

**ZONING CHANGE REVIEW SHEET**CASE: C14-2019-0028 – Palm Harbor Homes M/H ParkDISTRICT: 3ZONING FROM: CS-NPTO: MH-NPADDRESS: 810 Bastrop Highway SouthboundSITE AREA: 4.73 acres, a portion of TCAD Parcel No. 288443PROPERTY OWNER: Palm Harbor Homes, Inc.CASE MANAGER: Kate Clark (512-974-1237, [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov))STAFF RECOMMENDATION:

**Staff recommends denial of the applicant's request to rezone mobile home residence – neighborhood plan (MH-NP) combining district zoning.** *For a summary of the basis of staff's recommendation, see page 3.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

**July 9, 2019** Forwarded to Council without a recommendation. Vote 11-0,  
[C. Kenny – 1<sup>st</sup>, G. Anderson 2<sup>nd</sup>]

May 28, 2019 Case was withdrawn

CITY COUNCIL ACTION:

**August 8, 2019** Scheduled for City Council

June 20, 2019 Approved postponement request by staff to August 8, 2019. Vote 11-0,  
[L. Pool – 1st, N. Harper-Madison – 2nd].

ORDINANCE NUMBER:

## ISSUES

On August 23, 2018, City Council adopted a resolution with the intent of reducing the risk of mobile home park displacement by rezoning existing, licensed mobile home parks to Mobile Home Residence (MH) zoning district if the park was not already zoned MH. This case was one of the listed mobile home parks within the resolution that City Council instructed the Planning and Zoning Department to initiate and process the rezoning (*see Exhibit C: Resolution No. 20180920-096*).

This property is located within Airport Overlay Zone Three (AO-3, Section 25-13-45) that currently restricts residential and school uses. There are four other mobile homes cases that were part of the same Council resolution that have been withdrawn for being within Airport Overlay Zones. Jennifer Williams, with the City's Aviation Department, has provided a memo stating their recommendation to deny the rezoning request, *see Exhibit E: Department of Aviation Memo*.

The portion of the property that is adjacent to the Bastrop Highway is currently being used as a sales center for manufactured homes. This area is approximately 1.8-acres in size. The proposed rezoning for this property to MH-NP is only for the area highlighted in yellow on *Exhibit B: Aerial Map*. Equipment Sales is not a permitted use within the MH zoning district and should be allowed to remain onsite.

The Planning Commission deliberated on the case and discussed the value and real need of affordable housing verses granting a residential zoning district in an area that is not appropriate for residential uses. Questions were asked about the tenant relocation program and whether these homeowners would qualify under the current program. LDC 25-1-712 (A) speaks specifically to this and it was determined that the notification requirements in the ordinance apply to mobile home parks that are zoned MH or if a valid site plan application for a mobile home park is filed regardless of the zoning district. This means if the current property owner files a site plan application for their property that would require the mobile homeowners to be relocated, they would fall under this notification ordinance even with CS-NP zoning.

## CASE MANAGER COMMENTS:

The property is located at 810 Bastrop Highway (US-183) north of its intersection with SH-71. It is located within the Montopolis Neighborhood Planning Area and is shown as "commercial" on the Future Land Use Map (FLUM). Adjacent to the north of the site is an industrial service company (Briggs Equipment) which provides service for pump installations, lift trucks and materials handling. Further north is a commercial strip center containing a variety of office and commercial uses. Adjacent to the south of the site is vacant land with a driveway leading to the Palm Harbor Homes Model Center, located southwest of the property. Further south of the property along the Bastrop Highway is the Auto Title Services company (*see Exhibit B: Aerial Map*).

The property is currently zoned CS-NP and is split into two different uses. Closest to the Bastrop Highway is the sales center for Palm Harbor Homes, a manufactured and modular home builder company. Behind the sales center separated by a privacy fence and gate is the Palm Oaks Community, featuring Palm Harbor Homes.

