

Town of Little Elm

SEPTEMBER 5, 2023

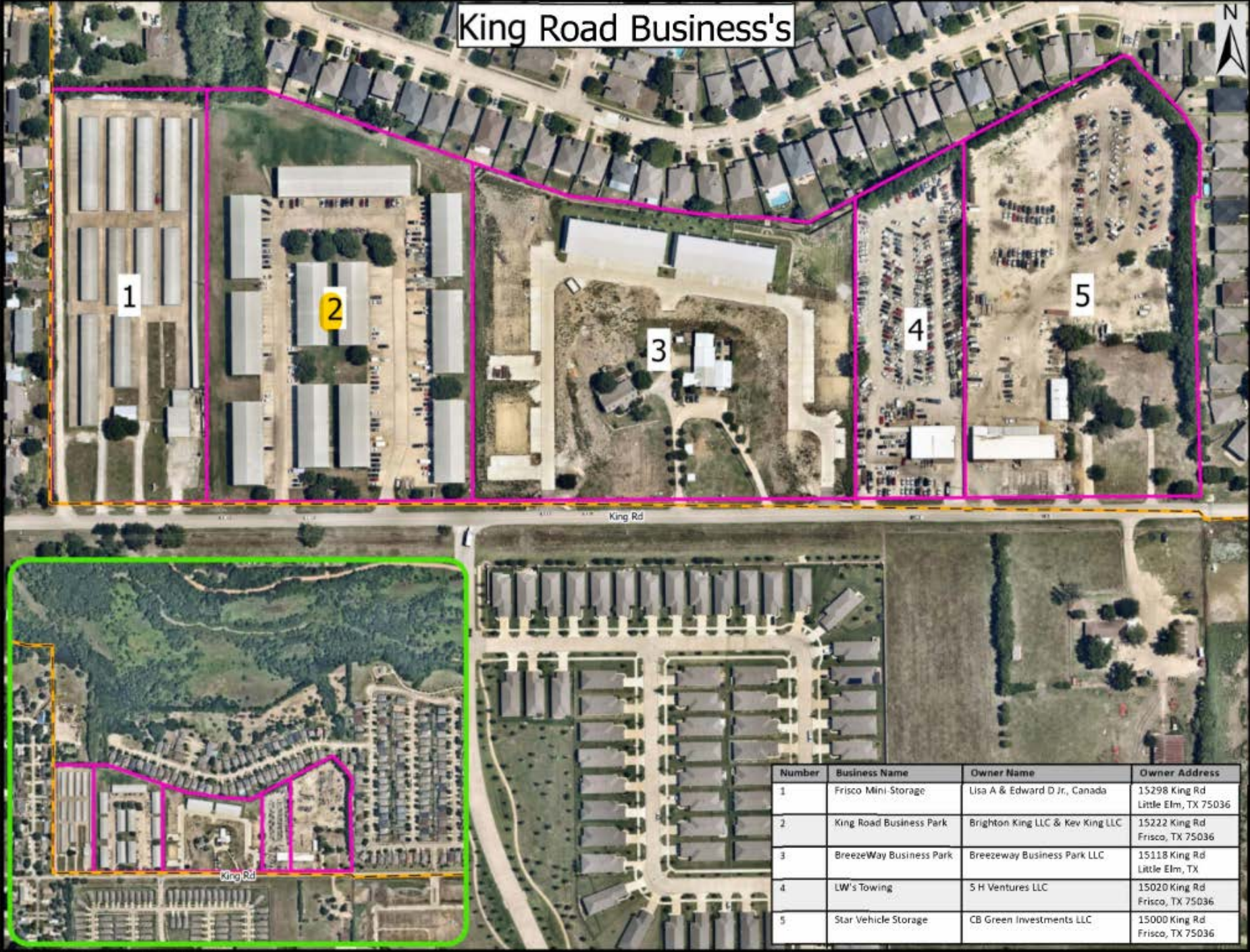
COUNCIL MEETING

INTEGRITY | CUSTOMER SERVICE | EFFICIENCY | INNOVATION



Development Agreement 15222 King Road

Surrounding Properties



Surrounding Properties



Background

- In 2002 subject property was annexed into the Town with building/s present
- At the time of annexation, the property was zoned Light Commercial (LC)
- Over the years, the property has expanded with a variety of warehouse uses

