

**TOWN OF LITTLE ELM  
ORDINANCE NO. 1778**

**AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, BY ESTABLISHING A NEW PLANNED DEVELOPMENT – LIGHT COMMERCIAL (PD-LC) DISTRICT IN ORDER TO ALLOW AN EXISTING OFFICE/WAREHOUSE DEVELOPMENT WITH MODIFIED USES AND STANDARDS ON APPROXIMATELY 8.26 ACRES OF LAND LOCATED AT 15222 KING ROAD; PROVIDING A SAVINGS CLAUSE; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

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

**WHEREAS**, a request for Planned Development-Light Commercial (PD-LC) with modified development standards and uses on approximately 8.26 acres of land, more specifically described in the exhibits attached hereto; and

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

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

**WHEREAS**, at its regular meeting held on August 1, 2024, the Planning & Zoning Commission considered and made recommendations on Case No. PD-24-03961; and

**WHEREAS**, after due deliberations and consideration of the recommendation of the

Planning & Zoning Commission and any other information and materials received at the public hearing, the Town Council of the Town of Little Elm, Texas, has determined that the request is in the interest of public health, safety and welfare of the citizens of the Town of Little Elm.

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

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

**SECTION 2. ZONING AMENDMENT.** That Ordinance No. 226 of the Town of Little Elm, Texas, the same being the Comprehensive Zoning Ordinance of the Town, is hereby amended by establishing a new Planned Development-Light Commercial (PD-LC) district based on Light Commercial (LC) district requirements with modified uses and development standards, on property located at 15222 King Road, within Little Elm's town limits, on approximately 8.26 acres of land more particularly described in **Exhibit A**, and attached hereto, subject to all of the terms and conditions set forth herein, the terms and conditions of the Comprehensive Zoning Ordinance, and all other applicable ordinances, laws, rules, regulations, and standards.

**SECTION 3. CONDITIONS AND REGULATIONS.** The permitted standards shall be in accordance with the Light Commercial (LC) District, and all applicable provisions of Chapter 106 – Zoning Ordinance in general, plus as specified herein:

- a. The Zoning and Land Use Regulations, and all conditions set forth in **Exhibit B** attached hereto and made a part hereof for all purposes shall be adhered to in their entirety for the purposes of this Planned Development. In the event of conflict between the provisions of **Exhibit B** and provisions of any other exhibit, the provisions of **Exhibit B** control.

**SECTION 4. PLANNED DEVELOPMENT MASTER PLAN.** The Concept Plan and related plans, images, and documents approved and described as **Exhibit C** attached hereto and made a part hereof are approved. The subject property shall be improved in accordance with the plans set forth in **Exhibit C**.

- a) If, after two years from the date of approval of the Planned Development Master Plan, no substantial development progress has been made within the PD, then the Planned Development Master Plan shall expire. If the Planned Development Master Plan expires, a new Planned Development Master Plan must be submitted and approved according to the procedures within the Zoning Ordinance, Planned Development Districts. An extension of the two year

expiration shall be granted if a development application for the PD has been submitted and is undergoing the development review process or if the Director of Development Services determines development progress is occurring.

- b) The Planned Development Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accordance with the plan until it is amended by the City Council.
- c) If a change to the Concept Plan, if any, is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development.

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

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

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

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

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

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

**PASSED AND APPROVED** by the Town Council of the Town of Little Elm, Texas on the 3<sup>rd</sup> day of September, 2024.

