

ORDINANCE NO. 1504

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, HEREOF AMENDED, BY AMENDING PLANNED DEVELOPMENT-LIGHT COMMERCIAL (PD-LC ORDINANCE NO. 1480) ON APPROXIMATELY 8.0 ACRES OF LAND TO ALLOW FOR THE USE OF OFFICE/WAREHOUSE WITH MODIFIED DEVELOPMENT STANDARDS, GENERALLY LOCATED ON THE NORTH SIDE OF KING ROAD, APPROXIMATELY 2,367 FEET WEST OF WITT ROAD; 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 Retail/Commercial; and

WHEREAS, a request for a change in zoning has been initiated by Dean and Edith Hansen to allow for office/warehouse with modified design standards on 8.0 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 8.0 acres of land to allow for the use of office/warehouse with modified development standards, generally located on the north side of King Road, approximately 2,367 feet west of Witt Road, 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 Structures, unless otherwise specified herein:

A. GENERAL PURPOSE AND DESCRIPTION:

The Breezeway Business Park Planned Development is intended primarily for the conduct of uses including retail, office, and commercial.

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.
- 2) Caretaker/Guard’s Residence

C. DEVELOPMENT REGULATIONS:

Maximum Height	25’
Maximum Front Yard Setback	None
Minimum Rear Yard Setback	35’
Minimum Lot Width	50’
Minimum Lot Area	0.5 Acre

D. PARKING REQUIREMENTS:

- 1) The commercial building on Lot 1 as shown on the concept plan (Exhibit A) will provide parking in accordance with the Town of Little Elm Standards.
- 2) Lots 2, 3, & 4 as shown on the concept plan will provide the following number of parking spaces:
 - a. A ratio of 30% office (One space per 300 square feet of floor area) to 70% 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
- 3) 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 REQUIREMENTS:

- 1) Landscaped yards shall be provided as follows:
 - a. Along side yards, a minimum width of ten (10) feet shall be required.
 - b. Along 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. A perimeter fence will be installed as shown on the Concept plan, Exhibit A, in accordance with the following:
 - i. Along the eastern boundary lines of the development:
 - a) Wood, cedar board on board, eight (8) feet tall with two masonry columns. One column to be located at the southeast corner of the property and the other column to be spaced 40-feet away to the north.
 - ii. Along the western boundary lines of the development:
 - b) Ornamental, minimum six (6) feet tall w/ irrigated living screen.
 - iii. Along rear boundary line of development:
 - a) Wood, cedar board on board, eight (8) feet tall.

F. ARCHTECTURAL STANDARDS FOR COMMERCIAL STRUCTURES

The development shall follow the design, material use, and associated percentages of the adopted planned development exhibits, with the following exceptions:

- 1) Office/Warehouse structures directly fronting King Road:

- a. Horizontal articulation standards shall apply.
 - b. Updated elevations showing artistic cast inserts shall be submitted to the Development Services Director for review and approval.
- 2) Noted portions of Office/Warehouse structures:
- a. Elevations (sides of buildings) as identified on the adopted concept plan shall be constructed with stucco and masonry materials.
- 3) The proposed veterinary clinic shall be constructed to conform to the Architectural Standards for Commercial Structures as outlined in the Zoning Ordinance.

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
Clinic, Animal (with outside runs)	P
Commissary	P
Contractor's Shop with Indoor storage/showroom	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
Kennel, no outside runs	P
Kennel, with outside runs	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
Auto/Boat/RV Sales/Leasing, New, Indoor Showroom	S
Auto/Boat/RV Sales/Leasing, Used, Indoor Showroom	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)

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.

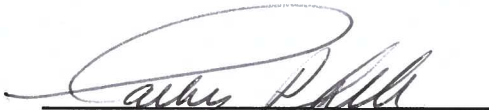
SECTION 9. EFFECTIVE DATE. Upon adoption, this Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the Town Charter.


PASSED AND APPROVED by the Town Council of the Town of Little Elm, Texas on the 18th day of June, 2019.

2nd day July

ATTEST:

The Town of Little Elm, Texas


Kathy Phillips, Town Secretary


David Hillock, Mayor



REV. 1
REV. 2
REV. 3
REV. 4
REV. 5

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THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF JASON P. FOGLE P.E. 101888
 IT IS NOT TO BE USED FOR THE PURPOSES OF CONSTRUCTION BIDDING, PERMITTING, ETC.

Drawn by: JMB
 Checked by: JPF

PROPOSED MIXED USE DEVELOPMENT
BREEZEWAY BUSINESS PARK
 TOWN OF LITTLE ELM, DENTON COUNTY, TEXAS
CONCEPT PLAN
 REVISED: MAY 10, 2019

SHEET
EXHIBIT A



LEGEND

- CONCRETE PAVEMENT - FIRELANE AND DRIVEWAY
- CONCRETE PAVEMENT - PARKING AND SIDEWALK
- LANDSCAPE AREA
- TREE
- SHRUBS

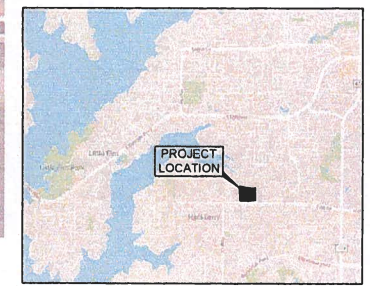
SITE TABLE			
LOT AREA	AREA (SF)	AREA (AC)	PERCENTAGE
LOT 1	272,510	6.208	100.0%
BUILDING	124,500	2.854	94.8%
COVERAGE	241,480	5.544	67.5%
LANDSCAPE	116,011	2.674	32.5%

