

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

Updated: October, 2019



CONTACT INFORMATION

Applicant's Name	Paul Stevens	Property Owner	Scott Belsley
Company	Twin Peaks Restaurants	Company	Alden Short, Inc.
Applicant's Mailing Address	5151 Bellline Road / Suite 1200 / Dallas, TX 75254	Owner's Mailing Address	po box 851025 / Richardson, TX 75085
Applicant's Phone #	972-567-7995	Owner's Phone #	972-639-5186
Applicant's Email	paul.stevens@tprest.com	Owner's Email	scott@ashortinc.com

PROPERTY INFORMATION

Subject Property Address: 1207 Interstate 35, San Marcos, TX 78666

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.

Please accept this application for alternate compliance solution for the parking lot lighting for this property. We have upgraded the parking lot lighting to help with security and the new lighting exceeds the site lighting standards put forth by the local codes. Please see attachments for overview and back ground information that has led us to install this lighting. We opened this restaurant with a temporary certificate of occupancy due to this one issue and wish to resolve it to gain our permanent Certificate of Occupancy.

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, Scott Belsley (owner name) on behalf of
Alden Short, Inc. (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
1207 Interstate 35, San Marcos, TX 78666 (address).

I hereby authorize Paul Stevens (agent name) on behalf of
Twin Peaks Restaurants (agent company) to file this application for
Alternate compliance for approval of final Certificate of Occupancy (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 6/24/20

Printed Name, Title: S Belsley
President

Signature of Agent:  Paul Stevens Date: 6/29/2020
Digitally signed by Paul Stevens
DN: cn=Paul Stevens, postalCode=78666, o=Twin Peaks Restaurants, email=stevens@twinpeaks.com
Reason: I am the author of this document
Location:
Date: 2020.06.23 16:07:05-05

Printed Name, Title: Paul Stevens, Sr Director of Design and Construction, Twin Peaks Restaurants

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:  **Paul Stevens**
Digitally signed by Paul Stevens
DN: cn=Paul Stevens, o=City of San Marcos, email=Paul.Stevens@cityofsanmarcos.org, c=US
Reason: I am the author of this document
Date: 2020.06.22 17:24:02 -05

6/29/20
Date: **06-22-2020**

Print Name: **Paul Stevens - Twin Peaks Restaurants**

Form Updated October, 2019



CHECKLIST FOR CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

The following items are requested for consideration of this application. These and additional items may be required at the request of the Department	Comments
<input type="checkbox"/> Pre-development meeting with staff is recommended <ul style="list-style-type: none"> Please visit http://sanmarcostx.gov/1123/Pre-Development-Meetings to schedule 	
<input type="checkbox"/> Completed Application for Conditional Use Permit (General)	see attached
<input type="checkbox"/> Site Plan illustrating, where appropriate: location, square footage and height of existing and proposed structures, landscaping or fencing, setbacks, parking, ingress & egress, signs, etc.	see attached
<input type="checkbox"/> Floor Plan(s) illustrating fire exits, doors, rooms, indoor & outdoor seating, kitchen, bar, restrooms, fire exits, etc.	see attached
<input type="checkbox"/> Written statement explaining how the organization will comply with the code standards regarding fraternity / sorority	
<input type="checkbox"/> Business Details including Business Trade Name, Type of Entity (Individual, Partnership, Corporation, Etc), Entity Contact Person, Address, Email, Phone Number	
<input type="checkbox"/> Detail Entertainment Facilities (on site plan or in writing) including television locations, stages, dancing areas, live music, acoustic music, ambient speaker music, etc	
<input type="checkbox"/> Notification Authorization	
<input type="checkbox"/> Authorization to represent the property owner, if the applicant is not the owner	see attached
<div style="display: flex; justify-content: space-between;"> <div>Initial Application Filing Fee</div> <div>\$793</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div><input type="checkbox"/> Renewal or Amendment Filing Fee</div> <div>\$423</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Technology Fee</div> <div>\$13</div> </div>	see check attached for \$806
**San Marcos Development Code Section 2.3.1.1(C): "Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete..."	
For Renewals, staff <i>may</i> accept a written statement that no changes have been made if original copies are available on file	

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

To:
City of San Marcos Texas
Planning and Development Services
630 East Hopkins, San Marcos, TX 78666
Attn: Matthew Johnson
Scott Bechtel

06-29-2020

RE:
Alternate compliance application
Twin Peaks Restaurant
Project No. 2019-28595
1207 S Interstate 35, San Marcos, TX 78666
Site Lighting

During the conversion from Johnny Carino's to a Twin Peaks Restaurant that we completed late in 2019, we replaced all of the existing parking lot light fixture heads with new LED light heads. We reused the existing light poles. During our preconstruction visits, we found evidence in the back parking area of use by homeless people, as well as spray painted graffiti. Because much of our parking field is a good distance from the building entry, and because of the items noted above, we felt it to be of great importance to make sure the parking field lighting was increased. During the construction process, we purposely increased the light level in all parts of the parking lot.

The attached photometric plan diagram shows that the new lights provide an average footcandle of 3.7 on the site. The current city code allows for only a 2 foot candle average. The attached photometric diagram also shows that we create a level of light at our property line that exceeds the city required < .3 foot candles. Unfortunately, we were unaware of the restrictions to the lighting when we upgraded the lights and were made aware during application for final Certificate of Occupancy.

This item is the only item that has kept us from getting our final Certificate of Occupancy and we have therefore been operating on a temporary certificate.

We would like to ask for an alternate compliance approval for our parking lot lights. We ask this for the following reasons:

- The current city light ordinance does not, in this instance, allow for enough light to provide a properly secure environment for our customers and employees when they travel to the distant parts of our parking field.
- The lighting that is currently installed is doing a great job of making the parking area feel safe.
- The adjacent businesses are not adversely affected from our additional lighting. To the contrary, it is our stance that the adjacent businesses benefit from the increase lighting and security.

The adjacent businesses are Starbucks, Burger King, Whataburger, the City of San Marcos electrical utility office, and the City of San Marcos electrical utility industrial storage yard.

Attached you will find our alternate compliance application, a photometric site plan, a site plan with notes related to neighbors, and photos of the pre-construction homeless evidence and graffiti.

We respectfully ask for your consideration in ruling to accept the currently installed parking lot lighting and the light level that they currently provide.

Respectfully,

A handwritten signature in black ink, appearing to be 'Paul Stevens', with a long horizontal stroke extending to the right.

Paul Stevens
Sr Director of Design and Development
Twin Peaks Restaurants
5151 Beltline Road / Suite 1200 / Dallas, TX 75254
972-567-7995