

# Zoning Request

ZC-20-22

## Harris Hill Mobile Home Community



### Summary

<b>Request:</b>	Zoning change from FD to MH		
<b>Applicant:</b>	Lanzola Corp. 105 Acuna Ct, Ste 112 Del Valle, TX 78617	<b>Property Owner:</b>	Alvin Popham 1700 Mill Creek Rd Seguin, TX 78155

### Notification

<b>Application:</b>	November, 20, 2020	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	November 22, 2020	<b># of Participants</b>	N/A
<b>Posted:</b>	November, 20, 2020	<b>Personal:</b>	November, 20, 2020
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	72.293 Acres out of the Joel Miner Survey		
<b>Location:</b>	Harris Hill Road one half mile south of Yarrington Road.		
<b>Acreage:</b>	72.293 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Future Development	<b>Proposed Zoning:</b>	Manufactured Home
<b>Existing Use:</b>	Agricultural	<b>Proposed Use:</b>	Manufactured Home Community
<b>Existing Occupancy:</b>	Do Not Apply	<b>Occupancy:</b>	Do Not Apply
<b>Preferred Scenario:</b>	Low Intensity Zone	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	6
<b>Utility Capacity:</b>	By Developer	<b>Floodplain:</b>	Yes
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	No

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	FD	Vacant	Low Intensity
<b>South of Property:</b>	MH	Manufactured Home Park	Low Intensity
<b>East of Property:</b>	ETJ	Harris Hill Race Track	Low Intensity
<b>West of Property:</b>	HC	Vacant (Whisper North Development)	Employment Center

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### Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Alternate Approval	<input type="checkbox"/>	Denial
<b>Staff:</b> Tory Carpenter, AICP, CNU-A <b>Title :</b> Planner <b>Date:</b> April 16, 2021					

### Commission Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
<b>Speakers in favor or opposed</b>  None  <b>Recommendation from the Planning and Zoning Commission Meeting held December 8, 2020</b> A motion was proposed by Commissioner Agnew, seconded by Commissioner Haverland to recommend denial of ZC-20-22. <b>For: 8</b> <b>Against: 0</b> <b>Absent: 1</b>					

### City Council Action, January 5, 2021

<input type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial	<input checked="" type="checkbox"/>	No Action
<b>Speakers in favor or opposed</b>  In Favor: 1. Roland Saucedo 2. Jose Santos Opposed. 3. Lisa Marie Coppoletta  <b>Action by the City Council meeting on January 5, 2021:</b> A motion was made by Mayor Pro Tem Derrick, seconded by Mayor Hughson to approve the request. The motion failed 3-4. <b>No further action was taken.</b> <b>For: 3</b> - Mayor Pro Tem Derrick, Mayor Hughson and Council Member Gleason <b>Against: 4</b> - Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Garza <b>Absent: 0</b>							

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Mayor Pro Tem Derrick asked for clarification regarding tenants owning the trailer, so they can build equity. Mr. Santos said they will own the trailers but the lot will be leased. Mayor Pro Tem Derrick said what is the process if someone wants to move out. Mr. Santos said the owners can sell the trailer on their own or they can do it for them. Mayor Pro Tem Derrick would like to have it stated within the contract that emergency response time is up to 22 minutes so tenants are informed.

Mayor Hughson asked Michael Cosentino, City Attorney how can language be added to the contract for notification to the tenants of the emergency response time. Mr. Cosentino stated this project does not fall under a restrictive covenant due to the fact the land is not under ownership of property but only a land lease.

Mayor Pro Tem Scott expressed his concern with the tenant not owning the property.

Mayor inquired about people who, due to previous financial difficulties, may not qualify for the full price of a stick-built home, but could qualify to purchase the lower priced manufactured home, and due to changed financial circumstances, can also afford to rent the space. She stated this may be a number of our population and this project allows for a transition into home ownership because the house will have value when sold and it's better than renting. The house may not gain in value in the same way as a stick-built house would, but it is still better than rent because there will be some value. This can provide a path to home ownership.

Council Member Gonzales agreed with Mr. Scott and is concerned with the emergency response time as well.

Council Member Gleason noted that he would prefer ownership of the land. However, he has friends in Saddlebrook, next door, and they are happy with owning their home. He noted being able to purchase the home and having something to sell at a later date is a path to home ownership. He noted that having a home that is larger than an apartment and a yard is more space than an apartment. He also inquired as to the date of the FEMA flood map, which Ms. Mattingly confirmed is up-to-date.

