAS, TEXAS 75201
PHONE (214) 981-9090

RPLS OF RECORD: MARK WHITKANACK
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6134

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF DENTON §

I (we), the undersigned, owner(s) of the land shown on this plat within the area described by metes and bounds as follows:

That certain tract of land situated in the J.M. McNEIL SURVEY, ABSTRACT No. 884, the MARSELLA JONES SURVEY, ABSTRACT No. 662, and the L. RODRIGUEZ SURVEY, ABSTRACT No. 1068, in Denton County, Texas, and being all of a called 58,236 acre tract of land described in Special Warranty Deed to Paloma South LP recorded in Instrument Number 2021-79138, of the Deed Records of Denton County, Texas (DRDCT), and all of a called 3.133 acre tract of land described in Special Warranty Deed to Paloma South LP recorded in Instrument Number 2021-79139 DRDCT, and all of a called 15,661 acre tract of land described in Special Warranty Deed to Paloma South LP recorded in Instrument Number 2021-79140 DRDCT, and being more particularly described as follows: BEGINNING at a Corps of Engineers concrete monument with a brass disc stamped "907-2-1" being the most easterly northeast corner of said Paloma South 58.236 acre tract and being in the west line of Gammon Road (an undedicated road) and being an angle point in that certain tract of land designated a K-907-2 described in deed to the United States of America recorded in Volume 390, Page 328, DRDCT save and except a called 8.2 acre tract designated as Parcel No. 3 described to H.E. and Annie D. Thompson in Quit Claim Deed from the United States of America recorded in Volume 486, Page 137, DRDCT;

THENCE with the common line of said United States of America tract and said Paloma South tract the following courses:

South 30°12'15" East, a distance of 518.44 feet to a Corps of Engineers concrete monument with a brass disc stamped "907-2-2" found for the south corner of said 8.2 acre tract;

South 67°11'46" East, a distance of 56.50 feet to a broken Corps of Engineers concrete monument found for the north corner of a called 5.5 acre tract designated as Parcel No. 4 described to H.E. and Annie D. Thompson in Quit Claim Deed from the United States of America recorded in Volume 486, Page 137, DRDCT;

South 27°05'28" West, a distance of 41.00 feet to a Corps of Engineers concrete monument with a brass disc stamped "907-2-4" found for corner;

South 29°50'57" East, a distance of 261.66 feet to a Corps of Engineers concrete monument with a brass disc stamped "907-2-5" found for corner;

South 14°37'51" East, a distance of 260.97 feet to a Corps of Engineers concrete monument with a brass disc stamped "907-2-6" found for corner;

South 11°13'56" East, a distance of 483.03 feet to a 5/8-inch iron rod found for the southeast corner of said Paloma South tract also being the northeast corner of a called 20.275 acre tract of land designated as Tract I and described in Warranty Deed to Muse Family Enterprises, LTD. recorded in Document Number 2010-127505, DRDCT;

THENCE departing said common line with the common line of said Paloma South tract and said Muse tract the following courses:

North 89°04'29" West, a distance of 916.55 feet to a 5/8-inch iron rod found for corner;

North 11°20'52" West, a distance of 177.64 feet to a 5/8-inch iron rod found for corner;

North 89°04'29" West, a distance of 1094.51 feet to a 5/8-inch iron rod with cap found for the southwest corner of said Paloma South tract and being the northwest corner of said Muse tract and being in the easterly line of that that certain tract of land designated a K-907-1 described in deed to the United States of America recorded in Volume 390, Page 328, DRDCT, save and except a called 3.3 acre tract designated as Parcel No. 2 described to H.E. and Annie D. Thompson in Quit Claim Deed from the United States of America recorded in Volume 468, Page 137, DRDCT;

THENCE departing said common line with the common line of said United States of America tract and said Paloma South tract the following courses:

North 21°14'07" West, a distance of 857.06 feet to a Corps of Engineers concrete monument with a brass disc stamped "907-1-4" found for corner;

North 38°57'13" East, a distance of 59.30 feet to a Corps of Engineers concrete monument with a brass disc stamped "907-1-5" found for the north corner of said 3.3 acre tract;

North 24°16'05" West, a distance of 34.97 feet to a Corps of Engineers concrete monument with a brass disc stamped "907-1-6" found for corner;

North 09°33'18" East, a distance of 149.84 feet to a Corps of Engineers concrete monument with a brass disc stamped "907-1-7" found for the southeast corner of a called 2.9 acre tract designated as Parcel No. 1 described to H.E. and Annie D. Thompson in Quit Claim Deed from the United States of America recorded in Volume 468, Page 137, DRDCT also being an angle point in said Paloma South 15,661 acre tract;

South 81°47'21" West with the said common line, a distance of 185.26 feet to a Corps of Engineers concrete monument with a brass disc stamped "907-1-8" found for the southwest corner of said Paloma South 15,661 acre tract;

