

APPLICATION REVIEW

Z-23-35

HEARING DATE: August 22, 2023

1. **CASE #** Z-23-35
Energov # SP-000015-2023
PROPERTY ADDRESS: 4100 Evergreen Circle
LEGAL DESCRIPTION: WHITE OAKS Lot 15 Block A Acres 2.0263

2. **APPLICANT/OWNER:** Haley & Jordan Gandy
MAILING ADDRESS: 4100 Evergreen Circle, Waco, TX 76710

3. REQUEST:

SPECIAL PERMIT FOR SHORT TERM RENTAL TYPE I IN AN R-1B DISTRICT

Short Term Rental Type I. An owner occupied residential property where short term lodging is provided to only one group at a time per dwelling unit. Non-conforming single family residential properties that contain more than one dwelling unit shall rent to only one group at a time. The owner must reside in the primary structure on the property and be present at the property for the duration of any short term rental.

PLANNING SERVICES REVIEW

NEIGHBORHOOD CHARACTER:

This property is located north of Hillcrest Drive to the east of Lake Shore Drive, and it is accessible via Glendale Drive from the south and Evergreen Circle from the west. Along the eastside of the property is the Landon Branch which drains north towards Lake Waco. It is located within the Landon Branch Neighborhood Association and Council District V. The general area in which the property is located consists primarily of single-family housing. There is a four bedroom home located on the property, with the intention of renting one bedroom for short term rentals. The property owner will reside on the property during all short term rentals. There are four parking spaces available on site.

There is an existing single-family home on the property. The applicant proposes to operate as a short-term rental, renting to only one group at a time. The owner will continue to reside in the main house or have a designated operator on the property during any short-term rental. There is enough space to park at least 4 vehicles within the driveway on the property.

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.
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: 27 mailed;

CASE #Z-23-35

TRAFFIC OPERATIONS REVIEW

1. Description of the adjacent street system: Evergreen Circle
Classification: Local Number of Lanes: 2 travel lanes
Estimated Capacity (at LOSD) 1,000 vpd Avg. Daily Traffic 50 vpd
2. Estimated increase in traffic on adjacent streets at full build out:
Immediate: 10 ypd Future:
3. Will the development's impact be of sufficient magnitude to require mitigation for:
 - a) Access problems: ~~yes~~/no
 - b) Increased traffic congestion: ~~yes~~/no
 - c) Pedestrian traffic: ~~yes~~/no
 - d) Visibility problems: ~~yes~~/no
4. Traffic Department comments and recommendations:
None. (CM)

ENGINEERING SERVICES REVIEW

1. Street condition: Good Acceptable Needs Reconstruction X
2. Street width: Existing: ROW 50' Pavement 27'
Required: ROW 50' Pavement 28'
3. Curb and Gutter:
Needs to be installed Exists X 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: 4" Water & 6" Sewer site. (CM)

CASE #Z-23-35

INSPECTION SERVICES REVIEW

Comments:

No comment. (GD)

UTILITY SERVICES REVIEW

Comments:

No comment. (SS)

LEGAL SERVICES REVIEW

Comments:

No comment received.

FIRE DEPARTMENT REVIEW:

ANTICIPATED FIRE RESPONSE TIME: < 6 minutes

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

Fire Department Comments and Recommendations:

No other comments. (GL)

HEALTH DEPARTMENT REVIEW

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

DATE OF INSPECTION: N/A

Health Department Comments and Recommendations:

No comment received.

POLICE DEPARTMENT REVIEW



Comments:

No comment received.

SPECIAL PROVISIONS & CONDITIONS FOR
SHORT TERM RENTAL TYPE I

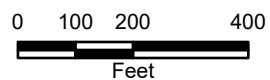
1. The permit hereby granted is to, Haley & Jordan Gandy, and may not be transferred or assigned.
2. At any time if the permittee(s) ceases to use the permit for the purpose for which it has been granted, this permit shall become null and void, and the lawful use of the property listed as the location 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 short term rental type I shall be operated in accordance with all applicable regulations, including Chapter 13, Article XIII Bed and Breakfast Facilities and Short Term Rental Facilities license ordinance. 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. 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.
6. This permit shall automatically terminate if:
 - a. the Director of Planning Services denies the issuance or renewal of the Short Term Rental Facility license ("the license") to the permittee or revokes the license issued to the permittee; and
 - b. either (a) the permittee does not appeal the decision to deny or revoke the license to the City Council within the required time period, or (b) the permittee appeals the decision to deny or revoke the license to the City Council and the City Council upholds the decision to deny or revoke the license.
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. A Short Term Rental Facility license is required and must be renewed every two years and comply with Chapter 13, Article XIII of the City of Waco code of ordinances.
10. A Short Term Rental Facility license must be acquired within 6 months of approval of the special permit.

