



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

January 4, 2024

Persons may address the Planning and Zoning Commission on any issue. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. Each member of the public who desires to address the P&Z Commission regarding an item on an agenda for an open meeting of the P&Z Commission shall have the right to address the Commission on the item before the Commission's consideration of the item. All speakers not requiring a translator are given 3 minutes to speak and may address the Commission only once on each agenda item. Non-English Speakers who require a translator are given 6 minutes to speak and may address the Commission only once on each agenda item. In accordance with the State of Texas Open Meeting Act, the board may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. To address the Commission for any public hearing item please sign a speaker's sheet located on the tables by the front entry and submit to a Staff member.

1. **5:50 PM Work Session**

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

3. **Roll Call**

4. **Consent Agenda**

1. Adoption of the December 21, 2023 Planning & Zoning Commission Meeting Minutes

2. **Little Elm Court Addition (FP-23-004646)**. Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 7.224, generally located south of the intersection of Woodlake Pkwy and Farm to Market Road, within Little Elm's Town Limits, in order to establish one lot, along with easements necessary for development.

- Presentation
- Discussion
- Consideration

3. **PRELIMINARY PLAT/ Little Elm Public Safety Annex (PP-23-004649)**. Presentation, discussion, and consideration on a request for approval of a Preliminary Plat for the Little Elm Public Safety Annex, establishing setback lines and easements necessary for development, on approximately 2.061 acres situated in the Marcella Jones Survey, Abstract No. 662, within Little Elm's Town limits.

- Presentation
- Discussion
- Recommendation

5. **Regular Agenda**

1. **PUBLIC HEARING/ Ace Oaks Liquor Store (SUP-23-004615).** A request for a Specific Use Permit (SUP) for a 2,650 square foot Liquor Store use, generally located in building 100, 2140 Oak Grove Parkway, currently zoned Planned Development with a Light Commercial Base through Ordinance #1604, in order to allow for sale of alcoholic beverages for off-site consumption.
6. **Discussion of future agenda items, update on Council action, and requests for new business considerations**
7. **Adjourn**

Certificate

I certify that the above notice of the Planning & Zoning Commission meeting was posted on the bulletin board of the Town of Little Elm, Texas on January 3rd, 2024, prior to 5:00 p.m. The Little Elm Town Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made 48 hours prior to this meeting. Please contact the Town Secretary's office at 214-975-0404 or 972-377-5540 (fax) for arrangements.

Brian Salvesen - Senior Planner



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

01/04/2024

OVERVIEW

Project	Adoption of the December 21, 2023 Planning & Zoning Commission Meeting Minutes
P&Z Hearing	01/04/2024
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

Adoption of the December 21, 2023 Planning & Zoning Commission Meeting Minutes

Location

N/A

Planning Analysis

N/A

Recommended Action

N/A

Attachments

December 21, 2023 Minutes

DRAFT



Minutes

Town of Little Elm

PLANNING & ZONING COMMISSION

Regular Meeting

Thursday, DECEMBER 21, 2023 - 7:00 pm

Present: Tom Ocelli, Commissioner; Stephen Horn, Commissioner; Michael Bell, Commissioner; Ron Trees, Chairman; Robert Martin, Vice-Chair; Deb Cadet, Alternate Commissioner

Absent: Jack Skinner, Commissioner; Brent Thibeaux, Commissioner; Chip Norman, Alternate Commissioner

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

1. **5:50 PM Work Session**
2. **6:00 PM Regular Meeting**
3. **Roll Call**
4. **Consent Agenda**

Motion: Approve consent agenda as presented.

Motion by Commissioner Michael Bell, seconded by Alternate Commissioner Deb Cadet

AYE: Commissioner Tom Ocelli, Commissioner Stephen Horn, Commissioner Michael Bell, Chairman Ron Trees, Vice-Chair Robert Martin, Alternate Commissioner Deb Cadet

6 - 0 Passed - Unanimously

1. Discuss and take action regarding the approval of the December 7, 2023, Regular Planning and Zoning Commission Meeting Minutes.

Agenda item approved in consent agenda motion.

