

# APPLICATION REVIEW

## Z-16-69

HEARING DATE: November 29, 2016

1. CASE # Z-16-69  
PROPERTY ADDRESS: 3126 Lyle Avenue  
LEGAL DESCRIPTION: Lot 3, Block H, Hillcrest Addition

2. APPLICANT: Pam Whitworth/Heart of Texas Properties, Inc.  
MAILING ADDRESS: 700 Cedar Crest (08)

### 3. REQUEST:

#### **SPECIAL PERMIT FOR TEMPORARY RESIDENTIAL RENTAL UNIT IN AN R-1B DISTRICT**

*Temporary residential rental unit.* A residential dwelling unit where short-term lodging is provided for compensation, the owner does not reside on the property and breakfast provided for overnight guest is optional. Short term lodging shall be considered to be for a period of time under 30 days.

**PLANNING SERVICES REVIEW**

**NEIGHBORHOOD CHARACTER:**

This property is located along the south side of Lyle Avenue, between N. 31<sup>st</sup> and N. 32<sup>nd</sup> Streets, within the Dean Highland Neighborhood. This is a predominantly single family neighborhood that transitions to more mixed uses along Herring Avenue one block south of the property. There is an existing 3-bedroom home on the property with a driveway to the right of the home that leads to a detached garage. The owner does not reside on the property, but proposes to professionally manage the home for short-term rental.

**PLANNING SERVICES RECOMMENDATION:**

Planning Services recommends *APPROVAL* of the special permit subject to the special provisions and conditions and based on the following findings\*:

1. That the proposed use is consistent with the comprehensive plan and the purposes and intent of Chapter 28-Zoning of the Code of Ordinances of the City of Waco.
2. That the proposed use is compatible with the appropriate and orderly development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations or any other characteristics than any use permitted in the zoning district without the grant of a special exception.
4. That available community facilities and services, including the road system providing access to the proposed use, are adequate for the proposed use.

\* These findings are required for the granting of a special permit as per Section 28-122 of the City of Waco Zoning Ordinance.

**NOTICES: 16 mailed; returned**

**TRAFFIC OPERATIONS REVIEW**

1. Description of the adjacent street system:

Classification: Local Number of Lanes: Two

Estimated Capacity (at LOSD) 5,000-7,000 vpd Avg. Daily Traffic Not available vpd

2. Estimated increase in traffic on adjacent streets at full build out:

Immediate: Negligible Future: Not available

3. Will the development's impact be of sufficient magnitude to require mitigation for:

- a) Access problems: no
- b) Increased traffic congestion: no
- c) Pedestrian traffic: no
- d) Visibility problems: no

4. Traffic Department comments and recommendations:

No comment. (RK)

**ENGINEERING SERVICES REVIEW**

1. Street condition: Good  Acceptable  Needs Reconstruction

2. Street width: Existing: ROW 50' Pavement 27'

Required: ROW 50' Pavement 28'

3. Curb and Gutter:

Needs to be installed  Exists  Needs Reconstruction

4. Offsite Drainage facilities are adequate to meet additional runoff resulting from the rezoning.

5. Water is available to the property, and it will serve the heaviest uses allowed under the requested zoning.

6. Sewer is available to the property, and it will serve the heaviest uses allowed under the requested zoning?

7. Engineering Department comments and recommendations:

The property is served with both public water and sanitary sewer mains and there have been no drainage issue reported in this immediate area; therefore, Engineering has no comment. (TD)

CASE NO. Z-16-69

**INSPECTION SERVICES REVIEW**

**Comments --**

No comment. (GD)

**LEGAL SERVICES REVIEW**

**Comments -- . (JP)**

**FIRE DEPARTMENT REVIEW:**

**ANTICIPATED FIRE RESPONSE TIME: < 6 min**

**IS THE FIRE RESPONSE TIME ADEQUATE?: Y (Y) YES (N) NO**

**Fire Department Comments and Recommendations:**

No comment. (GL)

