



PROJECT NAME: \_\_\_\_\_

# SPECIAL USE PERMIT

## APPLICATION & CHECKLIST SUBMITTAL PACKET

### CONTENTS

General Information .....	2
Helpful Links .....	2
Contact .....	2
Instructions .....	2
Process Overview .....	2
Required Items For The Submittal Package .....	3
Application Fee Calculation .....	3
Project Information.....	4
Special Use Permit Process .....	4
Procedure .....	4
Applicant Information .....	5
Applicant's Summary Of Neighborhood Communications .....	6
Conflict Of Interest Disclosures .....	7

## GENERAL INFORMATION

A Special Use Permit is requested when an applicant is proposing a unique use that is temporary in nature or not permitted any zoning district. The application requires a public notice before the Planning and Zoning Commission and City Council.

## HELPFUL LINKS



- Development Services – [www.leandertx.gov/ds](http://www.leandertx.gov/ds). Includes links to the following:
  - Development Process – Applications, Submittal Schedule
  - Planning Department: Zoning, Subdivision, Site Development, Current Developments
  - Building Permits & Inspections: Building Permits, Impact Fees
  - Engineering Department
  - Maps & Guides – Comprehensive Plan, Transportation Plan, Development Guide, Transportation Criteria Manual, Drainage Criteria Manual
- Fire: [www.leandertx.gov/fire](http://www.leandertx.gov/fire)
- Parks: [www.leandertx.gov/parksrec](http://www.leandertx.gov/parksrec)
- Development Hub – Application Portal: [www.leandertx.gov/hubgo](http://www.leandertx.gov/hubgo)

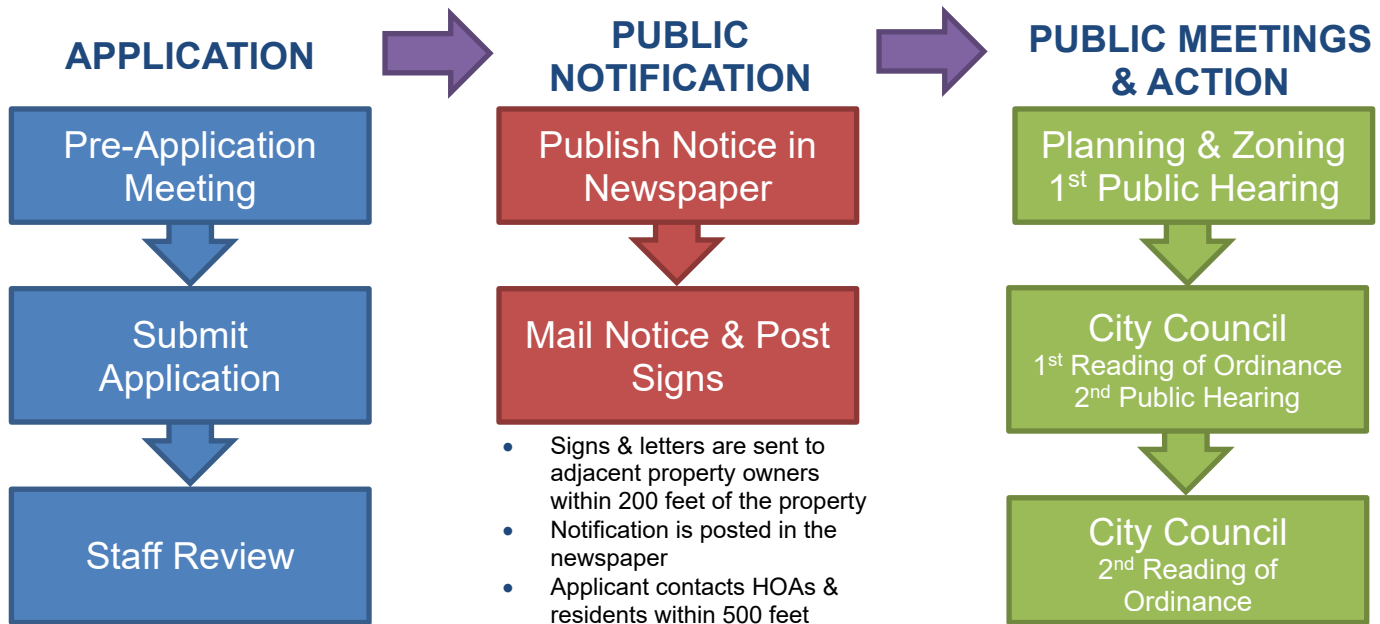
## CONTACT

Please contact the Development Services Department by emailing [planning@leandertx.gov](mailto:planning@leandertx.gov) with any questions regarding this application.

