



# City Council Planning Department Staff Report

**City Council Meeting:** March 15, 2022  
**Project No:** MORW2022-009  
**Project Planner:** Tory Carpenter, AICP, Senior Planner

## Item Details

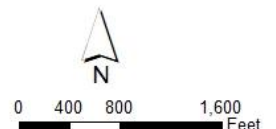
**Project Name:** Over Yonder Nature School  
**Property Location:** 5000 Bell Springs Road  
**Legal Description:** 5.04 acres out of the Benjamin F Hannah Survey  
**Applicant:** Ron Thrower  
**Property Owners:** Dustin Werley  
**Request:** A waiver from the temporary development moratorium



## Location Map

*Over Yonder  
Nature School  
Moratorium Waiver*

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



Sources: Esri, Maxar, 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 site development permit for a day care facility in the ETJ. The project consists of three new buildings in addition to the existing home on the property.

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 there is no commercial use on the property, 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:

While there are residential properties west and north of the subject property, this proposed project is complimentary to development trends in this block of Bell Springs Road and US 290. Recent developments include Esperanza, a large lot single family residential project, and an a 16-unit office / warehouse park adjacent to the east of the subject site (across Bell Springs). Additionally, despite the property’s location in the ETJ, staff does not anticipate imminent comprehensive planning efforts to reverse this emergent trend of commercial development along this corridor, nor the institution of restrictive land use regulations on the property which would preclude commercial uses.

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