

APPLICATION REVIEW

Z-20-55

HEARING DATE: August 25, 2020

1. **CASE #** Z-20-55
Energov # SP-000029-2020
PROPERTY ADDRESS: 3601 Orchard Lane
LEGAL DESCRIPTION: 3.98 acres, more or less, out of the Tomas De Lavega Grant in McLennan County, Texas, being all of that certain 4 acre tract conveyed to Nina J. Russell by deed dated November 10, 1989 and recorded in Volume 1678, Page 251 of the McLennan County, Texas Deed Records (property ID #171028)

2. **APPLICANT/OWNER:** Enrique and Laura Najera
MAILING ADDRESS: 3601 Orchard Lane, Waco, TX 76705

3. REQUEST:

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

Short Term Rental Type II. A single family or duplex 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 property is not part of a multi-family residential use. The owner does not reside on the property or is not present at the property for the duration of any short term rental.

PLANNING SERVICES REVIEW

NEIGHBORHOOD CHARACTER:

This property is located along the south side of Orchard Lane, between Loop 340 and S. Loop Drive, within the Timbercrest Neighborhood. There is an existing single-family home on the property with a mother-in-law studio with a separate entrance. Property owners will live in the home but propose to rent the studio as a short-term rental for only one group at a time. The property owners will be the operator/manager of the rental. A designated operator, who lives in McLennan County, will be available if the property owners rent the property while owners are out of McLennan County. There is enough room to park at least 3 vehicles 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: 5 mailed; _ returned

CASE #Z-20-55

TRAFFIC OPERATIONS REVIEW

1. Description of the adjacent street system: Orchard Lane
Classification: Minor Arterial Number of Lanes: 2 travel lanes
Estimated Capacity (at LOSD) 12,500 vpd Avg. Daily Traffic 2500 vpd
2. Estimated increase in traffic on adjacent streets at full build out:
Immediate: 10 vpd Future: 10 vpd
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
2. Street width: Existing: ROW 45' Pavement 30'
Required: ROW 84' Pavement 64'
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.
10. Engineering Department comments and recommendations: Adjacent drainage system is surface (curb & gutter); 8" Water serves site; 10" Sanitary Sewer serves site. (CM)

INSPECTION SERVICES REVIEW

Comments:

No comment. (GD)

UTILITY SERVICES REVIEW

Comments:

LEGAL SERVICES REVIEW

Comments:

FIRE DEPARTMENT REVIEW:

ANTICIPATED FIRE RESPONSE TIME: > 6 min

IS THE FIRE RESPONSE TIME ADEQUATE?: N (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:

SPECIAL PROVISIONS & CONDITIONS FOR
SHORT TERM RENTAL TYPE II

1. The permit hereby granted is to, Laura and Enrique Najera, 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 II 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.

We own a single family home in Waco currently zoned R-1B. This home has a mother-in-law studio with an ensuite bathroom and a porch with a separate entrance. There is a concrete driveway, with a concrete slab for parking. There is space for three or more cars. We want to use the studio as a STR – type 2. We plan to live in the house while we have guests. If we have to be out of town while guests are using the studio, we will have a designated host in McLennan County that will be available if any issues arise.

Zoning Case Z-20-55
 3601 Orchard Lane
 Special Permit for STR Type II
 in R-1B
 Property Location Map
 and Surrounding
 Zoning Categories

