WORKSHOP & REGULAR MEETING
OF THE TOWN COUNCIL

Tuesday, July 6, 2021
6:00 PM
Little Elm Town Hall
100 W Eldorado Parkway, Little Elm, TX 75068

1. Call to Order Council Workshop at 6:00 p.m.
   A. Invocation.
   B. Pledge to Flags.
   C. Items to be Withdrawn from Consent Agenda.
   D. Emergency Items if Posted.
   E. Request by the Town Council for Items to be Placed on a Future Agenda for Discussion and Recognition of Excused Absences.
   F. Presentation of Monthly Updates.
   G. Town Council to Highlight Items on the Agenda Needing Further Discussion or Comments Prior to the Regular Session.

2. Presentations.
   A. Present and Administer the Oath of Office for Jeremy Lukas, Council Member Place 5.
   B. Present a Proclamation to Recognize June 15, 2021, as Rare Blount's Disease Awareness Day.
   C. Present a Certificate of Recognition to Tamia Thompson.
   D. Present the 2020 Planning Excellence Award.
3. **Roll Call/Call to Order Regular Town Council Immediately Following Council Workshop.**

4. **Public Comments**
   
   Persons may address the Town Council on any issue. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meeting Act, the council may not comment or deliberate such statements during this period, except as authorized by Section 551.072, Texas Government Code.

5. **Consent Agenda**
   
   All matters listed under the Consent Agenda are considered to be routine by the Town Council and require little or no deliberation. There will not be a separate discussion of these items and the agenda will be enacted by one vote. If the Council expresses a desire to discuss a matter listed, that item will be removed from the consent agenda and considered separately.
   
   A. Consider Action to Approve the **Minutes from the June 15, 2021, Regular Town Council Meeting.**
   
   B. Consider Action to Approve **Ordinance No. 1619 Ordering a Special Election to be held on November 2, 2021, for the Purpose of Electing a Council Member for Place 1 to Fill an Unexpired Term Ending on May 7, 2022.**
   
   C. Consider Action to Approve **Two Quit Claim Deeds for Approximately 3,747 square feet and 3,881 square feet out of the Existing Pecan Lane Right-of-Way within the Southside Acres Addition, David M. Cule Survey, A-226 Town of Little Elm, Denton County Texas.**
   
   D. Consider Action to Approve **Ordinance No. 1615 providing for amending Chapter 102, Article III, Entitled “Water Utilities Department”; providing for repeal of Ordinances in conflict; providing for a severability; and providing for an effective date.**
   
   E. Consider Action to Award **Bid 2021-19 for the King Road Utility Project to Canary Construction, Inc., in an Amount Not to Exceed $668,119.00.**
   
   F. Consider Action to Approve **Ordinance No. 1620 Electing for the Town to Make Current Service and Prior Service Contributions to the Town's Account in the Benefit Accumulation Fund of the Texas Municipal Retirement System at the Actuarially Determined Rate of Total Employee Compensation.**

6. **Reports and Requests for Town Council Consideration.**
   
   A. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1616 on a Request to Amend the Valencia on the Lake Planned Development (Planned Development Ordinance No. 1233) on Approximately 447.942 Acres of Land, Generally Located on the West Side of FM 423, Along Doe Creek Road, between Doe Branch and Panther Creek Waterways, within Little Elm's Town Limits.**
   
   Open Public Hearing:
   Receive Public Comments:
   Close Public Hearing:
   Take Action on Ordinance No. 1616:

   B. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1617 on a Request to**
Amend Existing Planned Development-Light Industrial District (PD-LI), through Ordinance No. 890, as Amended by Ordinance No. 1563, in Order to Allow the Expansion of Existing Retractable Technologies, Inc. (RTI) Building 1, on Approximately 33.0237 Acres of Land, Generally Located on the West Side of Lobo Lane, Approximately 175 feet South of Debbie Street, within Little Elm’s Town Limits.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action on Ordinance No. 1617:

C. Present, Discuss, and Consider Action on a Development Agreement between the Town of Little Elm and Retractable Technologies, Inc.

D. Hold a Public Hearing, Present, Discuss, and Consider Action on Ordinance No. 1618 on a Town-Initiated Request to Rezone Approximately 5.303 Acres of Land from Lakefront (LF) to Planned Development-Lakefront District (PD-LF) to Allow for the Use of an Existing Religious Facility with Modified Development Standards and Four Future Residential Lots, Generally Located on the Northwest Corner of West Eldorado Parkway and Lakefront Drive, within Little Elm’s Town Limits.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action on Ordinance No. 1618:

E. Present, Discuss, and Consider Action on a Development Agreement between the Town of Little Elm and Button United Memorial Methodist Church.

F. Hold a Public Hearing, Present, Discuss, and Consider Action on a Request for a Specific Use Permit (SUP) to Allow for the Use of a Child Care Facility, Generally Located on the South Side of Eldorado Parkway, Approximately 589 Feet West of Hart Road, Within Little Elm’s Town Limits.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action to Accept Withdrawal:

G. Hold a Public Hearing, Present, Discuss, and Consider Action on a Request for a Specific Use Permit (SUP) to Allow for a Liquor Store, on Property Addressed as 1020 West Eldorado Parkway, Suite 101, Generally Located at the Southeast Corner of Eldorado Parkway and Lewis Drive, within Little Elm’s Town Limits.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action to Accept Withdrawal:

7. Convene in Executive Session pursuant to Texas Government Code:
• Section 551.071 for private consultation with the Town Attorney to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak and to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council.
• Section 551.072 to discuss certain matters regarding real property.
• Section 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance duties, of a public officer or employee(s).
• Section 551.076 to discuss security matters.
• Section 551.087 to discuss Economic Development.