2001



2003



2005



2009



2015



2017



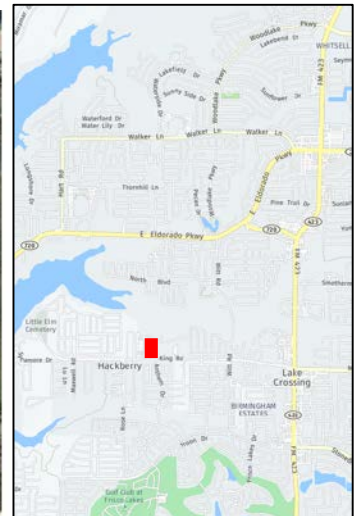
2018



2021



2023



Issues to Overcome

- Below is a list of items we had to overcome as part of the agreement.
 - During one of the CO processes we discovered the property wasn't platted so that exercise needs to be completed prior to moving forward with permits or CO issuance.
 - In order to plat the property, it must meet the zoning ordinances which as stated above does not. The property would need a zoning change (Planned Development) to have compliance.
 - Annexed in 2002 with Light Commercial zoning standards, however only one, maybe two buildings existed. The buildings and overall site do not meet Town's development standards.
 - Most of the current uses are nonconforming per our zoning standards along with the Town's development standards such as landscaping, facades, dumpster enclosure, screening, building and fire codes, etc.
 - The development also doesn't meet all the current building and fire codes so that needed to be addressed as well.
 - The development currently didn't have any utilities hooked up, so we needed to find a solution for that as well.

Background

- The uses currently existing, and those that have been recently requested, are primarily office warehouse which are not in compliance with the Town's Ordinances.
- As a result, no permits or Certificates of Occupancy have been issued.
- In an effort to recognize existing uses and site/building nonconformities, to allow the property to continue operating while establishing a plan to eventually bring the site up to code, Staff and the property owners have negotiated a Development Agreement.
- The reason for such an initiative, is to redevelop the King Road area to our standards as some other key developments have in the past.

Development Agreement Highlights

Existing Uses and Tenants

- Property owners will submit a rezoning application to request a Planned Development district to capture the existing nonconforming uses as listed 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.

Development Agreement Highlights

Existing Uses and Tenants

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.

- Approval of this DA will allow Staff to issue Temporary COs for existing tenants that fall under these uses.
- Such existing uses by existing tenants **may not be expanded until a planned development is in place.**
- Should any tenants occupy a suite after the effective date of this Agreement that intends to continue such uses, or should any existing tenant expand upon or change any existing use, **all such new or modified uses must be brought into compliance with all applicable Town codes.**
- **Any major automotive uses will be terminated and discontinued by not later than October 31, 2023.**

Development Agreement Highlights

Existing Uses and Tenants

- The following use shall only be allowed through the issuance of an SUP:

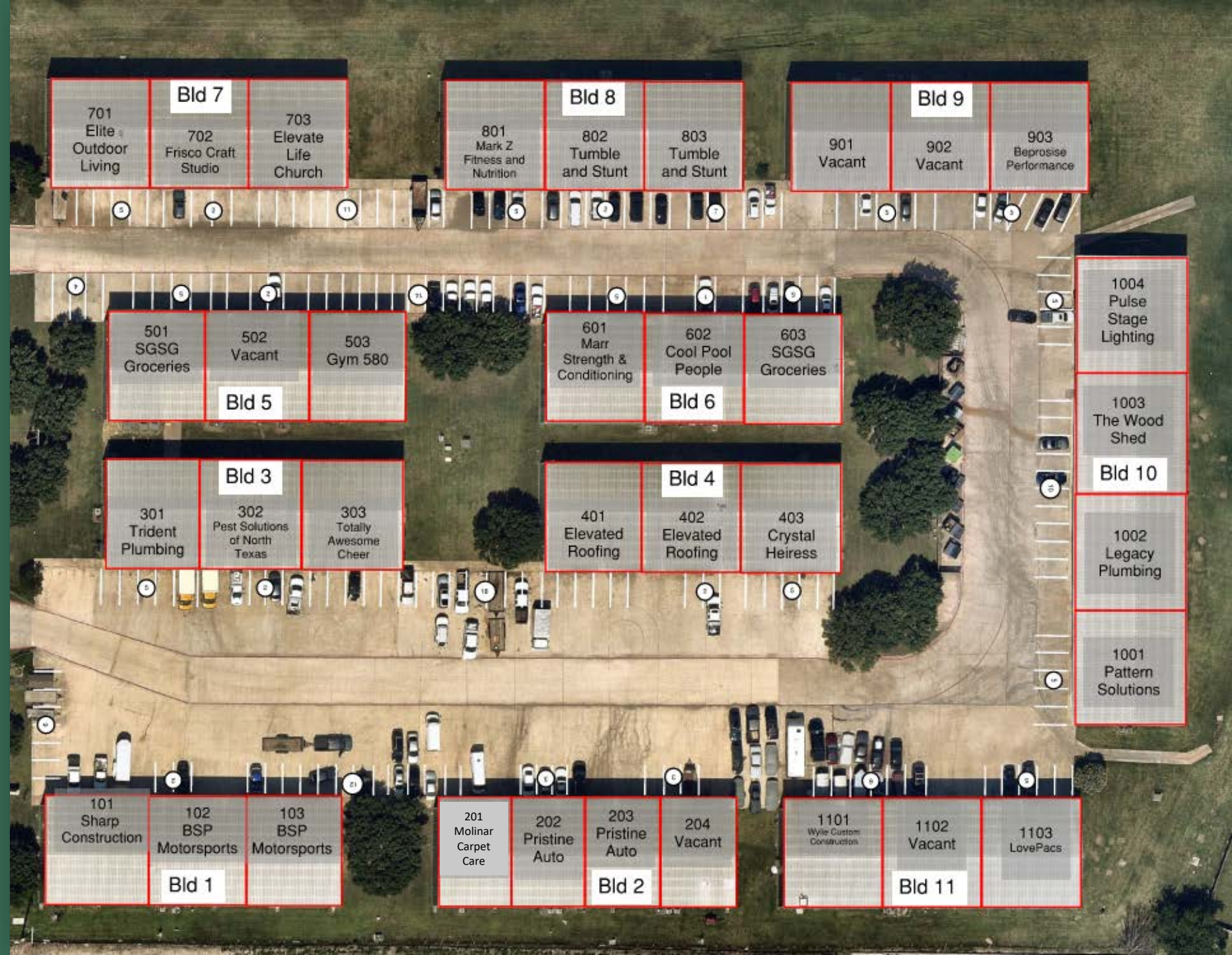
Contractor's Shop with outside storage. This is defined as a facility for the contractor's office and the storage and maintenance of contractor's supplies and operational equipment, but with outside storage as permitted by a special use permit.
- Such existing uses shall terminate upon the expiration of the tenants' current leases, which shall not extend beyond October 31, 2023, unless an SUP is granted by the Town.

