

PLANNING & ZONING STAFF REPORT



MEETING DATE: May 25, 2017

TITLE:

Public hearing and consider action to recommend approval of a Conditional Use Permit to allow a manufactured home at 1103 Cedar Street, being 0.289 acres of Building Block 20, East of Main Street.

STAFF REPRESENTATIVE:

Wesley Brandon, P.E., Director of Planning and Engineering

ITEM DETAILS:

Site Address: 1103 Cedar Street (Attachment 1)
Total Acreage: 0.289 acres
Legal Description: A portion of Building Block 20, East of Main Street, 0.289 acres

Property Owner: Helen Juarez
Agent Contact: Florence Juarez

Existing Use: Single-Family Residential
Existing Zoning: N, Neighborhood (Form-Based Code)
Future Land Use: Downtown Bastrop

BACKGROUND/HISTORY:

On April 27, 2017, the property owner moved a pre-owned 1998 model manufactured home onto the lot at 1103 Cedar Street. The previous structure was a 1974 model mobile home that had been occupied on the lot since 1975.



Previous Mobile Home

According to the property owner, in the week prior, a large branch from a nearby tree fell on the structure, irreparably damaging the house. The owner purchased the manufactured home and

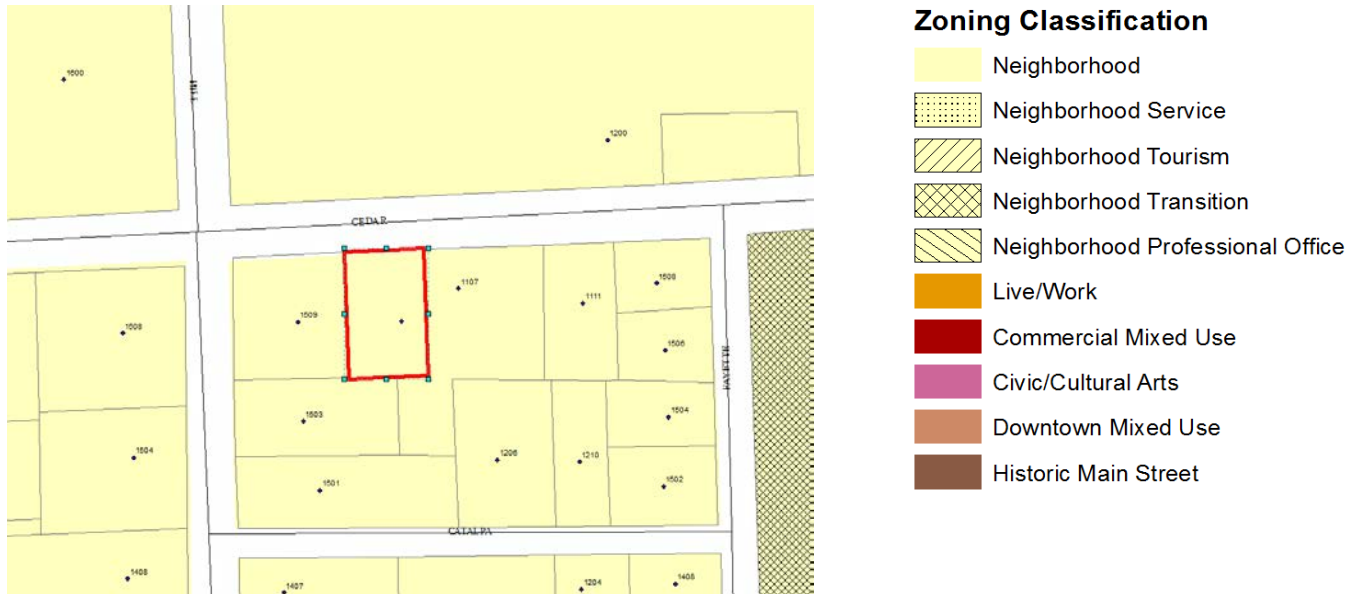
through a misunderstanding, believed that the seller and mover had secured the necessary permits.



Current Manufactured Home

After being informed that they were in violation of city codes, the property owner immediately made application for the Conditional Use Permit (CUP) to start securing the necessary city approvals. Staff allowed the manufactured home to remain on the lot **unoccupied** while undergoing the permit process, provided that the structure was properly secured. Work began on the exterior to improve its compatibility with the neighborhood. The applicant is living elsewhere until a decision is made on the CUP.

