



CITY OF BETHEL PLANNING OFFICE
 Po Box 1388
 Bethel, AK 99559

(907) 543-5306
 (907) 543-4168 (facsimile)

**APPLICATION FOR A CONDITIONAL USE PERMIT
 REGULATION OF ALCOHOLIC BEVERAGE USES
 BETHEL MUNICIPAL CODE 5.08 AND BETHEL MUNICIPAL CODE 18.60.20**

Carefully read instructions and applicable City code. Fill out forms completely. Attach information as needed. Incomplete applications will create a delay in the review process.

Application Fee must be attached:	\$200.00	Conditional Use Permit
Payment Type:	<input type="checkbox"/> Credit Card <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Cash	

1. General Information

NAME OF APPLICANT:	
Physical Address:	
Mailing Address:	
Home Phone Number:	
Work Phone Number:	
Cell Phone Number:	
Email Address:	

Please note:

The City of Bethel will not communicate regarding the application with anyone other than the applicant or his/her designated agent. If applicant will be represented by an agent or attorney, proof of consent for representation must be submitted with the application.

NAME OF PROPERTY OWNER: (If different from Applicant)	
Physical Address:	
Mailing Address:	
Home Phone Number:	
Work Phone Number:	
Cell Phone Number:	
Email Address:	

2. Property Information / Legal Description

Township:	Range:
Section:	Meridian:
Subdivision:	Block(s):
Lot(s):	US Survey or Plat No.:
Street Address:	

3. Conditional Use Description

a. *Please provide a detailed description of the proposed conditional use (additional sheets of paper may be attached if necessary):*

b. Please comment on any potential impacts on pedestrian and vehicular traffic circulation and safety on roads abutting the property.

c. Describe existing parking facilities and whether they can accommodate a reasonably expected increase in demand for parking created by issuing the permit. Include the number of regular and handicap parking spaces currently available and whether the applicant intends to add additional parking spaces.

d. Describe existing and any planned access to and from the property.

e. Describe water and sewer facilities and capacities on the property.

f. Describe special features and/or restrictions you have designed to minimize potential negative impacts from the proposed Conditional Use in order to ensure the public health, safety, and welfare of nearby structures and residents.

g. What are the dimensions of the structure within the proposed use?

4. Mapping

- a. Provide a Site Map of the property drawn to Scale. Please include the following:
 1. Name of property owner and date (in lower right hand corner)
 2. Map Scale
 3. North Arrow
 4. Property lines with dimensions
 5. Streets abutting the property with names
 6. Draw in locations of existing and planned buildings with dimensions
 7. Locations of water and sewage facilities, with capacities if applicable
 8. Property driveways and vehicle parking areas showing the number of 9'x 20' parking spaces
 9. Indicate access points to and from the property
- b. Provide a map or plat of the general area surrounding the parcel. The map must include street names and notations of the uses and structures that exist on the abutting and nearby lots.
- c. List all buildings and structures located within 600' of the property (whether or not owned by the applicant):

5. Owner's Statement

1. I hereby apply for approval for an alcoholic beverage use conditional use permit on the above property as described in this application.	
2. I understand all activity must be conducted in compliance with all applicable standards of the Bethel Municipal Code, Chapters 5.08, 18.04 and 18.60 and with all other applicable State or Federal laws.	
3. The information submitted in this application is accurate and complete to the best of my knowledge.	
Applicant's Signature:	
Printed Name:	
Date:	

If property is owned by someone other than the applicant, the owner must consent to the application:

Owner's Signature:	
Printed Name of Owner:	
Mailing Address for Owner:	
Contact Number for Owner:	

FOR OFFICIAL USE ONLY		
For answers that indicate a deficiency, a detailed explanation must be attached explaining the deficiency and outlining the City's request to the applicant.		
1. Will the granting of the conditional use permit be harmful to the public health, safety, convenience, and welfare?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Is there any potential negative impact on to the street from which access to and from the establishment is obtained?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Are there adequate parking facilities to accommodate a reasonably expected increase in demand for parking created by issuing the permit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Will a reasonably expected increase in traffic to the property impact the abutting road or to the existing road system beyond?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Is the use compatible with the character of the surrounding neighborhood?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

6. Is the property located in a flood zone?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Does there appear to be adequate existing or proposed water supply and sewage capacity on the property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. What is the zoning designation of the property?		

CONDITIONAL USE PERMIT (CUP) STANDARDS AND PROCEDURES

Sections:

[18.60.010](#) Authorization.

[18.60.020](#) Application.

[18.60.030](#) Hearing and notification.

[18.60.040](#) Staff review.

[18.60.050](#) Planning commission review.

[18.60.060](#) Standards for planning commission decision.

[18.60.070](#) Lapse of approval.

18.60.010 Authorization.

The planning commission may grant a conditional use permit for those uses or structures authorized as a conditional use in the applicable land use district chapter of this title, subject to the standards provided in this chapter. An applicant does not have a right to a conditional use permit, but has a right only to have the planning commission give fair consideration to an application for a conditional use. The planning commission has discretion to deny a conditional use permit application if it is not convinced the proposed use is compatible with principal permitted uses, existing neighborhood development, the environment, the comprehensive plan or maintenance of compatible and efficient development patterns. [Ord. 01-05 § 8.]