Town of Little Elm, Texas

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Curtis Cornelious, Mayor

ATTEST:

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Caitlan Biggs, Town Secretary

**Exhibit A**  
Metes and Bounds

# EXHIBIT A

## PROPERTY DESCRIPTION

### PROPERTY DESCRIPTION:

BEING A 8.251 ACRE TRACT OF LAND SITUATED IN THE J.W. KING SURVEY, ABSTRACT NO. 694, IN THE CITY OF LITTLE ELM, DENTON COUNTY, TEXAS, BEING ALL OF THAT SAME TRACT OF LAND DESCRIBED TO BRIGHTON KING LIMITED LIABILITY COMPANY AND KEV KING LIMITED LIABILITY COMPANY BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2007-102319 OFFICIAL PUBLIC RECORDS DENTON COUNTY, TEXAS (O.P.R.D.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS AND DISTANCES ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202) NORTH AMERICAN DATUM OF 1983 (NAD 83)(US FOOT) WITH A COMBINED SCALE FACTOR OF 1.00015063):

BEGINNING AT A 1-INCH PIPE FOUND FOR THE NORTHWEST CORNER OF SAID BRIGHTON TRACT, THE NORTHEAST CORNER OF THAT SAME TRACT OF LAND DESCRIBED TO EDWARD D. CANADA, JR., AND WIFE, LISA A. CANADA BY WARRANTY DEED RECORDED IN VOLUME 4048, PAGE 1017 DEED RECORDS DENTON COUNTY, TEXAS, SAID POINT LYING ON THE SOUTH LINE OF THAT SAME TRACT OF LAND DESCRIBED TO RUBEN GAONA DE LA TORRE, ET AL BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2014-64039 (O.P.R.D.C.T.);

THENCE SOUTH 89 DEGREES 11 MINUTES 51 SECONDS EAST, WITH THE NORTH LINE OF SAID BRIGHTON TRACT AND THE SOUTH LINE OF SAID TORRE TRACT, A DISTANCE OF 117.16 FEET TO A POINT FOR THE SOUTHWEST CORNER OF LOT 31, BLOCK K, KINGS CROSSING PHASE 2 ADDITION, AN ADDITION TO THE CITY OF LITTLE ELM, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET V, PAGE 546 PLAT RECORDS DENTON COUNTY, TEXAS (P.R.D.C.T.), FROM WHICH A 1/2-INCH REBAR FOUND FOR REFERENCE BEARS SOUTH 37 DEGREES 43 MINUTES WEST, 0.5 FEET;

THENCE SOUTH 71 DEGREES 23 MINUTES 07 SECONDS EAST, WITH THE NORTHEAST LINE OF SAID BRIGHTON TRACT AND THE SOUTHWEST LINE OF SAID BLOCK K, PASSING AT A DISTANCE OF 82.68 FEET, A 1/2-INCH REBAR CAPPED "TW BARROW 1994" FOUND FOR THE SOUTH CORNER OF LOT 30 OF SAID BLOCK K AND CONTINUING FOR A TOTAL DISTANCE OF 405.03 FEET TO A 1/2-INCH REBAR CAPPED "ROOME" FOUND FOR THE NORTHEAST CORNER OF SAID BRIGHTON TRACT AND THE NORTHWEST CORNER OF LOT 2, BLOCK A, BREEZEWAY BUSINESS PARK ADDITION, AN ADDITION TO THE CITY OF LITTLE ELM, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NUMBER 2022-54 (P.R.D.C.T.);

THENCE SOUTH 00 DEGREES 05 MINUTES 06 SECONDS EAST, DEPARTING THE SOUTHWEST LINE OF SAID BLOCK K, WITH THE EAST LINE OF SAID BRIGHTON TRACT AND THE WEST LINE OF SAID LOT 2 AND THE WEST LINE OF LOT 1 OF SAID BLOCK A, PASSING AT A DISTANCE OF 596.08 FEET, A 1/2-INCH REBAR FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1 AND CONTINUING FOR A TOTAL DISTANCE OF 646.08 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID BRIGHTON TRACT, SAID POINT LYING ON THE APPROXIMATE CENTERLINE OF KING ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE SOUTH 89 DEGREES 21 MINUTES 15 SECONDS WEST, WITH THE SOUTH LINE OF SAID BRIGHTON TRACT AND THE APPROXIMATE CENTERLINE OF SAID KING ROAD, A DISTANCE OF 486.50 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID BRIGHTON TRACT AND THE SOUTHEAST CORNER OF SAID CANADA TRACT;