The lot is zoned N, Neighborhood and is in the Form-Based Code Regulating Plan Area.



Zoning Map

Per Section 3.5 (c) of the Form-Based Code, structures that are destroyed by an “Act of God” are allowed to be replaced, provided that the new structure is the same size and shape. The previous structure was approximately 56 feet by 14 feet (784 s.f.), according to the Bastrop Central Appraisal District records. The current structure is 56 feet by 28 feet (1,568 s.f.). The structure is 100% larger than the previous structure, which exceeds the requirements of this section. Moving new manufactured homes into the Neighborhood District is permitted with a CUP.

PUBLIC COMMENTS:

Twelve adjacent property owner notifications were mailed on May 10, 2017. At the time of this report, five (5) responses were received; two (2) were in favor, two (2) were opposed and one (1) had no objection. (Attachment 3)

POLICY EXPLANATION:

The purpose of conditional uses is to allow certain uses in districts that under most circumstances would not be compatible with other permitted uses, but may be compatible if certain conditions and development restrictions are met. A Conditional Use Permit (CUP) is adopted by Ordinance, similar to a standard zoning request, with public hearings at Planning & Zoning Commission and City Council meetings, as well as two ordinance readings at separate City Council meetings.

Section 5.2 of the Form-Based Code states that the Planning and Zoning Commission may consider the following criteria when approving a CUP:

- i. The use is harmonious and compatible with surrounding existing uses or proposed uses;*

This lot is on the edge of a residential area. The area to the north is zoned N, Neighborhood, but is the site of the Bastrop High School athletic facility. In the surrounding residential area, there is a mix of single-family housing types. Within the neighborhood, the homes vary greatly in size, shape and age (see Attachment 5). Additionally, while many homes are well maintained, there are some structures that need significant repairs.

- ii. The activities requested by the applicant are normally associated with the permitted uses in the base district;*

The manufactured home is a single-family structure, which is the primary use of the Neighborhood District. The purpose of the CUP is to ensure that the structure is compatible within the area.

- iii. The nature of the use is reasonable;*

The requested use will remain residential in nature and will not increase the intensity of use on the property.

- iv. Any negative impact on the surrounding area has been mitigated;*

Staff is recommending a series of conditions, that once met, will mitigate negative impacts on the surrounding area. These conditions will ensure that the current structure is an improvement in appearance and compatibility within the neighborhood, greater than the previous structure provided.

- v. Any additional conditions specified [to] ensure that the intent of the district purposes are being upheld.*

Staff suggests the following conditions for approval of the CUP:

- The accessory structures and other debris in the backyard must be cleaned up and brought into compliance with the Property Maintenance Code, prior to the home being occupied.
- The roof of the home must be cleaned and repaired to improve its appearance and comply with the City's Building Code.
- New skirting must be added to the front and sides of the structure to improve curb appeal, prior to the home being occupied.
- A covered front porch with a minimum area of 100 square feet must be added to front of the house, which meets the requirements of Section 7.3 (b) of the Form-Based Code for Residential Façades.
- The existing street facing fence must be removed. If a new fence is installed, it must meet all current code requirements, and be constructed after applying for and receiving a fence permit.

Section 35.4 of the Zoning Ordinance, entitled Special and Supplemental Requirements, states that all manufactured homes approved through a Manufactured Home Overlay or Conditional Use Permit, must satisfy the following requirements:

- A. All dwelling units shall be HUD-code manufactured home units. *(Current home is compliant)*
- B. Anchorage of Manufactured Homes: To insure against natural hazards such as tornadoes, high winds, and electrical storms, anchorage at each manufactured home shall be provided, at the time of installation, according to the Building Code. *(Current home is compliant)*
- C. Skirting *(Current home is compliant; however, Staff is recommending replacement of the existing skirting)*:
 1. All manufactured home units, not attached to a permanent foundation, shall provide weather resistant skirting, at the time of installation, from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
 2. All required skirting shall be of a texture and color similar to the materials used in the construction of the manufactured home unit.
- D. Two (2) off-street parking spaces must be provided. One must be covered (carport/garage) and must meet the setback requirements. A building permit must be submitted for this carport or garage within two (2) months from the date the manufactured home was installed. The carport or garage must be built within six (6) months from the date the manufactured home was installed. ***(The current home was installed on April 27, 2017. Therefore, a building permit for the garage/carport must be submitted by June 27, 2017. If the CUP is approved, construction must be completed by October 27, 2017.)***
- E. The main roof shall be pitched, rather than flat. *(Current home is compliant)*
- F. The manufactured home must be sited with its longest dimension parallel to the street. *(Current home is compliant)*
- G. The exterior finish cannot have a high-gloss finish. The exterior walls shall look like wood or masonry, regardless of the actual composition. *(Current home is compliant)*
- H. The hitch must be removed. *(Current home is compliant)*

