

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-06-0201 (Cearley Mobile Homes)

REQUEST: Approve 2nd/3rd readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8703 F.M. 969 (Walnut Creek Watershed) from development reserve (DR) district zoning to mobile home residence (MH) district zoning.

Note: The applicant amended his request from CS-1-CO, Commercial-Liquor Sales, to MH on March 30, 2007, after the Council had approved CS-CO on 1st reading.

APPLICANT & AGENT: Daniel J. Cearley

CITY COUNCIL DATES & ACTIONS:

January 11, 2007: Approved ZAP recommendation of CS-CO on 1st reading (7-0)

ZONING & PLATTING COMMISSION RECOMMENDATION:

November 21, 2006: *Based on original rezoning request of CS-1-CO*, approved Staff's recommendation of CS-CO zoning with the modifications:

- Permit Art Workshop;
- Permit Auto Washing;
- Permit Bail Bond Services;
- Permit Auto Repair Services;
- Permit Service Stations;
- Permit laundry services but prohibit pick-up and drop-off

(9-0, J. Martinez, S. Hale 2nd).

STAFF RECOMMENDATION: MH

This 4.63 acre site is currently developed with a mobile home park. The owner of the tract seeks a rezoning to MH to allow the addition of more mobile home residences on the property. MH zoning is the only zoning category that allows mobile home residences. (The Mixed Use, MU, combining district does not permit mobile homes.)

(The Staff had originally recommended CS-CO, with a conditional overlay that

- Limited the site to uses that generate no more than 2000 vehicle trips per day,
- Allowed access only to FM 969,
- Required a 25-foot vegetative buffer along the south boundary of the property, and
- Prohibited numerous uses.

These conditions are similar to those recommended and approved for a CS-CO zoning case just to the east that was approved in 1998.

It is not necessary for Staff for to recommend the same conditions as before for the following reasons.

- The trip limit is not necessary since the MH zoning is not estimated to generate 2000 or more trips.
- The access on the rear of the property is a private drive and not a public right-of-way.
- The 25-foot vegetative buffer was required in the 1998 zoning case because the request and approved zoning district was the more intensive CS district.
- The uses prohibited in the 1998 case were allowed under CS zoning but are not allowed under MH zoning.)

CITY COUNCIL DATE: June 21, 2007

ASSIGNED STAFF: Tina Bui, 974-2755, Tina.Bui@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0201 Cearley Mobile Homes

ZAP Date: November 21, 2006

CC Date: January 11, 2007

June 21, 2007

ADDRESS: 8703 FM 969 Road

AREA: 4.63 acres

OWNER/AGENT: Daniel J. Cearley

ZONING FROM: DR, Development Reserve

TO: MH, Mobile Home Residence

The applicant amended his request from CS-1-CO, Commercial-Liquor Sales, to MH on March 30, 2007, after the Council had approved CS-CO on 1st reading.

STAFF RECOMMENDATION: MH

ZONING AND PLATTING COMMISSION RECOMMENDATION:

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- Permit Service Stations;
- Permit laundry services but prohibit pick-up and drop-off

(9-0, J. Martinez, S. Hale 2nd).

DEPARTMENT COMMENTS:

This 4.63 acre site on FM 969 is currently zoned DR and developed with a mobile home park. The owner of the tract seeks a rezoning to MH to allow the addition of more mobile home residences on the property. MH zoning is the only zoning category that allows mobile home residences. (The Mixed Use, MU, combining district does not permit mobile homes.)

The applicant desires the ability to add additional mobile home units without being restricted to the limitations governing expansion under the nonconforming use provisions of the Land Development Code. The mobile home park is considered a nonconforming use under the current DR zoning. Therefore, expansion is limited to the same lot and can occur only once. MH zoning allows the addition of mobile home residences on an as-desired basis by the owner (assuming all other City regulations are met).