2. **Providence Commons Ph 3 (FP-23-004658).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 9.813, situated in A0662A M.Jones, TR 37A within Little Elm's Town Limits, in order to establish one lot, along with easements necessary for development.
 - Presentation
 - Discussion
 - Consideration

Agenda item approved in consent agenda motion.

3. **Little Elm Court Addition (FP-23-004646).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 7.224, generally located south of the intersection of Woodlake Pkwy and Farm to Market Road, within Little Elm's Town Limits, in order to establish one lot, along with easements necessary for development.
 - Presentation
 - Discussion
 - Consideration

Extension request approved in consent agenda motion.

5. **Regular Agenda**

1. **PUBLIC HEARING/ Ordinance Text Amendment.** Public hearing, discussion, and take action on a recommendation regarding proposed text amendments to Chapter 106, Zoning Ordinance, by amending said chapters and associated appendices in order to establish compliance with new State Statutes as a result of the recent legislative session and enable minor corrections or clarification throughout the text.
 - Staff Report
 - Open Public Hearing
 - Receive Public Comment
 - Close Public Hearing
 - Discussion and Recommendation

Staff presented agenda item.

During the presentation, the commissioners were able to ask questions and get clarification of the proposed changes.

Vice-chair Martin inquired about parking ratios at banquet hall uses.

- The Town would apply the normal assembly use. One space for every four people for the main area.

Commissioner Horn asked if the maximum slope in Section 106.03.02 changed or fix the amount of open space.

- It could potentially increase the amount of open space they need to provide. The slope of the area can be taken into consideration since it is a defined percentage.

Commissioner Ocelli asked for clarification if in the automobile definition the word "mechanical" takes into account electric vehicles.

- Staff will consult the Town attorney for further clarification.

Commissioner Bell asked staff if in Section 106.06.05, Table C, the square footage part could be removed, since the language implies all buildings.

Commissioner Trees asked if removing the dry amenity pod meant that they do not need to have one.

- Staff clarified that it was just been added to another row, and it was not removed completely.

Commissioner Horn asked if parking for drive-thru would be at the 1:100 ratio.

- Staff clarified that a drive-thru would still need to go through the SUP process.

In regard to the banquet hall, Commissioner Ocelli inquired about alcohol consumption during special events, what would prevent someone from bringing in alcohol and serving it?

- The type of liquor license will have a specific liquor license to serve and provide alcohol.

Commissioner Cadet asked why the definition listed alcoholic beverages.

- Staff clarified that it is in the definition to ensure that it is allowed in the banquet hall use along with the limit.

Chairman Trees opened the public hearing at 6:22pm. There were no speakers present.

Chairman Trees closed the public hearing at 6:22pm.

Motion: Approve agenda item with the conditions that

- Section 106.06.05, Table C remove the definition of square footage.
- Staff consult the Town attorney regarding what "mechanical" entails.

Motion by Vice-Chair Robert Martin, seconded by Commissioner Michael Bell

AYE: Commissioner Tom Ocelli, Commissioner Stephen Horn, Commissioner Michael Bell, Chairman Ron Trees, Vice-Chair Robert Martin, Alternate Commissioner Deb Cadet

6 - 0 Passed - Unanimously

2. **PUBLIC HEARING/ Ordinance Text Amendment.** A recommendation regarding proposed text amendments to Chapter 107, Subdivision Ordinance, by amending said chapters and associated appendices in order to establish compliance with new State Statutes as a result of the recent legislative sessions and enable minor corrections or clarification throughout the text.

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

Staff presented agenda item.

During the presentation, the commissioners were able to ask questions and get clarification of the proposed changes.

Chairman Trees asked if 107.02.03 would be applicable if a plat was on the agenda, but quorum was not met.

- Staff agreed.

Commissioner Cadet asked who would make the decision if the Director of Development was not available.

- Staff clarified that the Director would be able to direct staff.

Commissioner Bell recommended that staff consult the town attorney to add "his/her designee."

Staff consulted with the commissioners if they still agreed to allow staff to administratively approve all but one type of plat.

- The Commissioners agreed.

The Town's civil engineer, Mitch Haug, presented proposed changes.

Commissioner Trees asked if it was standard to spread out large retaining walls to put on the HOA.