North 27°30'04" West, a distance of 482.53 feet to a Corps of Engineers concrete monument with a brass disc stamped "907-1-9" being the most westerly corner of said Paloma South tract;

THENCE with the north line of said Paloma South tract the following courses:

South 88°22'38" East, a distance of 531.43 feet to a 5/8-inch iron rod found for corner from which a 1/2-inch iron rod with cap stamped "KERNS" found bears North 25°59'59" East, a distance of 1.72 feet;

North 01°55'01" East, a distance of 303.45 feet to a 1/2-inch iron rod with an illegible cap found in the approximate center of Izzy Lane (an undedicated roadway);

South 83°35'26" East with the approximate centerline of said Izzy Lane, a distance of 178.05 feet to a 1/2-inch iron rod with an illegible cap found for corner;

South 01°45'21" West, a distance of 34.22 feet to a 5/8-inch iron rod with cap marked "PETITT-RPLS 4087" found for corner;

South 88°26'27" East, a distance of 354.82 feet to a 5/8-inch iron rod with cap marked "PETITT-RPLS 4087" found for corner;

North 01°42'01" East, a distance of 29.92 feet to a 5/8-inch iron rod with cap marked "PETITT-RPLS 4087" found in the approximate centerline of Izzy Drive from which a 1-inch iron pipe found bears North 15°32'20" East, a distance of 0.65 feet;

THENCE South 88°07'11" East, a distance of 178.00 feet to a 5/8-inch iron rod with cap marked "PETITT-RPLS 4087" found for the common corner of said Paloma South tract and a called 1.221 acre tract of land described to Anthony Camiero in General Warranty Deed recorded in Instrument Number 2017-121397, DRDCT from which a 1/2-inch iron rod with cap found bears North 23°39'26" East, a distance of 3.71 feet;

THENCE South 01°42'00" West with the common line of said Paloma South tract and said Camiero tract, a distance of 299.16 feet to a 5/8-inch iron rod with cap marked "PETITT-RPLS 4087" found for corner from which a 1/2-inch iron rod with cap found bears North 38°20'36" West, a distance of 4.50 feet;

THENCE South 88°28'14" East, a distance of 535.20 feet to a 5/8-inch iron rod with cap marked "PETITT-RPLS 4087" found the southwest corner of said Paloma South 3.133 acre tract and being the southeast corner of that certain tract of land described to ACBC Real Estate LLC in Deed Without Warranty recorded in Instrument Number 2016-54941, DRDCT, from which a 1/2-inch iron rod with cap found bears North 06°08'34" West, a distance of 1.23 feet;

THENCE North 01°41'44" East with the common line of said Paloma South tract and said ACBC Real Estate tract, a distance of 297.11 feet to a 5/8-inch iron rod with cap marked "PETITT-RPLS 4087" found for the common corner of said Paloma South tract and said ACBC Real Estate tract and being in the south line of a tract of land described to Kamy Real Property Trust in Special Deed Warranty recorded in Instrument Number 2014-44830, DRDCT;

THENCE North 88°23'04" West with the common line of said Paloma South tract and said Kamy tract, a distance of 95.48 feet to a 5/8-inch iron rod with cap marked "PETITT-RPLS 4087" found for the southwest corner of said 1.72 acre tract;

THENCE South 00°38'42" West with the common line of said Paloma South tract and said Kamy tract, a distance of 276.13 feet to a 1/2-inch iron rod found for the northwest corner of said 1.72 acre tract;

THENCE South 88°00'40" East, a distance of 261.17 feet to a 1/2-inch iron rod found for the northeast corner of said Kamy tract;

THENCE South 05°42'52" East, a distance of 276.48 feet to a 5/8-inch iron rod with cap marked "PETITT-RPLS 4087" found for the southeast corner of said Kamy tract;

THENCE South 20°28'25" East, a distance of 49.51 feet to a 5/8-inch iron rod with cap marked "PETITT-RPLS 4087" found for corner;

THENCE South 1°48'18" West, a distance of 245.51 feet to a Corps of Engineers concrete monument with a brass disc stamped "907-2-16" found for corner;

THENCE South 87°41'39" West, a distance of 80.89 feet to a 1/2-inch iron rod found for corner;

THENCE South 00°41'43" West, a distance of 115.65 feet to a fence post found for corner;

THENCE South 89°33'35" East, a distance of 233.61 feet to the POINT OF BEGINNING, containing 77.030 acres, more or less.

and designated herein as the Subdivision to the Town of Little Elm, Texas, and whose name is subscribed hereto, hereby dedicate to the public use forever by fee simple title, free and clear of all liens and encumbrances, all streets, thoroughfares, alleys, parks, and trails, and to the public use forever easements for sidewalks, storm drainage facilities, roadway, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of the platting ordinances, rules, and regulations thereon shown for the purpose and consideration therein expressed.