Development Agreement Highlights

Uses and Tenants

- All new tenants (those who occupy a suite after the effective date of this Agreement), and all new expanded or new uses by current tenants, shall have no grandfathered, legal nonconforming use rights and such new tenant must fully comply with the Town's zoning and development standards.
- Any current uses or tenants in the suites that are shown in the attached Exhibit A that existed prior to the effective date of this Agreement will be grandfathered up until the current use/tenant discontinues or vacates for any period of time of the suite.
- Any new uses/tenants or expansion of any grandfathering uses/tenants will have to follow the Town's zoning, subdivision and development standards.
- All new tenants (those who occupy a suite after the effective date of this Agreement), and all new expanded or new uses by current tenants, must meet all current health, building and fire code requirements.

Exhibit A



Sec. 106.05.05 Nonconforming uses and structures.

(a) *Intent.* Within the districts established by this chapter or amendments that may later be adopted, **there exist lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended**, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.

(1) **It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival.** Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that **nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.**

(2) **A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged** after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from the street or off the premises, or **by the addition of other uses of a nature which would be prohibited generally in the district involved.**

(3) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun in preparation for rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Sec. 106.05.05 Nonconforming uses and structures.

(c) *Nonconforming uses of land.* Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1) **No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter;**
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter;
- (3) If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

