

July 3, 2023

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

**Re: Caldwell Lakes – General Plan
Variance Requests to Subdivision Ordinance – Lot Access
Letter of Recommendation
Adico, LLC Project No. 16007-3-433**

Dear Mayor Kennedy and City Council;

On behalf of the City of Iowa Colony, Adico, LLC has reviewed the Application for Variances to the Subdivision Ordinance for the Caldwell Lakes General Plan as submitted by LJA Engineering, Inc.

Description:

The developer is seeking a variance for the allowance to exceed the maximum local lot allowance (35 lots) for access points for the Caldwell Lakes subdivision.

Subdivision Ordinance Reference:

Per Section 33. Multiple Access Points: D. All subdivisions except single dead-end streets shall have a minimum of two access points to existing proposed public streets. This may be a boulevard where a second access is not available.

Recommendations:

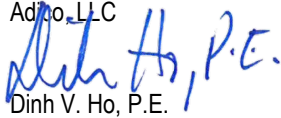
Staff is recommending approval of the variance to exceed the maximum local lot allowance per access points subject to the developer providing a secondary all weather emergency access road along Bullard Parkway as depicted on the General Plan. In addition, no lots north of Bullard Parkway will be allowed to be constructed until Bullard Parkway is complete.

This requirement satisfies temporary connectivity and emergency access until Bullard Parkway is constructed.

Developer has provided a interim secondary access point along Bullard Parkway connection to Karsten Blvd. As such, we are recommending approving the variance application for Caldwell Lakes.

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

Sincerely,
Adico, LLC


Dinh V. Ho, P.E.
TBPE Firm No. 16423

Cc: Kayleen Rosser, COIC
Robert Hemminger, COIC
File: 16007-3-433



APPLICATION FOR VARIANCE REQUEST or APPEAL

12003 IOWA COLONY BLVD., IOWA COLONY, TEXAS 77583 | PHONE: 281-369-2471 | FAX: 281-369-0005 | WWW.CITYOFIOWACOLONY.COM

Please use this application to request a variance/appeal within the Subdivision Ordinance, Zoning Ordinance, Unified Development Code (UDC) and Sign Ordinance. An Application for Variance Request/Appeal shall be considered by Planning Commission and Planning Commission shall make a recommendation to City Council, who has the authority to grant or deny variance requests. Considerations are made at the monthly Planning Commission and City Council meetings. Refer to the www.cityofiowacolony.com for Planning Commission and City Council scheduled meeting dates and all ordinances and development guidelines affecting the City. Provide hard copies and digital files (cd or flash drive) of application and any supporting documentation to the City Secretary. This application may be used for several requests but only one property or one section of a subdivision. The application fee for Variance Requests/Appeal is \$1,000, due at the time of submission and is non-refundable. Applications received without the required fee shall be considered incomplete.

TYPE OF VARIANCE REQUEST (SELECT ONE): ZONING UDC ZONING ORDINANCE SIGN ORDINANCE APPEAL

APPLICANT INFORMATION:

Name of Applicant: Abigail Martinez / LJA Engineering, Inc.

Address of Applicant: 3600 W Sam Houston Pkwy, Ste. 600 Phone: 713-657-6008
Houston, TX 77042 Email: amartinez@lja.com

Name of Owner: Daniel Rose / D.R. Horton

Address of Owner: 6744 Horton Vista Dr. Phone: 281-566-2100
Richmond, TX 77407 Email: drose@drhorton.com

PROPERTY INFORMATION:

Address Of Subject Property: Generally located 1 mi west of SH 288 along Cedar Rapids Pkwy

Legal Description Of Subject Property: H.T. & B.R.R. Co Lot 68, A-561 and H.T. & B.R.R. Co Lot 58, A-516

Brazoria County Tax No(s): 0516-0002-105, 0516-0006-000, 0561-0015-000, 0561-0011-000, 0561-0006-000, 0561-0005-135

Current Zoning: Residential Single Family Water and Sanitary Served by: City

Street Frontage Type (Circle One): Private or Public FIRM Map Panel Number: 48039C0105K, Eff. Date 12/30/20

VARIANCE REQUEST/APPEAL INFORMATION: Requestor must identify specific Chapter and Section of the Subdivision Ordinance, Zoning Ordinance, Unified Development Code or Sign Ordinance that the Variance Request applies to. If additional space is needed, please attach to this application.

List Ordinance or Code: Subdivision Ordinance, Section 36. Blocks, Subsection D.

Request and reason: Please see the attached Variance Request Information Form.

List Ordinance or Code: Subdivision Ordinance, Section 33. Streets, Subsection E.

Request and reason: Please see the attached Variance Request Information Form.