Owner: _____

Date: _____

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority in and for Dallas County, Texas, on this day personally appeared , known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she is, and that he/she is authorized to execute the foregoing instrument for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2023.

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
COUNTY OF DALLAS §

I, the undersigned, a Registered Professional Surveyor in the State of Texas, hereby certify that this plat is true and correct, and was prepared from an actual survey of the property made under my supervision on the ground.
"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."

JAMES MARK WHITKANACK
Registered Professional Surveyor 6134

Date: _____

BEFORE ME, the undersigned authority, on this day personally appeared James Mark Whitkanack, 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 stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2023.

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

NOTES:

1. WATER SERVICE TO BE PROVIDED BY DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 8-A

2. UTILITY PROVIDERS:
(1) ELECTRIC & GAS SERVICE: COSERV
7701 SOUTH STEWMONS, CORINTH, TEXAS 75065
PHONE: 1-800-274-4014

(2) TELEPHONE SERVICE: AT&T
3301 RIDGEVIEW DRIVE, PLANO, TEXAS 75025
PHONE: (972) 569-3084

3. SANITARY SEWER TO BE HANDLED BY FACILITIES APPROVED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.

4. THE MAINTENANCE OF PAVING, GRADING AND DRAINAGE IMPROVEMENTS AND/OR EASEMENTS SHOWN ON THIS PLAT IS THE RESPONSIBILITY OF DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 8-A. APPROVAL OF THIS PLAT BY DENTON COUNTY DOES NOT CONSTITUTE ACCEPTANCE OF SAME FOR MAINTENANCE PURPOSES.

5. ALL UTILITY EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON, ARE HEREBY DEDICATED BY THIS PLAT FOR THE EXCLUSIVE USE OF DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 8-A UNLESS OTHERWISE NOTED.

6. SUBJECT PROPERTY LIES WITHIN ZONE X (UN-SHADED AREA), DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", ZONE X (SHADED), DEFINED AS "AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD; AND ZONE AE, DEFINED AS "BASE FLOOD ELEVATIONS DETERMINED" ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR DENTON COUNTY, TEXAS AND INCORPORATED AREAS - NUMBER 48121C0405G, REVISION DATE APRIL 18, 2011. FLOODPLAIN LINES SHOWN HEREON ARE GRAPHICALLY PLOTTED ACCORDING TO THIS MAP. 537 CONTOUR SHOWN PLOTTED HEREON IS AS SURVEYED ON THE GROUND.

7. SUBDIVISION PROPERTY CORNERS ARE 5/8-INCH IRON RODS WITH CAPS MARKED "PETITT-RPLS 4087" FOUND OR "PETITT-ECD 6134" SET, UNLESS NOTED OTHERWISE. LOT CORNERS ARE 5/8-INCH IRON RODS WITH CAP MARKED "PETITT-ECD 6134" SET OR AN "X" OUT SET IN CONCRETE. WHEN A FENCE OR RETAINING WALL HAS BEEN PLACED AT THE REAR LOT CORNER, A 5/8-INCH IRON ROD MAY BE SET FIVE FEET (5') FROM THE REAR LOT CORNER ALONG THE SIDE LOT LINE.

8. PROPOSED SITE IS WITHIN THE EXTRA TERRITORIAL JURISDICTION OF THE TOWN OF LITTLE ELM.

9. THIS PROPERTY MAY BE SUBJECT TO CHARGES RELATED TO IMPACT FEES AND THE APPLICANT SHOULD CONTACT THE TOWN REGARDING ANY APPLICABLE FEES DUE.

10. 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.

11. THIS PLAT DOES NOT ALTER OR REMOVE EXISTING DEED RESTRICTIONS, IF ANY, ON THIS PROPERTY.

12. THE BEARINGS SHOWN AND RECITED HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983 - NORTH CENTRAL ZONE NO. 4202-NAD 83 (2011). ALL DISTANCES ARE SURFACE DISTANCES WITH A SURFACE TO GRID FACTOR OF 0.999849393.

13. ALL LOTS DESIGNATED AS COMMON AREAS WILL BE OWNED AND MAINTAINED BY THE HOA.

14. MINIMUM FINISHED FLOOR ELEVATIONS ARE AT LEAST 2 FEET ABOVE THE 100 YEAR FLOOD PLAIN.

15. ALL LOTS COMPLY WITH THE MINIMUM SIZE REQUIREMENTS OF THE ZONING DISTRICT.

16. PLAT AND DEED CALLS SHOWN RECITED HEREON ARE REFERENCED TO PREVIOUSLY FILED RECORDED PLATS AND DEEDS FOR SUBJECT AND ADJOINING PROPERTIES.