**HEALTH DEPARTMENT REVIEW**

**INSPECTION/PERMIT REQUIRED N (Y) YES (N) NO**

**DATE OF INSPECTION: N/A**

**Health Department Comments and Recommendations: None. (DL)**

**POLICE DEPARTMENT REVIEW**

**Comments No significant impact to Police Services. (JW)**

**CASE #Z-16-69**

**PROPERTY OWNERS LIST**

**Applicant:** Pam Whitworth/Heart of Texas Properties

**Owner:** Heart of Texas Properties, Inc.

**SPECIAL PROVISIONS & CONDITIONS**  
**FOR TEMPORARY RESIDENTIAL RENTAL UNIT**

1. The permit hereby granted is to, Pat Whitworth/Heart of Texas Properties, Inc., and may not be transferred or assigned.
2. At any time if the permittee(s) ceases to use the permit for the purpose for which it has been granted, this permit shall become null and void, and the lawful use of the property listed as the location for the permit shall conform to the use for which it is zoned under the City of Waco's Zoning Ordinance.
3. This permit is for the specific location designated herein and shall not be transferred to another location.
4. That said temporary residential rental unit shall be operated in accordance with all applicable regulations and the permittee shall obtain all permits or licenses which may be required under the Ordinance of the City of Waco or other agencies of the County, State or Federal government. The property may be inspected by the Departments of Planning, Inspections Services, Fire Services, the Health District or any other responsible departments to ensure the building or premises complies with all applicable codes and special conditions.
5. A Life Safety Inspection for compliance with applicable City codes must be approved by the Inspections Services Department prior to issuance of the Special Permit. This inspection includes, but is not limited to, smoke detectors, at least one operable egress window per bedroom, required safety measures for pools (if applicable), and exterior stairwells (if applicable).
6. This permit may be revoked for failure of the permittee to pay all taxes and/or fees due and owing the State or any political subdivision of the State, or for a violation of this special permit or any ordinance of the City of Waco, or for good and sufficient cause, upon notice to the permittee and after a public hearing.
7. Permittee shall comply with all building, plumbing, electrical and other related construction codes of the City of Waco.
8. The structure and the grounds shall be maintained and shall be kept in good repair and condition.
9. This permit shall be for a period of one year and expire on December 20, 2017. At expiration of said period the permittee shall make an application for renewal of said special permit. If the permit is not renewed, it will be considered abandoned and terminated and the lawful use of the said premises shall conform to the use for which it is zoned under the City of Waco's Zoning Ordinance.
10. The temporary residential rental unit shall be subject to City and State's hotel occupancy taxes.
11. Functions such as meetings, receptions, weddings and other social events provided for compensation are not permitted as part of the temporary residential rental unit special permit.
12. Functions such as meetings, receptions, weddings and other social events are not permitted to be held by the tenants. No outside vendors are permitted on the property.
13. A maximum of 3 temporary residential guest vehicles shall be permitted to park on the property at any time.

14. No on-street parking shall be allowed for temporary residential guest vehicles.
15. The owner or on-site manager shall be present or available at all times the property is being rented as a temporary residential rental unit. Contact information shall be filed with Planning Services Department.

**Zoning Case Z-16-69**  
 3126 Lyle Avenue  
 Urban Residential  
 Property Location Map  
 and Surrounding  
 Land Use 2016