The landowner intends to serve the site with City of Austin water and wastewater utility service. To obtain City utility service, the landowner must obtain City approval of an off site main extension and system upgrades.

(The Staff had originally recommended CS-CO, with a conditional overlay that

- Limited the site to uses that generate no more than 2000 vehicle trips per day,
- Allowed access only to FM 969,
- Required a 25-foot vegetative buffer along the south boundary of the property, and
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- The uses prohibited in the 1998 case were allowed under CS zoning but are not allowed under MH zoning.)

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Mobile Home Park
<i>North</i>	SF-2, DR	Undeveloped, Mobile Homes and Service Yard
<i>South</i>	SF-3	Single Family Home, Travis State School (Brown Unit)
<i>East</i>	DR and CS-CO	Vehicle Storage
<i>West</i>	DR	Undeveloped

AREA STUDY: N/A

TIA: A traffic impact analysis was waived for this case because the requested MH zoning is not estimated to generate more than 2,000 vehicle trips per day given the site's acreage. [LDC, 25-6-113]

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- Del Valle Neighborhood Association
- Austin Neighborhood Council
- Home Builders Association of Greater Austin

SCHOOLS: Manor ISD

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
FM 969	100'	64'	Arterial	No	No	Priority 2

ORDINANCE READINGS:

1st January 11, 2007: Approved ZAP recommendation of CS-CO (7-0)