Zoning Case Z-23-35
4100 Evergreen Cir
Waco TX 76710
SP - STR Type I
Property Location Map

-  Z-23-35
-  200' Property Notice



August 2023



Disclaimer: 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.



Zoning Case Z-23-35
 4100 Evergreen Cir
 Waco TX 76710
 SP - STR Type I
 Property Location Map and
 Surrounding Zoning Categories

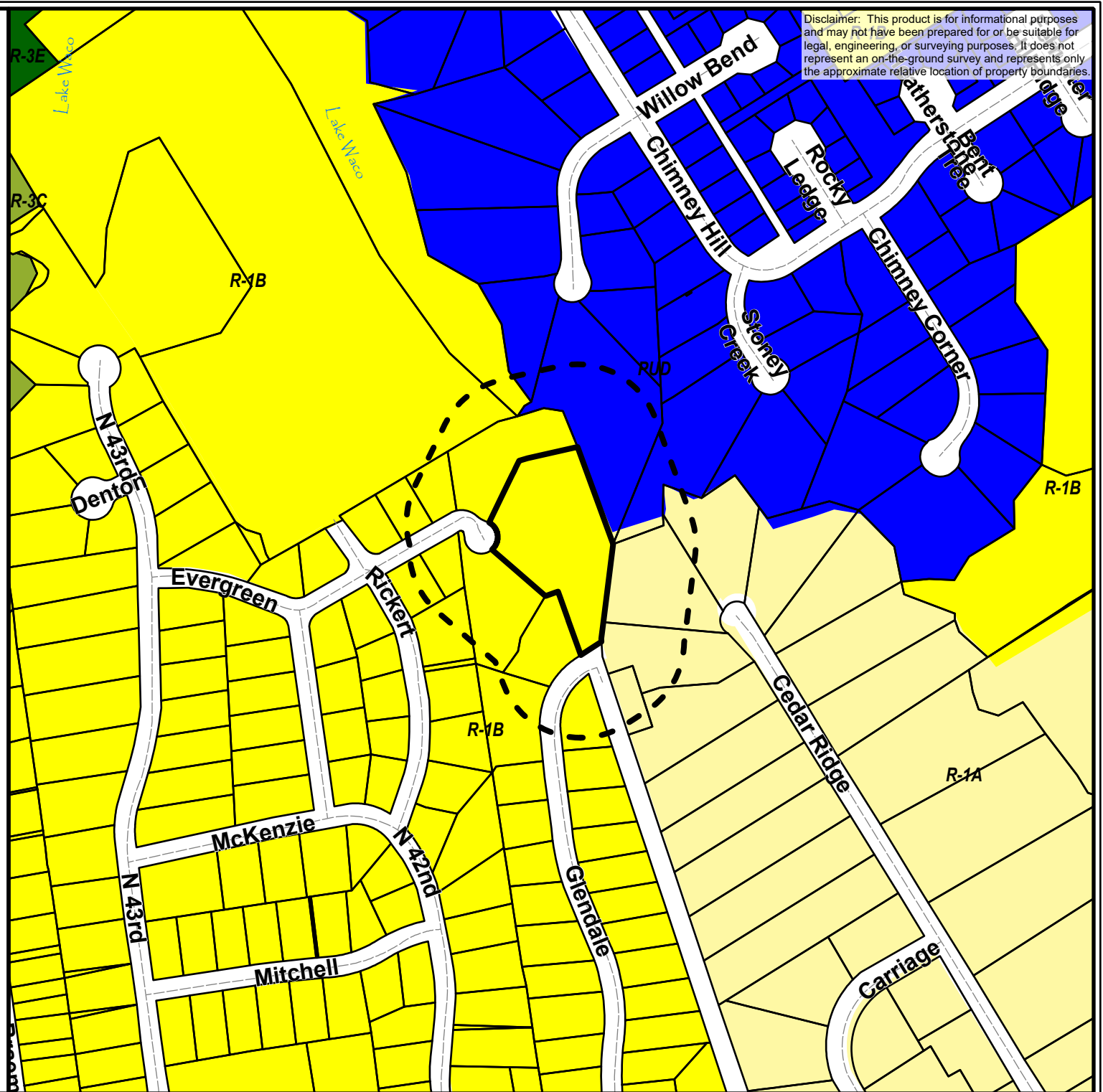
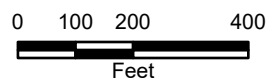
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Z-23-35
 200' Property Notice