List of supplemental documentation provided: _____

Planning Commission Date Requested: July 11, 2023 City Council Date Requested: July 17, 2023

Requestor Signature or Owner and Date: Abigail Martinez 6/7/23

FOR CITY USE ONLY: Application Received By: _____ Date Received: _____

Planning Commission Date: _____ Fee Received: _____

City Council Date: _____ Notifications Required: Published Notice Public Hearing

Date Approved or Denied: _____ Posting on Property (applicant responsibility) Personal Notice

Written Notice of Decision

Variance Request Information Form

Plat Name: - Caldwell Lakes GP
Company Name: - LJA Engineering, Inc.
Date Submitted: - June 7, 2023

Specific variance is being sought and extent of variance:

To exceed the maximum local lot allowance per access points requirement for the Caldwell Lakes subdivision to allow lot development north of the intersection to the south right-of-way line of Bullard Parkway, given temporary emergency access to Bullard Parkway is provided while the connection to Sterling Lakes is constructed.

Subdivision Ordinance Reference:

Section 33. E. Multiple Access Points: All subdivisions except single dead-end streets shall have a minimum of two access points to existing proposed public streets. This may be a boulevard where a second access is not available.

Statement of Facts:

(1) The imposition of the terms, rules, conditions, policies and standards of this division would deprive the owner or applicant of the property of reasonable use of the land or building;

Caldwell Lakes is an approximately 386.3-acre residential community located west of SH 288, east of FM 521 Road, north of Cedar Rapids Parkway, and south of Alloy Road. The community includes several internal streets that traverse the development. The site is bounded on all sides by undeveloped acreage and some single-family residential homes to the west and Brazoria County MUD Site #31 to the east.

The project site is located along Cedar Rapids Parkway, about one mile west of SH 288. There are currently two points of access off Cedar Rapids Parkway, which would permit development of 150 lots up to the intersection approximately 1,500 feet north of Cedar Rapids Parkway, adjacent to the proposed Recreation Center. Please refer to the Lot Access Variance Exhibit. Due to the presence of Bayou Rifles Gun Range and the Safety Danger Zone (SDZ) not allowing the connection of Bullard Parkway to the west, the development of lots past that point is hindered due to lack of dedicated right-of-way (ROW) at the time of construction.

The conditions and standards of this division would deprive the development due to the existence of the SDZ. However, the requested variance, if approved, would maintain the chapter's standards. A variance is needed to exceed the 35 lots per one point of access and also to provide the opportunity for construction to the south side of the Bullard right-of-way with the provision that emergency access is provided until a permanent connection is made to Bullard Parkway and where it connects to the Sterling Lakes development to the east.

(2) The circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant, and the general purposes of this division are observed and maintained;