## INSTRUCTIONS

- Fill out the following application and checklist completely prior to submission. Incomplete applications will not be accepted.
- Current applications and City ordinances may be found on the City’s website (<http://www.leandertx.gov/ds>).
- The applicant is **required** to attend a Pre-Development Meeting prior to the submittal of the application or request/receive a Due Diligence Report. This requirement may be waived if the Director of Development Services deems that it is not necessary. Please contact the Planning Department to schedule the meeting by emailing [planning@leandertx.gov](mailto:planning@leandertx.gov).
- Please refer to the “Submittal Schedule” for submittal deadlines. Applications may be submitted through the Development Hub at anytime for preview. Once all items are confirmed and accepted, the review process will start on the next available filing date as listed in the submittal schedule.
- All items listed in the “Required Items for Submittal Package” on [page 3](#) shall be uploaded to the Development Hub.

## PROCESS OVERVIEW



## REQUIRED ITEMS FOR THE SUBMITTAL PACKAGE

REQUIRED ITEMS	PROVIDED	Check each box if you have complied with that item. This application/checklist is only a guide. All state and local ordinances and code requirements cannot be reflected on this application/checklist. If there are any questions regarding the regulations, the applicant shall consult source law.
	<input type="checkbox"/>	1. Completed and Signed Application & Checklist with the owner's signatures.
	<input type="checkbox"/>	2. Deed showing current ownership. Proof of signatory for corporations is required.
	<input type="checkbox"/>	3. Public Notification <ul style="list-style-type: none"> <li><input type="checkbox"/> Tax map(s) highlighting the subject property and showing the line extending 200 feet from property</li> <li><input type="checkbox"/> List of property owners names, addresses, and the County Property Identification Number from the county appraisal district (<a href="http://www.wcad.org">www.wcad.org</a> or <a href="http://www.traviscad.org">www.traviscad.org</a>) within 200 feet of the perimeter of the tract</li> <li><input type="checkbox"/> County short ID # of subject property _____.</li> </ul>
	<input type="checkbox"/>	4. Public Hearing Signage document on <a href="#">page 8</a> of this submittal package is signed and dated.
	<input type="checkbox"/>	5. 8½" x 11" map demonstrating the proposed public notification sign locations
	<input type="checkbox"/>	6. Conceptual site plan: This plan needs to show the proposed project and any waivers to the ordinance requirements.
	<input type="checkbox"/>	7. Certified tax certificate or other evidence that taxes have been paid.
	<input type="checkbox"/>	8. Letter of intent explaining the requested special use permit including a physical description of the property. Include any proposed waivers.
	<input type="checkbox"/>	9. Applicant's Summary of Neighborhood Communications including the list of property owners and addresses within 500 feet from the property (see <a href="#">page 6</a> )
	<input type="checkbox"/>	10. Development meeting notes, confirmation that a development meeting was not required, or Due Diligence Report.
	<input type="checkbox"/>	11. Application Fees (calculation listed below).

## APPLICATION FEE\* CALCULATION

Filing Fee:	\$ 400.00
Owner Notification Fee – \$5.00 per owner notification:	\$ _____
Notification Sign – \$30.00 per sign (1 sign at the corner of the property and additional spaced every 200' apart along the ROW frontage):	\$ _____
Public Hearing Notification:	\$ 150.00
Professional Recovery Fee:	\$ 250.00
Technology Fee:	\$ 25.00
<b>TOTAL FEE (due at the time of application submission) \$</b>	

\* An invoice for application fees will be provided during the completeness check. All fees shall be paid prior to the acceptance of the submittal for review.

\*FOR SPECIAL USE PERMIT AMENDMENTS OR EXTENSIONS: Submittal Fees are \$200, public notice fees do not apply\*

### OTHER FEES:

- \$500 plus new notification fees apply if special use permit case is postponed after public notification. Postponement request must be submitted 72 hours prior to the public hearing.