LOT TABLE			
LOT #	AREA (SF)	AREA (AC)	PERCENTAGE
LOT 1	11,209	0.256	100.0%
BUILDING	6,180	0.141	19.2%
COVERAGE	15,291	0.347	51.2%
LANDSCAPE	18,218	0.419	48.8%

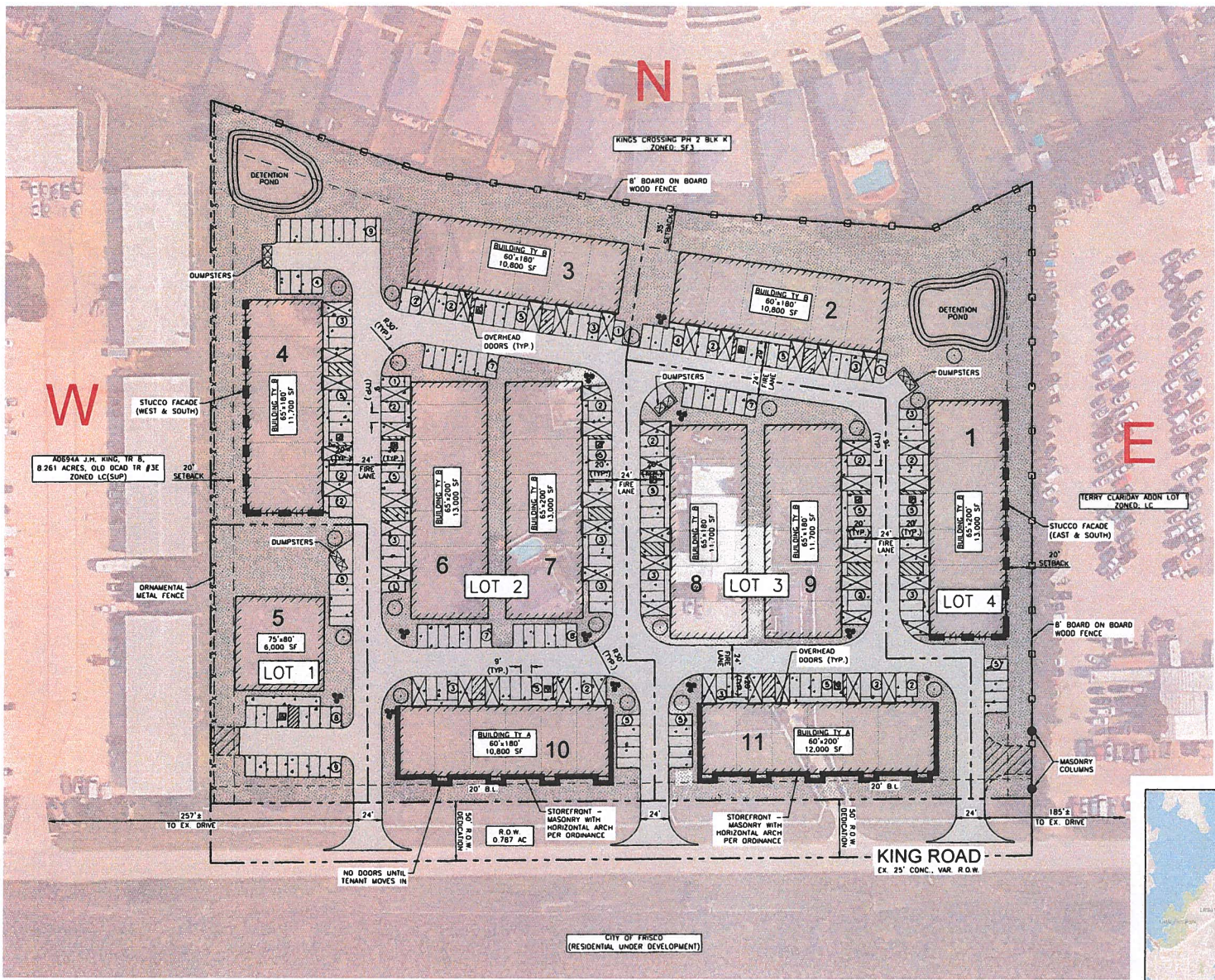
LOT TABLE			
LOT #	AREA (SF)	AREA (AC)	PERCENTAGE
LOT 2	163,492	3.753	100.0%
BUILDING	59,300	1.361	36.3%
COVERAGE	114,906	2.638	70.3%
LANDSCAPE	28,386	0.655	17.4%

LOT TABLE			
LOT #	AREA (SF)	AREA (AC)	PERCENTAGE
LOT 3	93,720	2.152	100.0%
BUILDING	35,480	0.813	27.3%
COVERAGE	67,855	1.558	48.0%
LANDSCAPE	15,865	0.364	11.0%

PARKING SPACES			
LOT #	# OF SPACES	# OF STALLS	# OF TOTAL
LOT 1	22	22	1,273
LOT 2	99	99	1,599
LOT 3	43	43	1,823
LOT 4	33	33	1,221
TOTAL	197	197	1,603



VICINITY MAP
 N.T.S.



NOTE:
 CONCEPT PLAN SUBJECT TO CHANGE AT TIME OF PLATTING/
 BUILDING PERMIT