-  Waco City Limits
-  Z-20-55
-  200' Property Notice Buffer

Zoning Categories

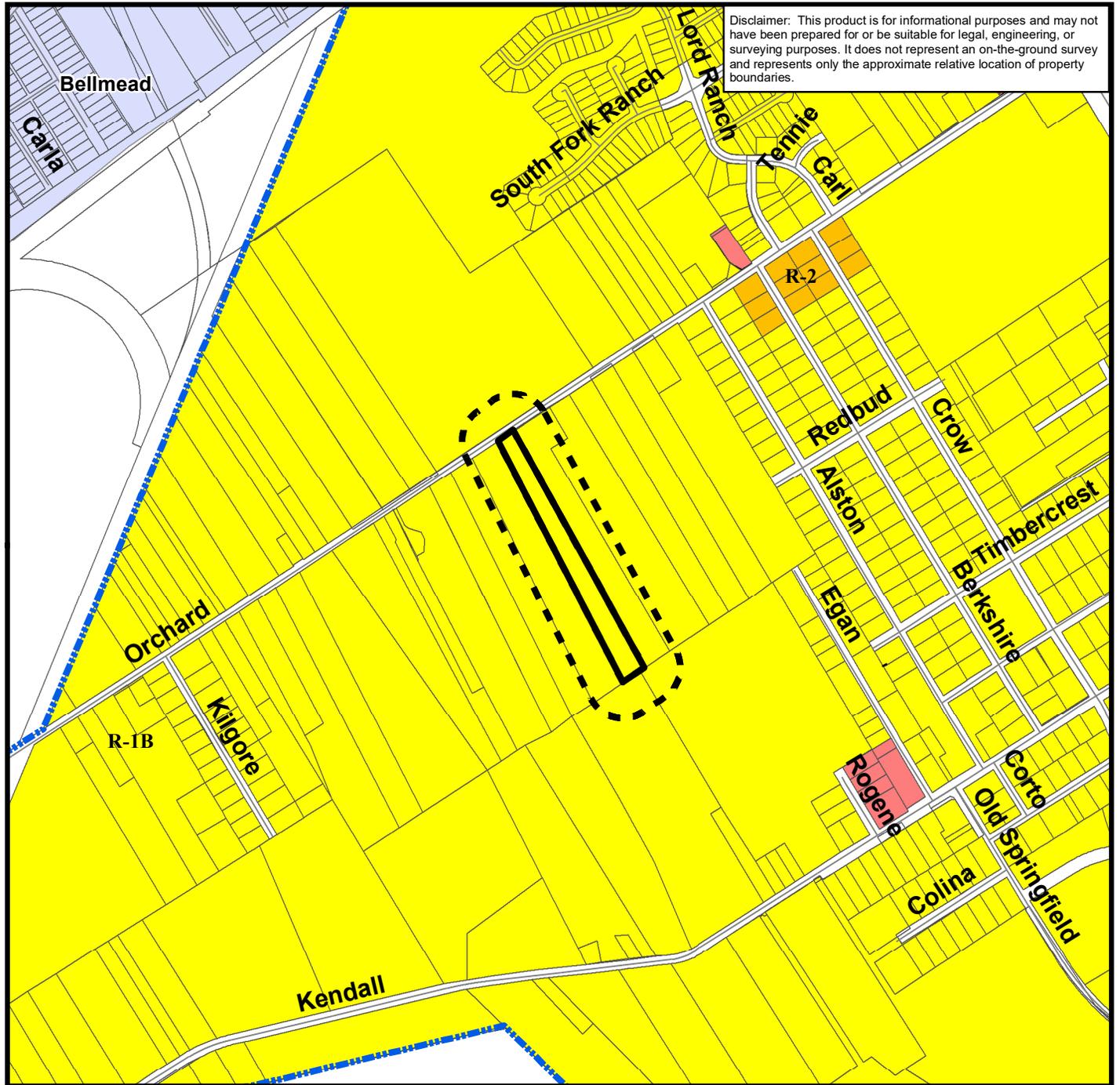
-  R-1A
-  R-1B
-  R-1C
-  R-2
-  R-3A
-  R-3B
-  R-3C
-  R-3D
-  R-3E
-  O-1
-  O-2
-  O-3
-  C-1
-  C-2
-  C-3
-  C-4
-  C-5
-  M-1
-  M-2
-  M-3
-  PUD



August 2020



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.