Comp Plan



Goal G.17: Infill and Redevelopment

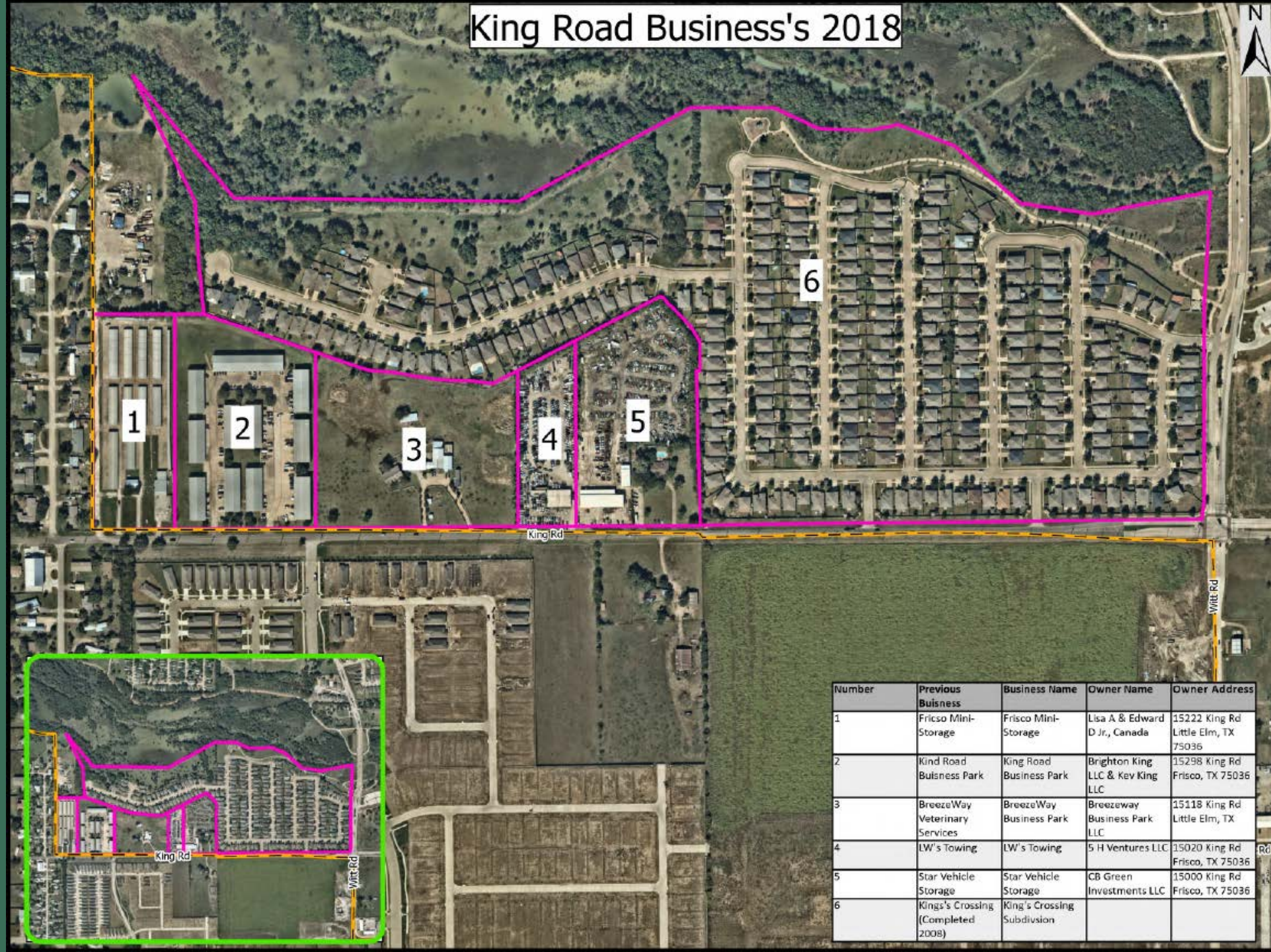
Encourage infill development and redevelopment to take advantage of existing infrastructure.

An important issue for Little Elm is to ensure that the remaining vacant properties or infill development is consistent with the Town's vision and is designed to coordinate and connect with the existing surrounding developments. Generally, citizens in the areas surrounding an infill site desire to have the infill match the character of the existing area. For the purpose of this section, infill development refers to small lot developments (e.g., a home site in an existing neighborhood) or to larger sites that cover several acres along a major roadway (e.g., retail site).

Objective 1. Provide incentives for infill and redevelopment, when appropriate.

Objective 2. Establish infill and redevelopment policies for older parts of the Town to ensure that new development makes a positive contribution and is compatible with the overall area.