17. THE MAINTENANCE OF RETAINING WALLS WITHIN OPEN SPACE LOTS AND WITHIN WALL MAINTENANCE EASEMENTS ON RESIDENTIAL LOTS AS SHOWN ON THIS PLAT IS THE RESPONSIBILITY OF DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 8-A.

18. PROPOSED DENSITY IS 2.88 LOTS/ACRE.

CERTIFICATE OF FINAL PLAT APPROVAL

Approved _____

Town Official _____ Date _____
Town of Little Elm, Texas

The undersigned, the Town Secretary of the Town of Little Elm, Texas, hereby certifies that the foregoing Final Plat of the LAKE POINTE Addition to the Town of Little Elm was submitted to the Planning and Zoning Commission on the _____ day of _____, 2023, and the Commission, by formal action, then and there accepted the Final Plat and hereby authorizes the developer to proceed with the construction of public works improvements and infrastructure as indicated on the accompanying construction plans, and said Commission further authorizes Town Officials to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness by hand this _____ day of _____, 2023.

Town Secretary
Town of Little Elm, Texas

REVIEWED AND APPROVED ON _____, 2023.

DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 8-A

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°36'26"E	2.06'
L2	N00°05'41"E	49.13'
L3	S20°28'25"E	17.07'
L4	S15°55'46"E	11.77'
L5	S11°49'24"E	6.85'
L6	N69°24'05"E	1.66'
L7	N89°24'05"E	1.66'
L8	S14°33'32"E	8.43'
L9	S89°05'49"E	4.50'
L10	N78°39'08"E	8.80'
L11	N89°04'29"W	5.12'
L12	S78°39'08"W	8.83'
L13	S38°45'26"E	16.92'
L14	S28°35'12"E	16.82'
L15	S80°22'38"E	20.00'
L16	S52°05'50"E	20.00'
L17	S78°58'30"W	10.10'
L18	S89°05'49"E	7.90'
L19	N60°13'39"E	10.99'
L20	S89°04'29"E	5.12'
L21	S89°05'49"E	11.74'
L22	S01°39'36"W	23.50'
L23	N01°42'00"E	3.57'
L24	S61°43'26"W	10.04'
L25	S61°43'26"W	54.05'
L26	S75°15'11"W	44.08'
L27	N89°42'20"W	41.82'
L28	S37°38'55"E	53.31'
L29	N86°57'51"E	72.81'
L30	N86°57'51"E	59.84'
L31	N86°43'59"E	41.40'

LINE TABLE		
LINE	BEARING	DISTANCE
L32	N78°56'31"E	33.47'
L33	N75°10'31"E	37.95'
L34	N69°11'16"E	69.20'
L35	N68°21'09"E	65.18'
L36	N89°05'52"E	47.22'
L37	N73°35'25"E	56.35'
L38	N70°02'13"E	177.83'
L39	N78°39'08"E	43.83'
L40	N78°39'08"E	54.15'
L41	N72°15'57"E	120.00'
L42	S17°44'03"E	43.27'
L43	S33°46'12"W	39.29'
L44	S72°15'57"W	32.78'
L45	S69°24'05"W	26.77'
L46	N56°19'41"E	53.82'
L47	N72°21'21"E	57.35'
L48	N83°00'29"E	50.15'
L49	N86°26'57"E	50.01'
L50	N76°52'54"E	49.30'
L51	N74°04'14"E	51.09'
L52	S15°55'47"E	30.09'
L53	N64°39'55"E	45.00'
L54	S34°39'08"W	45.00'
L55	S27°35'50"W	3.40'
L56	S12°55'04"W	5.31'
L57	S33°04'45"W	7.33'
L58	S82°23'37"W	11.73'
L59	S37°28'03"W	11.69'
L60	S64°07'18"W	12.28'
L61	S59°36'39"W	23.95'
L62	S71°26'37"W	12.87'

LINE TABLE		
LINE	BEARING	DISTANCE
L63	S46°04'33"W	23.17'
L64	S17°34'56"W	26.29'
L65	S00°22'27"W	32.70'
L66	S17°22'12"E	30.98'
L67	S42°15'35"E	22.81'
L68	N77°18'08"E	4.06'
L69	S27°02'25"E	80.33'
L70	S42°13'22"E	24.18'
L71	S65°37'49"E	18.11'
L72	S55°03'46"E	19.82'
L73	S53°15'16"E	47.94'
L74	S58°42'18"E	51.00'
L75	S74°19'55"E	34.27'
L76	N90°00'00"E	49.00'
L77	N82°22'44"E	16.65'
L78	N63°06'17"E	18.50'
L79	N86°03'15"E	16.29'
L80	S81°29'41"E	49.80'
L81	N86°34'01"E	16.53'
L82	N52°07'12"E	13.73'
L83	N81°56'09"E	5.47'
L84	N63°03'33"E	7.31'
L85	N72°28'01"E	26.12'
L86	N80°11'57"E	18.77'
L87	N67°15'44"E	17.89'
L88	N77°38'34"E	16.64'
L89	S89°13'29"E	16.50'
L90	N84°41'52"E	16.32'
L91	N87°35'59"E	16.51'
L92	S08°37'50"E	17.88'
L93	S88°21'24"E	4.28'