- 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



August 2023



SP-000015-2023 (4100 EVERGREEN CIR Waco, TX 76710)

Description:

- Owner occupied residential property
- Short term lodging is provided to only one group (1-2 people) at a time per dwelling unit. 1 bedroom to be rented inside owner's home (as a B&B)
- There are 2 extra, onsite parking spots in addition to the owners (2) parking spots
- 1 room will be rented out a few times a month, while the owners are present. - The property will continue to be resident managed as it has been the last 5 years.

Existing Residential Property Use:

Single Family

Proposed short term rental or bed & breakfast type: Short Term Rental Type I

Previous Requests: No

Neighborhood Description by Applicant:

We are located at the bottom of a cul-de-sac, with our a private entrance of Evergreen Cir, and Glendale Ave. Our property is 2 acres

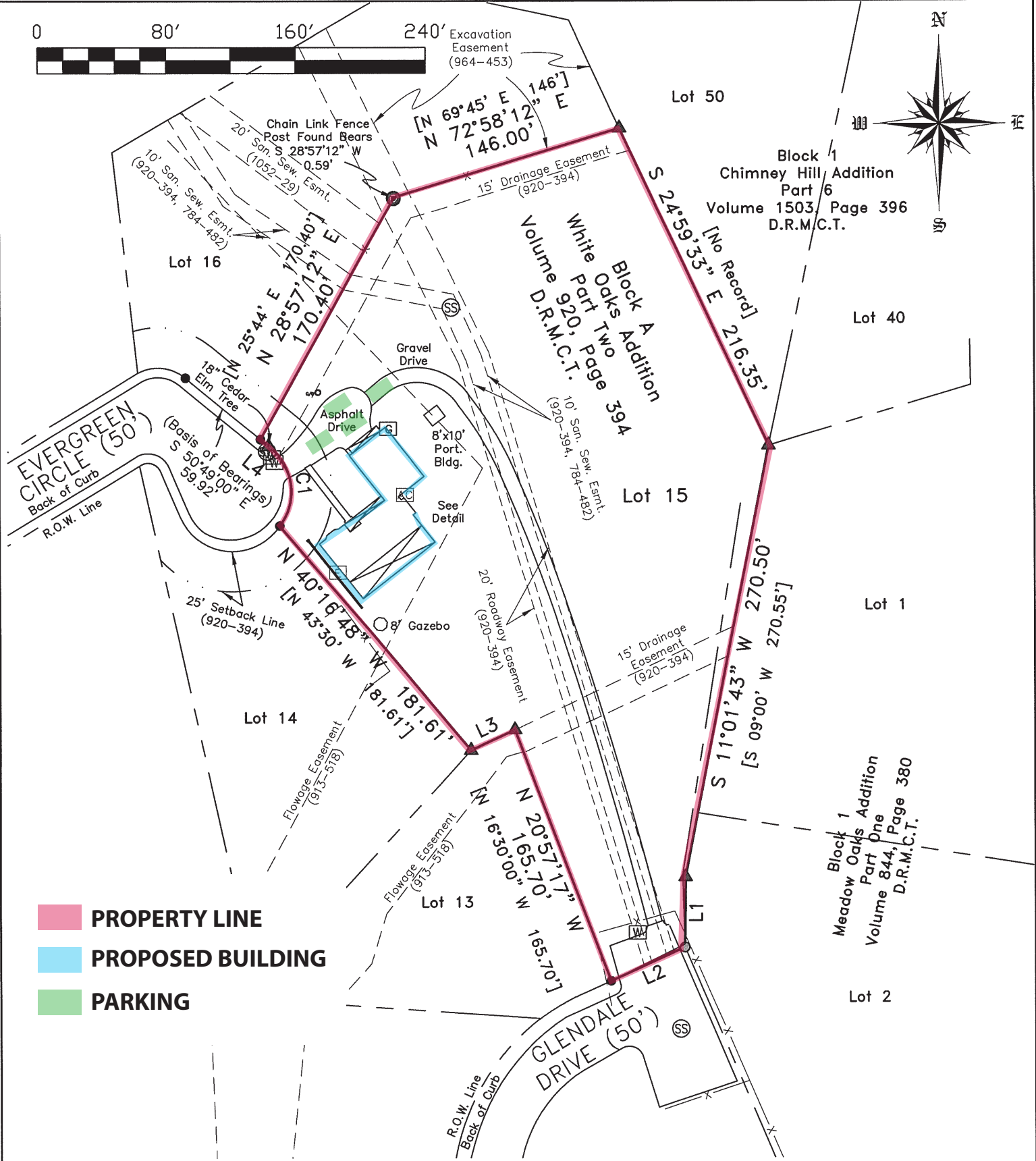
How occupied: Owner

1 bedrooms

4 parking spaces on site

Description of proposed special use permit:

Owner occupied, residential property where short term lodging is provided to only one group at a time with breakfast included during their stay. The owner will reside on the property and be present during guest stays.



- PROPERTY LINE
- PROPOSED BUILDING
- PARKING

DESCRIPTION

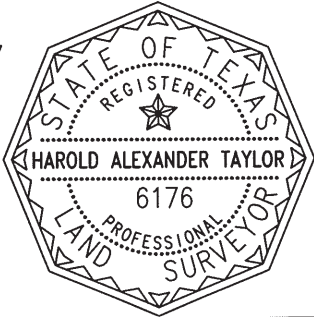
STATE OF TEXAS
COUNTY OF MCLENNAN

PLAT showing all of Lot 15, Block 'A' of the White Oaks Addition Part Two to the City of Waco, McLennan County, Texas, as per plat recorded in Volume 920, Page 394 of the Deed Records of McLennan County, Texas.

Bearings based upon the Southwest line of Lot 16 in said Block 'A': South 50 degrees 49 minutes East.

The plat as shown hereon was prepared from an on-the-ground survey performed under my supervision on April 26, 2018; there are no visible easements, encroachments or protrusions except as shown hereon.

Harold Alexander Taylor
Registered Professional Land Surveyor
Texas Registration No. 6176
Date: April 26, 2018



- NOTES:
1. RECORD EASEMENTS, RESTRICTIONS, AND/OR COVENANTS ARE ADDRESSED/SHOWN HEREON AS PER ITEMS LISTED IN TITLE COMMITMENT PROVIDED BY TITLE COMPANY NAMED HEREON. ADDITIONAL RECORDED AND/OR UNRECORDED EASEMENTS, RESTRICTIONS, AND/OR COVENANTS THAT MAY EXIST, ARE NOT SHOWN HEREON.
 2. NO FLOOD ZONE DETERMINATION WAS MADE AS PART OF THIS SURVEY.

<div>TBPLS Firm# 10194191</div> <div>SUNBELT</div> <div>Technical Services</div> <div>Surveying • Land Planning • Consulting</div> <div>701 Caudill Drive</div> <div>Waco, Texas 76705</div> <div>(254) 292-0641</div>	<div>BOUNDARY SURVEY</div> <div>LOT 15, BLOCK A</div> <div>WHITE OAKS ADDITION</div> <div>PART TWO</div> <div>CITY OF WACO</div> <div>MCLENNAN COUNTY, TEXAS</div>	<div>STS Job No: 18-0930</div> <div>Property Address:</div> <div>4100 Evergreen Circle</div> <div>Waco, Texas 76710</div>	<div>Sheet 1 of 2</div> <div>Detail Attached</div> <div>Prepared For:</div> <div>Home Abstract and Title</div> <div>Company</div> <div>G.F. No. 20180664</div>
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LEGEND

- SW

Storm Drain Manhole
- SS

Sanitary Sewer Manhole
- W

Water Meter
- AC

Air Conditioner
- E

Electric Meter
- G

Gas Meter
- O—

Sewer Cleanout

- – Denotes 1/2" Steel Rod Found Marked "3879"
- ⊙

– Denotes 1/2" Steel Rod Set Marked "RPLS 6176"
- ⊙

– Denotes Chain Link Fence Post Found As Noted
- ▲

– Denotes Calculated Point In A Ravine Unless Noted

D.R.M.C.T. – Deed Records McLennan County Texas

[Record Information]