## PROJECT INFORMATION

Property Address/Location Description: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Property Acreage: \_\_\_\_\_ County Short ID#: \_\_\_\_\_

**CURRENT ZONING DISTRICT:** \_\_\_\_\_  
(USE-SITE-ARCHITECTURE)

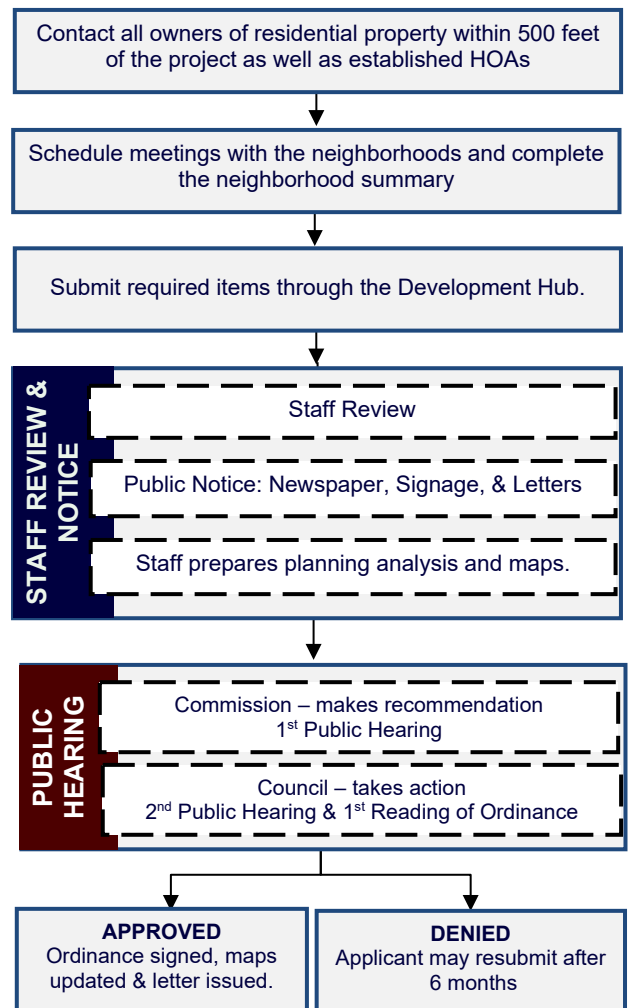
**PROPOSED USE:** \_\_\_\_\_

## SPECIAL USE PERMIT PROCESS

Uses permitted in a zoning district are classified in two ways. The first type of use is what is referred to as a use permitted by right. A use permitted by right is allowed in the specified zoning district provided that the property owner complies with specified building and site requirements. The second type of use is what is referred to as a special use. A special use permit allows for certain land uses in a given zoning district and generally requires more review by the Planning and Zoning Commission and City Council in order to ensure the compatibility of the proposed use with the surrounding land uses. Special use permits are intended interim uses in areas that may be redeveloped in the future.

## PROCEDURE

1. Contact all owners of residential property within 500 feet of the project as well as established Homeowners Associations.
2. Schedule meetings with the neighborhoods and complete the neighborhood summary.
3. Submit required items through the Development Hub. These documents may be submitted at any time for preview. Once all required documents are confirmed, the application will be reviewed for completeness within 10 business days of the submittal date. If the application substantially fails to meet the minimal informational requirements, then it will not be accepted for review.
4. Special use permits typically require staff review and comment. The staff will review the proposal and send comments if necessary to the applicant. Once all comments are cleared, staff will provide their recommendation and start the notification process.
5. Public notice will be submitted to the newspaper for publication and will be posted online.
6. Letters of notification will be mailed and signage will be placed on the property 15 days prior to the Commission meeting date.
7. The Commission will hold a public hearing and make a recommendation. This recommendation is forwarded to the Council for review.
8. The Council will hold a public hearing and take action on the request as well as complete the first reading of the ordinance.
9. If the Council approved the request, then they will complete the second reading of the ordinance.
10. If the case is approved, then an official ordinance will be executed and the zoning maps will be updated to reflect approved special use permit.
11. A letter and the ordinance will be sent to the property owner.
12. If the Council denies the request, the applicant will have the ability to resubmit the application for review in 6 months.
13. The applicant may request a postponement of the special use permit case during the review process. There is a postponement fee and renotification fees that will apply if the applicant requests to postpone the application.



## APPLICANT INFORMATION

**Please Note:** The signature of owner authorizes City of Leander staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the applicant or his/her agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. If there are multiple property owners, one notarized form per owner is required. Approval of this application and the related plat or plans does not constitute the approval of variances or waivers to ordinance requirements. Applicant is responsible for compliance with all applicable ordinance unless a variance, waiver, or exception has been specifically approved.

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

**(Check One):**

I, the owner, will represent this application with the City of Leander.