THENCE NORTH 01 DEGREES 07 MINUTES 59 SECONDS WEST, DEPARTING THE APPROXIMATE CENTERLINE OF SAID KING ROAD, WITH THE WEST LINE OF SAID BRIGHTON TRACT AND THE EAST LINE OF SAID CANADA TRACT, A DISTANCE OF 782.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.251 ACRES OR 359,406 SQUARE FEET OF LAND, MORE OR LESS.

**Exhibit B**  
PD Standards

## **15222 KING ROAD PLANNED DEVELOPMENT DISTRICT**

This zoning submittal encompasses approximately 8.26 acres of land within the Town of Little Elm, more fully described on the legal description attached as Exhibit A (the "Property"). The planned development ("PD") captures an existing non-conforming commercial development, consisting of 11 office/warehouse buildings, as being allowed. This PD provides the zoning regulations as depicted in Exhibit B. The final layout must generally confirm with Exhibit C.

It is the intent of this PD to primarily follow the Light Commercial (LC) zoning regulations as the base districts, with modified development standards as outlined within Exhibits B and C, therefore amending the existing Town of Little Elm, Texas zoning map. Any conflict between this PD and the Zoning Ordinance shall be resolved in favor of the regulations set forth in the PD, or as may be ascertained through the intent of this PD. As used herein, "Zoning Ordinance" means the comprehensive zoning of the Town of Little Elm, Texas, in effect on the effective date of this Agreement, except otherwise defined in this Agreement. Uses and development regulations specifically modified, designated or included in this PD shall not be subject to amendment after the date of the adoption of this PD (the "Effective Date"), whether through the amendment of the Zoning Ordinance or otherwise, except through an amendment of this PD. Uses and development regulations which otherwise are not specifically modified, designated or included in this PD shall be controlled by the "Zoning Ordinance", as it may be amended, unless context provides to the contrary.

### **PROJECT LOCATION**

The proposed PD is located at 15222 King Road, generally west of the intersection of King Road and Witt Road, within Little Elm's town limits (Exhibit A).

### **CONCEPT PLAN REQUIRED**

The Concept Plan attached hereto as part of Exhibit C, and incorporated herein by reference, demonstrates existing building locations and site layout as permitted under this PD. The Concept Plan also identifies certain tenants and uses that were temporarily allowed to remain until date certain, as specified within the regulations (Exhibit B), as well as the Development Agreement executed between the property owner and the Town on September 5, 2023.

An amendment to a 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 set forth in Section 106.04.03. The Director may approve minor revisions to the Concept Plan which do not alter the basic relationship of the proposed development.

As used herein, "Director" means the Director of Development Services.



## EXHIBIT B

### Development Standards

Except as otherwise set forth in these development standards, the development of this area shall follow the regulation of the Town Little Elm's Zoning Ordinance and the Subdivision Ordinance, as they exist, or may be amended, at the time of development.

#### GENERAL CONDITIONS FOR PD:

##### 1. Base Zoning District

The permitted uses and standards will be in accordance with the Light Commercial District (LC) zoning and the district as defined in the Zoning Ordinance, unless otherwise specified in the PD regulations, or on the Concept Plan.

##### 2. Use Regulations

All permitted uses in the Light Commercial (LC) district shall be allowed with the same provisions and restrictions, including uses permitted by a Specific Use Permit (SUP) and Conditional Use Permit (C), except as noted below:

*Office/warehouse, with no outside storage.* This is defined as a building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas. Also referred to as "flex space." It does not include outside storage.

*Office/showroom, with no outside storage.* This is defined as a building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are examples. Incidental retail sales of products associated with the primary products and/or services are also permitted. Warehousing facilities shall not exceed 50 percent of the total floor area. This designation does not include contractor's shop and storage yard. It does not include outside storage.