- It is something that the Town has asked developers to do in the past. Many times, the retaining walls are built to allow the grading and the development of the entire subdivisions. The major issue we see with them is when a line of houses all on top of one wall has a failure, which affects multiple houses and the collaboration of homeowners to discuss solutions.

Commissioner Horn asked if a fence could be built on top of a four-foot wall.

- Staff clarified that the requirement would be that it has to be included in an engineered design.

Commissioner Cadet wanted to know why this proposed change was not being grandfathered into existing retaining wall projects.

- The standards apply to all new retaining walls. Shifting that responsibility from the homeowner to the HOA is not something we can do after the fact. It is required as part of the subdivision process.

Vice-chair Martin wanted to know if the no-build zone included any future commercial screening wall and if it would affect the integrity of the retaining wall.

- Doing anything in that zone will have to show that it will be an improvement. The retaining walls need to be located in a maintenance easement.

Commissioner Bell asked if these changes were work shopped by any industry groups or if staff used best practice.

- Staff worked with members of the industry, others changes are from Staff's best practice. Along with taking in what other municipalities are doing.

Chairman Trees opened the public hearing at 6:53pm. There were no speakers present.

Chairman Trees closed the public hearing at 6:53pm.

Motion: Approve agenda item with the recommendation to add "his/her designee" in chapter 107.02.03.

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

AYE: Commissioner Tom Ocelli, Commissioner Stephen Horn, Commissioner Michael Bell, Chairman Ron Trees, Vice-Chair Robert Martin, Alternate Commissioner Deb Cadet

6 - 0 Passed - Unanimously

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

Staff updated the commissioners about the Frisco Annex community and their outreach and plan of action.

7. **Adjourn**

Meeting was adjourned at 6:59pm.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

01/04/2024

OVERVIEW

Project	FINAL PLAT/ Little Elm Court Addition (FP-23-004646)
P&Z Hearing	01/04/2024
Council Hearing	N/A
Size	Approximately 7.224 Acres.
Current Zoning	Planned Development (Light Commercial Base)
Proposed Use	Light Commercial (LC)
Existing Use	Partially Developed
Future Land Use Plan Designation	Retail/Commercial
Applicant	Andrew Yeoh, Triangle Engineering
Owner	KM 423 Partners, LP
Strategic Goal	

Agenda Item

Little Elm Court Addition (FP-23-004646). Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 7.224, generally located south of the intersection of Woodlake Pkwy and Farm to Market Road, within Little Elm's Town Limits, in order to establish one lot, along with easements necessary for development.

- Presentation
- Discussion
- Consideration

Location

Generally located south of the intersection of Woodlake Pkwy and Farm to Market Road, within Little Elm's Town Limits,

Planning Analysis

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

The applicant requests an extension to allow for more time to bring the plat into compliance with the Town's

standards.

Recommended Action

Staff recommends approval of the applicant's extension request to the January 18, 2024 Regular Planning and Zoning Commission Meeting.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

01/04/2024

OVERVIEW

Project	PRELIMINARY PLAT/ Little Elm Public Safety Annex (PP-23-004649)
P&Z Hearing	01/04/2024
Council Hearing	N/A
Size	Approximately 2.061 acres
Current Zoning	Planned Development (Residential Base)
Proposed Use	Community Facility (CF)
Existing Use	Vacant
Future Land Use Plan Designation	Residential
Applicant	John Blacker, Urban Strategy
Owner	Town of Little Elm
Strategic Goal	

Agenda Item

PRELIMINARY PLAT/ Little Elm Public Safety Annex (PP-23-004649). Presentation, discussion, and consideration on a request for approval of a Preliminary Plat for the Little Elm Public Safety Annex, establishing setback lines and easements necessary for development, on approximately 2.061 acres situated in the Marcella Jones Survey, Abstract No. 662, within Little Elm's Town limits.

- Presentation
- Discussion
- Recommendation

Location

Generally located on the southeast corner of Ryan Spiritas Parkway and Oak Grove Parkway, within Little Elm's Town limits.

Planning Analysis

The purpose of a preliminary plat is to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this subdivision ordinance and the zoning ordinance regulations for each zoning district.