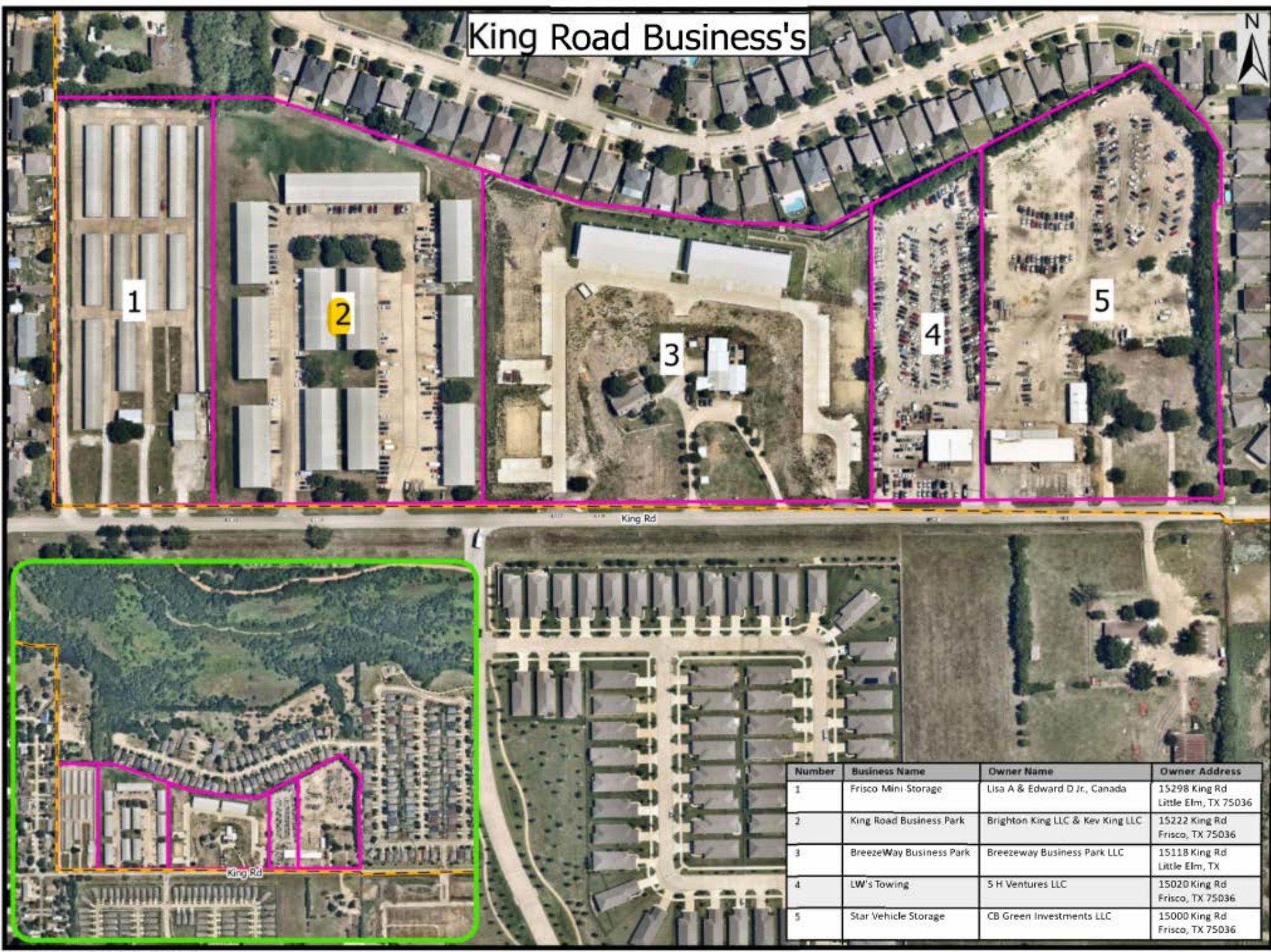
Surrounding Properties 2018



King Road Business's 2018

Number	Previous Buisness	Business Name	Owner Name	Owner Address
1	Frisco Mini-Storage	Frisco Mini-Storage	Lisa A & Edward D Jr., Canada	15222 King Rd Little Elm, TX 75036
2	Kind Road Buisness Park	King Road Business Park	Brighton King LLC & Kev King LLC	15298 King Rd Frisco, TX 75036
3	BreezeWay Veterinary Services	BreezeWay Business Park	Breezeway Business Park LLC	15118 King Rd Little Elm, TX
4	LW's Towing	LW's Towing	S H Ventures LLC	15020 King Rd Frisco, TX 75036
5	Star Vehicle Storage	Star Vehicle Storage	CB Green Investments LLC	15000 King Rd Frisco, TX 75036
6	Kings's Crossing (Completed 2008)	King's Crossing Subdivision		