- I. The lot must be landscaped so that it is equivalent to the average amount of landscaping that exists on the adjoining lots. At a minimum, two (2) trees of the large variety and two (2) shrubs must be provided. Furthermore, the entire lot must be sodded with grass. ***(Current home is not compliant with this requirement)***
- J. The manufactured home must have a minimum floor area of one thousand (1000) square feet. *(Current home is compliant)*
- K. A manufactured home, that is not being placed within a Manufactured Home Park or subdivision, must have a minimum width of at least twenty-eight feet (28'). *(Current home is compliant, unlike the previous home)*
- L. A manufactured home that is not being placed within a manufactured home park or subdivision shall have a gabled entry or other such break in the facade or roof line. *(Current home is compliant, unlike the previous home)*

In addition to criteria described above, Section 5.2(c) of the City's Form-Based Code states:

“In granting a Conditional Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a Certificate of Occupancy may be issued by the Building Official for use of the building on such property pursuant to such Conditional Use Permit and such conditions precedent to the granting of the Certificate of Occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy”.

HISTORICAL REFERENCES:

To date, no Conditional Use Permits (CUPs) have been approved for manufactured homes located within the Form-Based Code area since the Code's adoption in 2015. However, two CUPs have been approved for manufactured homes in the last two years within other areas of the City, both with an SF-7 zoning classification. One home was located at 202 MLK Drive, and the owner was authorized to install a new manufactured home on the property with the following conditions:

- 1. Construction and permits submitted shall be in conformance with the City of Bastrop regulations and shall meet the special requirements of Section 35.4, including concrete/asphalt parking/driveway.
- 2. All necessary permits for the proposed development shall be acquired prior to construction/movement of the manufactured home on the subject property.
- 3. A Building Permit shall be applied for and secured within one (1) year from the date the conditional use permit is granted (second reading of the ordinance). A building permit is issued in order to document and inspect the work required to install the home, connect utilities, and make any other improvements to the property.

Another CUP was approved for a pre-owned 2006 model manufactured home located at 1006 Mesquite Street. The approval conditions were identical to the CUP conditions for 202 MLK Drive.

In each of these previous CUP cases, the homes had not been moved and installed on their respective properties prior to receiving approval of the CUP. Therefore, several of the suggested timeframes and approval conditions may be different for this current CUP request. For example, the property owner is typically given one year to secure a building permit, but because the home is already located on the property, the permitting timeline must be expedited.

RECOMMENDATION:

Hold public hearing and recommend approval of a Conditional Use Permit with the following conditions (in addition to the requirements of Zoning Ordinance Section 35.4), to allow a manufactured home at 1103 Cedar Street, being 0.289 acres of Building Block 20, East of Main Street and forward to the next available City Council meeting.

1. Construction shall be in conformance with the City of Bastrop regulations.
2. All necessary permits for the proposed development shall be acquired prior to occupying the building.
3. A Building Permit shall be applied for and secured within fourteen (14) days from the date the Conditional Use Permit is granted (second reading of the ordinance). **(Note: The Zoning Ordinance states that a permit shall be secured within one year, but due to the current existence of the home, Staff recommends shortening this timeframe).** A building permit is issued in order to document and inspect the work required to install the home, connect utilities, and make any other improvements to the property.
4. The accessory structures and other debris in the backyard must be cleaned up and brought into compliance with the Property Maintenance Code, prior to the home being occupied.
5. The roof of the home must be cleaned and repaired to improve its appearance and comply with the City's Building Code.
6. New skirting must be added to the front and sides of the structure to improve curb appeal, prior to the home being occupied.
7. A covered front porch with a minimum area of 100 square feet must be added to front of the house, which meets the requirements of Section 7.3 (b) of the Form-Based Code for Residential Façades.
8. The existing street facing fence must be removed. If a new fence is installed, it must meet all current code and permit requirements.