LINE TABLE		
LINE	BEARING	DISTANCE
L94	S16°04'40"W	17.17'
L95	S20°49'06"W	23.77'
L96	S34°13'49"W	12.82'
L97	S50°48'45"W	25.32'
L98	S38°28'40"W	45.11'
L99	S43°38'10"W	10.03'
L100	S71°50'14"W	10.08'
L101	S33°35'09"W	2.73'
L102	S03°42'44"W	15.53'
L103	S76°18'12"W	9.74'
L104	S28°09'07"E	8.83'
L105	S06°22'32"E	25.08'
L106	S25°47'21"W	18.33'
L107	S49°58'48"W	25.66'
L108	S14°51'59"W	22.38'
L109	S68°47'44"W	30.06'
L110	S45°00'00"W	7.08'
L111	S08°42'50"W	18.62'
L112	N08°19'48"E	9.23'
L113	N67°14'01"E	18.53'
L114	N16°28'25"E	6.75'
L115	N48°42'55"W	11.65'
L116	N04°29'37"W	51.68'
L117	N32°42'38"W	25.34'
L118	N07°49'42"W	19.31'
L119	N19°19'02"E	13.48'
L120	N30°48'15"E	19.21'
L121	N54°13'25"E	5.61'
L122	N29°51'32"E	5.07'
L123	N60°08'28"E	5.07'

LINE TABLE		
LINE	BEARING	DISTANCE



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

11/02/2023

OVERVIEW

Project	PUBLIC HEARING/ Lakeside Shops and Business Park Amendment (PD-23-04008)
P&Z Hearing	11/02/2023
Council Hearing	December 5, 2023
Size	Approximately 5 acres
Current Zoning	Light Commercial (LC)
Proposed Use	Planned Development (Light Commercial)
Existing Use	Vacant
Future Land Use Plan Designation	Neighborhood Retail/Commercial
Applicant	Daniel Kelleher, Lakeside Shops and Business Park, LLC
Owner	Daniel Kelleher, Lakeside Shops and Business Park, LLC
Strategic Goal	

Agenda Item

PUBLIC HEARING/ Lakeside Shops and Business Park Amendment (PD-23-04008). Public hearing, discussion, and take action on a recommendation regarding a request to rezone approximately five acres of land, currently zoned as Planned Development, based on Light Commercial Standards, through Ordinance No. 1477, generally located 300 feet east of the intersection of Old Highway 24 and Oak Grove Parkway, within Little Elm's town limits, in order to amend the permitted uses within the Planned Development District.

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

Location

Generally located 300 feet east of the intersection of Old Highway 24 and Oak Grove Parkway, within Little Elm's town limits.

Planning Analysis

Background.

The subject property consists of one commercial lot of approximately 5 acres, currently zoned Planned Development - Light Commercial (PD-LC) through Ordinance No. 1477, which was passed in 2018. The property was initially annexed into the Town in 1971, through Ordinance No. 41. The site currently has four buildings under construction, one light commercial retail building in the front of the property, and three office/warehouse buildings in the rear of the property. The surrounding properties to the east and north are zoned Agricultural, the properties to the south and west are zoned Light Commercial.

The Town's Future Land Use Plan (FLUP) for the area was amended to include the results of the West Side Study. The study was adopted in August 2022, four years after the Planned Development for this site was approved. This site, as well as those properties to the south and west, were designated as Neighborhood Retail/Commercial (NRS) in the updated FLUP, envisioning neighborhood level retail and commercial services. The properties to the north and east were designated Neighborhood in the updated FLUP. In the FLUP at the time the original PD was adopted in 2017, the FLUP had the property designated mixed use, at the time, a mix of uses for retail and office/warehouse was within the FLUP's designation of mixed use.

Planned Development - Light Commercial (PD-LC) Ordinance No. 1477 specifically lists the uses allowed by right. It appears the uses were picked from the Light Commercial column of the use chart, which is atypical from how PD ordinances have been written. More recent PD ordinances state that the newly established PD is to follow the uses and standards of the Light Commercial District unless otherwise listed in the ordinance.

As the property is finishing up construction, the property owner is searching for interested tenants to occupy the new buildings. The most recent interested tenant is a dog daycare, with indoor boarding only, which is typically allowed by right within the Light Commercial district. However, because this PD Ordinance specifically lists out the uses, and this use was not listed, the tenant would not be able to locate on this property. The property owner is concerned that this will result in challenges for the development moving forward.