*Warehouse/distribution center, with no outside storage.* This is defined as a large facility used primarily for the storage of goods and may include an office incidental to the primary use, or an establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials to retailers, wholesalers, agents, brokers, and/or to industrial, commercial, institutional, or professional business users and may include an office incidental to the primary use. It does not include outside storage.

*Contractor's Shop with no outside storage.* This is defined as a facility for the contractor's office and the storage and maintenance of contractor's supplies and operational equipment, but without outside storage.

*Minor Automotive Services with no outside storage.* This is defined as a daytime retail operation wherein the sale of minor automotive parts and accessories and the installation and sale of window tint, paintless dent repair, car wraps and other similar uses and services. This excludes the outdoor storage of vehicles awaiting or under repair.

*Business Service, with no outside storage.* This is defined as establishments primarily engaged in providing off-site services not elsewhere classified to business enterprises on a fee contract basis. Examples include, but are not limited to, plumbing services, cleaning services, computer/equipment repair services with certain on-site storage needs such as fleet vehicles used to provide off-site services to customers. It does not include outside storage, which means that no fleet or other service vehicles may be parked at the premises unless it is clear that those parked vehicles are associated with the business, are clearly marked, and are parked close to the business.

After September 5, 2023, any new tenant intending to continue any of the above uses, or any existing tenant intending to expand upon or change any existing use, all such new or modified uses must be brought into compliance with all applicable Town codes.

After October 31, 2023, all major automotive uses are prohibited on this property.

*Contractor's Shop with outside storage.* This is defined as a facility for the contractor's office and the storage and maintenance of contractor's supplies and operational equipment, but with outside storage.

**Only permitted through approval of a Specific Use Permit** and must follow criteria outlined in Sec. 106.05.02.2 - Permanent land uses (other than accessory uses), (s) Open storage, permanent or ongoing; as it exists or may be amended.

If such use is in effect on the Property as of September 5, 2023, the use shall terminate upon the expiration of the tenant's current lease, which shall not extend beyond October 31, 2023, unless a Specific Use Permit is granted.

Any current uses or tenants in the suites that are shown on the Suite Layout, as part of Exhibit C, that existed prior to September 5, 2023 shall be grandfathered up until the current use/tenant discontinues or vacates the suite for any period of time. Any new uses or tenants, or expansion of any such grandfathered uses or tenants, shall follow the Town's Zoning and Subdivision Ordinances.

### **3. Lot Regulations**

Setbacks, side yards, rear yards, maximum building heights, maximum floor area, and landscape buffers shall be in accordance with the Zoning Ordinance, unless otherwise specified in Exhibit C.

### **4. Architectural Standards**

Existing buildings on the Property allowed to remain as they are. Any new buildings or structures shall be in accordance with Sec. 106.06.05 - Architectural Standards for Commercial Structures and the Zoning Ordinance in general.

### **5. Landscaping Standard**

All provisions within Article VI. Division 4. Landscaping and Tree Preservation shall be met, in accordance with the standards in effect at the time of any requested site change, or redevelopment of the property.

Property shall be improved in accordance with the Landscape Plan in Exhibit C, within 60 days after the construction of the portion of King Road that fronts the Property is completed by the Town of Little Elm.

**6. Parking and Accessibility**

Property allowed to remain as shown on the existing Concept Plan. All provisions within Article VI. Division 4. Parking, Stacking, and Loading Standards shall be met, in accordance with the standards in effect at the time of any requested site change, or redevelopment of the property.

**7. Screening**

All provisions within Article VI. Division 3 Screening Walls and Fences shall be met.

Existing metal fence to be removed from the Property.