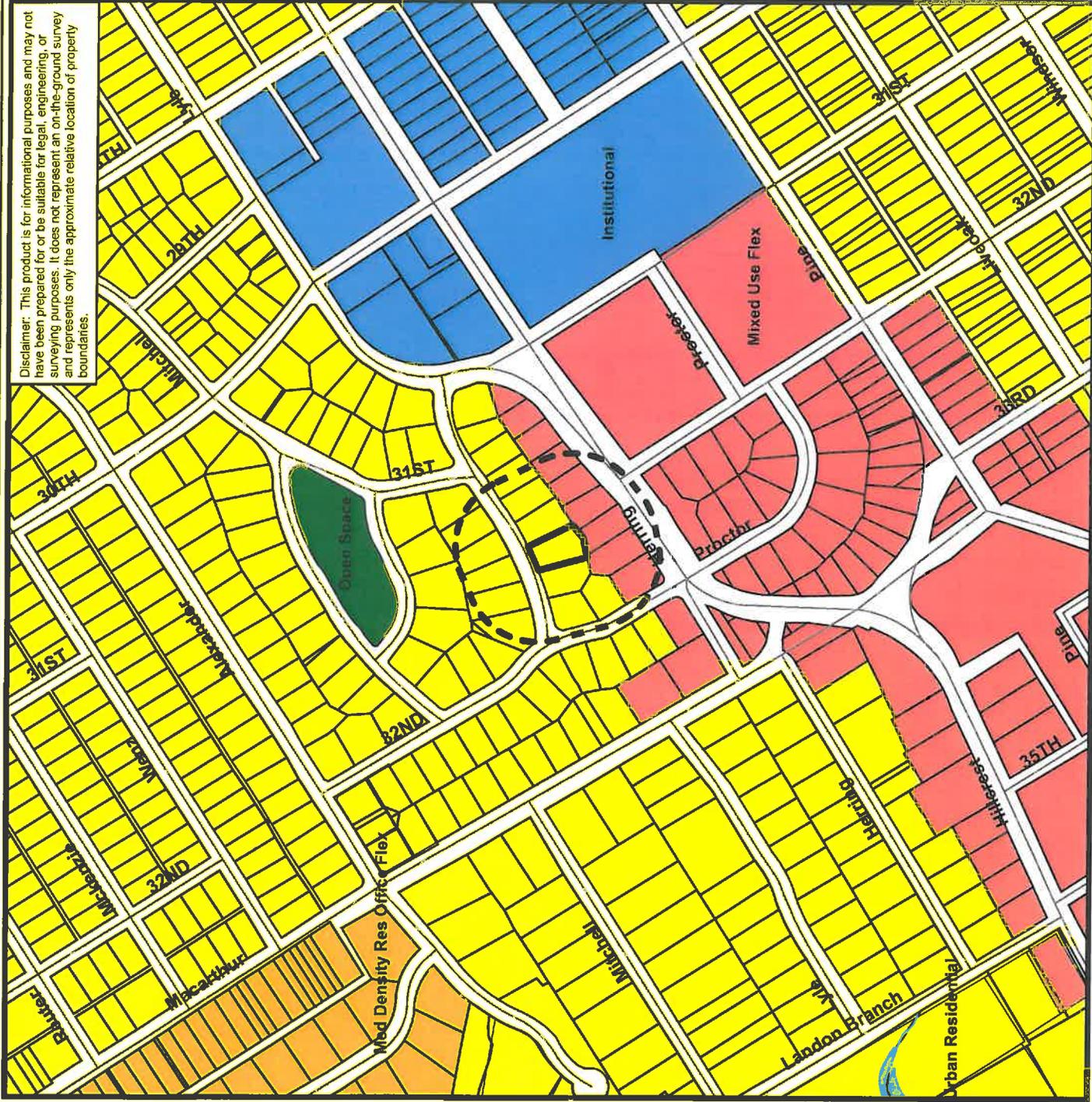
- Case Z-16-69  
 200' Property Notice Buffer
- Land Use 2016**
-  Rural Residential
  -  Suburban Residential
  -  Urban Residential
  -  Medium Density Residential Office Flex
  -  Office Industrial Flex
  -  Mixed Use Flex
  -  Mixed Use Core
  -  Industrial
  -  Institutional
  -  Open Space



November 2016



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**in R-1B District**  
**Property Location Map**  
**and Surrounding**  
**Zoning Categories**

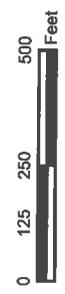
Case Z-16-69  
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**Zoning Categories**

