

# CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

Updated: October, 2019



## CONTACT INFORMATION

Applicant's Name		Property Owner	
Company		Company	
Applicant's Mailing Address		Owner's Mailing Address	
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

## PROPERTY INFORMATION

Subject Property Address: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Tax ID #: R\_\_\_\_\_

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

## DESCRIPTION OF REQUEST

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

## 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 \$793\*                      Technology Fee \$13                      TOTAL COST \$806

Renewal/Amendment Filing Fee \$423\*                      Technology Fee \$13                      TOTAL COST \$436

*\*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.

## PROPERTY OWNER AUTHORIZATION

I, \_\_\_\_\_ (owner name) on behalf of  
\_\_\_\_\_ (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
\_\_\_\_\_ (address).

I hereby authorize \_\_\_\_\_ (agent name) on behalf of  
\_\_\_\_\_ (agent company) to file this application for  
\_\_\_\_\_ (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: \_\_\_\_\_

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

Printed Name, Title: \_\_\_\_\_

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## 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 \$91 plus a \$13 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 \$91 plus a \$13 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: \_\_\_\_\_

Print Name: \_\_\_\_\_

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## **ATTACHMENT A – LDC 3.6.1.1 (Block Measurement)**

### **Alternative Compliance Description**

The existing site is approximately 20.61-acres, with a perimeter of approximately 4,415-feet, and is zoned entirely as Light Industrial (LI). Per LDC 3.6.2.1.C, a block is bounded by a public right-of-way. The site, shown on the attached site plan exhibit, is bounded by existing right-of-way on two sides and is bounded by existing developments on the remaining two sides. The site has approximately 375-feet of frontage along Clovis Barker Road, and approximately 1,235-feet of frontage along FM 110. The Hays County Juvenile Detention Center is adjacent to the property along the east boundary. Two industrial sites are adjacent to the property along the west boundary. The proposed use of the property encompasses critical utility infrastructure as defined by the Department of Homeland Security, which has mandatory security requirements. Based on the Industrial Uses in this area, and proximity to SH 123 / Guadalupe Street, there is no added benefit to additional connections between FM 110 and Clovis Barker at this location. In addition, there are no existing or planned public roads north of Clovis Barker Road and south of FM 110 for providing connectivity.

#### **LDC 3.6.5.1 Blocks, Lots, Access Alternative Compliance**

*1. The approved design adjustment meets the intent of this Article.*

Agree. Based on the Industrial Uses in this area, and proximity to SH 123 / Guadalupe Street, there is no added benefit to additional connections between FM 110 and Clovis Barker at this location. In addition, there are no existing or planned public roads north of Clovis Barker Road and south of FM 110 for providing connectivity.

*2. The approved design adjustment conforms with the Comprehensive Plan and adopted City plans.*

Agree. Based on the Industrial Uses in this area, and proximity to SH 123 / Guadalupe Street, there is no added benefit to additional connections between FM 110 and Clovis Barker at this location. In addition, there are no existing or planned public roads north of Clovis Barker Road and south of FM 110 for providing connectivity.

*3. The approved design adjustment does not increase congestion or compromise safety.*

Agree. The site has access to both Clovis Barker Road and FM 110, and is in close proximity to SH 123 / Guadalupe Street; therefore, no increased congestion is anticipated. The site has to meet security requirements determined by the Department of Homeland Security; therefore, the proposed improvements will not compromise safety.

4. *The approved adjustment does not create any lots without direct street frontage.*

Agree. The site is a proposed 1-lot subdivision. There is existing street frontage on two sides – Clovis Barker Rd and FM 110.

5. *The design adjustment is deemed reasonable due to one or more of the following:*

- a. *Topographic changes are too steep;*
- b. *The presence of existing buildings, stream and other natural features;*
- c. ***Site layout of developed properties;***
- d. *Adjoining uses or their vehicles are incompatible;*
- e. *Strict compliance would pose a safety hazard; or*
- f. *The design adjustment does not conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site.*

The existing developed site near the northwest corner of the property prevents a direct connection between FM 110 and Clovis Barker Road along the west side of the property. In addition, the existing developed sites north of Clovis Barker do not include public roads, so there are no connections needed in order to provide connectivity to the larger network.

#### **LDC 2.8.4.4 Alternative Compliance Criteria for Approval**

1. *The request is consistent with the policies embodied in the adopted Comprehensive Plan.*

Agree. The site is in the LI Zoning District and the proposed use is compatible and consistent with the character and intent of the zoning district.

2. *The request is consistent with the general purpose, intent and character of the development regulations applicable to the property.*

Agree. The spirit of the LDC will be achieved by the current design. The site is in the LI Zoning District and the proposed use is compatible and consistent with the character and intent of the zoning district. Furthermore, the site is bounded on two sides by Clovis Barker Road and FM 110, The Hays County Juvenile Detention Center is adjacent to the property along the east boundary and two industrial sites are adjacent to the property along the west boundary. There is no added benefit to additional connections between FM 110 and Clovis Barker at this location.

3. *There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property.*

The required program elements for the Public Works Departments fit on the 20-acre property. Deducting area along the east and west property lines in order to provide public right-of-way would impact the ability of the Public Works Departments to provide the required programs and associated required parking. In addition, the unique

operations of the site require additional security measures that do not allow for an internal road through the site that is public right-of-way.

4. *The request is detrimental to the public health, safety or welfare, or injurious to other property within the area.*

Disagree. The purpose for the design is to maintain the operation serviceability of the facility and limit the risk of property damage and/or personal injury to the City of San Marcos because of the unique operation of this facility.

5. *The request either:*

- a. ***Does not have an adverse impact upon adjacent property or neighborhoods, including but not limited to, parking, traffic, noise, odors, visual nuisances, and drainage; or***
- b. *Includes improvement either on-site or within the public rights-of-way to mitigate any such adverse impacts.*

Request for this project meets Option (a). The adjacent properties are in the Light Industrial zoning district as well and only consist of manufacturing and juvenile justice facilities.

6. *The request shall not have the effect of preventing the orderly use and enjoyment of other property within the area in accordance with the provisions of this Development Code, or adversely affect the rights of owners or residents of adjacent property or neighborhoods.*

Agree. All adjacent sites have direct access to either Clovis Barker Road or FM 110.

7. *The request shall not result in any incompatibility of the development to which it relates with, or the character and integrity of, adjacent property or neighborhoods.*

The adjacent properties are in the Light Industrial zoning district.

8. *The request meets the standards for the applicable zoning district, or to the extent deviations from such standards have been requested, such that deviations are necessary to render the subject development or improvement compatible with adjacent development or the neighborhood.*

The property meets applicable standards for the Light Industrial zoning district.