This property is located with the AO-3 Zone which permits commercial and industrial uses and prohibits new residential development from occurring. According to floodplain maps there is no floodplain within or adjacent to the project location.

#### BASIS OF RECOMMENDATION:

Staff does not support the request to rezone from General Commercial Services-Neighborhood Plan (CS-NP) combining district to Mobil Home Residence-Neighborhood Plan (MH-NP) combining district.

*1. Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends denial of the applicant's request to rezone the property from CS-NP to MH-NP. The property is currently surrounded by existing industrial and commercial uses on all sides and can only be accessed from the Bastrop Highway. Within the Montopolis Neighborhood Plan it speaks to commercial uses being focused around high transit corridors. In their introduction it states, "*Early planning studies of the Montopolis neighborhood envisioned the area as being eventually built out as single-family with commercial uses limited to highway commercial on U.S. 183 and a few neighborhood convenience nodes.*" It specifically addressed this vision in Objective Three "*Focus the highest intense commercial and industrial activities along Ben White Drive and U.S. Hwy 183...*". Keeping the property zoned CS-NP would be consistent with the neighborhood's FLUM.

*2. The proposed zoning should promote consistency and orderly planning.*

*Exhibit A: Zoning Map* illustrates the existing zoning districts within 400 feet around this property. It is currently surrounded by intense commercial and industrial zoning districts, all of which are accessed by the Bastrop Highway. Rezoning this property to residential would introduce a zoning district that is inconsistent with the existing zoning pattern.

#### EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
<i>Site</i>	CS-NP	Mobile home park/ Mobile home sales
<i>North</i>	CS-NP	Construction Sales and Services
<i>South</i>	CS-NP, LI-NP	Mobile home manufacturing
<i>East</i>	CS-NP, CS-CO-NP	Vacant, office
<i>West</i>	CS-NP, GR-CO-NP	Construction staging, equipment sales

NEIGHBORHOOD PLANNING AREA: Montopolis

TIA: Not required

WATERSHED: Carson Creek – Suburban

OVERLAYS: Airport Overlay Zone Three (AO-3)

SCHOOLS: Hillcrest Elementary School, Dailey Middle School, Del Valle High School

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Homeless Neighborhood Association
Austin Neighborhoods Council	Imperial Valley Neighborhood Association
Bike Austin	Montopolis Community Alliance
Cactus Rose Mobile Home Park	Montopolis Neighborhood Plan Contact
Neighborhood	Team
Carson Ridge Neighborhood Association	Montopolis Tributary Trail Association
Crossing Gardenhome Owners Assn (The)	Neighborhood Empowerment Foundation
Del Valle Community Coalition	Pleasant Valley
Del Valle Independent School District	Preservation Austin
East Austin Conservancy	Seltexas
El Concilio Mexican-American	Sierra Club, Austin Regional Group
Neighborhoods	Tejana Bilingual Community
Friends of Austin Neighborhoods	Vargas Neighborhood Association

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2010-0138	From CS-NP, GR-CO-NP, & SF-2-NP to CS-NP	11-08-11 – Apvd CS-NP	12-08-11 - Apvd CS-NP

RELATED CASES:

NPA-2019-0005.02 - Neighborhood Plan Amendment Case

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Bastrop Hwy SB	Varies	Varies	Major Arterial	None	Wide Shoulder	None

OTHER STAFF COMMENTS:Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Carson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code (LDC). According to floodplain maps there is no floodplain within or adjacent to the project location. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Gross Site Area	% of Gross Site Area with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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 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 requires water quality control with increased capture volume and control of the 2-year storm on site. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### Site Plan

Site plans will be required for any new development other than single-family or duplex residential. 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. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

### *Compatibility Standards*

The site is subject to compatibility standards. Along the northeast property line, the following standards apply:

- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

### *Airport Overlay*

This site is located within the Austin-Bergstrom Airport Controlled Compatible Land Use Area Overlay. No use will be allowed that can create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing. Additional comments may be generated during the site plan review process.