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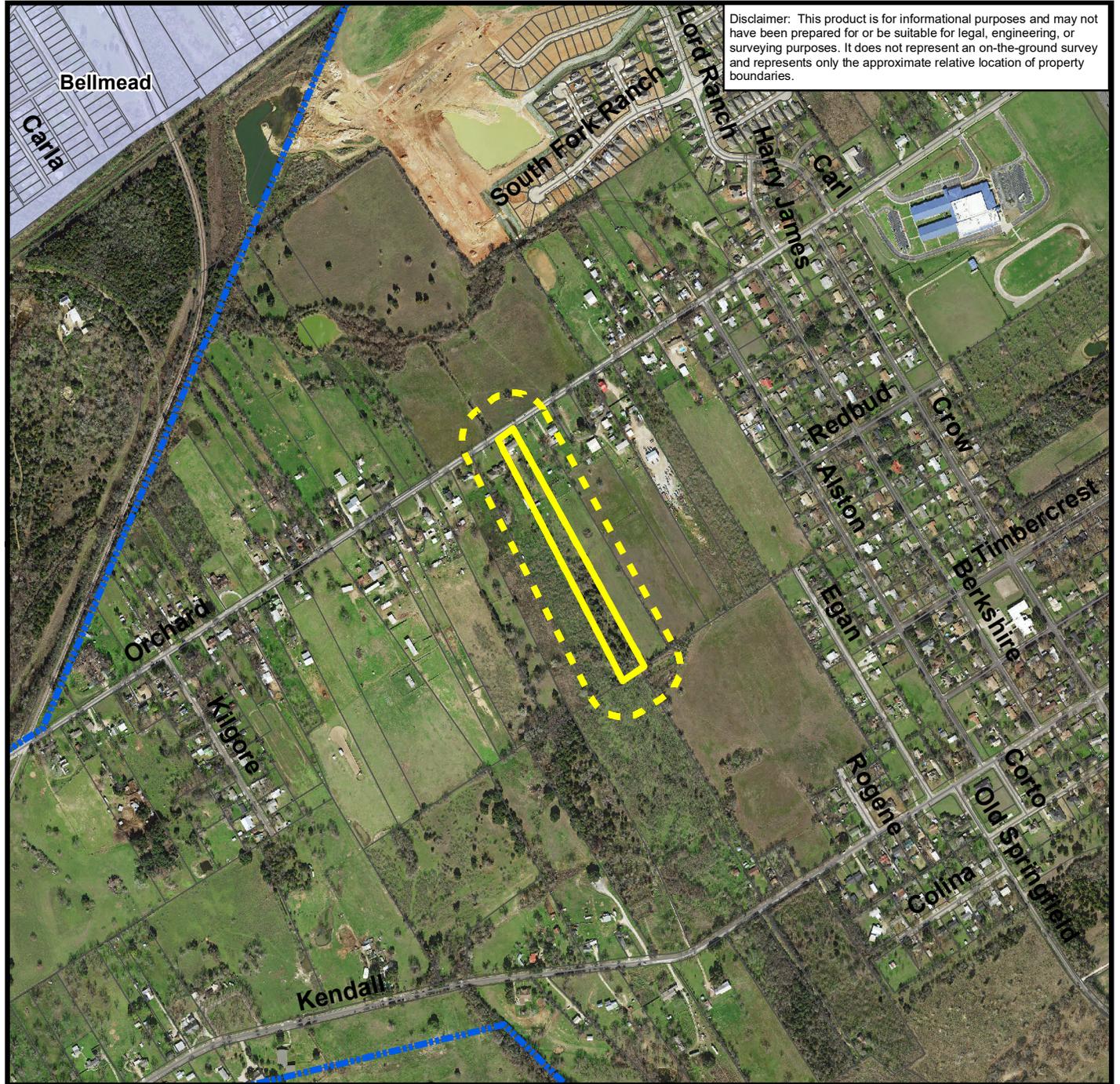
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