I, the owner, hereby authorize the person named below to act as my agent in processing this application with the City of Leander.

## OWNERSHIP INFORMATION:

**Owner Name (Company or Individual):** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

*(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)*

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Mobile: \_\_\_\_\_

*By signing this form, the owner of the property authorizes the City of Leander to begin proceedings in accordance with the process for the type of application indicated above. Owner further acknowledges that submission of an application does not in any way obligate the City to approve the application. By signing this form the owner of the property authorizes the City of Leander to enter upon the property to perform all necessary inspections and acknowledges that the construction will be in accordance with the City of Leander standards and the approved construction documents. By indicating an agent on the application, the property owner authorizes the agent to represent the request and all official contact will be between the City of Leander and the agent.*

**Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

THE STATE OF \_\_\_\_\_

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF \_\_\_\_\_

Before me, \_\_\_\_\_, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_.

Notary Public's Signature \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## AGENT INFORMATION:

If an agent is representing the owner of the property, please complete the following information:

**Project Agent:** \_\_\_\_\_ **Company:** \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Mobile: \_\_\_\_\_

*I hereby attest that I prepared this application/checklist and that all information shown hereon is correct and complete to the best of my knowledge:*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Date

**APPLICANT'S SUMMARY OF NEIGHBORHOOD COMMUNICATIONS**

- 1. How and when were the surrounding neighborhood and residential property owners within 500' notified, how was information shared, and who was directly involved in the communication process? Please provide the address of the properties notified and the name and contact information of the residents directly involved in the communication process. Attach any materials that were distributed.

---

---

---

---

---

- 2. Who was notified (i.e. property owners, HOA, etc)? The HOA and/or a representative if there is no organized HOA must be contacted, if applicable. Provide a separate sheet listing the contact information used including the names and addresses of the individuals.

---

---

---

---

---

- 3. What concerns were raised during these communications?

---

---

---

---

---

- 4. What specific conditions were added to or modified within the zoning request in response to the concerns raised at the meeting?

---

---

---

---

---

The above information is deemed to be true to the best of my knowledge.

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

## CONFLICT OF INTEREST DISCLOSURES

---

Please submit at the time of submission of application and update disclosures within 7 business days after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

### **ARTICLE 9.05, CITY CODE OF ORDINANCES – CODE OF ETHICS:**

<http://z2codes.franklinlegal.net/franklin/Z2Browser2.html?showset=leanderset>

#### ▪ **Ethics Ordinance – Disclosure Statements**

The City's Ethics Ordinance requires persons seeking to enter discretionary contracts with the City or appearing before the City Council or another City board or body to disclose certain relationships and conflicts of interest. The relevant sections of the Ethics Ordinance are set forth below. The Ethics Ordinance can be found in Article 9.05, Chapter 9 of the City's Code of Ordinances at the above link.

#### **Sec. 9.05.007 Persons doing business with the city**

##### (a) Persons seeking discretionary contracts.

(1) For the purpose of assisting the city in the enforcement of provisions contained in this article, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract any conflict of interest. This is set forth in [sections 9.05.004](#) and [9.05.005](#) of this article. Further, the individual or business entity agree to abide by the same ethical standards as set forth for public servants in this article.

(2) Subsection (a) of this section will become a permanent footnote on documents contained in city bid packets for discretionary contracts.

##### (b) Disclosure of conflicts of interest by persons appearing before a board or city body. A person appearing before any city board or other city body for the purpose of doing business with the city shall disclose to that board or body any facts known to such person which may show or establish that:

- (1) An employee or officer of the city that advises or makes presentations to the board or city body; or
- (2) Any member of the board or city body;

has or may have a conflict of interest pursuant to chapter 171, Tex. Loc. Gov't. Code, or an interest which would violate the ethical standards set forth in this article, if he or she were to participate in the processing or consideration of the subject matter.

**Sec. 9.05.009(f)** Disclosure by persons appearing before a city body. Any person who appears before any city body who has had business dealings within the preceding 12-month period involving one or more transactions of five hundred dollars (\$500.00) or more each quarter, or for a total of twenty-five hundred dollars (\$2,500.00) or more, within the preceding 12-month period with a councilmember, commissioner, or business entity in which a councilmember or commissioner has a substantial interest, shall disclose such business dealings at the time of the appearance. Any person who shall intentionally or knowingly fail to make the aforesaid disclosure shall be guilty of a misdemeanor and shall be fined in accordance with this article.