### *MH Zoning:*

A mobile home park must provide a minimum of 4,500 square feet of site area for each dwelling unit. A mobile home must have a minimum street yard of at least 25 feet in length, and minimum interior yard at least 15 feet in length. A mobile home space may not be placed in a street yard.

A park must provide direct access to a public street with a right-of-way at least 60 feet wide.

A mobile home space must contain a minimum area of 2,500 square feet that is adjacent to an internal street designed to provide adequate space for moving a mobile home into and out of the space.

At least one parking space must be located on each mobile home space. A required off-street parking space that is not located on a mobile home space may be located in a common parking area. Common parking areas shall be located throughout the park to provide reasonable and convenient access to all mobile home spaces.

A mobile home and an attached accessory structure must be located at a distance of at least 10 feet from another mobile home or other structure. A mobile home stand must be separated from the pavement of an internal street, common parking area, or other common areas by a minimum distance of 10 feet.

Except where the boundary of the park abuts a public right of way or the boundary of the park abuts another mobile home development, a barrier that is at least six feet high shall be erected and maintained along all boundaries of the park.

A park must contain a minimum of 300 square feet of open space for each dwelling unit, with at least 150 square feet being located on each mobile home space. Open space that is not located on a mobile home space may be located in common open space areas distributed throughout the park in a manner that provides reasonable and convenient access to each mobile home space.

The maximum height of a structure shall be 35 feet.

#### Transportation

The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for Bastrop Highway Southbound. With the approval of the Texas Department of Transportation, 200 feet of right-of-way from the existing centerline should be dedicated and/or reserved for Bastrop Highway Southbound according to the Transportation Plan at the time of the subdivision and/or site plan application, whichever comes first (LDC 25-6-51 and 25-6-55).

The Urban Trails Master Plan recommends a trail along Bastrop Highway Southbound. Please review the Urban Trails Master Plan for more information. Janae Spence, Urban Trails, Public Works Department may provide additional comments and requirements for right-of-way dedication and trail construction in accordance with LDC 25-6-55 and LDC 25-6-101.