Council Member Baker stated a mobile home does not appreciate in value very well and expressed concerns with the project and states it does not meet the housing needs of our community.

Mr. Cosentino stated that notices on properties that have flooding are required to be given by landowners or property managers and they are approved by ordinance. He stated the address notifications for residents on response time does not relate to this because there is no ordinance on the table and mentioned that it could be agendaized for a future meeting date. He stated the applicant could reconsider the development plan to have a rental community or not and council can bring an ordinance forward to discuss notifications regarding response time.

Mayor Pro Tem Derrick would like to see an ordinance on the emergency response notification for tenants. This will require a request to place it on an agenda.

Mayor Hughson asked if the company will own the land and if there are plans to maintain the landscaping, mow the lawn, if there will there be a clubhouse? Will management do routine maintenance? Mr. Santos stated yes, including a pool with picnic areas and will maintain the common areas and landscaping. Mr. Santos mentioned he could set aside a portion of the land for lots to sell, if council desires. He noted that Saddlebrook is at capacity and he believes there will be a market for the product he plans to offer.

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Mayor Hughson asked what is available in Saddlebrook? Do they offer lots for sale or just the homes? Mr. Santos stated the lot is leased and the tenant owns the home.

Council Member Gleason stated if the tenants own the home, they may have to pay for flood Insurance. He would prefer to see them own the lot but he knows the Saddlebrook model works. Mr. Santos said they are not planning to put homes near the floodplain and will be working around the floodplain.

Chase Stapp, Director of Public Safety spoke on behalf of Chief Stephens and asked about the entry points from IH35 for the response time estimation.

Mayor Hughson asked Ms. Mattingly, if the streets will be connected with Saddlebrook. Ms. Mattingly said they will not be connected due to roads because there are no stubbed out streets for future connections in Saddlebrook.

Ms. Mattingly mentioned there needs to be entry points based on the number of units. Since there are no connections directly to IH 35, the emergency route is via Harris Hill Rd. There may be future connection opportunity through land that is not yet developed. This property will be required to have stub-out to the next development.

Deputy Mayor Pro Tem Scott stated the city is working at affordable housing so why can't we use funds for a rent to own land incentive for the people to own the land.

Mayor Hughson asked Mr. Lumbreras if there is money for affordable housing. Mr. Lumbreras stated there is no fund dedicated to this.

Council Member Baker stated with interest rates of 8% - 9% and the applicant having lots to own there is concern for the owner to have the lower mortgage rate, there must be concrete or foundation setup that can't be moved. Is the applicant planning to have unmovable homes or tenant buys the lot and the owner can lease the lot when moving? Mr. Santos said if we offer lots for sale, the owner could sell lot at the market value.

### **City Council Action, May 4, 2021**

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	Denial	No Action
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#### **Speakers in favor or opposed**

In Favor:

1. Karen Wunch
2. Jose Santos
3. Rachel Arthur
4. Roland Saucedo
5. Zack Sambrano

#### **Action by the City Council meeting on May 4, 2021:**

A motion was made by Council Member Gleason, seconded by Mayor Pro Tem Derrick to approve the request with the following conditions:

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1. No leasing of a manufactured home shall be allowed while also occupied by the owner of the manufactured home; and
2. The property manager must notify all tenants of emergency response times to the property.

**For: 6** - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gleason, Council Member Garza, Council Member Scott

**Against: 1** – Council Member Gonzales

**Absent: 0**

Councilmember Scott asked whether the stub out to adjacent properties is guaranteed. The applicant stated that there are two opportunities to stub out to Saddlebrook and that another stub out to the undeveloped property would be required by code. Ms. Mattingly clarified that the developer would be required to connect to the existing stubbed street from Saddlebrook.

Councilmember Baker stated that he has concerns with tenants not being able to build equity if they do not own the land. Mrs. Wunch clarified that her written statement was meant to convey that residence of a single family development would not want to locate in this area.

Councilmember Gonzales ask the applicant if older mobile homes could be moved on the lots and whether double-wide homes would be allowed. Jose Santos stated that any home brought on the site could not be more than 5 years old and that double wide homes would be allowed. Councilmember Gonzales asked if the applicant would consider selling individual lots. Jose Santos stated that he is concerned with having to compete with single-family home developments.

Mayor Hughson asked if renters need to bring their own mobile home or if there will be homes for sale. Mr. Santos stated that they will do both to make it easier for people to go through the process of acquiring a manufactured home. Mayor Hughson asked Mrs. Mattingly if our mobile home park standards require that the development be more like a standard single family development. Mrs. Mattingly confirmed.