ATTACHMENTS:

Attachment 1: Location Map

Attachment 2: Letter from Applicant

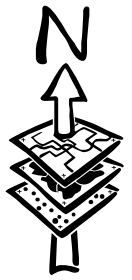
Attachment 3: Surrounding Property Owners' Responses

Attachment 4: Site Plan and Before/After Picture of Property

Attachment 5: Photographs of Nearby Properties



Property Location Map for 1103 Cedar Street



Legend



1103 Cedar Street



FASEB

Federation of American Societies
for Experimental Biology

Science Research Conferences

Planning and zoning commission,
I Helen Juarez have been in the
community of Bastrop. I reside on 1103
cedar st. Bastrop TX 78602 with my 10 yr
old granddaughter which ive been raising
alone with no support from either parent.
Working at Wal mart for 17 years trying to
make ends meet. My ~~trailer~~ house is a
older model 1974 two bedroom 2 bathe
kitchen. Matince has been very hard to
afford. Ive become homeless due to the
act of God a large branch of a pecan
tree fell onto the roof of the center
of trailer home which could not be
repaired due to the fact i had no insurance
on such a late model. I used what i had
to pay for movers in which issured me
of permits and all requirements needed.
My daughter Florencia Juarez Lamb and her
husband have taken me in for such a
time and have financed the needed terms
and requirements to please allowe me
to have my trailer my permenant residence.

FASEB Science Research Conferences
9650 Rockville Pike ♦ Bethesda, MD 20814
<http://www.faseb.org/src>

Thank You,
Helen Juarez

FARM LOT 20, E.M.S.



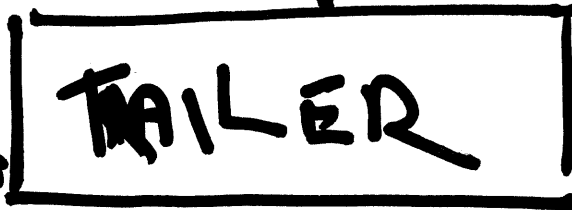
EAST 90'

NW CORNER
L.D. PREWITT, et ux
111/183



62' 6"

RALPH HOLLIGAN



58' 2"



WEST 90'



SCALE; 1" = 20'

HELEN JUAREZ

ROAD

X

PROPERTY OWNER'S RESPONSE

As a property owner within 200': (please check one)

- ☐ I am in favor of the request.
☒ I am opposed to the request.
☐ I have no objection to the request.

RECEIVED

MAY 18 2017

Property Owner Name: Carol KuzmickProperty Address: 1508 Hill St

Phone (optional): _____

Mailing Address: 20209 Grand Banks, Refugioville, TX 78666

Email (optional): _____

Property Owner's Signature: Carol J Kuzmick

Comments: (Optional) you just raised my home value by 15% and now you want to lower the value by adding a manufactured home. I would only agree if my home value is lowered, not increased (by the appraisal district)

By [Signature]

Please provide reply to:

Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602
 or via fax (512) 332-8829

Re: Conditional Use Permit for a manufactured home at 1103 Cedar Street, notices mailed May 10, 2017

X

PROPERTY OWNER'S RESPONSE

As a property owner within 200': (please check one)

- ☐ I am in favor of the request.
☐ I am opposed to the request.
☒ I have no objection to the request.

Property Owner Name: MARY HERRICKProperty Address: 1504 Hill St 78602

Phone (optional): _____

Mailing Address: SameEmail (optional): mary.w.herrick@gmail.comProperty Owner's Signature: Mary Herrick

Comments: (Optional)

I am opposed to putting anyone on the street—especially in a situation as this which was through no fault of her own!

Please provide reply to:

Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602
 or via fax (512) 332-8829

RECEIVED

MAY 18 2017

By [Signature]

Re: Conditional Use Permit for a manufactured home at 1103 Cedar Street, notices mailed May 10, 2017

**NOTICE OF PUBLIC HEARINGS
PLANNING AND ZONING COMMISSION AND CITY COUNCIL**

Dear Property Owner:

The **Bastrop Planning and Zoning Commission** will conduct a public hearing on **Thursday, May 25, 2017 at 6:00 p.m.** and the **Bastrop City Council** will conduct a public hearing in the **City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas** to consider a request for a Conditional Use Permit to allow a manufactured home at 1103 Cedar Street. The property consists of 0.289 acres, being a portion of Building Block 20, East of Main Street, an area zoned N, Neighborhood, within the city limits of Bastrop, Texas.