Recommended Action

Staff are requesting an extension to the January 18, 2024 Planning and Zoning Commission meeting.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

01/04/2024

OVERVIEW

Project	PUBLIC HEARING/Ace Oaks Liquor Store (SUP-23-004615)
P&Z Hearing	01/04/2024
Council Hearing	February 6, 2024
Size	Approximately 2,650 square foot
Current Zoning	Planned Development (Light Commercial Base)
Proposed Use	Liquor Store
Existing Use	Vacant
Future Land Use Plan Designation	Neighborhood Retail/Commercial
Applicant	Randeep Singh Kataria, Rama Beverages inc.
Owner	Roger Yale, Ace Oaks LLC
Strategic Goal	

Agenda Item

PUBLIC HEARING/ Ace Oaks Liquor Store (SUP-23-004615). A request for a Specific Use Permit (SUP) for a 2,650 square foot Liquor Store use, generally located in building 100, 2140 Oak Grove Parkway, currently zoned Planned Development with a Light Commercial Base through Ordinance #1604, in order to allow for sale of alcoholic beverages for off-site consumption.

Location

Generally located in building 100, 2140 Oak Grove Parkway.

Planning Analysis

Background.

Subject property is currently zoned Planned Development – Light Commercial (PD-LC), through Ordinance #1604. This PD currently covers two parcels but has an approved plat that combines both lots. The site is 7.486 acres in size with four commercial retail buildings totaling 60,370 square feet. The proposed liquor store would occupy a suite in limited to maximum of 2,650 square feet, and be located as shown on the site plan. The site is currently under development but no building construction has started.

Chapter 106 of the Little Elm Code of Ordinances allows liquor store uses to locate within the Light Commercial (LC) district, through a Specific Use Permit (SUP). The purpose of the SUP requirement is to allow the Town to determine the situational suitability and appropriateness of each particular proposal. This allows review of the proposed operation any potential nuisances, as well as possible mitigation efforts, on a case by case basis. Thus, the Administration has broad discretionary approval of the requested SUP.

Per Section 106.01.13, Liquor Store is defined as “A facility for the sale of beer, wine, and/or liquor not for on-premise consumption that derives 75 percent or more of its gross revenue from the on-premise sale of beer, wine, and/or liquor.”

Section 106.05.02.2 (o) provides three provisions for a liquor store:

- A liquor store may be no less than 1,000 ft from another liquor store. (The nearest liquor store is over 9,000 feet to the south of the Lot)
- Prior to issuance of a certificate of occupancy, the business owner shall provide the town with a copy of its state permit to operate a liquor store.
- All alcohol-related activities must meet all standards found in Chapter 10, alcoholic beverages, of the Little Elm Code of Ordinances.

Proposal.

The applicant is requesting approval of a liquor store as an allowed use on the subject property, for the purposes of on-premises sales of alcoholic beverages for off-premise consumption only. The applicant has provided a letter of intent describing a high-end, neighborhood one-stop-shop for beer, wine, and liquor. The applicant has two other stores under the “Simply Liquor” brand in Roanoke and Sachse.

The proposal includes a total SUP area of 2,650 square feet, with the submitted floor plan showing a typical retail store layout with aisles of shelves, walk-in-cooler, liquor storage, restrooms, and checkout area. The applicant has also provided pictures of the interior space as a concept for the interior of this store, which will be adopted as part of the SUP Ordinance as the minimum standard. The proposed store hours are Monday through Saturday, 10AM to 9PM.

Zoning Standards.

Design and Landscape Standards: There are no proposed exterior alterations to the approved “Site Development” plans and “New Commercial Shell” building plans or plans shown in the Development Agreement.

Parking: The proposed use is required to be parked at a ratio of one parking space per 200 square feet of floor area. The existing site was developed through an approved Site Development Plan, which included a mixture of retail and restaurant uses.

Signage.

When a sign permit is submitted, it will be reviewed by town staff in accordance to chapters 86 and 106 of Town Code. According to Section 86-13 Permitted Signs, (14) Window, “[The] maximum sign area is 30 percent of the window area per wall. Signs exceeding 30 percent shall be calculated against the maximum wall sign area permitted, upon discretionary review and approval by the director.” Past SUP requests for Liquor Stores have had restrictions on window signage to allow only legally required signs and operational signs. Staff believes this an appropriate request for this location to ensure the store remains cohesive with the entirety of the site and creates an active storefront.