Councilmember Scott raised concerns regarding the lack of occupancy restrictions.

Councilmember Baker asked if there would be an HOA or similar organization to manage the property. Mr. Santos stated that the property is owned by a company that will manage it and all of the leases will include rules for the common areas and units themselves.

Councilmember Derrick asked if the applicant is amenable to a condition stating that no homes will be for lease and must be owner-occupied. Mr. Santos stated the he can include a clause regarding subletting a home to no more than one person. He stated that he can put that in writing.

Councilmember Gonzales asked the size of the proposed single-wide lots. Mr. Santos stated that each lot will be at least 5000 square feet. Councilmember Gonzales asked if he could add a requirement that each lot be at last 5000 square feet. Mr. Aguirre stated that this could be added as a requirement via a motion to amend.

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### History

The subject property is currently located outside the City Limits in the San Marcos Extraterritorial Jurisdiction (ETJ). The property is currently vacant and is adjacent to the Saddlebrook Manufactured Home park. The applicant is proposing for-lease lots where renters could place their own manufactured home.

If approved, the City of San Marcos will provide wastewater service. Water service will be provided by Maxwell Water Supply Corporation. The developer will be responsible for extending water and wastewater facilities through the site. Pedernales Electric Cooperative will provide electric service to this development. This zoning request is being processed concurrently with an annexation request for the property.

### Additional Analysis

Upon annexation, the property will be zoned "FD", the default classification for newly annexed land. The annexation request will be considered prior to the zoning change by City Council.

The Development Code states that a request for Manufactured Home (MH) zoning in a Low Intensity designation is "Not Preferred" and requires additional scrutiny. However, the proposed zoning change to MH is generally compatible with surrounding existing uses.

There is an existing dry creek bisecting the property which is designated as floodplain. The developer would be required to meet the City floodplain requirements.

Additional details regarding this analysis is outlined in the staff report and the Comprehensive Plan Analysis checklist.

### Comments from Other Departments

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p><b>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map</b></p> <p>The subject property is located within a Low Intensity designation. Vision San Marcos Comprehensive Plan states that “the preferred scenario anticipates that these areas will generally maintain their existing character. Being located in an area of stability does not mean that these areas should not or will not change. It means that any changes, whether new development, zoning requests, or public improvements, should be carefully planned and implemented so that the character of the area remains.” The proposed zoning to MH is generally compatible with the character of surrounding development.</p> <p>Furthermore, a zoning change to MH promotes the Comprehensive Plan goal of diverse housing needs.</p>
		<u>N/A</u>	<p><b>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area</b></p> <p>Studies were not complete at time of request.</p>
		<u>N/A</u>	<p><b>Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council</b></p>
<u>X</u>			<p><b>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</b></p> <p>There is no current or proposed development agreement for this property.</p>
<u>X</u>			<p><b>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified</b></p> <p>MH zoning is restricted to the manufactured home, or manufactured home park uses. The Saddlebrook Mobile Home Community is the only developed property immediately adjacent to the subject property.</p>
		<u>X</u>	<p><b>Whether the proposed zoning will reinforce the existing or planned character of the area</b></p> <p>The proposed zoning will reinforce the existing character of the developed area which includes an existing manufactured home community. However, approval of this zoning change would allow the property to develop in a manner that is “NP” Not Preferred according to the District Translation Table.</p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p><b>Whether the site is appropriate for the development allowed in the proposed district</b></p> <p>The property is vacant and shown to be in a low to moderately constrained area on the Land Use Suitability Map.</p>
		<u>N/A</u>	<p><b>Whether there are substantial reasons why the property cannot be used according to the existing zoning</b></p> <p>The property is currently not zoned as it is located outside City Limits.</p>
<u>X</u>			<p><b>Whether there is a need for the proposed use at the proposed location</b></p> <p>The proposed rezoning would allow a manufactured home community which would provide additional home ownership opportunities.</p>
<u>X</u>			<p><b>Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development</b></p> <p>The developer will extend required utilities to the site, including City wastewater and Maxwell waterlines.</p>
<u>X</u>			<p><b>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</b></p> <p>The surrounding property is primarily agricultural and manufactured housing which complements the proposed Manufactured Home zoning.</p>
		<u>N/A</u>	<p><b>For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5</b></p> <p>This request is not for a Neighborhood Density District.</p>
<u>X</u>			<p><b>The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management</b></p> <p>While there is floodplain present on the property, the majority of the site is not environmentally constrained.</p>
		<u>N/A</u>	<p><b>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</b></p> <p>None noted.</p>