Owner/Application: Helen Juarez

Address: 1103 Cedar Street

Legal Description: 0.289 acres, being a portion of Building Block 20, East of Main Street

PLEASE SEE ATTACHED SITE LOCATION MAP & LETTER FROM PROPERTY OWNER

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at 1311 Chestnut Street or mailed to P.O. Box 427, Bastrop, Texas 78602 (512) 332-8840 any time prior to the public hearings.

For additional information, please visit or call the Planning & Development offices.

X

X
PROPERTY OWNER'S RESPONSE

As a property owner within 200': (please check one)

- ☒ I am in favor of the request.
☐ I am opposed to the request.
☐ I have no objection to the request.

RECEIVED

MAY 18 2017

Property Owner Name: Leola Caldwell Carman By [Signature]

Property Address: 1107 Cedar St.

Phone (optional): 512 321 2671

Mailing Address: SAME

Email (optional): _____

Property Owner's Signature: Leola Carman


Comments: (Optional)

It is a hundred times better than the old trailer that was there. It looks like a very nice house

Please provide reply to: Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602
or via fax (512) 332-8829

City of Bastrop Planning Dept.
May 15 2017

Dear sirs. I am writing this note in regards to Mrs Helen Juarez's request for a permit to install a modular home on her lot on cedar street in Bastrop. Mrs Juarez has been my neighbor for many years. Her old trailer was in terrible condition and was seriously damaged in a wind storm recently. She has worked hard for years and helped support her grand kids and never asked for any thing from the government or the city. Working at walmart and helping her kids trying to get along does not create a hugh wealth acummlation and this Modular home is sure a hugh step forward from where she was with the old trailer and it is a very good looking house. I highly recommend that you approve this application.


Charles Carman
1107 Cedar St.
Bastrop, Tx 78602

RECEIVED

MAY 18 2017

By 

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For additional information, please visit or call the Planning & Development offices.

PROPERTY OWNER'S RESPONSE

As a property owner within 200': (please check one)

- ☐ I am in favor of the request.
☒ I am opposed to the request. **(ARE THEY ALLOWED TO MOVE ANOTHER ONE IN BEFORE THEY GET APPROVAL/PERMISSION?)**
☐ I have no objection to the request.

Property Owner Name: KRISTINE NGUYEN
Property Address: 1509 HILL ST
Phone (optional): _____
Mailing Address: 1509 HILL ST
Email (optional): _____
Property Owner's Signature: Kristine Nguyen
Comments: (Optional)

(APRIL 27th, 2017)
TRAILER ADDED

THEY ALREADY MOVED ANOTHER TRAILER THERE. THEY DO NOT UPKEEP THE PROPERTY (IN THE BACK) I HAVE NOT SEEN THE TREE BRANCH THEY CLAIM. THE TRAILER HAS BEEN FALLING APART FOR SOME TIME.

RECEIVED

Please provide reply to:

Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602
or via fax (512) 332-8829

MAY 18 2017

By

[Signature]

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For additional information, please visit or call the Planning & Development offices.

X

X
PROPERTY OWNER'S RESPONSE

As a property owner within 200': (please check one)

- ☒ I am in favor of the request.
☐ I am opposed to the request.
☐ I have no objection to the request.

RECEIVED

MAY 16 2017

By jc

Property Owner Name: Jimmy & Linda Matheson

Property Address: 1103 Cedar St

Phone (optional): 512 361 3458

Mailing Address: PO Box 1202 Bastrop

Email (optional): _____

Property Owner's Signature: Jimmy Matheson

Comments: (Optional)

Let this lady replace her home

She always keeps her place very clean.

Please provide reply to: Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602
or via fax (512) 332-8829

FARM LOT 20, E.M.S.

~~N~~ S

EAST 90'

NW CORNER
L.D. PREWITT, et ux
111/183

62' 6"

RALPH HOLLIGAN

140'
NORTH

140'
SOUTH

56'
TRAILER

28'

14' 10"

18' 9"

50' 2"

WEST 90'

SCALE: 1" = 20'

CEGAR ST

HELEN JUAREZ

ROAD

Previous Mobile Home



Current Manufactured Home



Attachment 5: Photographs of Nearby Properties