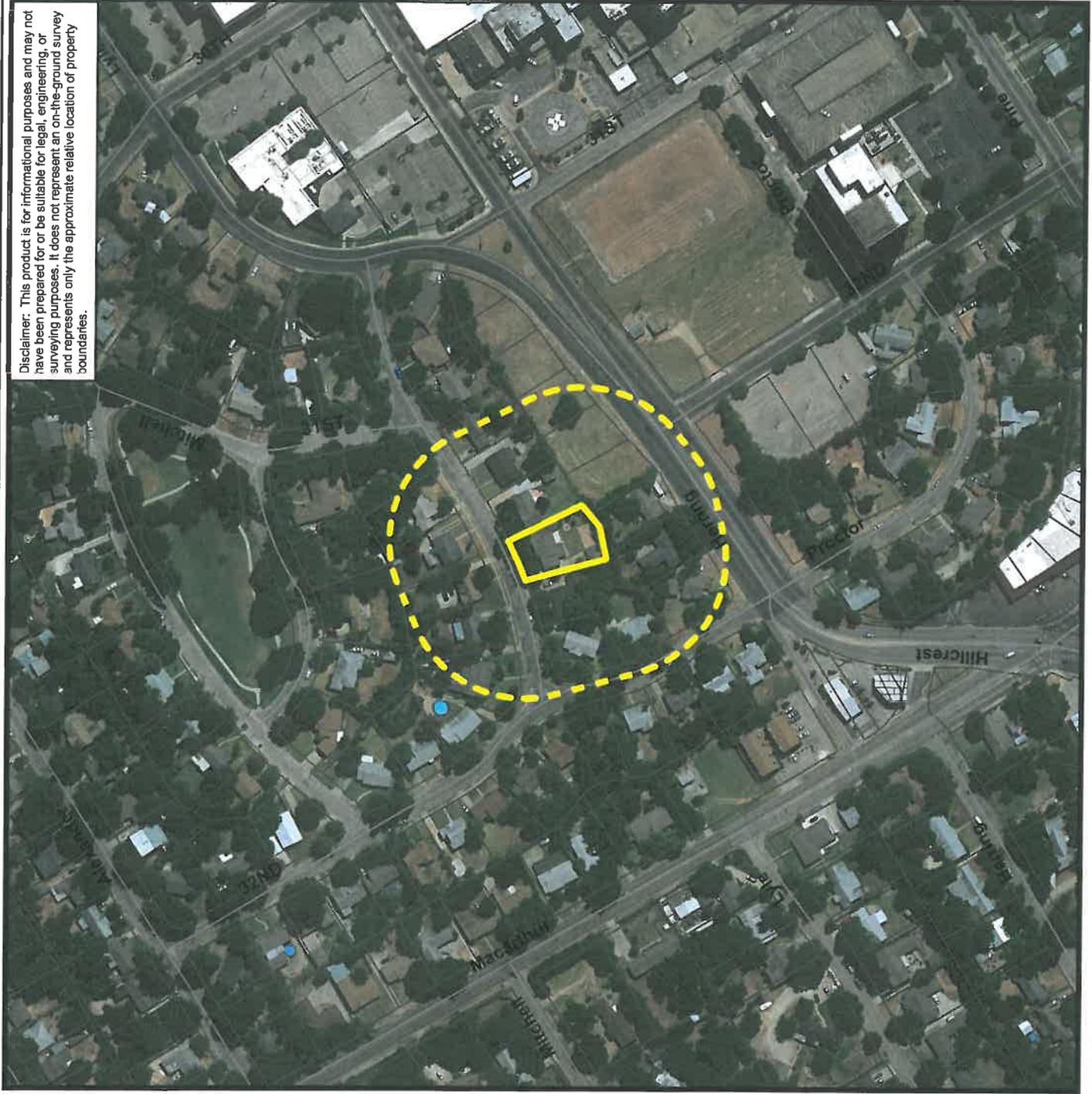
- R-1A
- R-1B
- R-1C
- R-2
- R-3A
- R-3B
- R-3C
- R-3D
- R-3E
- O-1
- O-2
- O-3
- C-1
- C-2
- C-3
- C-4
- C-5
- M-1
- M-2
- M-3
- PUD