2nd

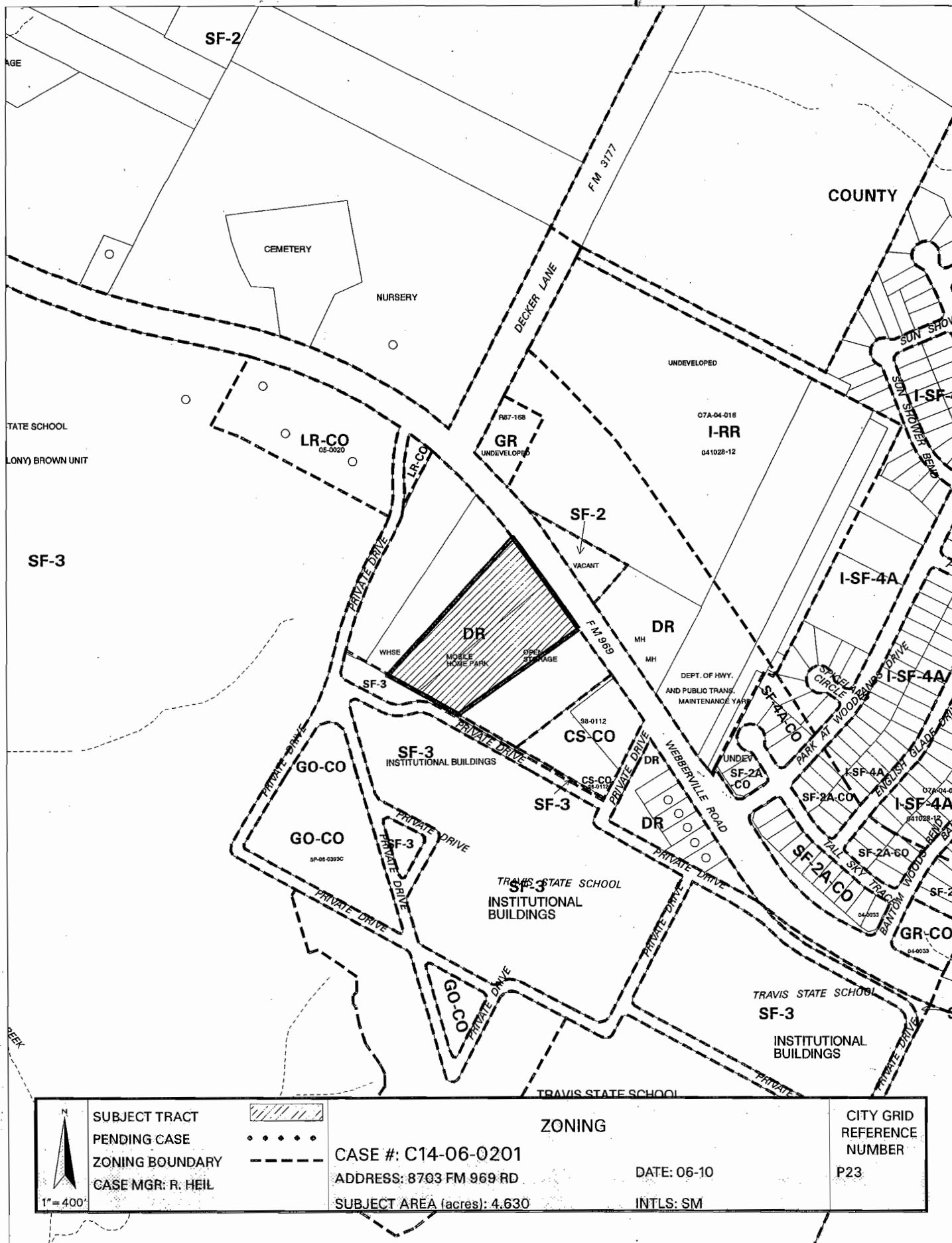
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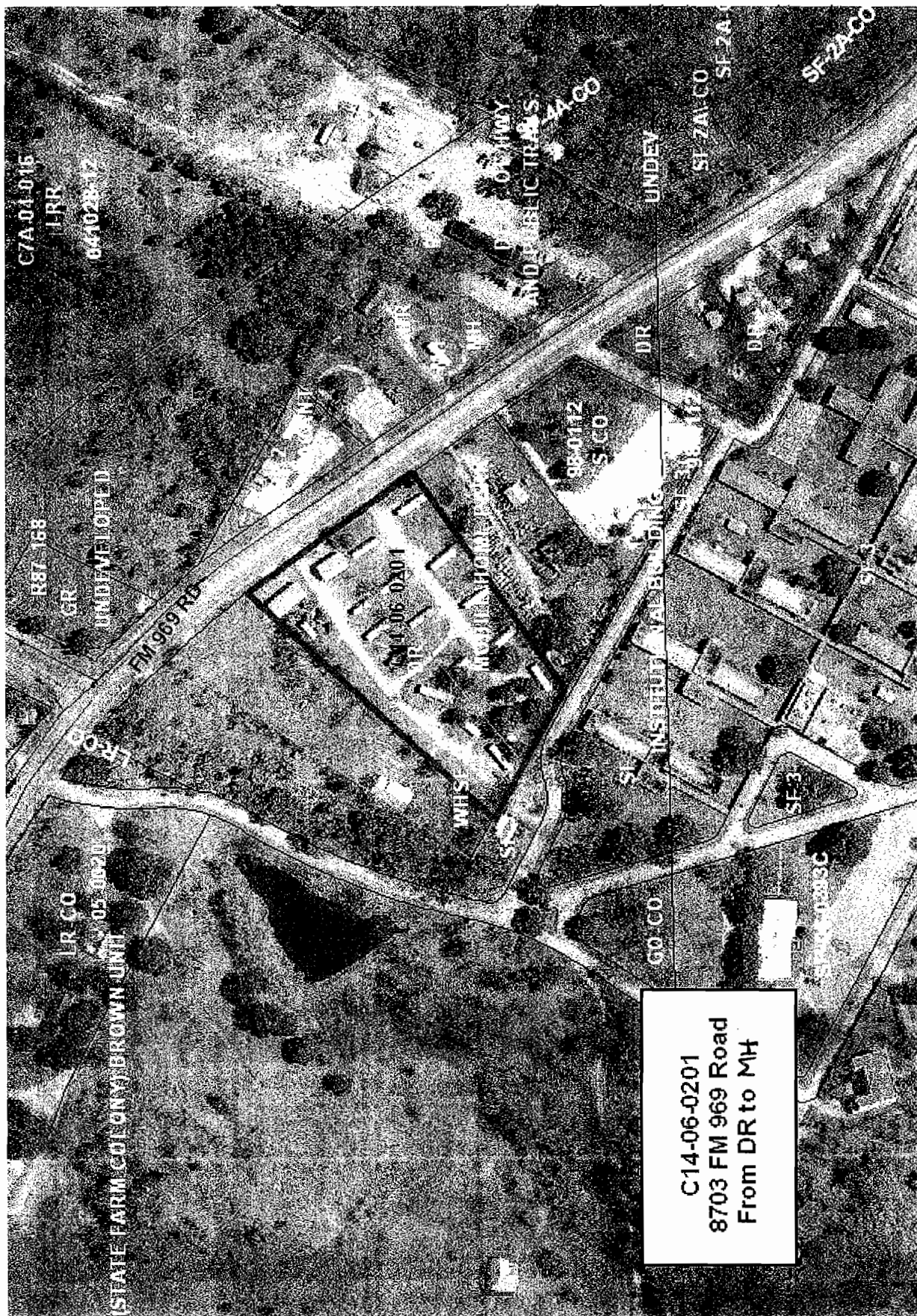
ORDINANCE NUMBER:

CASE MANAGER: Tina Bui

PHONE: 974-2755

EMAIL: tina.bui@ci.austin.tx.us





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STAFF RECOMMENDATION

Staff recommends MH zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

The proposed zoning should be consistent with the purpose statement of the district sought.

The applicant desires the ability to add additional mobile home units. MH zoning is the only zoning category that allows mobile home residences. (The Mixed Use, MU, combining district does not permit mobile homes.)

Mobile home residence (MH) district is the designation for a mobile home residence park and mobile home subdivision use. An MH use is subject to standards that promote a residential environment and compatibility with adjoining family residence neighborhoods.

Zoning should allow for reasonable use of the property.

The applicant desires the ability to add additional mobile home units without being restricted to the limitations governing expansion under the nonconforming use provisions of the Land Development Code. The mobile home park is considered a nonconforming use under the current DR zoning. Therefore, expansion is limited to the same lot and can occur only once. MH zoning allows the addition of mobile home residences on an as-desired basis by the owner (assuming all other City regulations are met).

EXISTING SITE CONDITIONS

This 4.63 acre site on FM 969 is currently zoned DR and developed with a mobile home park.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for FM 969. Dedication of additional right-of-way will be required during the subdivision or site plan process. [LDC, Sec. 25-6-51 and 25-6-55)

A traffic impact analysis was waived for this case because the requested MH zoning is not estimated to generate more than 2,000 vehicle trips per day given the site's acreage. [LDC, 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
FM 969	100'	64'	Arterial	No	No	Priority 2

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut and Elm Creek Watersheds of the Colorado River Basin, which are classified as a Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family	50%	60%

(minimum lot size 5750 sq. ft.)		
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utility service. Offsite main extension and system upgrades are necessary for City of Austin water and wastewater utility service. In order to obtain City utility service, the landowner must obtain City approval of a Service Extension Request. For information pertaining to the process and submittal requirements, contact Phillip Jaeger, Austin Water Utility 625 East 10th Street, 5th Floor Waller Creek Center. The Austin Water Utility reserves the right to make additional comments and to establish other requirements with the Service Extension Request review.

The landowner, at own expense will be responsible for providing the water and wastewater system improvements, offsite main extension, and system upgrades. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.

Site Plan

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. This site triggers compatibility standards.

This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited.

This property is within the Airport Overlay Zone AO-1, [or ,AO-2, or AO-3]. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Section 25-13-23, are prohibited. Noise level reduction measures may be required for certain new structures.