Building and Fire.

Should the SUP request be approved, Building and Fire will review specific interior finish out and signage plans for compliance with adopted building and fire codes.

Comprehensive Plan.

The Future Land Use Plan (FLUP) designates the subject property with a neighborhood retail/commercial land use category. Neighborhood Retail is defined by the American Planning Association as “...retailers primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies and hardware.” These uses are not just limited to retail, there is also a desire for Neighborhood Retail/Commercial areas to also have low-impact service-based uses that serve specific areas of town such as hair/nail salons, tutoring service, or tailors.

Recommended Action

The purpose of a SUP is to add or modify specific land use rights to those already granted within a zoning district. Section 106.02.17 provides that each request considers the intensity of the proposed use within the context of the proposed location based on compatibility and suitability, and in evaluating the compatibility of the proposed use within the existing area context, "the town council may impose such additional development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, odor, gas, explosion, glare, offensive view, or other undesirable or hazardous conditions."

Staff recommends the Planning and Zoning Commission evaluate the proposed SUP request based on the presented information, the existing Planned Development, the current Future Land Use plan for the area, and Section 106.02.17, and make a recommendation accordingly. Staff requests guidance from the Planning and Zoning Commission on how to properly handle these types of requests where Planned Developments were approved before the latest Future Land Use Plan was adopted which reenvisioned much of the Commercial areas in the West Side as "Neighborhood Retail/Commercial". With the increase in development on the West Side, staff have also been seeing an increase in these types of requests.

Given the purpose of a Specific Use Permit, Staff believes there are several possible conditions that could be placed on this SUP request to help make it more appropriate within the context of the existing shopping center, as well as its proximity to other uses.

- o Prior to issuance of a certificate of occupancy, the business owner shall provide the town with a copy of its state permit to operate as a bar, brewpub, or similar use.
- o All alcohol-related activities must meet all standards found in Chapter 10, Alcoholic Beverages, of the Little Elm Code of Ordinances.
- o No shelving in front of the glazing and limited window signage coverage to only legal and operational signs.
- o No outdoor cart storage.

Attachments

Statement of Intent and Site Plan

Proposed Floor Plan

Concept Photos

Dear Committee,

The proposed liquor store aims to create a harmonious and compatible presence within the immediate area surrounding the tract of land. We recognize the importance of integrating with the existing community and ensuring that our presence enhances the overall atmosphere and aesthetics of the neighborhood.

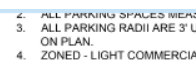
To achieve this, we will carefully consider the architectural design of the liquor store. Furthermore, we are committed to implementing measures that minimize any potential negative impacts on the nearby establishments. These measures include installing proper soundproofing materials to mitigate noise pollution and implementing effective waste management systems to prevent any unsightly trash accumulation.

We also aim to be a responsible member of the community by strictly adhering to all local regulations and laws governing the sale and consumption of alcoholic beverages. Our staff will be trained to identify and prevent any underage or intoxicated customers from purchasing alcohol. Additionally, we will collaborate with local law enforcement agencies to ensure a safe and secure environment for our customers and the neighborhood as a whole.

Moreover, we plan to actively participate in community events and engage in initiatives that promote responsible drinking habits. This may include partnering with local organizations to host educational workshops on responsible alcohol consumption or supporting campaigns that discourage drinking and driving.

In summary, our intention is to establish a liquor store that not only provides a convenient service to the community but also enhances the overall character and well-being of the surrounding area. We are dedicated to being a responsible neighbor, ensuring compatibility with adjacent buildings, and fostering a positive relationship with the community.