Proposal.

The applicant is proposing to amend the existing PD to simply state that all uses allowed by right under the Light Commercial District be included as allowed on this property. Given the PD's allowance for an additional modified use of warehouse/office, at limited capacity, with the back buildings being constructed to accommodate such uses, the applicant is also requesting to add a handful of modified uses with this request.

The proposed modified uses are as follow:

Use	Proposal	Town Code for LC	Town Code for LI
Heavy Machinery Showroom and Storage, Indoor Only*	SUP	NP	P
Auto, Boat, Sales/leasing and storage, new and used, Indoor Only*	SUP	NP	P
Restaurant Drive Thru	P	SUP	P
Manufacturing, Light Assembly	SUP	NP	C
Reprographic Shop*	SUP	NP	P

P: Permitted

C: Conditional Use Permit

SUP: Specific Use Permit

NP: Not Permitted

* This use is not verbatim in the Town's use chart. See use descriptions below.

Heavy Machinery Showroom and Storage, Indoor Only

Currently, Section 106.01.14 defines “Heavy machinery sales, **service**, and storage” as a retail or wholesale facility that sells, services and stores heavy machinery such as farm equipment, dredging equipment, paving equipment, etc. This use is permitted in Light Industrial (LI) Districts per the Town’s Use Chart, but it is Not Permitted in LC Districts.

Applicant is proposing “Heavy Machinery Showroom and Storage, Indoor Only,” without the service component, defined as “A retail or wholesale facility that sells and stores heavy machinery such as farm equipment, dredging equipment, paving equipment, etc., without any outdoor storage.”

“Heavy Machinery Showroom and Storage, Indoor Only” would become permitted through SUP approval.

Auto, Boat, Sales/leasing and storage, new and used, Indoor Only*

In the Town’s Use Chart, there is no “indoor only” distinction for auto and boat uses; these uses are broken up into three different categories. “Auto, Boat Sales/leasing new, outdoor display”, is allowed in the LC districts with a SUP and permitted by right in LI districts. “Auto/Boat sales, used, outdoor display” and “Auto/boat/RV storage” are prohibited in LC districts, and Permitted by right in LI Districts. There is no “indoor only” distinction for these uses in the Town’s use chart.

Applicant is proposing “Auto, Boat, Sales/leasing and storage, new and used, Indoor Only” defined as “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.”

“Auto, Boat, Sales/leasing and storage, new and used, Indoor Only” would become permitted through SUP approval.

Restaurant Drive Thru

“Restaurant Drive Thru” is being proposed as permitted by right. Currently, the PD has this use as requiring a SUP but the approved site plan showed a proposed drive-thru. At the time when the original PD was approved, drive-thru uses did not require a SUP in LC districts, but that has since changed. Now any new development plans in LC districts require a SUP.

Manufacturing, Light Assembly

Currently, Section 106.01.14 defines “Manufacturing or industrial uses, light” as: “A facility that involves assembly and fabrication activities and the use of machines, 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 industry may employ lower skilled workers with only moderate training and often employ large numbers of people. 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.”

This use is prohibited in LC districts, and requires a CUP in LI districts.

Applicant is proposing “Manufacturing, Light Assembly” limited to light assembly, to ensure minimal nuisances emanating to the adjacent suites, buildings, or properties, with the following definition:

“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.”

“Manufacturing, Light Assembly” would become permitted through SUP approval.

Reprographic Shop

Currently, Section 106.01.14 defines “Printing plant, reprographic shop” as a “facility for the reproduction of materials or drawings on a job order or bulk basis utilizing lithography, off-set printing, or other printing techniques.” While this definition exists, this specific use is not in the Town’s Use Chart.

Applicant is proposing “Reprographic Shop” to be defined as “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.”

Staff believes the proposed is a middle ground between “Retail Print Shop” which is allowed by right in LC, and “Industrial Print Shop”, which is prohibited in LC districts, and permitted by right in LI districts. “Reprographic Shop” would become permitted through SUP approval.

Site Design.

There are no site design alterations being proposed in this PD amendment.

Subdivision.

There are no Subdivision alterations being proposed in this PD amendment. The properties currently have an approved Plat from the Planning and Zoning Commission, but have not completed their public improvements yet. When the public improvements are complete, Town Staff will be able to sign the plat and release it to the applicant for filing.

Signage.

There are no signage amendments being proposed in this PD amendment.

Fire, Engineering, Building.

There is no site design or building changes in this proposal. Any building plans or site revisions that arise from this PD will still need to go through the site or building permit review process.

Comprehensive Plan.

When the initial PD was approved the intent was to provide an opportunity for a blend of Light Commercial and Light Industrial uses in an office/warehouse environment. The original PD adheres to the growth and employment opportunity goals of the Comprehensive plan by allowing an area for unique businesses to locate in Little Elm and create diverse employment opportunities.