8. Reconvene into Open Session

Discussion and consideration to take any action necessary as the result of the Executive Session:

• COVID-19 Pandemic and the Town's response thereto, including the consideration of an emergency declaration ordinance.
• Section 551.071 for private consultation with the Town Attorney to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak and to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council.
• Section 551.072 to discuss certain matters regarding real property.
• Section 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance duties, of a public officer or employee(s).
• Section 551.076 to discuss security matters.
• Section 551.087 to discuss Economic Development.


Pursuant to the Texas Open Meeting Act, (Chapter 551, Texas Government Code), one or more of the above items will be taken or conducted in open session following the conclusion of the executive closed session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aide of service such as interpreters for the hearing impaired, reader or large print are requested to contact the secretary at 214-975-0452 two days prior to the meeting so appropriate arrangements can be made. BRAILLE IS NOT PROVIDED.

Respectfully,

Town Secretary

This is to certify that the above notice was posted on the Town’s website this 2nd day of July 2021 before 5:00 p.m.
Date: 07/06/2021
Agenda Item #: 2.A.
Department: Administrative Services
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:
Present and Administer the Oath of Office for Jeremy Lukas, Council Member Place 5.

DESCRIPTION:
As a result of the June 5, 2021, Runoff Election, Jeremy Lukas was elected to the position of Council Member District 5. Since he was unable to attend the June 15, 2021, meeting, Jeremy Lukas was sworn in on Wednesday, June 23, 2021 at The Rec at the Lakefront. This item is to present the Oath of Office to Jeremy Lukas for the public.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
N/A
Date: 07/06/2021
Agenda Item #: 2.B.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:
Present a Proclamation to Recognize June 15, 2021, as Rare Blount's Disease Awareness Day.

DESCRIPTION:
This proclamation provides an opportunity to increase awareness about Blount's Disease.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Proclamation - Rare Blount's Disease
Date: 07/06/2021  
Agenda Item #: 2.C.  
Department: Administrative Services  
Strategic Goal: Ensure strong relationship within the community and region  
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:
Present a Certificate of Recognition to Tamia Thompson.

DESCRIPTION:
Tamia Thompson has been a member of the Little Elm Community almost all of her life. She graduated from Little Elm High School in 2020. In spite of a global pandemic, Tamia managed to graduate with a 4.368 GPA, received the Presidential Volunteer Service Award from 2016-2019, as well as countless other service awards. She's a tutor and mentor to several of her peers and one of her major accomplishments to date is that she received $10.5 million in scholarships to attend college. She's currently a student at Howard University in Washington, DC, and will be headed into her second year this August. Tamia is also the President of a not-for-profit organization based here in Little Elm called The Zero Debt College Fund where she teaches strategies for getting scholarship money to kids from K-12th grade.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
N/A
Date: 07/06/2021  
Agenda Item #: 2.D.  
Department: Administrative Services  
Strategic Goal: Promote and expand Little Elm’s identity  
Staff Contact: Fred Gibbs, Director of Development Services  

AGENDA ITEM:  
Present the 2020 Planning Excellence Award.

DESCRIPTION:  
The Certificate of Achievement for Planning Excellence is given by the American Planning Association, Texas Chapter. This award recognizes the Town of Little Elm for their professional planning standards demonstrated by the planning staff and the support exhibited by the Town Council and Planning Commission.

The Town of Little Elm has met all of the Chapter’s goals for:

- Increasing awareness of professional planning;
- Recognizing Planning Departments which meet certain professional requirements;
- Enhancing neighborhood and citizen recognition of planning efforts;
- Encouraging the funding of professional training for Commissions and staff; and
- Aiding in economic development and community image.

BUDGET IMPACT:  
There is no budget impact for this item.

RECOMMENDED ACTION:  
N/A
Date: 07/06/2021
Agenda Item #: 5.A.
Department: Administrative Services
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:
Consider Action to Approve the Minutes from the June 15, 2021, Regular Town Council Meeting.

DESCRIPTION:
The minutes from the June 15, 2021, regular Town Council meeting are attached for approval.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Minutes - June 15, 2021
AGENDA ITEM:
Consider Action to Approve Ordinance No. 1619 Ordering a Special Election to be held on November 2, 2021, for the Purpose of Electing a Council Member for Place 1 to Fill an Unexpired Term Ending on May 7, 2022.

DESCRIPTION:
As a result of the June 5, 2021, Runoff Election, a vacancy has been created in the Place 1 At-Large position. This ordinance orders a special election on November 2, 2021, to fill the unexpired term ending on May 7, 2022.

Earlier this year, the Town entered into a Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator to conduct elections within the Town. The Elections Administrator determines all polling sites for early voting and Election Day voting and coordinates with the Town for polling sites located within Town limits. As part of this ordinance, the Town designates one polling location at the Little Elm Community Center, 107 Hardwicke Lane, for both early and Election Day voting. However, the Town has the option to add additional polling sites that are not required to be listed in this ordinance. A complete list of polling locations in Denton County will be published on the Town’s website as soon as it’s available. Residents will be able to vote at any polling location during the early voting period but must vote at their designated precinct polling location on Election Day. For information related to voter eligibility and precincts, please visit www.votedenton.gov.