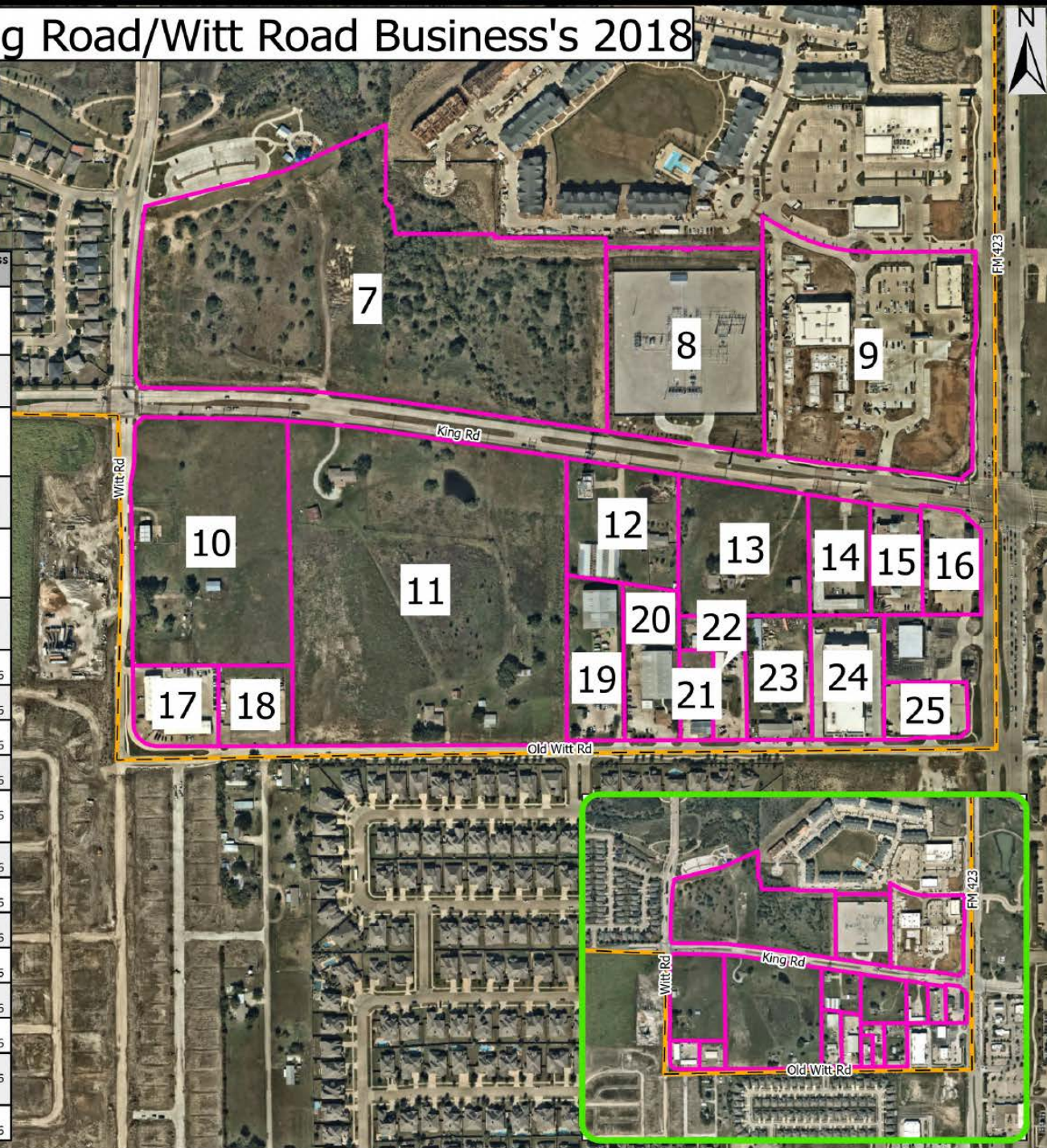
Surrounding
Properties
2023



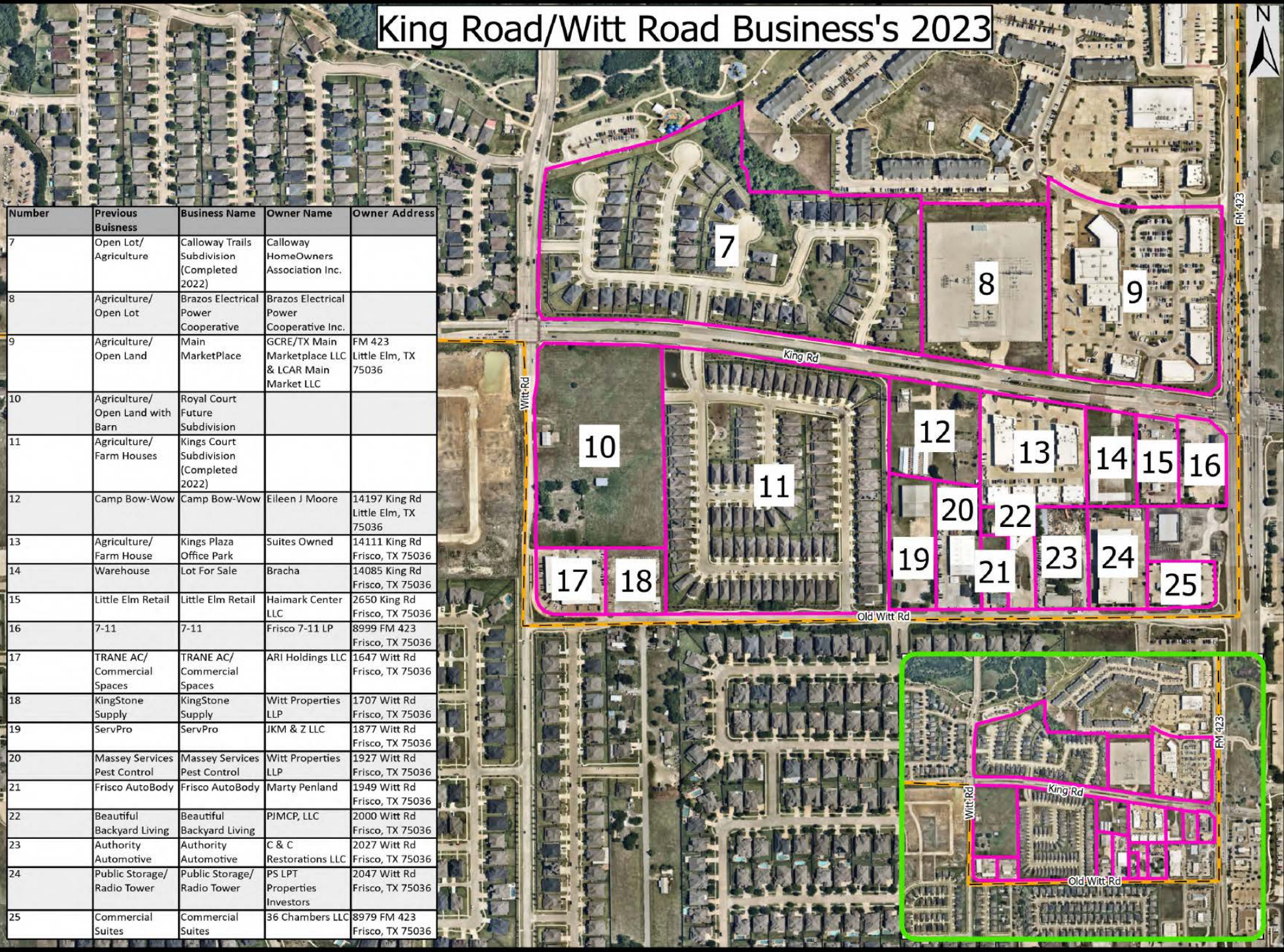
Surrounding Properties 2018

Number	Previous Buissness	Business Name	Owner Name	Owner Address
7	Open Lot/ Agriculture	Calloway Trails Subdivision (Completed 2022)	Calloway HomeOwners Association Inc.	
8	Agriculture/ Open Lot	Brazos Electrical Power Cooperative	Brazos Electrical Power Cooperative Inc.	
9	Agriculture/ Open Land	Main MarketPlace	GCRE/TX Main Marketplace LLC & LCAR Main Market LLC	FM 423 Little Elm, TX 75036
10	Agriculture/ Open Land with Barn	Royal Court Future Subdivision		
11	Agriculture/ Farm Houses	Kings Court Subdivision (Completed 2022)		
12	Camp Bow-Wow	Camp Bow-Wow	Eileen J Moore	14197 King Rd Little Elm, TX 75036
13	Agriculture/ Farm House	Kings Plaza Office Park	Suites Owned	14111 King Rd Frisco, TX 75036
14	Warehouse	Lot For Sale	Bracha	14085 King Rd Frisco, TX 75036
