

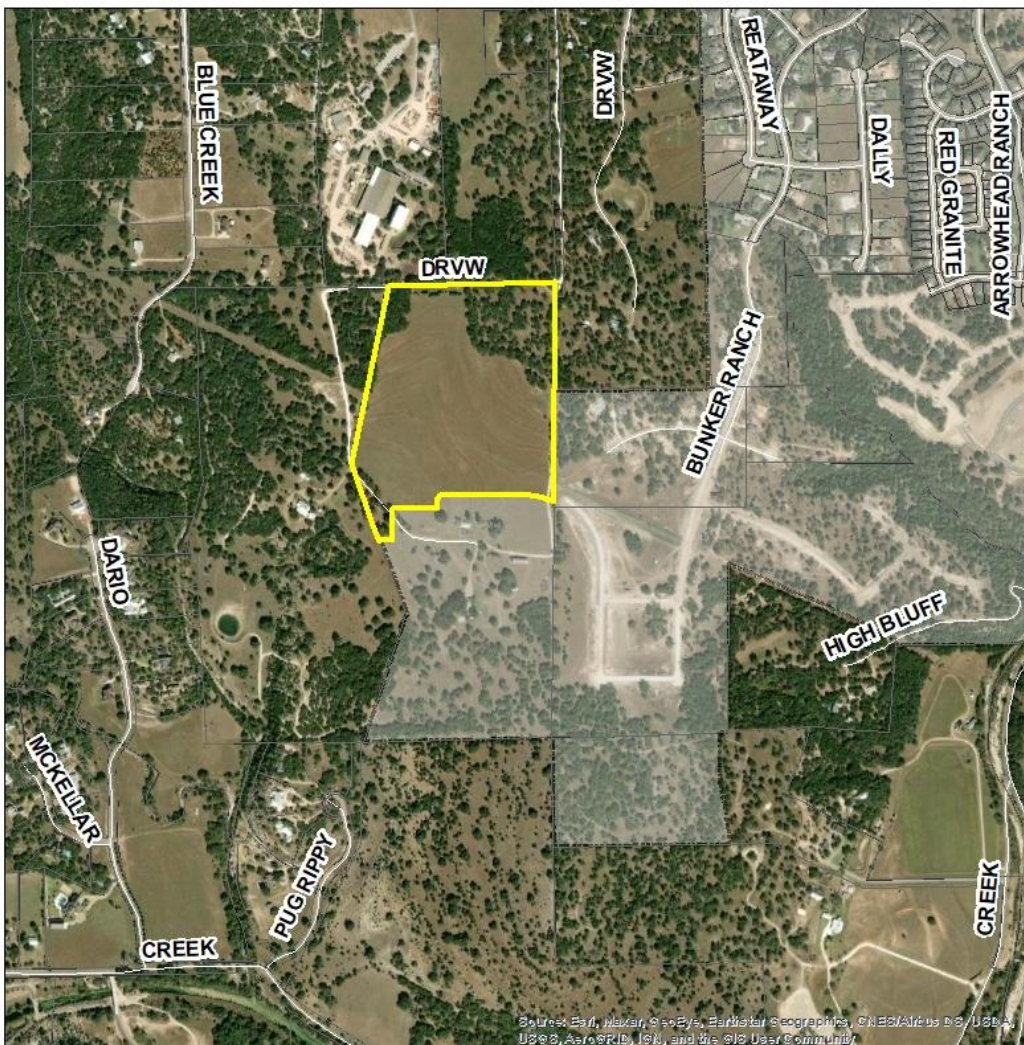


City Council Planning Department Staff Report

City Council Meeting: January 11, 2022
Project No: MORW2022-003
Project Planner: Tory Carpenter, AICP, Senior Planner

Item Details

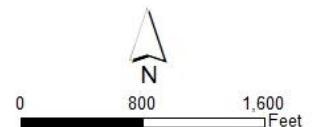
Project Name: Hardy North
Property Location: 2901 W US 290
Legal Description: 39.341 acres out of the Benjamin F Hanna Survey
Applicant: Brian Estes
Property Owners: Hardy T Land, LLC
Request: A waiver from the temporary development moratorium



Location Map

*SUB2021-0051
 Hardy T Land
 Preliminary Plat*

- Roads
- Parcel Lines
- City Limits**
- ▭ Full Purpose



Source: Esri, DeLorme, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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Development Proposal

This request is associated with a proposed zoning amendment and annexation for a portion of the property known as the Hardy Tract. There is currently a plat application in process for a 7 lot multifamily development in the ETJ. If this waiver is approved, the applicant has stated that he will withdraw the current preliminary plat application and instead develop the property with approximately 33 single-family residential lots zoned SF-2.

The project would be served by on-site septic and would not impact the City wastewater system.

Request Overview

The applicant requests an administrative exception to the temporary development moratorium. Since this tract appears to have been used primarily for agricultural purposes, the proposed development was determined to be a “change in use” and staff denied the exception request. Staff directed the applicant to apply for a waiver.

Staff Analysis

Moratorium Ordinance: Section 8 Art. B

Waivers. Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain wastewater infrastructure at property owners’ sole expense and who do not require land use modifications inconsistent with the updated comprehensive plan, in accordance with Local Government Code Chapter 212, Subchapter E, may apply for a waiver in accordance with City policy.

Wastewater:

This development will be served by on-site septic systems and will not impact the city wastewater system.

Land Use:

This development is consistent with the existing SF-2 residential development in the immediate area. Additionally, this project is consistent with development trends in the area.

It is important to note, that if the development moratorium were not in place, an ETJ multifamily project could proceed without any entitlements from the City Council, or any other boards or commissions. If this waiver request is denied, the applicant can proceed with the multifamily development after expiration or termination of the temporary development moratorium. If the waiver is approved, the applicant can proceed with annexation and a zoning amendment to SF-2 which would allow a single-family development.

Council Action

City Council is tasked with approval or denial of the waiver. Any denial will stand until the moratorium is lifted unless there is a substantial change to the project.

Attachments

Exhibit 1: Waiver Request

Exhibit 2: Site Plan

Exhibit 3: Moratorium Ordinance

Recommended Action:	Staff provides this request to City Council with a neutral recommendation as this is ultimately a policy decision.
Alternatives/Options:	Deny or approve the waiver.

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Budget/Financial Impact:	N/A
Public Comments:	No public comment was received for this request.
Enforcement Issues:	N/A