Important Dates

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 12, 2021</td>
<td>Candidate packets available at Town Hall or on the Town's website</td>
</tr>
<tr>
<td>July 17, 2021</td>
<td>Filing period opens</td>
</tr>
<tr>
<td>August 16, 2021</td>
<td>Filing period closes at 5:00 p.m.</td>
</tr>
<tr>
<td>October 4, 2021</td>
<td>Last day to register to vote</td>
</tr>
<tr>
<td>October 18, 2021</td>
<td>First day to early vote in person</td>
</tr>
<tr>
<td>October 29, 2021</td>
<td>Last day to early vote in person</td>
</tr>
</tbody>
</table>
November 2, 2021

Election Day

**BUDGET IMPACT:**
Funds for this election have been budgeted for in the General Fund operations.

**RECOMMENDED ACTION:**
Staff recommends approval.

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**Attachments**

Ordinance No. 1619
Date: 07/06/2021  
Agenda Item #: 5.C.  
Department: Development Services  
Strategic Goal: Provide a safe and welcoming environment for Little Elm residents and visitors  
Staff Contact: Fred Gibbs, Director of Development Services  

AGENDA ITEM:
Consider Action to Approve Two Quit Claim Deeds for Approximately 3,747 square feet and 3,881 square feet out of the Existing Pecan Lane Right-of-Way within the Southside Acres Addition, David M. Cule Survey, A-226 Town of Little Elm, Denton County Texas.

DESCRIPTION:
Town staff was approached by two residents that are adjacent to the subject property that is known on the plat as Pecan Lane right-of-way. They expressed interest in acquiring this property due to a number of safety concerns it poses in that area. This area isn't used as ROW and, according to our records, possibly wasn't ever dedicated to the Town during annexation. In addition, the area hasn't been maintained by the Town and hasn't been used by the public as a typical right-of-way. Many subdivisions from the 1950s and 1960s had access points much like this for the property owners on interior lots of the subdivision to access the lake. It is normal sometimes to have these outliers that don't get incorporated or annexed by a municipality. The quit claim deed process provides an avenue for the Town to convey its interest (if any in this case) to the property owners that are interested in the area described above. However, since the Town and other utility providers actively use this area, a DUE (drainage utility easement) will remain on the southern portion of ROW to allow continued use of this area as an easement.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Southside Acres Plat  
Quit Claim Deed North  
Quit Claim Deed South
AGENDA ITEM:
Consider Action to Approve Ordinance No. 1615 providing for amending Chapter 102, Article III, Entitled “Water Utilities Department”; providing for repeal of Ordinances in conflict; providing for a severability; and providing for an effective date.

DESCRIPTION:
Town staff held a workshop session with Council on June 1, 2021, to discuss the proposed changes to the Water Utilities Department policies and incorporate feedback from Council for formal adoption. The Town adopted the last revision in 2017, and recommended changes are requested to clarify the Water Utilities Department Ordinance for both the utility customers and Town staff. A summary below highlights those changes:

- If the printed due date falls on a Friday, a weekend, or a legal holiday, the due date will automatically be considered to be the next business day.
- Replace the word “termination” with “disconnection”.
- Clarifying what forms of identification will be accepted when establishing new service with the Town.
- With the implementation of Harmony Software, staff notifies customers once a leak is detected in the system. Staff is noticing timely repairs being made due to our alerts. Recommending that only “hidden” leaks be considered for future leak adjustments. Routine maintenance will no longer qualify for a water leak adjustment.
- All customer refunds of less than $10.00 will not be issued a refund check unless requested in writing by the customer. The Town is utilizing the de Minimis exemption due to the high cost of issuing these lower threshold checks. This is a common practice among municipalities. This has been fully vetted with the Town Attorney’s Office.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Staff recommends approval.
Attachments

Ordinance No. 1615
Full Code Ordinance #1615
Town Council Meeting

Date: 07/06/2021
Agenda Item #: 5.E.
Department: Development Services
Strategic Goal: Ensure excellence in public services while keeping up with the growth in the community
Staff Contact: Wesley Brandon, Town Engineer

AGENDA ITEM:
Consider Action to Award Bid 2021-19 for the King Road Utility Project to Canary Construction, Inc., in an Amount Not to Exceed $668,119.00.

DESCRIPTION:
On June 29, 2021, the Town received bids for the King Road Utility Project. Bids were advertised in the local paper and posted on the Town’s eProcurement system. Nine (9) vendors responded. The lowest responsible bidder is Canary Construction, Inc. of Lewisville, Texas.

The project consists of installing a new 12” water line (approximately 2,840 feet) along King Road, and approximately 548 feet of new wastewater lines south of the Kings Crossing subdivision. The purpose of this project is to provide utility services to customers along King Road, as well as improve water circulation by creating a looped connection between two existing dead-end water mains.

BUDGET IMPACT:
Funding has been identified in the Capital Improvement Plan, and the project will be funded out of capital improvement funds.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 578,119.00</td>
<td>Base Bid</td>
</tr>
<tr>
<td>$ 30,000.00</td>
<td>Early Completion Incentive</td>
</tr>
<tr>
<td>$ 60,000.00</td>
<td>Contingency</td>
</tr>
<tr>
<td>$ 668,119.00</td>
<td>Project Total</td>
</tr>
</tbody>
</table>

Expenditures will not exceed funds appropriated without prior approval of the Town Council. Funds will be committed at the issuance of a purchase order.