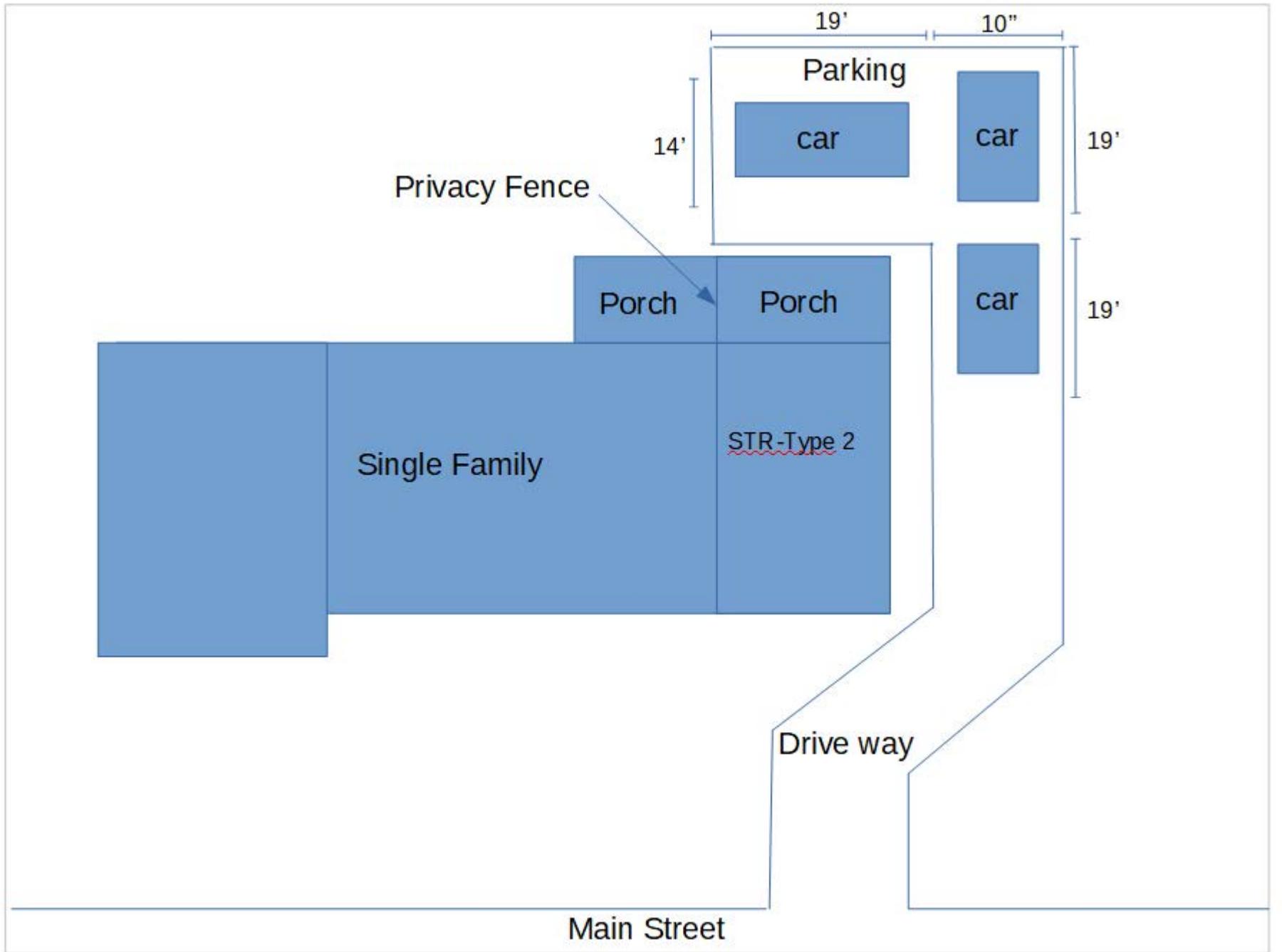


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