



February 28, 2024

Mayor Wil Kennedy
c/o City Council
City of Iowa Colony
12003 Iowa Colony Blvd.
Iowa Colony, TX 77553

Re: Allan Capao
Application for Amendment to the Official Zoning District Map
5.34 acres out of out of Tract 465, of the Emigration Land Company's Subdivision, Section 3 of the
Lavaca Navigation Co's Survey, Abstract 328
Letter of Recommendation to Disapprove Zoning Amendment Application

Dear Mayor Kennedy and City Council;

On behalf of the City of Iowa Colony, Kendig Keast Collaborative has reviewed the Application for Amendment to the Official Zoning District Map from Allan Capao to rezone approximately 5.34 acres on County Road 62 (between Nolan Ryan Expressway and Ames Boulevard).

The applicant requests to rezone the subject property from Single-Family Residential to Business and Retail. The applicant has not indicated in writing what the proposed use is. The attached pages show the permitted uses in the requested zoning district.

Based on our review of the application, this project is inconsistent with the City of Iowa Colony Comprehensive Plan adopted in June 2020.

- The Future Land Use Plan designates the property and its surroundings as Low Density Single Family Residential, which is not associated with the requested zoning district.
- Retail/Mixed Use Centers are recommended to be located at/near intersections of arterials and collectors. County Road 62 is a Major Collector on the Future Land Use Plan that is proposed to be widened. Karsten Boulevard is proposed as a future Arterial on the Future Land Use Plan. The rezoning request partially complies with this aspect of the Comprehensive Plan.
- The subject property is surrounded by the Residential Single Family zoning district to the east, west, and south, and by unincorporated properties to the north.

As such, we are recommending disapproving the Application for Amendment to the Official Zoning District Map.

Should you have any questions, please do not hesitate to call our office.

www.kendigkeast.com

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February 28, 2024
Page 2 of 5

Sincerely,

A handwritten signature in cursive script that reads "Brian Mabry". The signature is fluid and includes a large, sweeping flourish at the end of the name.

KENDIG KEAST COLLABORATIVE
Brian Mabry, AICP
Vice President

Sec. 73. District BR (Business and Retail Use).

District BR is established to accommodate business and retail uses through the strict enforcement of performance standards that will encourage quality development and redevelopment of commercial properties.

(a) Permitted uses: In the BR District, no buildings or land shall be used and no building shall be erected or converted to any use other than the following; provided, however, that any sales of goods or merchandise included in the following list shall be retail only, not wholesale:

- (1) Abstract or title company;
- (2) Accountant;
- (3) Advertising agency;
- (4) Agricultural uses;
- (5) Animal feed store;
- (6) Antique store;
- (7) Appraisers;
- (8) Architect;
- (9) Art gallery;
- (10) Arts and craft store;
- (11) Automatic laundry;
- (12) Automobile parking lots;
- (13) Automobile parts store;
- (14) Bakery, employing no more than five (5) persons;
- (15) Bank;
- (16) Barber and beauty shop;
- (17) Bookkeeper;
- (18) Bookstore;
- (19) Cafeteria;
- (20) Candy store;
- (21) Catering;
- (22) Child care center;
- (23) Clinic for treatment of humans;
- (24) Clothes store;
- (25) Collection agency;
- (26) Commercial billboard or advertising signs not to exceed thirty-two (32) square feet in area per sign;
- (27) Computer store and repairs;
- (28) Convenience store;
- (29) Credit counselor;
- (30) Dance studio;
- (31) Delivery service;
- (32) Dental clinic;
- (33) Department store;
- (34) Doctor;

- (35) Drafting service;
- (36) Drug store;
- (37) Engineer;
- (38) Filling station or service station, but without a wrecker service;
- (39) Financial consultant;
- (40) Flea market, maximum one (1) acre including parking;
- (41) Florist shop;
- (42) Furniture store;
- (43) Gift shop;
- (44) Gun shop;
- (45) Grocery store;
- (46) Hardware store;
- (47) Home appliance store;
- (48) Ice retail distributing, but not manufacturing;
- (49) Insurance agency;
- (50) Jewelry store;
- (51) Laundry storefront, dry cleaning storefront, or laundry plant, but not drycleaning plant;
- (52) Lawyer;
- (53) Locksmith;
- (54) Medical supply store;
- (55) Mortgage company;
- (56) Motels and tourists courts;
- (57) Motion picture theater, but not drive-in theater;
- (58) Musical instrument store;
- (59) Notary public;
- (60) Office supply and machinery store and repairs;
- (61) Optician or optometrist;
- (62) Pawnshops that have been duly licensed to transact business by the Consumer Credit Commissioner under the Texas Pawnshop Act (Article 5069-51.01 et seq., Vernon's Texas Civil Statutes);
- (63) Plant nursery;
- (64) Radio repair and sales;
- (65) Radio studio (excluding tower);
- (66) Real estate agent;
- (67) Record and tape store;
- (68) Restaurants and taverns;
- (69) Shoe store and repair shop;
- (70) Sporting goods store;
- (71) Stockbroker;
- (72) Studio (art, music or photo);
- (73) Taxidermist;
- (74) Tailor;
- (75) Toy store;
- (76) Travel agency;

- (77) Video arcade; and
- (78) Washateria.

No store or use shall be open for business at any time between midnight and 5:00 a.m. on any day of the week, unless a specific exception is granted by the Board of Adjustment.

- (b) **Specific Uses and Permits:** Any other commercial, nonresidential, or public or private park use may be allowed, but only if the city council exercises its discretion to grant a specific use permit. However, regardless of any other provision, no specific use permit shall be available for the following uses, and such uses are hereby prohibited in the BR District: any use that is noxious or offensive by reason of emission of odors, soot, dust, gas, fumes, vibrations, electrical or magnetic emissions, noise, or other emissions onto the land of another person.
- (c) **Mobile Units:** No person shall conduct any business, in whole or in part, in or from a mobile unit located in the BR District, without a specific use permit for such use of such mobile unit. The term "mobile unit" shall mean a HUD-code manufactured home, manufactured home, or mobile home, even though such item is not used as a home, and any travel trailer, motor vehicle, trailer, or other equipment that either is mobile or was designed or adapted to be mobile, regardless whether it is actually mobile at the time in question.
- (d) **Area regulations - nonresidential:**
 - Lot size requirements.
 - (1) Minimum lot area: 8,000 square feet;
 - (2) Minimum lot width: 80 feet; and
 - (3) Minimum lot depth: 100 feet.
- (e) **Yard requirements:**
 - (1) Required front yard: Twenty-five feet (25')
 - (2) Required side yard: Ten feet (10') for side yards; provided, however, a side yard adjacent to a side street shall have a yard of not less than twenty feet (20'); and
 - (3) Required rear yard: Twenty feet (20'); provided, however, a rear yard adjacent to a street shall have a yard of not less than thirty feet (30').