RECOMMENDED ACTION:
Staff recommends approval.
Attachments

Project Layout
Bid Tabulation
AGENDA ITEM:
Consider Action to Approve Ordinance No. 1620 Electing for the Town to Make Current Service and Prior Service Contributions to the Town’s Account in the Benefit Accumulation Fund of the Texas Municipal Retirement System at the Actuarially Determined Rate of Total Employee Compensation.

DESCRIPTION:
The Town is a member of the Texas Municipal Retirement System (TMRS). TMRS administers a program for (currently) 888 cities, providing retirement, disability, and survivor benefits to active and retired municipal employees.

One of the laws that applies to this System is the TMRS Act. This act sets a limit as to the maximum amount the System can require a city to contribute in a given year, based on the level of benefits the city has chosen to provide. This limit is called the Maximum Contribution Rate Limit, commonly known as the Statutory Maximum, or "Stat Max."

The Stat Max was a part of the enabling legislation that set up TMRS in 1947. This is a relic portion of the legislation that has now been removed for all cities joining the TMRS program since 1996. The Town of Little Elm joined the system in 1992, so we are still governed by the old legislation. Since 1996, many Texas Cities reaching the Stat Max have voted an ordinance to have it removed.

The Town has reached the Stat Max limit. By adopting this ordinance, the Stat Max rate limit will be removed. If the Town does not remove the limit, some benefits for Town employees will be automatically turned off until the rate drops back below the limit. This could result in reduction of benefits for employees and retirees of the Town. It would also reduce the Town’s ability to recruit new employees.

BUDGET IMPACT:
The Town receives annual contributions rates from TMRS, which is incorporated into the budget, and presented to Council.

RECOMMENDED ACTION:
Staff recommends approval.
Attachments

Ordinance No. 1620
Stat Max Information Sheet
AGENDA ITEM:
Hold a Public Hearing, Present, Discuss, and Consider Action on Ordinance No. 1616 on a Request to Amend the Valencia on the Lake Planned Development (Planned Development Ordinance No. 1233) on Approximately 447.942 Acres of Land, Generally Located on the West Side of FM 423, Along Doe Creek Road, between Doe Branch and Panther Creek Waterways, within Little Elm’s Town Limits.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action on Ordinance No. 1616:

DESCRIPTION:
Location
Generally located on the west side of FM 423, along Doe Creek Road, between Doe Branch and Panther Creek Waterways, within Little Elm's town limits.

Planning Analysis
The Valencia Subdivision was approved by Council on November 5, 2013, inclusive of a Developer's Agreement and Planned Development (PD) that covered development standards and other elements related to the Valencia development. Since then, there have been six separate amendments to the Developer's Agreement, which have not been reflected within the PD Ordinance language. The first amendment in September 2014 revised certain setback regulations contained in the PD Standards. The second amendment in June 2015 revised and supplemented certain trail construction obligations and revised certain development standards. The third amendment in February 2016 revised the garage standards in the PD standards relating to certain lots. The fourth amendment in August 2016 revised the PD standards relating to certain Lot sizes and Lot counts, updated the Trail Exhibit and trail obligations, required the construction of an amenity center, and required certain additional development standards related to trees, irrigation systems, and construction materials. The fifth amendment in September 2015 revised payment requirements due to the Town in relation to the construction of the amenity center and addressed the timing of the construction of the amenity center. The sixth amendment in February 2021 included the new Phase 4 Lot mix and revised development standards, revision of the covenants, conditions, and restrictions, construction Rockhill Parkway, including the 8’ sidewalk along Rockhill Parkway, location of certain parks, and a phasing exhibit for
infrastructure. At this time, the applicant is requesting to amend the existing PD Ordinance in order to capture the agreed upon standards, per the already approved Developer's Agreement amendments.

The purpose of this request is to combine and incorporate all the previous amendments into one cohesive ordinance document with updated exhibits. The timeline below outlines in more detail the history of the above-mentioned amendments.

**Timeline of Amendments:**

**September 16, 2014 (First Amendment):**
Revised the Type 4 (40's) lots.

- 20' minimum front yards were reduced to 10' minimum.
- 20' minimum rear yards were reduced to 10' minimum.
  - These front and rear yard reductions allowed for a 30' x 75' building pad.

**June 2, 2015 (Second Amendment):**
Revised the Type 2 (80's) and Type 3 (60's) lots.

- 20' minimum rear yards were reduced to 15' minimum.
- Added "Gifts to the Street". Please see the list below of the Gifts to the Street:
  - Architectural garage doors.
  - Architectural pillars and posts.
  - Bay windows.
  - Brick chimney on exterior wall (front of house).
  - Cast stone accents.
  - Covered front porches.
  - Cupolas or turrets.
  - Dormers.
  - Gables.
  - Garage door not facing streets.
  - Roof accent upgrades (i.e. metal, tile, slate, etc.).
  - Recessed entries, a minimum of three (3) feet deep.
  - Greater than an 8:12 primary roof pitch.
  - Separate transom windows.
  - Variable roof pitch.
  - Shutters.
- Type 1, 2, 3, and 5 lots shall have at least four of the listed Gifts to the Street.
- Type 4 lots shall have at least five (5) of the listed Gifts to the Street.
- Remove the tile/masonry roof requirement from Type 4 (40's) lots.
- Increased the trail width from eight feet (8') to ten feet (10').
- Increased the trail concrete thickness from four inches (4") to six inches (6").
- Increased the trail subgrade from two inches (2") of bedding sand to six inches (6") of compacted subgrade.
- Added terms and conditions under which the developer would be able to utilize/contribute proceeds from a proposed TxDOT trial grant.
- Nine (9) parking locations identified for potential parking area. Developer is required to construct a minimum of three (3) parking areas with a minimum of three (3) parking stalls at each parking area.