#### Austin Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

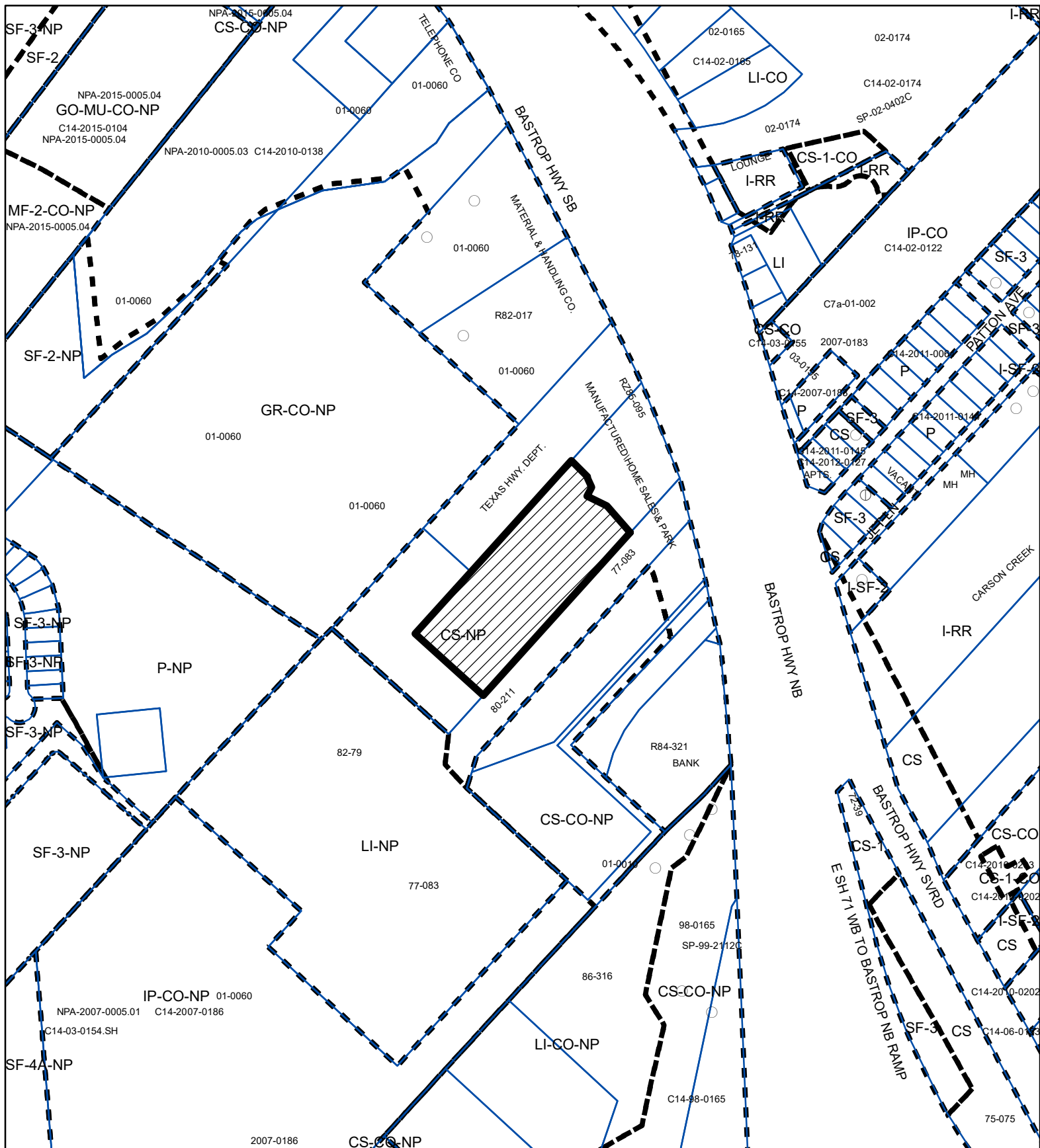
Exhibit B: Aerial Map

Exhibit C: Resolution No. 20180920-096

Exhibit D. Correspondence Received

Exhibit E: Department of Aviation Memo








## ZONING

ZONING CASE#: C14-2019-0028

Exhibit A



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

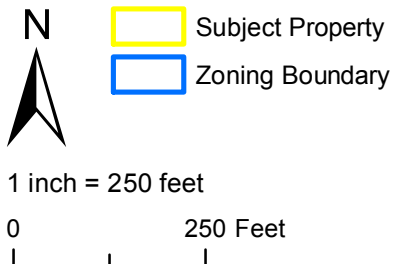
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 4/25/2019





## ZONING & VICINITY

Zoning Case: C14-2019-0028  
 Address: 810 Bastrop Hwy SB  
 Area: 4.73 Acres

**Exhibit B**

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





**RESOLUTION NO. 20180920-096**

**WHEREAS,** On August 23, 2018, Council adopted Resolution No. 20180823-078, which in part, directed the City Manager to identify all remaining properties currently being used as mobile home residence park or mobile home subdivision, but not zoned mobile home residence (MH) district and submit the properties to Council for initiation of the appropriate zoning cases; and

**WHEREAS,** staff identified 20 remaining properties meeting the description in Resolution No. 20180823-078;

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Council initiates the zoning, rezoning, and where appropriate, future land use map (FLUM) amendments for the following properties:

(1) Royal Palms MH Community located at 7901 East Ben White Boulevard, Austin, Texas, from general commercial services-neighborhood plan (CS-NP) combining district to mobile home residence-neighborhood plan (MH-NP) combining district;

(2) Palm Harbor Homes MH Park located at 810 Bastrop Highway Southbound, Austin, Texas, from general commercial services-neighborhood plan (CS-NP) combining district to mobile home residence-neighborhood plan (MH-NP) combining district;