Recommended Action

The intent of the original PD was to provide an opportunity for a blend of Light Commercial and Light Industrial uses in an office/warehouse environment to provide for businesses that need on-site storage in a warehouse-type setting. Staff and the Applicant have worked to refine the proposed uses and their definitions to ensure they are suitable for this particular site and fall within the intent of the original PD.

Staff believes these amendments to the original PD continue to meet the intent of the original PD, the Comprehensive Plan, the Future Land Use Plan, and the recent amendments to the Future Land Use Plan. The safeguards put in place in this amendment both better define the uses allowed in this development and require certain uses obtain SUP to mitigate any potential nuisances. These changes will also ensure the success of this development moving forward by providing a wider variety of suitable long term tenants. In exploring the surrounding areas, there is limited new development of this type of blended commercial/light industry product. This allows the Town to grow in unique ways and diversify its workforce, both goals of the Comprehensive Plan.

Staff generally supports the proposals and recommends the Planning and Zoning Commission review the request based on the intent of the original PD, Comprehensive Plan, and the impact and suitability of the proposed use changes within the context of the existing area and meets the overall vision for the Town.

Attachments

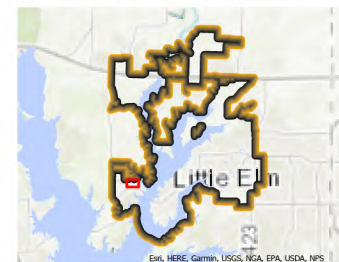
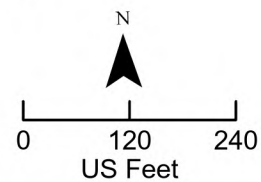
Location Map
Ordinance 1477



Lakeside Shops and Business Park (PD-23-04008) Little Elm, TX 75068

Town of Little Elm
Denton County, Tx

Date: 10/9/2023



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



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.

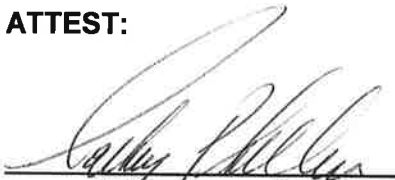
SECTION 7. SEVERABILITY. The sections, paragraphs, sentences, phrases, and words of this Ordinance are severable, and If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid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



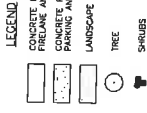
BRONCO COUNTY, TEXAS

10/10/2019



Allison Engineering Group
Powering Communities - Designing the Systems that Serve Them

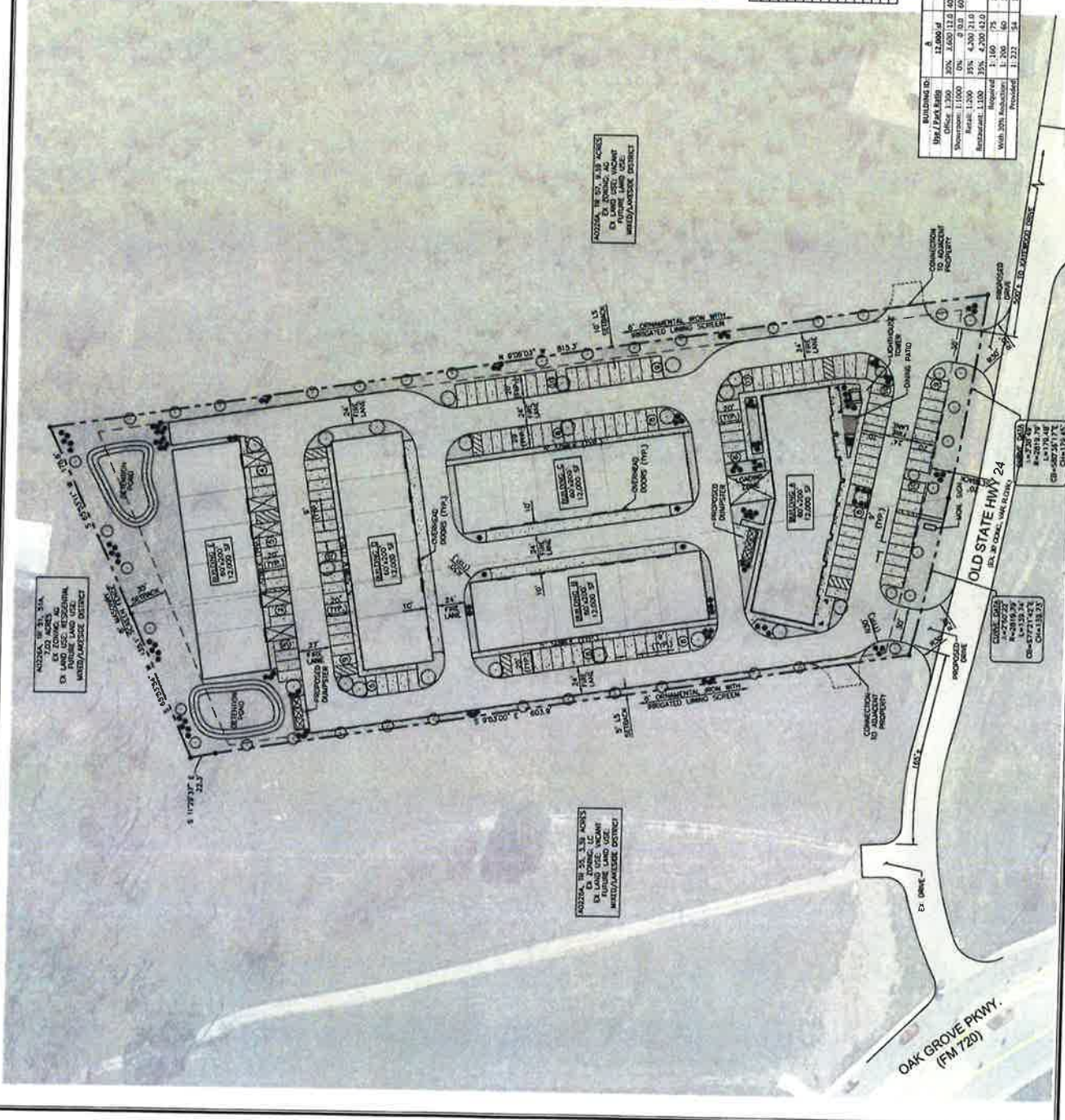
4400 N. 47th Street
Greenwood, FL 33439
(904) 399-4400
Fax (904) 399-4401
Toll Free 1-800-440-4400
E-mail: info@4400.com
Internet: www.4400.com