**February 16, 2016 (Third Amendment):**
Garage requirements were reduced for Type 2 (80's) lots.
Prior to the revision, garages on 80' lots could not face the street unless they were set back 30' from front of the home. The revision makes the garage requirements on the 80's mirror that of the 60' lots.

**August 2, 2016 (Fourth Amendment):**
Significant revisions were made to the lot types via Concept Plan.

- Added the construction of the Amenity Center.
- Revised several development standards that included:
  - Increased lot coverage for the 40's from 55% to 57%.
  - Added 50' lots for Patio Homes.
  - Added 70's to the plan with a minimum of 154.
  - Added the requirement to plant at least one (1) ornamental tree per lot.
  - Added the new lots to provide Gifts to the Street.
  - Added that all garage doors and front doors in Phase 2, 3, 4, and 5 (excluding Type 4 and Type 5 lots) must consist of, or have the appearance of stained wood.
  - Added that all front yards shall be irrigated with an automated system.
- Revised the trail path exhibit to provide the new alignment.

**August 15, 2017 (Fifth Amendment):**
An amendment was made to the whereas clause that dealt with the PID issue and TIRZ language and a section was added pertaining the amenity center by providing deadlines and penalties for the construction.

**February 2, 2021 (Sixth Amendment):**
Revisions made by the revised, approved, and executed Developer's Agreement. The Developer conducted a meeting with the HOA on January 21, 2021 and received favorable feedback with the items that were being requested at that time. The changes made in the Developer's Agreement and are being proposed in the Planned Development Amendment include the following:

- **Rockhill Parkway and 8' sidewalk completion: (See Exhibit J and E-2)**
  - As a condition of the Town's acceptance of the next phase of development (Phase 2B-2 - 4), the Developer is required to construct the remaining portion of Rockhill Parkway, in its entirety.
  - Final two lanes of Rockhill Parkway will be completed which will include streetlights and median landscaping.
  - Eight-foot (8’) sidewalk along the entire length of Rockhill Parkway, from Riola Drive to Casinos Drive will be constructed.
  - The temporary trail there today will remain until the sidewalk is competed.
  - A $500 per day penalty clause is within the agreement.

- **Parks and Open Space: (See Exhibit E, E-2, I, and K)**
  - The PD amendment requires two (2) new parks, each with open play areas, play structures, dog park, and other features. The new parks shall be owned by the (due to PID funding regulations) but maintained by the HOA.
    - **Park A:** Located strategically located in the "middle" of Valencia, adjacent to the school property, and when construction of the school and school's recreation facilities are complete, would serve as a large open space with playground and recreational facilities for all ages. The construction of this park is directly tied to the construction of the next phase (Phase 2B-2 - 4A) and acceptance of the Phase.
    - There is a $500 per day penalty clause in the agreement.
    - **Park B:** Located adjacent to the existing Amenity Center and sport courts. This park is near the point of the peninsula and boast incredible views of the lake and has a great connection
to untouched nature of the Corp. property. The park will also consist of a traditional
playground structure as well as wellness/exercise equipment and large open play fields. The
construction of Park B is directly tied to the construction and acceptance of Phase 4B/4C.
- The penalty that was accessed as part of the amenity center construction delay, the
  $62,000 outstanding balance will be applied to Park Enhancements in Park B.
- There is a $500 per day penalty clause in the agreement.

- Lot Mix and Concept Plan Modifications: (See Exhibit D and Lot Mix Chart)
  - The amended Concept Plan shows:
    - Phase 2B will add four (4) additional 60' lots.
    - Phase 4 will be modified to eliminate the Developer's ability to develop any future 40' or
      any future Townhome lots.
    - Phase 4 will consist solely of 50' and 60' lots.
    - The overall Phase 4 lot count will increase from 341 lots to 444 lots, a 103-lot increase.

Recommendation to the Commission. Staff recommended approval of the Planned Development
amendments as proposed.

Commission Findings. The Planning and Zoning Commission, meeting in regular session on June 3, 2021,
unanimously voted to recommend approval of the request as proposed.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Planning and Zoning Commission recommends approval of the request without conditions.

Attachments
Location Map
Ordinance No. 1616
PD Exhibits
Development Agreement - Valencia 6th Amendment
Ordinance No. 1233
Date: 07/06/2021
Agenda Item #: 6.B.
Department: Development Services
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:
Hold a Public Hearing, Present, Discuss, and Consider Action on Ordinance No. 1617 on a Request to Amend Existing Planned Development-Light Industrial District (PD-LI), through Ordinance No. 890, as Amended by Ordinance No. 1563, in Order to Allow the Expansion of Existing Retractable Technologies, Inc. (RTI) Building 1, on Approximately 33.0237 Acres of Land, Generally Located on the West Side of Lobo Lane, Approximately 175 feet South of Debbie Street, within Little Elm's Town Limits.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action on Ordinance No. 1617:

DESCRIPTION:
Location.
Generally located at 511 Lobo Lane, on the west side of Lobo Lane, approximately 175 feet south of Debbie Street, within Little Elm's town limits.