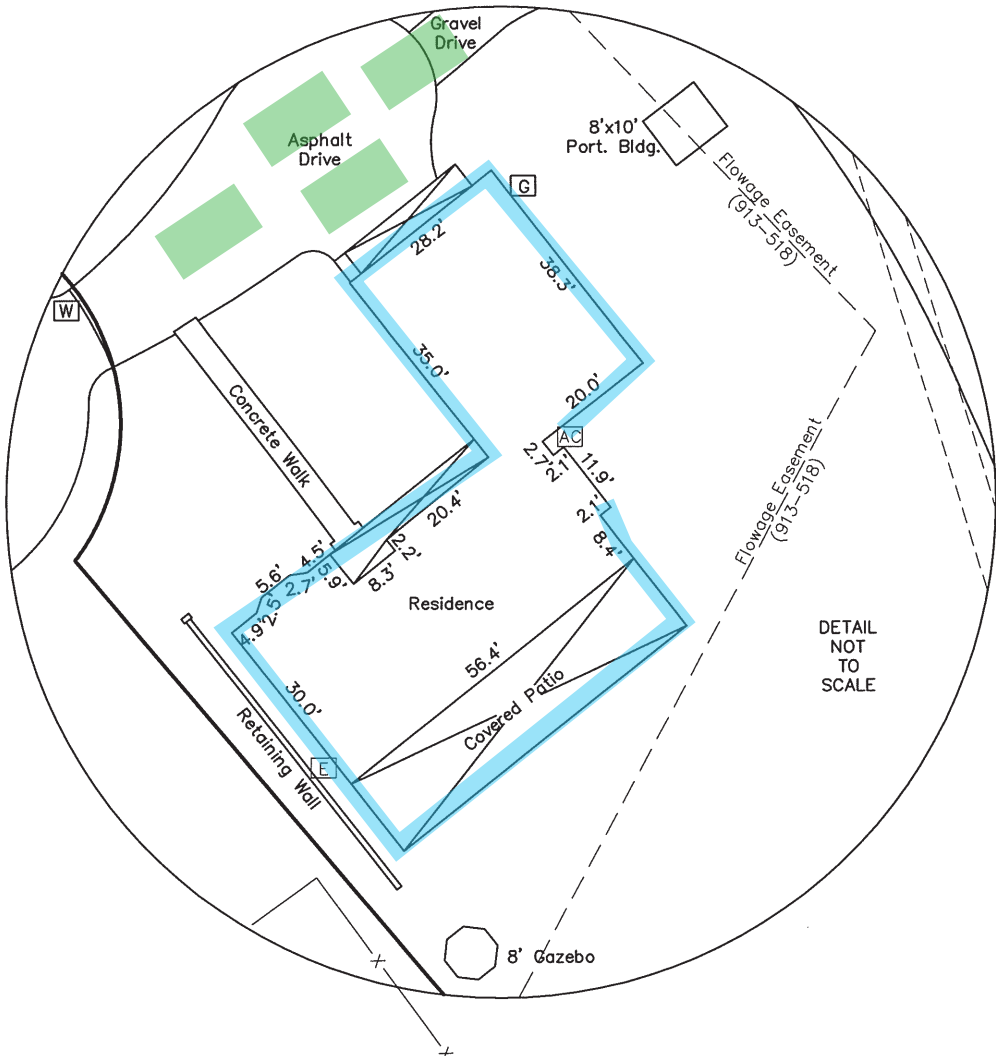
—X—X—Fence—X—X—

LINE	BEARING	DISTANCE
L1	S 00°31'43" W	43.50'
L2	S 65°34'19" W	50.11'
L3	S 65°04'03" W	30.00'
L4	N 50°49'00" W	6.50'

[S 01°30' E 43.5']
[S 63°43' W 50.77']
[S 70°20' W 30']
[N 50°49' W 6.5']

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	35.00'	55.22'	49.67'	N 07°52'27" W
	[35.00'	55.00'	N/A	N/A]

- PROPOSED BUILDING
- PARKING



Stewart Title Guaranty Company
Home Abstract and Title Company
Effective Date: March 22, 2018
Issued Date: April 2, 2018
G.F. No. 20180664

10.b,c,d,e,f) Setback Lines, Utility, Drainage and Flowage Easements (1052-29, 964-453, 784-482, 913-518, 920-394) cross subject property and are shown hereon.

TBPLS Firm# 10194191

SUNBELT
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BOUNDARY SURVEY
LOT 15, BLOCK A
WHITE OAKS ADDITION
PART TWO
CITY OF WACO
MCLENNAN COUNTY, TEXAS

STS Job No: 18-0930
Property Address:
4100 Evergreen Circle
Waco, Texas 76710

Sheet 2 of 2
Exhibit Attached
Prepared For:
Home Abstract and Title
Company
G.F. No. 20180664