(3) Go-Go MH Park located at 4811 South Congress Avenue, Austin, Texas, from general commercial services-mixed use-conditional overlay-neighborhood

plan (CS-MU-CO-NP) combining district to mobile home residence-neighborhood plan (MH-NP) combining district;

(4) Phan MH Park located at 711 West Powell Lane, Austin, Texas, from general commercial services-mixed use-vertical mixed use building-conditional overlay (CS-MU-V-CO-NP) combining district to mobile home residence-neighborhood plan (MH-NP) combining district;

(5) Aero Mobile Home Park located at 101 Hergotz Lane, Austin, Texas, from family residence (SF-3) district to mobile home residence (MH) district;

(6) Tejas Mobile Plaza located at 1709 East State Highway 71 Westbound, Austin, Texas, from community commercial (GR) district and neighborhood commercial (LR) district to mobile home residence (MH) district;

(7) Templeton MH Park located at 401 Chaparral Road, Austin, Texas, from single-family residence standard lot (SF-2) district to mobile home residence (MH) district;

(8) Villa Denese located at 4511 Lucksinger Lane, Austin, Texas, from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district to mobile home residence-neighborhood plan (MH-NP) combining district;

(9) Mobile Home Haven located at 11606 North Lamar Boulevard, Austin, Texas from public (P) district to mobile home residence (MH) district;

(10) Congress MH/RV Park located at 6111 South Congress Avenue, Austin, Texas from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district to mobile home residence-neighborhood plan (MH-NP) combining district;

(11) Jensen's MH Park located at 3201 Burleson Road, Austin, Texas from family residence-neighborhood plan (SF-3-NP) combining district to mobile home residence-neighborhood plan (MH-NP) combining district;

(12) Little Texas MHC located at 7501 Bluff Springs Road, Austin, Texas, from interim-rural residence (I-RR) district to mobile home residence (MH) district;

(13) Woodview MHC, LLC located at 1301 West Oltorf Street, Austin, Texas, from general commercial services (CS) district to mobile home residence (MH) district;

(14) Cameron Loop Mobile HP located at 2807 Cameron Loop, Austin, Texas, from rural residence (RR) district to mobile home residence (MH) district;

(15) Capitol Manor Mobile Home Park, LLC located at 1308 Thornberry Road, Austin, Texas, from interim-rural residence (I-RR) district to mobile home residence (MH) district;

(16) Patton Courts Mobile Home Park located at 7100 East US Highway 290, Austin, Texas, from general commercial services-neighborhood plan (CS-NP) combining district, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district, and townhouse and condominium residence (SF-6) district to mobile home residence-neighborhood plan (MH-NP) combining district;

(17) Lee Hill Park located at 8001 Lee Hill Drive, Austin, Texas from warehouse limited office-neighborhood plan (W/LO-NP) combining district and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district to mobile home residence-neighborhood plan (MH-NP) combining district;

(18) Wallace Trailer Park located at 423 Thompson Lane, Austin, Texas, from general commercial services-conditional overlay (CS-CO) combining district to mobile home residence (MH) district;

(19) Austin Pecan Park located at 2815 East State Highway 71 Westbound Service Road, Austin, Texas, from rural residence (RR) district, interim single-family residence standard lot (I-SF-2) district, and development reserve (DR) district to mobile home residence (MH) district;

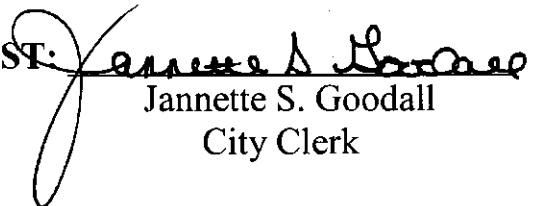
(20) Honeycomb Park located at 6402 McNeil Drive, Austin, Texas, from interim-rural residence (I-RR) district to mobile home residence (MH) district.

**BE IT FURTHER RESOLVED:**

The City Council initiates City Code Title 25 amendments, as necessary, to implement the zoning changes.