Planning Analysis.
Background.
Retractable Technologies, Inc. (RTI) was established in 1994 and has been operating on the 33.0237-acre property, generally located at 511 Lobo Lane, since initial construction completion in 1996. At the time RTI began its operations, the property was zoned Light Industrial (LI). In 2008, RTI expanded its facilities to accommodate manufacturing and the property was rezoned to a Planned Development-Light Industrial District (PD-LI), through Ordinance No. 890.

In 2020, amid the COVID-19 pandemic, RTI was in the process of receiving funding from the US Government to expand facilities in order to be able to produce 427 million, US-manufactured, safety injection devices per year, which would be utilized throughout the country to administer the COVID-19 vaccination. In order to accomplish this goal, RTI needed to expand its facilities by reconfiguring the internal operations of the existing structure on site as well as constructing a new 55,000 square foot warehouse with additional parking and loading areas. As a result, the existing PD was amended in 2020 through Ordinance No. 1563 in order to accommodate the proposed expansion, modify parking requirements, allow for modified exterior materials,
and provide enhanced landscaping and screening.

Since 2020, as a result of the facility expansion and increased manufacturing capacity, RTI has increased their workforce by over 100 people. In 2021, RTI has received additional federal funding to further expand their capacity, and is anticipating to grow by another 100, or more, employees by January 2022, resulting in just over 300 employees. As their workforce grows and diversifies, RTI is beginning to experience the need for additional office space, as well as employee amenities. The anticipated expansion of Building 1, the building closest to the street, was part of the originally approved concept plan for this property, where it was shown as Future Addition 1 and 2. At this time, RTI would like to proceed with the expansion of Building 1, by adding two new wings to accommodate the additional need for office and amenity space.

Such action requires amending the existing PD Ordinance in order to revise the site plan to show the expanded building footprint, additional provision of parking, and request modification to the exterior materials requirements.

Proposal.
The applicant is requesting to construct two, two-story, 30-foot tall additions to match the existing 30-foot tall building, a total of 13,214 square feet of additional floor area, consisting of 7,166 square feet of new office area and 6,048 square feet of amenity area. The proposed floor plans show the layouts for new executive offices, conference rooms, break rooms, exercise areas, and employee locker rooms. The facade plans show the existing building frontage to be of E.I.F.S. construction (Group C material), the back portions of the existing building of tilt-wall construction (Group B material), and the proposed new additions with stucco (Group B material). The proposed site plan changes, in addition to the building footprint expansion, show four new parking areas, totaling 56 additional parking spaces. No additional exterior or site changes are being proposed at this time.

Uses. The applicant is not introducing any new uses. The proposal is to expand space for office and office-related uses, which is allowed through the existing PD Ordinance.

Development Standards. The proposed plans show the building expansion to be in compliance with the existing setback requirements.

Architectural Standards.
PD Ordinance for this site allows the existing structures as built and/or previously approved, but requires that any future structures comply with Sec. 106.06.06 - Architectural standards for industrial structures. This section requires at least 10% of the primary building face, visible from a public street, to be constructed of Group A materials (brick, stone, or manufactured stone) and up to 90% Group B materials (split-face CMU, stucco, cementitious fiberboard, engineered wood, or tilt-wall construction), and requires the use of at least two different materials. Secondary building faces are allowed to be constructed of 100% Group B materials. The proposed elevations show the building expansion entirely of stucco, Group B material, which would not comply with the requirements of Sec. 106.06.06. This section also requires main entry/office area and the use of at least two auxiliary design standards, but the proposed expansion only partially complies with the vertical articulation and does not provide any auxiliary design features. Therefore, the applicant is requesting the town's consideration to vary from these requirements, specifically for the proposed expansion, as part of this PD request.

Parking. PD Ordinance for this site requires a parking ratio of 1 space per employee for Buildings 2 and 3, and a parking ratio of 1 space per 1,000 square feet of warehouse/manufacturing use, plus 1 space per employee, and 1 space per 300 square feet of office use for Building 1. The Ordinance notes that parking ratios associated with any future expansion to be up to Development Services Director's discretion. Since the number of employees is constantly evolving, and therefore not a static number, as a parking ratio based on
square footages, it poses difficulties in regulating and enforcing compliance. Staff understands that most of the site is used for warehouse and manufacturing purposes and believes that it would be more appropriate to utilize solely the building square footage per use in order to determine the parking requirements for this site. **Staff is recommending, as part of this PD Ordinance amendment, that the parking requirement for the site in its entirety be changed to 1 space per 1,000 square feet of warehouse/manufacturing use and 1 space per 300 square feet of office use. Using these ratios, for all buildings on site, the total warehouse area is 156,206 square feet and the total office area, inclusive of the proposed expansion, is 21,214 square feet, requiring a total of 228 parking spaces to be provided on-site. The site currently provides a total of 272 parking spaces and the applicant is proposing to add another 56 spaces, bringing the site total to 328 parking spaces, which exceeds the parking requirements.**

**Landscaping.** No landscape changes are being proposed at this time and the proposed scope of work does not trigger any additional landscape improvements.