15	Little Elm Retail	Little Elm Retail	Haimark Center LLC	2650 King Rd Frisco, TX 75036
16	7-11	7-11	Frisco 7-11 LP	8999 FM 423 Frisco, TX 75036
17	TRANE AC/ Commercial Spaces	TRANE AC/ Commercial Spaces	ARI Holdings LLC	1647 Witt Rd Frisco, TX 75036
18	KingStone Supply	KingStone Supply	Witt Properties LLP	1707 Witt Rd Frisco, TX 75036
19	ServPro	ServPro	JKM & Z LLC	1877 Witt Rd Frisco, TX 75036
20	Massey Services Pest Control	Massey Services Pest Control	Witt Properties LLP	1927 Witt Rd Frisco, TX 75036
21	Frisco AutoBody	Frisco AutoBody	Marty Penland	1949 Witt Rd Frisco, TX 75036
22	Beautiful Backyard Living	Beautiful Backyard Living	PJMCP, LLC	2000 Witt Rd Frisco, TX 75036
23	Authority Automotive	Authority Automotive	C & C Restorations LLC	2027 Witt Rd Frisco, TX 75036
24	Public Storage/ Radio Tower	Public Storage/ Radio Tower	PS LPT Properties Investors	2047 Witt Rd Frisco, TX 75036
25	Commercial Suites	Commercial Suites	36 Chambers LLC	8979 FM 423 Frisco, TX 75036