Regards,
Randy Singh

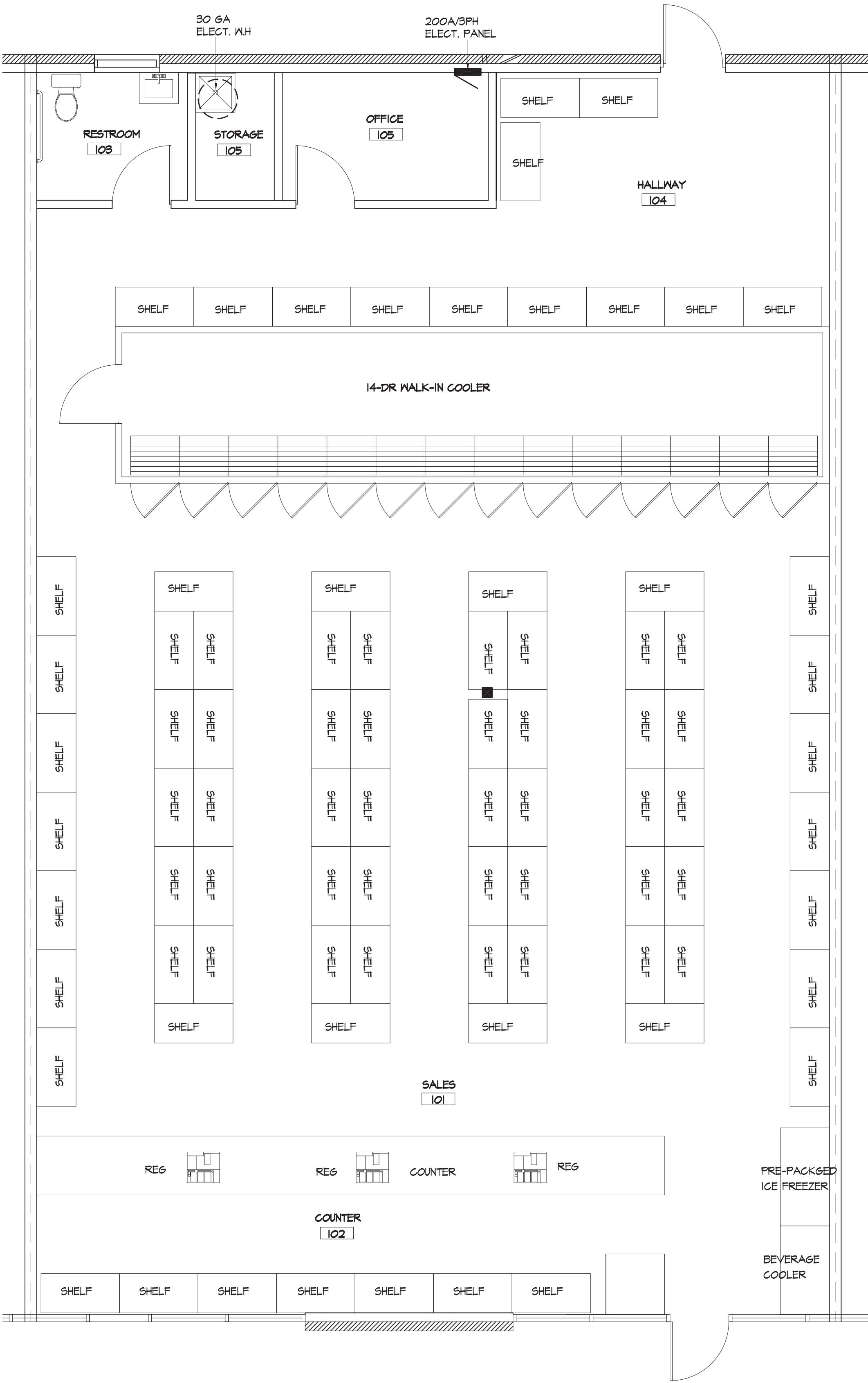


- 60,370 SF RETAIL @ 1 PARK

TOTAL PARKING REQUIRED = 302


PROVIDED STANDARD PARKING =
 ADA ACCESSIBLE PARKING = 8
 TOTAL PROVIDED PARKING = 311

Premises 2650 (Proposed Liquor Store)



ARCHITECT SEAL

ENGINEER SEAL

#	DATE	SUBMISSION
--	11/24/23	SUP
	--	--

ACE LIQUOR
LITTLE ELM
TEXAS

FIXTURE PLAN