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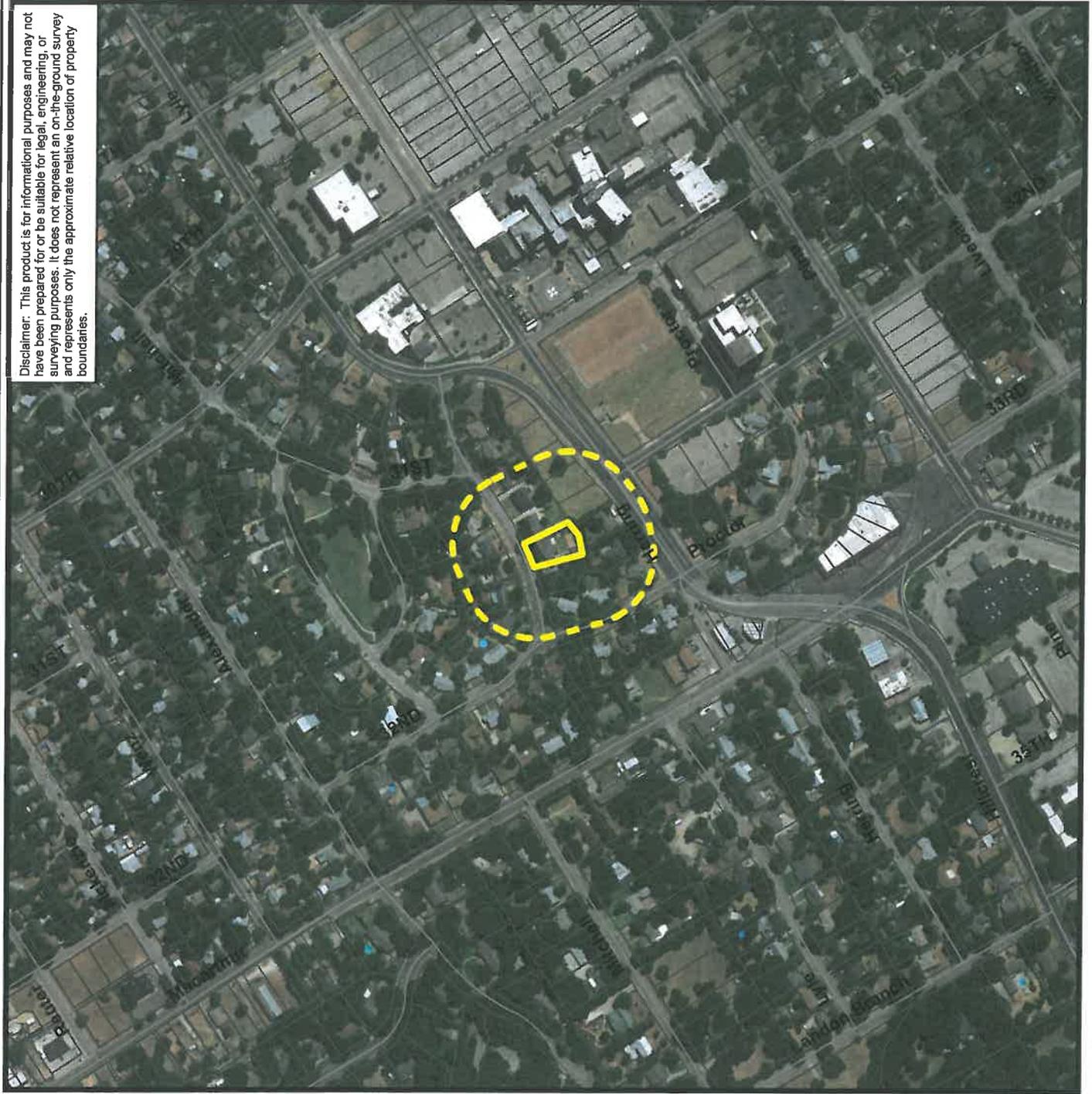
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200' Property Notice Buffer



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## **3126 Lyle, Waco, Texas 76708**

1837 sf home

3 bedroom, 2 bath

Sleeper sofa in living area, house can accommodate 8 guests

Complete renovation in 2014

Room for 5-6 vehicles

Property is professionally managed by Heart of Texas Rentals, 1714 Columbus Ave. Waco, Texas