**ADOPTED:** September 20, 2018

**ATTEST:**

  
Jannette S. Goodall  
City Clerk

**Montopolis Neighborhood Plan Contact Team**

To: City of Austin Planning Commissioners

From: Susana Almanza, President Montopolis Neighborhood Plan Contact Team (MNPCT)

Date: May 22, 2019

Subject: Palm Harbor Mobile Park C14-2019-0028 & NPA-2019-0005.02

The Montopolis Neighborhood Plan Contact Team (MNPCT) met on April 29<sup>th</sup> at the Montopolis Recreation Center to discuss numerous zoning cases in the Montopolis community. **The MNPCT voted to support the zoning of 810 Bastrop Hwy property from CS-NP (General Commercial Service) to MH-NP (Mobile Home Residence) zoning.** We are very concerned about safeguarding the residents who live at Palm Harbor Mobile Home Park from being displaced. The MNPCT also wants to safeguard some of the most affordable housing in East Austin and in the City of Austin, which are mobile home parks. **One tool to mitigate gentrification**, is to protect residents living in mobile home parks by matching their present zoning use to mobile home. Most residents at Palm Harbor Mobile Home Park are homeowners. After a lengthy discussion regarding the zoning change, the MNPCT **voted to support the zoning change from CS-NP to MH-NP (Mobile Home Park).**

**The MNPCT supports changing the FLUM from CS to Higher Density Single Family zoning.** We would also like for the City of Austin to use Affordable Housing Bond Funds to purchase the Palm Harbor Mobile Home Park and other mobile home parks in our community to safeguard the residents and the most affordable housing in the Montopolis community and in the City of Austin. If we are serious about addressing **gentrification**, we must be proactive in safeguarding our mobile home parks. If we are serious about **affordable housing**, we must protect our mobile home parks. If we are serious about **addressing displacement**, we must protect our mobile home parks.

Thousands of residents, mostly low-income and people of color have been displaced due to the adoption of the East Riverside Drive Corridor Master Plan. Rezoning the Palm Harbor Mobile Home Park from CS-NP to MH-NP, is needed to mitigate the displacement caused by the adoption of the East Riverside Corridor Master Plan.

We respectfully request that you approve the MNPCT recommendations.

Email: poder.austin@gmail.com



# City of Austin

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Aviation Department

Austin-Bergstrom International Airport

3600 Presidential Blvd., Ste. 411, Austin, Texas 78719

512/530-5543 Fax: 512/530-6630

FROM: Jennifer Williams, Airport Planning and Development Supervisor  
City of Austin - Aviation Department

DATE: April 30, 2019

SUBJECT: Case No. C14-2019-0028  
810 Bastrop Hwy  
Austin, TX 78741

The Department of Aviation staff has completed a preliminary review for the rezoning of 810 Bastrop Hwy, case number C14-2019-0028. This purpose of this review is to determine the restrictions that occur due to airport hazard and compatible land use regulations.

The project site does exist within the boundaries of the Controlled Compatible Land Use Area (CCLUA) and **within the AO-3** and must adhere to the City of Austin's Land Development Code, Chapter 25-13 Airport Hazard and Compatible Land Use Regulations. Residential development within the AO-3 must meet the criteria outlined in section 25-13-45. The address 810 Bastrop Hwy, does not have a recorded plat before Aug 20<sup>th</sup>, 2001, it is not part of a MUD, and is not located in an approved neighborhood plan that identifies it as residential prior to Dec.31<sup>st</sup>, 2001. Due to this, **residential use for this property is prohibited**. This site is identified in the Montopolis Neighborhood Plan as commercial use, which is a compatible use within the AO-3.

Should you have any questions or require additional information, feel free to contact me.

Sincerely,

Jennifer Williams, P.E.  
Austin-Bergstrom International Airport  
2716 Spirit of Texas Dr.  
Austin, Texas 78719-2353  
Office: 512-530-5543