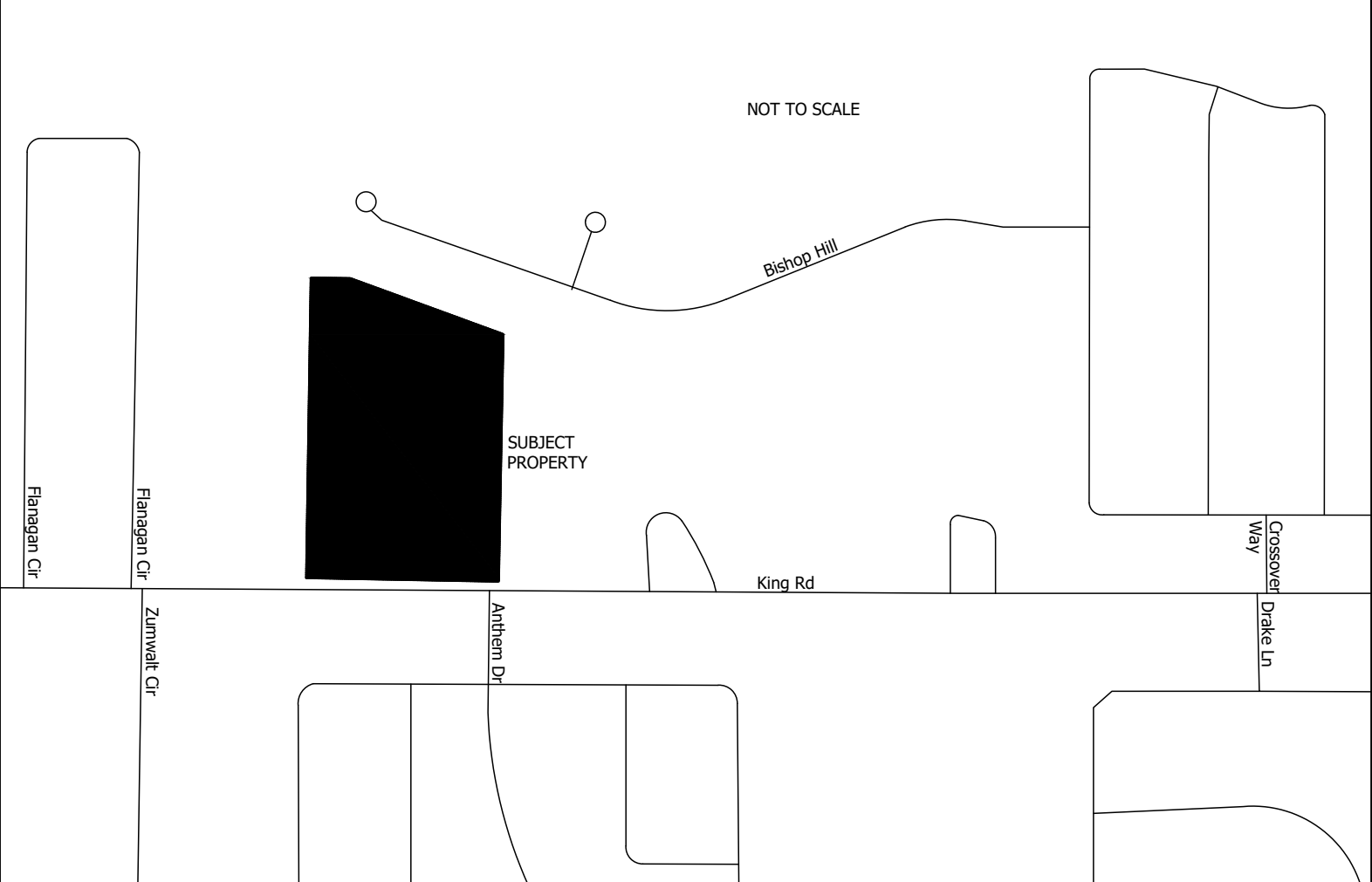
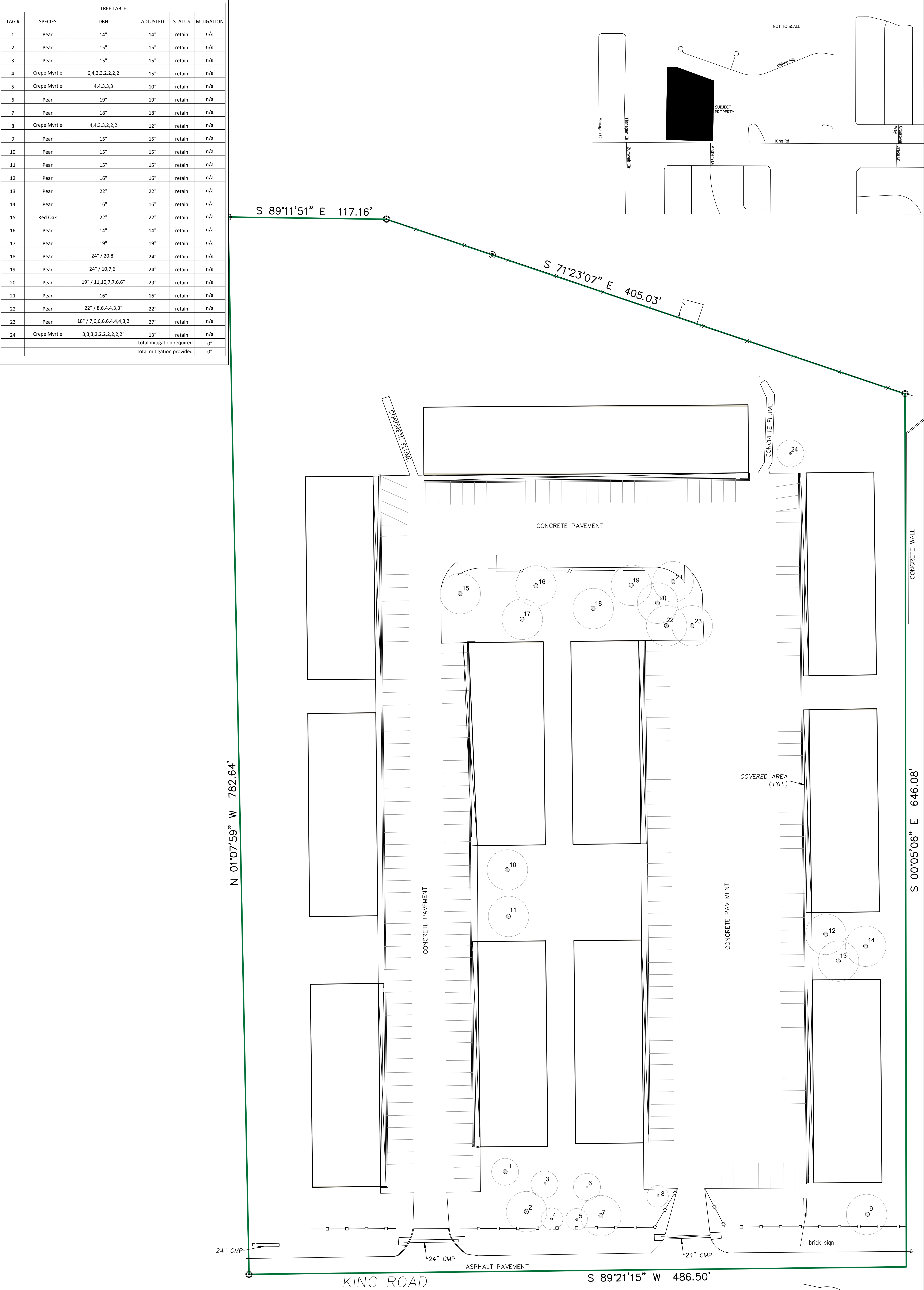
Property shall provide dumpster enclosures and screening per Section 106.06.31 - Screening, (5) Waste collection areas.