1. ALL BUILDINGS SHALL BE ONE STORY IN HEIGHT.
2. EXISTING TREES AT BACK OF PROPERTY (NEAR SQ) WILL BE PRESERVED IN POSSIBLE. THE PROPOSED DETENTION POND & SCHEMATIC IN SIZE 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'x23' AND SCREENED PER TOWN OF LITTLE ELM STANDARDS.



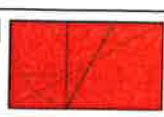
SITE DATA SUMMARY TABLE - 4.09 ACRES		
GENERAL SITE NAME	ASTORIA RM. GOLF, 18 H, 54 & 54A	
EXTENDING NAME		
PROPOSED ZONING	PLANNED DEVELOPMENT-LOW DENSITY	
PROPOSED PROJECT	WANTU/ASTORIA GOLF COURSE	
OWNER NAME	WANTU/ASTORIA GOLF COURSE	
OWNER ADDRESS	111250 N. 11TH AVE., SUITE 200	
OWNER CITY/STATE	SEASIDE, OREGON 97138	
OWNER PHONE	503/600-2500	
OWNER FAX	503/600-2500	
OWNER AGENCY	SEASIDE, OREGON	
PROJECT AREA (SQ. FT.)	23,322 (5.08 AC.)	
PROJECT AREA (AC.)	5.08	
PROJECT AREA (AC.)	1.75	
PROJECT AREA (AC.)	1.40	

[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

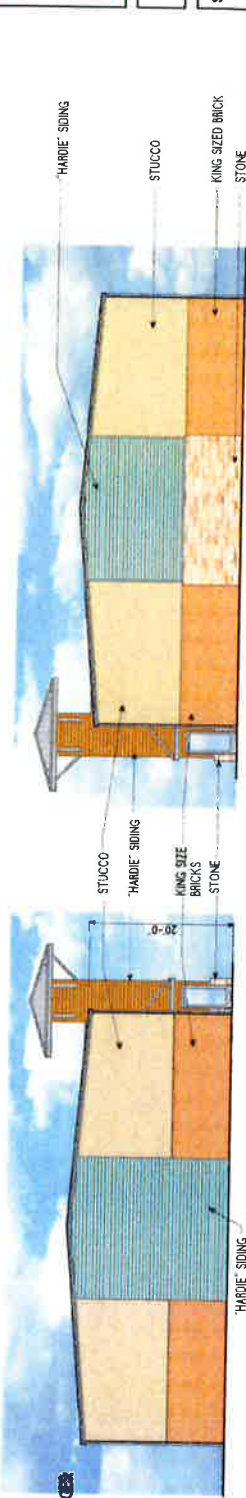


PROJECT NO.
18-229

SHEET **A1**
OF 1



EAST ELEVATION - PRIVATE SIDE



NORTH ELEVATION - PRIVATE SIDE

SOUTH ELEVATION - PUBLIC SIDE

OVERALL PERCENTAGES

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