

# CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

Updated: October, 2018

Case # CUP-\_\_\_\_-\_\_\_\_



## CONTACT INFORMATION

Applicant's Name	ALAN HUTT	Property Owner	OMAS INVESTMENTS
Applicant's Mailing Address	5121 BOB CAVE RD, #1202 AUSTIN, TX 78746	Owner's Mailing Address	828 LAGO VISTA ST. SAN MARCOS, TX 78666
Applicant's Phone #	512.330.0330	Owner's Phone #	420.277.5223
Applicant's Email	ALAN@HUTT.COM	Owner's Email	HROMAIS@HOTMAIL.COM

## PROPERTY INFORMATION

Subject Property Address: 132 JACKSON LANE  
Zoning District: VMH Tax ID #: R 155042  
Legal Description: Lot 1 Block A Subdivision \_\_\_\_\_

## DESCRIPTION OF REQUEST

Please use this space to describe the proposal. Attach additional pages as needed.

SEE EXHIBIT "A" ATTACHED

PAYMENT OF FEES INCLUDED

## AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee \$773*	Technology Fee \$12	<u>TOTAL COST \$785</u>
Renewal/Amendment Filing Fee \$412*	Technology Fee \$12	<u>TOTAL COST \$424</u>

\*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.

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

## PROPERTY OWNER AUTHORIZATION

I, OMAIS INVESTMENT (owner) acknowledge that I am the rightful owner of the property located at 1302 JACKSON LANE (address).

I hereby authorize ALLAN NUTT (agent name) to file this application for CONDITIONAL USE PERMIT (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Property Owner: \_\_\_\_\_

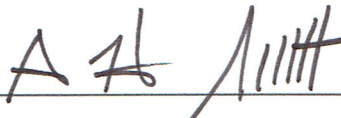


Date: 6-26-19

Printed Name: \_\_\_\_\_

HASSAN R. OMAIS

Signature of Agent: \_\_\_\_\_



Date: \_\_\_\_\_

6/26/19

Printed Name: \_\_\_\_\_

ALLAN NUTT

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

The City of San Marcos 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 shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- 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 \$88 plus an \$12 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 \$88 plus a \$12 technology fee.***

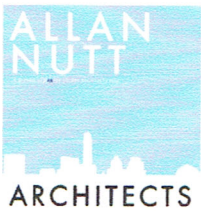
*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are 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: AZ NUTT

Date: 6/26/19

Print Name: ALEX NUTT





## EXHIBIT "A"

We are requesting a Conditional Use Permit due to the fact that our standalone apartment building does not include any commercial uses below the residential use as required by the VMU zoning.

Our initial design for this site included 38 apartment development on 3 levels with 1950 sq ft of commercial space on the front of the building on the setback line of Jackson Lane. The total project sq ft was 32,538 sq ft with 11,073 sq ft on the first level. This put the commercial area on the first floor at 18% of the total sq ft for the first level. We believe that this design was in compliance with the current zoning ordinance. This design concept required the removal of the existing 4860 sq ft one story office building at the front of the lot.

In evaluating the construction cost of the 38 unit design, and particularly in light of demolishing a very serviceable office building and sending those materials to the land fill, we have designed an alternate plan that preserves and updates the office building. The new design consists of a remodeled office building in its current location at the front of the site and 24 apartment units at the rear of the site. The 24 units are on three levels and total 17,700 sq ft. In this design we are also able to re-use most of the existing parking for the office building.

In order to leave the parking toward the front of the site for the existing office and the new parking in front of the apartment building, we understand that the office building must have a width facing the street of at least 50% of the lot width. We are certainly willing to extend the width of the existing office building either thru a carefully designed wing wall or an extensive landscape visual buffer, or both, at the discretion of the Planning Commission. This will screen the existing and new parking from the street as required by the zoning ordinance.

The apartment building then is no longer a "loft" apartment by ordinance definition as it has no commercial uses on the first floor. It is designed as a standalone three story wood frame construction. Given the 4860 sq ft of commercial in the front office building versus the 1950 sq ft in the previous design, we feel that we have more than complied with the intent of the zoning ordinance.

The new design is a reduction in total sq ft as well as a reduction in impervious cover. Please let us know if there are any specific questions that we can answer.

Thanks!

Allan Nutt, AIA  
Market Square Architects