Property shall provide a solid masonry wall, minimum of eight feet in height, adjacent to single-family residential uses.

**Exhibit C**  
Development Plans

[illegible]

TREE TABLE					
TAG #	SPECIES	DBH	ADJUSTED	STATUS	MITIGATION
1	Pear	14"	14"	retain	n/a
2	Pear	15"	15"	retain	n/a
3	Pear	15"	15"	retain	n/a
4	Crepe Myrtle	6,4,3,3,2,2,2	15"	retain	n/a
5	Crepe Myrtle	4,4,3,3,3	10"	retain	n/a
6	Pear	19"	19"	retain	n/a
7	Pear	18"	18"	retain	n/a
8	Crepe Myrtle	4,4,3,3,2,2,2	12"	retain	n/a
9	Pear	15"	15"	retain	n/a
10	Pear	15"	15"	retain	n/a
11	Pear	15"	15"	retain	n/a
12	Pear	16"	16"	retain	n/a
13	Pear	22"	22"	retain	n/a
14	Pear	16"	16"	retain	n/a
15	Red Oak	22"	22"	retain	n/a
16	Pear	14"	14"	retain	n/a
17	Pear	19"	19"	retain	n/a
18	Pear	24" / 20,8"	24"	retain	n/a
19	Pear	24" / 10,7,6"	24"	retain	n/a
20	Pear	19" / 11,10,7,7,6,6"	29"	retain	n/a
21	Pear	16"	16"	retain	n/a
22	Pear	22" / 8,6,4,4,3,3"	22"	retain	n/a
23	Pear	18" / 7,6,6,6,4,4,3,2	27"	retain	n/a
24	Crepe Myrtle	3,3,3,2,2,2,2,2"	13"	retain	n/a
				total mitigation required	0"
				total mitigation provided	0"

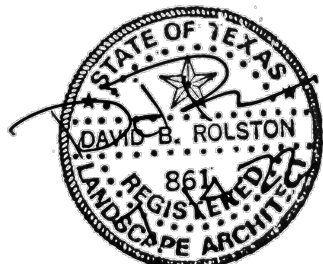
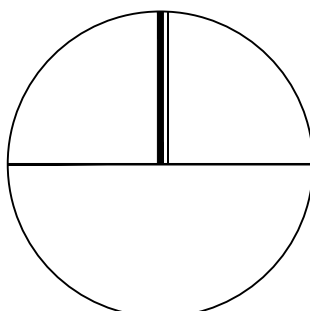


Kaman Mehdizadeh  
15222 King Road  
Little Elm, TX 75036

Date: 10/10/23

Revisions:

Scale: 1"=30'-0"