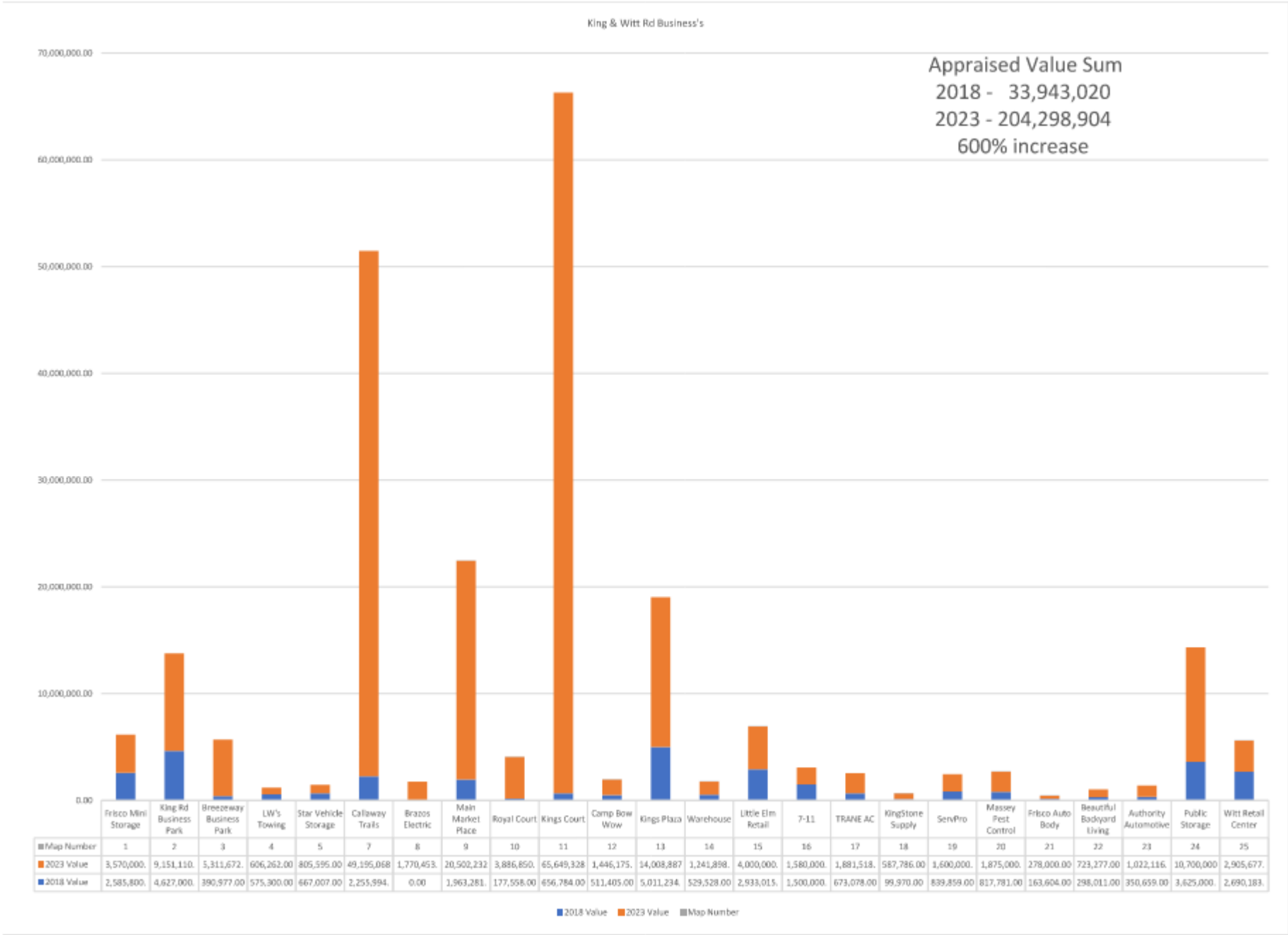
King Road/Witt Road Business's 2018



Surrounding
Properties
2023



Surrounding Redeveloped Property Values



Next Steps

1. Take action on DA
2. Apply for Planned Development
3. PZ action on PD
4. Council action on PD
5. Action on Plat
6. Hook up Utilities within 6 months

Recommendation

Staff feels we have made our best effort to allow the property to function as it was constructed, however, at some point the Town needs to think about redevelopment in this area and this agreement allows that transition to happen timely.