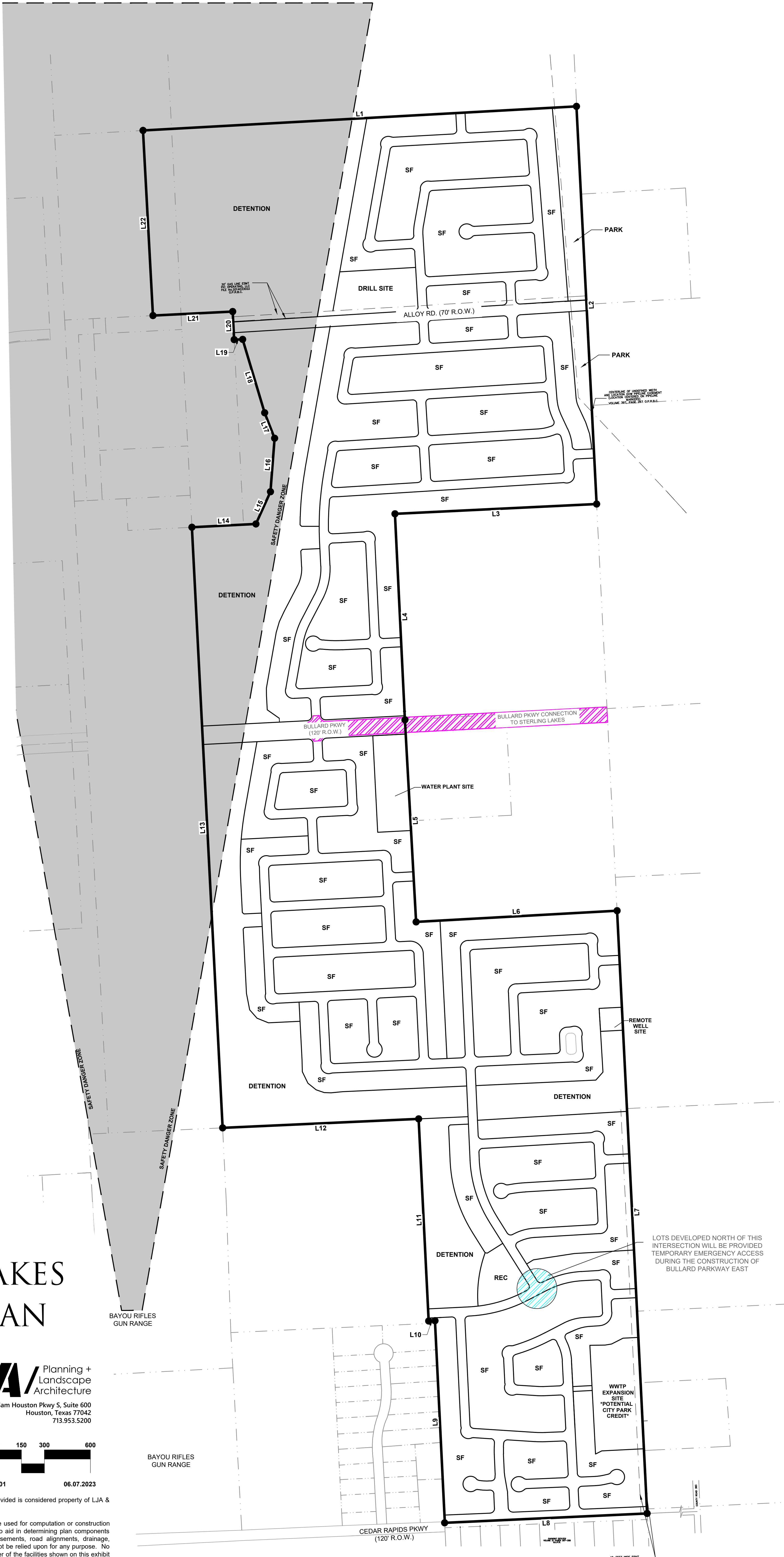
The existing conditions of the surrounding property, including the gun range, is not a hardship created or imposed by the applicant. The general purposes of this section within the Iowa Colony ordinances will continue to be observed and maintained as temporary emergency access would be provided to any lots under construction as Bullard Parkway is being constructed to the east.

(3) The intent of this article is preserved; and



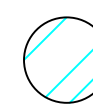
The overall circulation and access of the area is upheld by the proposed street system and phasing of road construction. The construction of Bullard Parkway would begin five months prior to pulling permits for the development of lots exceeding 150 lots. These lots would be provided temporary emergency access north to Bullard Parkway to ensure the intent and general purposes of this article is preserved.

(4) The granting of such a variance will not be injurious to the public health, safety, or welfare.

The granting of the variance will not impede adequate circulation within the development and will therefore not be injurious to the public health, safety, or welfare. The variance will further improve public health, safety, and welfare, as homes and residents who drive through the area will be protected from the Safety Danger Zone. Safe emergency access and regulations as sufficient connectivity and access throughout the site will remain. The number of lots beyond 150 up to the southern ROW of Bullard Parkway will be provided with temporary emergency access to continue protecting public health, safety, and welfare.



LEGEND

-  SAFETY DANGER ZONE
-  BULLARD CONNECTION EAST
-  TEMPORARY ACCESS PROVIDED NORTH OF THIS INTERSECTION

A LOT ACCESS VARIANCE EXHIBIT FOR


CALDWELL LAKES GENERAL PLAN

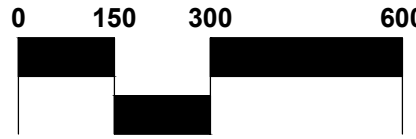
±386.35 ACRES

OUT OF THE
H.T. & B.R.R. CO. SURVEY, LOT 58, A-516
H.T. & B.R.R. CO. SURVEY, LOT 68, A-561
CITY OF IOWA COLONY, BRAZORIA COUNTY, TEXAS

OWNER:
D.R. HORTON

PLANNER:
 Planning + Landscape Architecture
 3600 W Sam Houston Pkwy S, Suite 600
 Houston, Texas 77042
 713.953.5200

NORTH 

0 150 300 600 

LJA# 1931-33001 06.07.2023

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LOTS DEVELOPED NORTH OF THIS INTERSECTION WILL BE PROVIDED TEMPORARY EMERGENCY ACCESS DURING THE CONSTRUCTION OF BULLARD PARKWAY EAST

NO. 1011 10/11/2023 10:00 AM
 1/2" = 100'-0" (VERTICAL SCALE)
 1/8" = 100'-0" (HORIZONTAL SCALE)