

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS GRANTING A WAIVER AND VARIANCE TO CERTAIN TRANSPARENCY AND BUILD-TO LINE REQUIREMENTS AT 2942/2944 MERIDIANA PARKWAY; FINDING FACTS; AND PROVIDING AN EXCEPTION, SAVINGS CLAUSE, SEVERANCE CLAUSE, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

**1. Legal Requirements**

- a. Section 3.5.3.12(b) of the Iowa Colony Unified Development Code provides:

“(b) Transparency – Each exterior wall of a commercial/retail/office building facing a public street must contain at least sixty-five (65) percent transparent material to allow visual penetration of at least three (3) feet into the building. Transparency includes stationary glass, windows, and the glass area of doors.”

- b. Section 3.5.3.1(a)(4) of the Iowa Colony Unified Development Code provides:

“(4) If both (i) property frontage is on a designated major arterial; and (ii) either (a) the tract size is two (2) acres or larger or (b) the proposed building size is greater than twenty-five thousand (25,000) square feet of Gross Leasable Area (GLA); then the front wall of the building shall be located on a build-to building setback line of seventy-one (71) feet from the ultimate right-of-way line of the street along the front of the property.

**2. Background**

The City has received an application for a variance from the above provisions for a structure to be located at 2942/2944 Meridiana Parkway. The background is more fully stated in the Letter of Recommendation attached hereto and incorporated herein in full.

**3. Findings of Fact**

The City Council has determined that a waiver or variance should be granted, because the criteria in Section 1.3.4.3 of the Unified Development Code have been satisfied.

**4. Grant of Waiver and Variance**

Accordingly, the City Council hereby grants a waiver and variance to the requirements of Sections 3.5.3.12(b) and 3.5.3.1(a)(4) of the Uniform Development Code, concerning transparency and the build-to line for the proposed structure at 2942/2944 Meridiana Parkway; provided, however, that this variance is granted:

- a. only to the extent shown in the **attached drawings**;
- b. but only to the extent stated in the **Letter of Recommendation attached hereto**;
- c. in reliance upon the statements of fact in that Letter of Recommendation; and
- d. subject to the conditions stated in that Letter of Recommendation.

**5. Limit on Scope of Waiver and Variance**

a. **Transparency.** This waiver and variance as to transparency applies only to the building at 2944 Meridiana Parkway in the application and not to any future expansion or remodeling of that building, after the initial construction of that building.

b. **Build-To Line.** However, this waiver and variance as to the build-to line apply to any structures to be built now or in the future at this address at 2942 or 2944 Meridiana Parkway.

**6. Savings Clause**

The Unified Development Code and all other ordinances of the City shall remain in full force and effect except as specifically provided herein.

**7. Severance Clause**


If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

**8. Effective Date**

This ordinance shall be effective immediately upon its passage and approval.

PASSED AND APPROVED ON FEBRUARY 22, 2021.

CITY OF IOWA COLONY

By:   
MICHAEL BYRUM-BRATSEN,  
MAYOR

ATTEST:

  
KAYLEEN ROSSER, CITY SECRETARY



DRAWINGS  
AND  
LETTER OF RECOMMENDATION

ATTACHMENTS TO ORDINANCE GRANTING  
VARIANCE TO UNIFIED DEVELOPMENT CODE FOR  
2942/2944 MERIDIANA PARKWAY

December 30, 2020

## LETTER OF RECOMMENDATION

### 2942 Meridiana Parkway

Staff received a variance request for 2942 Meridiana Parkway on December 10, 2020. The variance request is for a reduction in the transparency area of a building wall facing a public street and a variance for the location of a 71 feet build-to line measurement.

## BACKGROUND

This proposed development is to be located at 2942 Meridiana Parkway on the southwest corner of the intersection of Meridiana Parkway and Sierra Vista Boulevard. The overall tract size is 4.0639 acres. The current building is proposed at 10,300 square feet. The provided elevation indicates a second future building of approximately the same size. Strict interpretation of the transparency regulation in the Unified Development Code has been an issue in the past with standard retail building types and a variance has been granted to the CVS to allow the 65% measurement to be made as a linear distance of frontage rather than a total building face area. The build-to line regulation is applicable to all major arterials. Meridiana Parkway is unique in that it has parallel pipeline easements to the street right-of-way preventing development at the typical distance from the street. Also, a variance has been granted to CVS to allow the measurement of the build-to line to be from the pipeline easement rather than the street right-of-way. The Meridiana Parkway street right-of-way conforms with the ultimate requirement of 120 feet. Additional development along Meridiana Parkway before enactment of the UDC is also located, in most instances, farther away from the Meridiana Parkway right-of-way than the 71 feet build-to regulation.

## REVIEW

The subject tract is located within the Sierra Vista PUD. The adopted General Plan of Development indicates this first phase of 2.3 acres to be commercial and is in conformance with the adopted General Plan of Development for Sierra Vista. Single family residential is indicated in the General Plan of Development along the south and west boundaries of this site. In the City of Iowa Colony Unified Development Code, Section 3.5.3.12 Storefronts, subsection (b) Transparency indicates "each exterior wall of a commercial/retail/office building facing a public street must contain at least sixty-five (65) percent transparent material to allow visual penetration of at least three (3) feet into the building. Transparency includes stationary glass, windows, and the glass area of doors." This development is on the corner of a street intersection so this regulation would be applicable to both the north and the east façade of the building. Proposed elevation exhibits (front elevation and left elevation) submitted with the variance application indicate a minimum of 65% of the total linear length of both the north and the east elevation individually are transparent for a height of approximately 10 to 11 feet.

In the City of Iowa Colony Unified Development Code, Section 3.5.3.1. Setback, Driveways, Sidewalks, and Parking for Commercial/Retail/Office/Industrial Use Buildings, subsection (a) (4) indicates "If both (i) property frontage is on a designated major arterial; and (ii) either (a) the tract size is two (2) acres or larger or (b) the proposed building size is greater than twenty-five thousand (25,000) square feet of Gross Leasable Area (GLA); then the front wall of the building shall be located on a build-to building setback line of seventy-one (71) feet from the ultimate right-of-way line of the street along the front of the property." The pipeline easements along Meridiana Parkway total thirty-five (35) feet in width. The proposed location of the building face will be one-hundred and six (106) feet from the Meridiana Parkway right-of-way with a remainder of seventy-one (71) feet between the pipeline easements and the building face.

#### SUMMARY AND RECOMMENDATION

The proposed development is in general conformance with the intent of the UDC regulations related to the requested variances. Granting of the variances would not be detrimental to the health, safety, and welfare of the public. STAFF RECOMMENDS THE PLANNING COMMISSION APPROVE AND RECOMMEND APPROVAL TO THE CITY OF IOWA COLONY CITY COUNCIL.

J. Kent Marsh, AICP CUD  
Staff Planner for the City of Iowa Colony