

CONDITIONAL USE PERMIT (GENERAL) APPLICATION FORM

Updated: March, 2018

Case # CUP-____-



CONTACT INFORMATION

Applicant's Name	Daniel H. Smith (on behalf of Landry's)	Property Owner	National Retail Properties, LP
Applicant's Mailing Address	8350 N. Central Expy, Ste 1313, Dallas, TX 75206	Owner's Mailing Address	450 S. Orange Avenue, Suite 900, Orlando, FL 32801
Applicant's Phone #	214-561-6518	Owner's Phone #	407-540-7508
Applicant's Email	dsmith@foremark.com	Owner's Email	angela.harris@nnnreit.com

PROPERTY INFORMATION

Subject Property Address: 1141 N. Interstate 35, San Marcos, TX 78666

Zoning District: GC - General Commercial Tax ID #: R94597

Legal Description: Lot 3 Block Subdivision Springtown V

DESCRIPTION OF REQUEST

Please use this space to describe the Proposed Use, Material, etc. Attach separate pages as needed.

Exceed the maximum 20% secondary materials requirement on the proposed Saltgrass Steak House building that will be relocating to the former Logan's Roadhouse off of Interstate 35. Proposed materials and design are per the attached elevations and photos.

AUTHORIZATION

All required application documents are attached. I understand the fees for and the process to obtain a Conditional Use Permit and understand my responsibility to be present at meetings regarding this application.

Initial Filing Fee \$750* Technology Fee \$11 TOTAL COST \$761

Renewal/Amendment Filing Fee \$400* Technology Fee \$11 TOTAL COST \$411

**Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

To be completed by Staff: Accepted By: _____ Date Accepted: _____

Proposed Meeting Date: _____ Application Deadline: _____

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

AGENT AUTHORIZATION TO REPRESENT PROPERTY OWNER

I, David J. Reif, Senior Vice President, Leasing & Construction of NNN GP Corp., general partner of National Retail Properties, LP (owner) acknowledge that I am the rightful owner of the property located at 1141 N. Interstate 35, San Marcos, TX 78666 (address).

I hereby authorize Daniel Smith (agent name) to serve as my agent to file this application for Conditional Use Permit (application type), and to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Property Owner: National Retail Properties, LP
By: NNN GP Corp. its general partner
By: David J. Reif Date: 8-16-18

Printed Name: David J. Reif, its Senior Vice President, Leasing & Construction

Signature of Agent:  Date: 8/16/18

Printed Name: Daniel Smith

To be completed by Staff: Case # _____

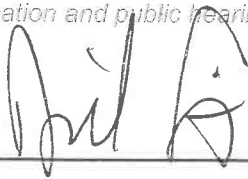
AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Land Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. *It is the responsibility of the applicant to periodically check the sign locations to verify that the signs remain in place until final action is taken on the application and have not been vandalized or removed until after such final decision or when such application is withdrawn by the applicant. It is the responsibility of the applicant to immediately notify the Planning and Development Services Department of missing or defective signs.*
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. *If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$85 plus an \$11 technology fee.*
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. *If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$85 plus an \$11 technology fee.*

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: _____



Date: _____

8/16/18

Print Name: Daniel Smith

To be completed by Staff:

Case # _____

Land Development Code: Conditional Use Permit

Purpose, Applicability, Exceptions and Effect

Purpose. The purpose of a Conditional Use Permit is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as conditional uses in a particular zoning district, or those nonconforming uses which are damaged or destroyed, and which are permitted to be reestablished under this Land Development Code, shall be authorized as conditional uses.

Effect. Approval of a Conditional Use Permit authorizes the use or development of the property in accordance with the conditions of the permit. Approval of a Conditional Use Permit shall be deemed to authorize only the particular use for which the permit is issued and shall apply only to the property for which the permit is issued (i.e., it is not personal to the applicant), except for uses authorized under Section 4.3.4.2 or Section 4.3.4.3 of this Code. No conditionally permitted use shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new Conditional Use Permit in accordance with the procedures set forth in this section. Initiation or development of the use shall not be authorized until the applicant has secured all the permits and approvals required by this Land Development Code.

Processing of Application and Decision

Hearing and Notification. The Director shall schedule a public hearing before the Planning and Zoning Commission on the application for a Conditional Use Permit, and shall cause personal notice to be given in accordance with the LDC.

Commission Decision. The Planning and Zoning Commission shall be the initial decision maker, subject to appeal to the City Council, on whether to approve, approve with conditions or modifications, or deny the permit. The Planning and Zoning Commission may also recommend whether any requested variations from the standards in the zoning district regulations should be granted by the Zoning Board of Adjustments.

Criteria for Approval

Factors. When considering an application for a Conditional Use Permit, the Planning and Zoning Commission shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;

(4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

(5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;

(6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and

(7) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

Conditions. The Planning and Zoning Commission may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the Planning and Zoning Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.

Expiration and Revocation

Time of Expiration. A Conditional Use Permit shall expire if:

(1) A building permit, if any, for the use has not been approved within one year of the date of approval of the permit;

(2) The building permit subsequently expires;

(3) The use has been discontinued for a period exceeding six months; or

(4) A termination date attached to the permit has passed.

Revocation. The Planning and Zoning Commission may revoke any Conditional Use Permit that is in violation of any condition imposed on the use in accordance with the procedures of Article 3, Division 7 of this Chapter 1.

Appeals

The applicant or other interested person may appeal the decision of the Planning and Zoning Commission to grant or deny a permit to the City Council in accordance with Article 10, Division 1, of this Chapter 1. The Council shall apply the criteria in Section 1.5.7.5 in deciding whether the Commission's action should be upheld, modified or reversed. A three-fourths vote of all of the members of the City Council shall be necessary to reverse a decision of the Planning and Zoning Commission to deny a permit.