**Comprehensive Plan.** The future land use of this area is identified as retail and commercial. The proposed office expansion fully aligns with this vision. While this property's primary operation focuses on manufacturing, it provides associated office use, which as experienced by this request, continues to grow with the increased manufacturing capacity of the overall site. The Comprehensive Plan states that the activities of the residents of a community create a need for a variety of land uses, including industrial uses, and also identifies industrial uses as being suitable for areas that are not located directly off of major roadways, as to limit visibility that would otherwise be desirable for retail and commercial uses, which is supportive of this site's location.

No additional changes are being proposed at this time.

RTI is a longstanding workforce provider in the community and the largest industrial site within the town. RTI is also responsible for the production of devices used in administering the COVID-19 vaccination to millions of people throughout the country. The expansion of Building 1 has been anticipated as a future endeavor since the establishment of the original PD Ordinance in 2008. The continued expansion of RTI facilities is important in maintaining a successful level of production as well as overall company operations.

Staff believes that, because existing building primary facades are currently constructed of Group C materials, and the applicant is proposing to construct the expansion of stucco, Group B material, the applicant is bringing the building closer into compliance with the original intent of this section, while matching the existing design and construction fo the existing structure. Given the above parking discussion, Staff is recommending, as part of this PD Ordinance amendment, that the parking requirement for the site in its entirety be changed to 1 space per 1,000 square feet of warehouse/manufacturing use and 1 space per 300 square feet of office use.

**Recommendation to the Planning and Zoning Commission.**
Staff recommended approval of the requested Planned Development Amendment as proposed, with a modified parking ratio.

**Commission Findings.**
The Planning and Zoning Commission, meeting in regular session on June 17, 2021, voted to recommend approval of the request unanimously, with the following condition:

- Property owner shall provide tree mitigation at a ratio of 1:1 along the Lobo Lane frontage of Building 1, Phase 3.

**BUDGET IMPACT:**
https://destinyhosted.com/print_all.cfm?seq=356&reloaded=true&id=54885
There is no budget impact for this item.

**RECOMMENDED ACTION:**
Planning and Zoning Commission recommends approval of the request with the condition that the property owner provide tree mitigation at a ratio of 1:1 along the Lobo Lane frontage of Building 1, Phase 3.

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**Attachments**

Location Map
Ordinance No. 1617
PD Exhibits
Ordinance No. 890
Ordinance No. 1563
Date: 07/06/2021
Agenda Item #: 6.C.
Department: Development Services
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:
Present, Discuss, and Consider Action on a Development Agreement between the Town of Little Elm and Retractable Technologies, Inc.

DESCRIPTION:
The attached agreement is to solidify the Planned Development and the intended design of the proposed expansion of Building 1 as outlined in the associated Planned Development for Retractable Technologies Inc.

BUDGET IMPACT:
There is no budget impact associated with this item.

RECOMMENDED ACTION:
Staff recommends Council to consider and execute the attached agreement.

Attachments
Development Agreement - RTI PD
Date: 07/06/2021
Agenda Item #: 6.D.
Department: Development Services
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:
Hold a Public Hearing, Present, Discuss, and Consider Action on Ordinance No. 1618 on a Town-Initiated Request to Rezone Approximately 5.303 Acres of Land from Lakefront (LF) to Planned Development-Lakefront District (PD-LF) to Allow for the Use of an Existing Religious Facility with Modified Development Standards and Four Future Residential Lots, Generally Located on the Northwest Corner of West Eldorado Parkway and Lakefront Drive, within Little Elm’s Town Limits.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action on Ordinance No. 1618:

DESCRIPTION:
Location.
The subject property is addressed as 101 West Eldorado Parkway, generally located on the northwest corner of West Eldorado Parkway and Lakefront Drive, within Little Elm’s town limits.

Planning Analysis.
As the Town of Little Elm has evolved its ordinances throughout the years, instances of older structures not conforming to the Town’s current requirements will become a reoccurring issue. While the goal is to remove and prevent nonconformities as sites develop/redevelop, in certain situations, existing site limitations may hinder the ability of an existing site to be brought into compliance with the Town’s current standards.

The subject property is currently zoned as Lakefront (LF) zoning district and contains religious facilities for Button Methodist Church, inclusive of a church parsonage building, located on its own lot. Over the years, the parsonage has been used primarily to store scouting equipment for Boy Scouts of America, but the lot was recently sold off, to be used as a single family residence. The remainder of the church property currently sits across multiple lots and is undergoing a concurrent platting request in order to unify the site by removing lot lines that run through the existing church structures, as well as creating four residential lots to the north of the existing church, along the King Street cul-de-sac.

The church is requesting to construct a 30’x55’ metal storage shed in the rear of the property, which would be
considered a nonconforming accessory structure, and a four-foot metal fence around the existing playground equipment, which exceeds the three-foot maximum fence allowance as outlined in the Town's Code of Ordinances. The proposed shed is proposed to be screened by a living screen and used as equipment storage for Pack 367, Trop 45, and Crew 45; all of which provide scouting opportunities within Little Elm. The religious facility was constructed in 1980, well before the establishment of the Town's Lakefront District. Presently, the structure and site are considered to be nonconforming because of requirements listed in Section 106.06, Site Development Standards, in the Code of Ordinances. Without the proposed rezoning, the subject property would not be allowed to make the above-mentioned improvements because such actions would be considered as expanding or intensifying the nonconformity of the site.