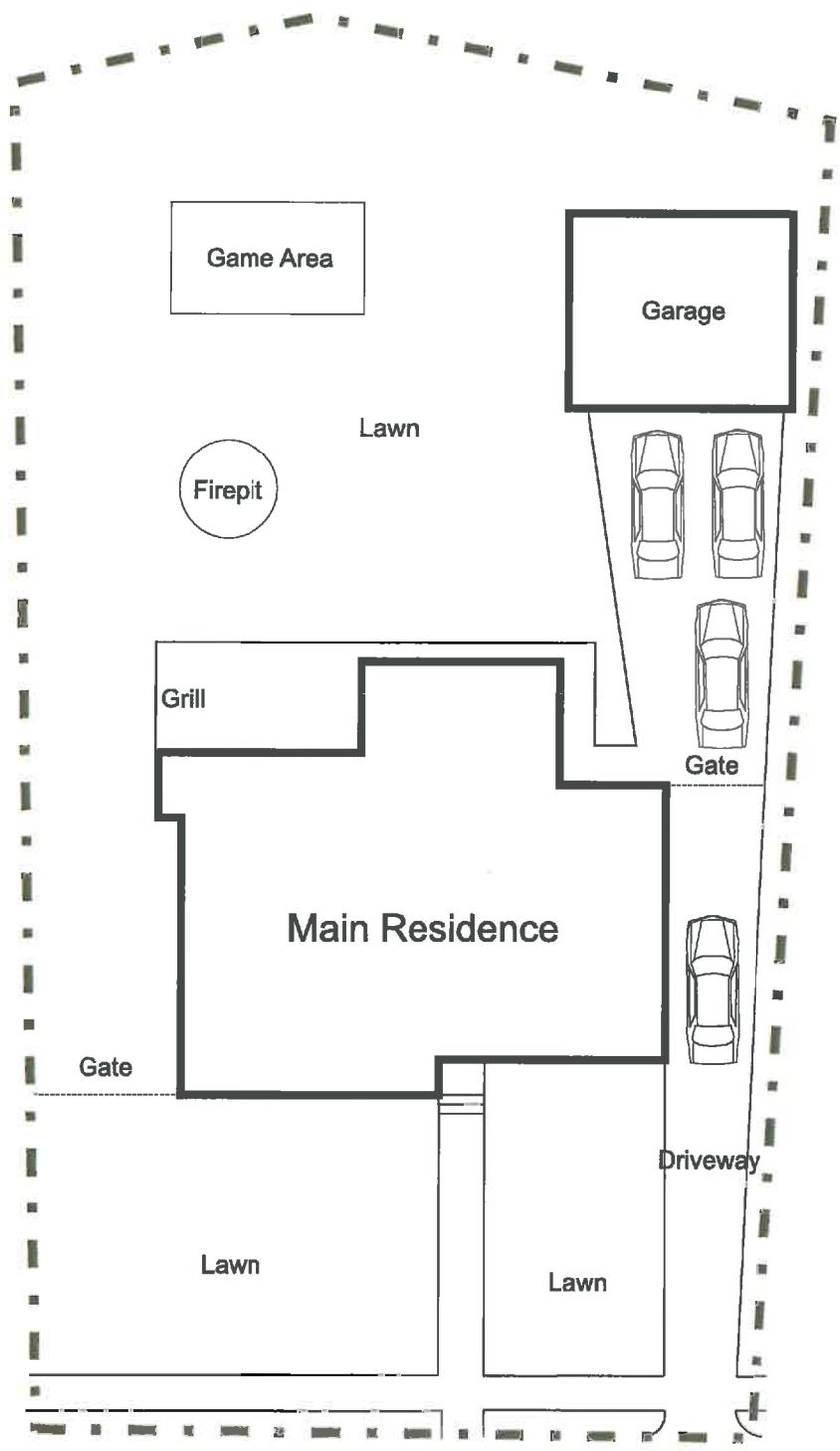
Offered as a vacation/short term stay rental, guests occupy for a minimum of 2 days up to 30 days

We do not lease to parties with occupants all under the age of 25

Guests are booked through professional sites such as Airbnb.com, Homeaway & VRBO.com. Guests are rated by previous hosts and have to provide proper identification to book.

Has been a short term stay rental for 3 years.

Guest houses have a high standard of maintenance inside and out with owners present on the property weekly.



REVISIONS: \_\_\_\_\_  
 DATE: 9/16/2016  
 JOB NUMBER: 12345  
 DRAWN BY: RJK  
 CHECKED BY: LT  
 SCALE: 1" = 20'  
 SHEET: 1 of 1

**PROJECT:**  
 3126 Lyle Ave  
 Waco, TX 76708

**SHEET DESCRIPTION:**  
 Sheet Description

Lawns Ltd  
 1824 Austin Ave  
 Waco, TX 76701  
 254-752-8122





plann