David Rolston  
Registered Landscape Architects

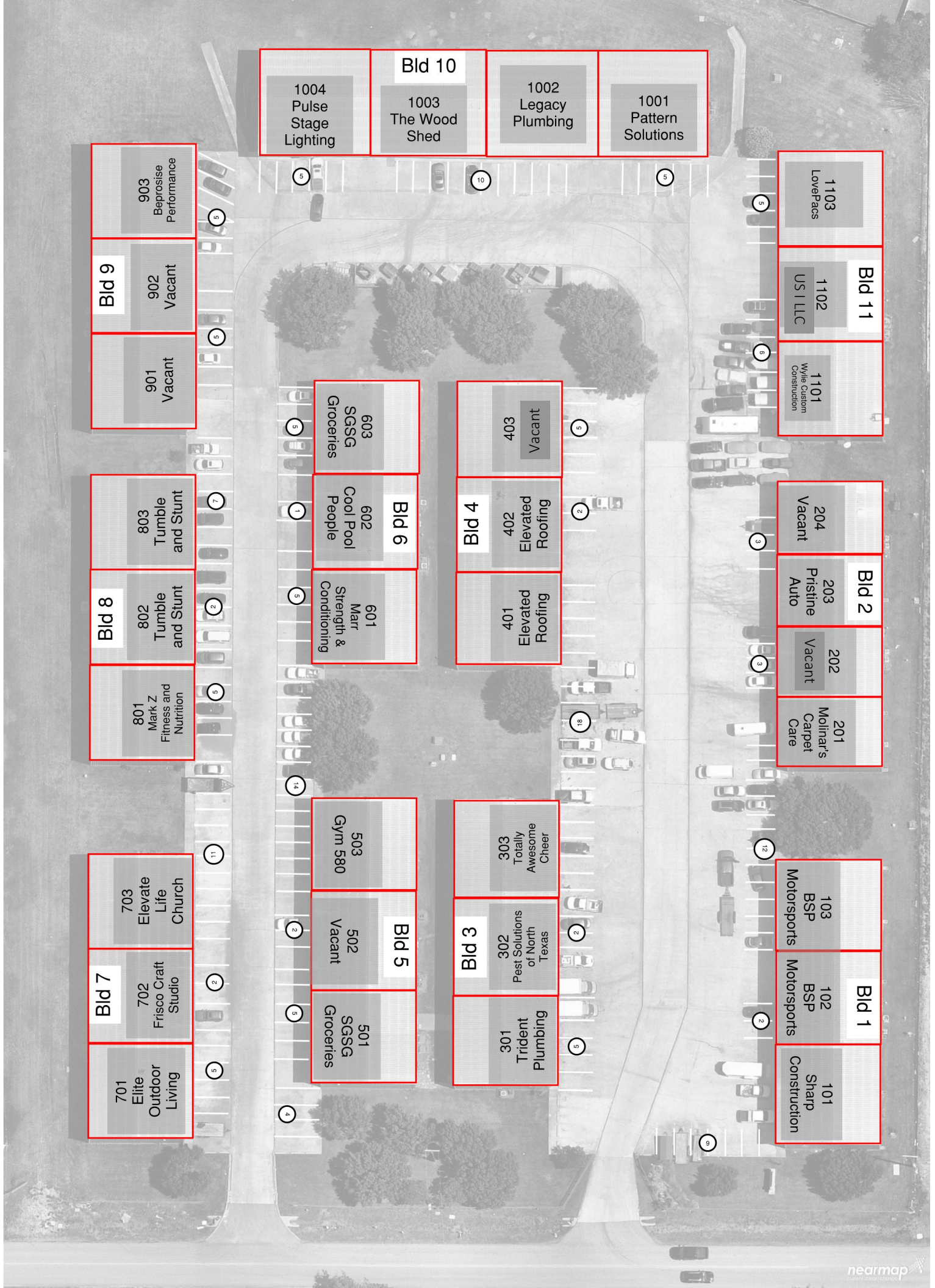
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1103 LovePacs

**Bld 11**

1102 US I LLC

1101 Wyle Custom Construction

204 Vacant

**Bld 2**

203 Pristine Auto

202 Vacant

201 Molnar's Carpet Care

103 BSP Motorsports

**Bld 1**

102 BSP Motorsports

101 Sharp Construction

1004 Pulse Stage Lighting

**Bld 10**

1003 The Wood Shed

1002 Legacy Plumbing

1001 Pattern Solutions

903 Beprosise Performance

**Bld 9**

902 Vacant

901 Vacant

803 Tumbl and Stunt

**Bld 8**

802 Tumbl and Stunt

801 Mark Z Fitness and Nutrition

703 Elevate Life Church

**Bld 7**

702 Frisco Craft Studio

701 Elite Outdoor Living

603 SGSG Groceries

**Bld 6**

602 Cool Pool People

601 Marr Strength & Conditioning

503 Gym 580

**Bld 5**

502 Vacant

501 SGSG Groceries

403 Vacant

**Bld 4**

402 Elevated Roofing

401 Elevated Roofing

303 Totally Awesome Cheer

**Bld 3**

302 Pest Solutions of North Texas

301 Trident Plumbing