This request was previously heard by the Planning and Zoning Commission on February 18, 2021, where the Commission recommended approval of the proposed PD with the additional recommendation that the proposed accessory structure be designed to meet the architectural requirements as stated by Section 106.05.02.1.4 (Accessory Uses - Architectural Requirements). However, the request was subsequently denied by the Town Council on March 2, 2021 with the understanding that the church and staff would work together to mitigate any negative visual impact resulting from the proposed metal shed. At this time, the proposal includes a living screen as the form of mitigation and the church is once again requesting the Administration's consideration for approval.

Given the challenges and limitations of the existing site, a Planned Development (PD) district is being proposed in order to accommodate the longstanding church congregation to continue its operation on this site and to continue providing scouting opportunities throughout the community. The PD will remedy the existing nonconformity of this site by capturing what is currently on site, as well as the proposed site improvements, to be allowed by right. However, any additional improvements that expand beyond what is shown in the site exhibits, or is spelled out within this PD language, would require going back through the entitlement process to amend the PD and site plan. The site exhibits will constitute as the subject property site plan, landscape plan, and elevations.

This request will allow the construction of a metal storage shed with a living screen, and a four-foot metal fence around the existing playground equipment in order to accommodate an existing church operation to continue its work within the community.

This request aligns with the Comprehensive Plans objectives and goals listed in the Livability and Quality of Life sections. Specifically, “Protect, preserve, and enhance the elements that create a high quality of life such as the lake, the small-town character, and areas of high aesthetic value” and “Promote a sense of community and shared responsibility for maintaining Little Elm’s character and quality of life”. Additionally, as suggested by Council, the request now reflects a living screen in order to mitigate any off site visual nuisance that may be created by the proposed metal shed.

Commission Findings.
The Planning and Zoning Commission, meeting in regular session on June 3, 2021, voted to recommend approval of the request, with four votes in favor, two votes against, and one abstention.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
The Planning and Zoning Commission recommended approval of the request.
Location Map
Ordinance Exhibits
Ordinance No. 1618
Date: 07/06/2021
Agenda Item #: 6.E.
Department: Development Services
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:
Present, Discuss, and Consider Action on a Development Agreement between the Town of Little Elm and Button United Memorial Methodist Church.

DESCRIPTION:
The attached agreement is to solidify the Planned Development and the intended design of the proposed accessory structure, living screen, and four-foot fence as outlined in the associated planned development for Button Church.

BUDGET IMPACT:
There is no budget impact associated with this item.

RECOMMENDED ACTION:
Staff recommends Council to consider and execute the attached agreement.

Attachments
Development Agreement - Button Methodist Church
Date: 07/06/2021
Agenda Item #: 6.F.
Department: Development Services
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:
Hold a Public Hearing, Present, Discuss, and Consider Action on a Request for a Specific Use Permit (SUP) to Allow for the Use of a Child Care Facility, Generally Located on the South Side of Eldorado Parkway, Approximately 589 Feet West of Hart Road, Within Little Elm’s Town Limits.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action to Accept Withdrawal:

DESCRIPTION:
The applicant has requested to withdraw this item from consideration by Town Council.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Staff recommends that Town Council accepts the applicant’s request to withdraw this item from consideration.

Attachments
Montessori Learning House Location Map
Request to Withdraw SUP
Date: 07/06/2021
Agenda Item #: 6.G.
Department: Development Services
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:
Hold a Public Hearing, Present, Discuss, and Consider Action on a Request for a Specific Use Permit (SUP) to Allow for a Liquor Store, on Property Addressed as 1020 West Eldorado Parkway, Suite 101, Generally Located at the Southeast Corner of Eldorado Parkway and Lewis Drive, within Little Elm’s Town Limits.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action to Accept Withdrawal:

DESCRIPTION:
Background:
The subject property is currently zoned Light Commercial (LC) with a Specific Use Permit (SUP) for the associated gas station, as approved through Ordinance No. 1119, and amended through Ordinance No. 1161. The property is operating as an existing multitenant retail shopping center; existing tenants include Johnny Joe’s Food Mart, within the eastern end-cap of the building, and Qwench Juice Bar, DRNK Coffee and Tea, and Pint House, within the western end-cap of the building. The proposed liquor store would have occupied the currently vacant 1,914 square-foot Suite 101, previously occupied by Martial Arts.

The applicant was requesting to amend the existing SUP Ordinance by removing "liquor store" from the list of restricted uses on the subject property, and approve a liquor store as an allowed use on said property. No other changes were being proposed to the Ordinance and all other existing conditions would remain in place. The applicant was proposing to purchase the inventory, and take over the management contract, of the existing Cruz’s Cooler Liquor, located at 407 W Eldorado Parkway, and relocate the store to 1020 West Eldorado Parkway, under a new business name. It should be noted that 407 W Eldorado Parkway would not be able to be re-occupied by another liquor store without going through the full entitlement process in order to request and obtain approval of a new SUP for this specific use.

Commission Findings:
The Planning and Zoning Commission, meeting in regular session on June 3, 2021, voted to recommend approval of the requested SUP without conditions. Subsequent to the hearing, the applicant informed Staff
that their deal with Cruz's Cooler Liquor fell through and the applicant requested to withdraw the SUP request.

**BUDGET IMPACT:**
There is no budget impact for this item.

**RECOMMENDED ACTION:**
Staff is recommending that the Town Council approve the applicant's request to withdraw the SUP request from consideration.

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**Attachments**

Cruz's Liquor Location Map
Request to Withdraw SUP