18.60.020 Application.

A. The applicant shall complete a conditional use permit application on a form provided by the planning department in which the applicant shall state and describe in narrative:

1. A legal description and street address of the parcel;
2. The names and addresses of the owners of the parcel and of the applicant;

3. A description of the proposed conditional use;
 4. A map or plat of the general area surrounding the parcel, with notations of the uses and structures that exist on abutting and nearby lots;
 5. Potential impacts on pedestrian and vehicular traffic circulation and safety;
 6. Potential output of noise, fumes, dust, wastes and other forms of potential environmental pollution;
 7. Special features and restrictions designed to minimize negative impacts and to ensure the public health, safety and welfare of the residents;
 8. A complete site plan permit application for the proposed use, including fill placement, quantities and contours and drainage plans;
 9. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the proposal shall address the relevant matters and standards covered by BMC [15.08.160](#) through [15.08.180](#);
 10. The names and addresses of all persons who own property within six hundred (600) feet of the boundaries of the parcel.
- B. A fee shall be included as established by resolution of the city council. [Ord. 01-05 § 8.]

18.60.030 Hearing and notification.

- A. Upon receipt of a complete application for a conditional use permit, the land use administrator shall set a date for public hearing before the planning commission. The public hearing shall be scheduled no sooner than twenty (20) calendar days and no later than fifty (50) calendar days from the date of acceptance of a complete application.
- B. Notice of the public hearing on a proposed conditional use shall be provided as set out in BMC [18.04.070](#). [Ord. 01-05 § 8.]

18.60.040 Staff review.

- A. The land use administrator shall review the conditional use permit application and the accompanying site plan permit application for completeness and request any additional material required. Upon determining that the application is complete, the land use administrator shall prepare a staff report with analysis and recommendations. The report shall specifically address drainage on the parcel. The land use administrator may recommend any conditions reasonably necessary for the proposed use to permit the conclusions required under subsection B of this section. The written staff report

containing the analysis, proposed conditions and conclusions shall be provided to the planning commission with their meeting materials one (1) week prior to the public hearing.

B. The land use administrator may make a recommendation for approval only when the proposed use and conditions clearly support the following conclusions:

1. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment;
2. The conditional use meets the standards otherwise applicable to a use in the applicable land use district;
3. There are adequate existing or proposed sewage capacity, transportation facilities, parking area, drainage facilities and water supply to serve the proposed conditional use without causing a substantial negative impact on the existing level of services provided by such public facilities;
4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC [16.04.010](#); (attached)
5. The use and structures proposed are of an appropriate character and scale for the neighborhood in which the project will be located, including parts of the neighborhood that may lie outside the land use district within which the parcel is located;
6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan;
7. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions;
8. There is a demonstrated need for the conditional use limited primarily to the area proposed, or, if the use will generally serve a larger area, then a demonstration that the use is essential to the city generally, and because of a feature of the property, the general need can be met by the property, but cannot be met as a principal permitted use on other property in the city;
9. The use, under the conditions proposed, will be compatible with existing and principal uses authorized and will not cause negative impacts on nearby property, including impacts from drainage, that exceed the impacts that would ordinarily be expected from principal permitted uses of the property that is the subject of the application;
10. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the conditions

proposed adequately address the relevant matters and standards covered by BMC [15.08.160](#) through [15.08.180](#). [Ord. 01-05 § 8.]

18.60.050 Planning commission review.

A. The applicant or an authorized representative shall be present at the public hearing, informed and available for questions relative to the proposed project. The planning commission may take action on the agenda item even if the applicant or an authorized representative is not present at the public hearing. The planning commission may deny the project based entirely on failure of the applicant or an informed, authorized representative to be available at the hearing.

B. The planning commission shall consider the matter at a public hearing. The commission shall consider the application, the land use administrator's staff report, any written comments from members of the public submitted prior to the public hearing, and oral comments made at the public hearing.

C. During all phases of the public hearing, any speaker shall address the chairperson prior to making any comment. If any person wishes to question any other person in attendance, the question shall be directed through the chairperson. All public hearings shall be conducted in the following manner:

1. The chairperson shall explain the hearing procedure;
2. Planning department staff shall present a staff report and recommendations regarding the subject project;
3. The planning commissioners shall ask staff any questions they may have regarding the staff review and recommendations;
4. The applicant shall be given the opportunity to explain the nature of the project and any other relevant information, including rebuttal or additional information regarding any of the correspondence received and matters raised by the staff or the commission;
5. Planning commissioners may ask the applicant any questions they may have about the project;
6. The neighbors or any other interested persons will be given the opportunity to speak. The chairperson will read all written comments submitted regarding the proposed project or copies shall be provided to each commission member. Information provided should be limited to facts. Persons who have given testimony previously during the hearing may comment on any new information limiting comments to new information only. The chairperson may limit repetitious testimony based on time constraints or other situations which may arise;

7. Members of the planning commission may ask any questions of neighbors or other interested persons;
 8. The applicant shall be given the opportunity to rebut factual matters raised by the staff, neighbors and other interested persons;
 9. After the applicant has given rebuttal evidence and summarized, the staff shall be given an opportunity to comment on evidence presented and to make new or amended recommendations.
- D. The planning commission may make a decision to approve, conditionally approve, or deny the project. The commission may also decide to take the matter under advisement or continue the hearing or commission discussion to a future date in order to allow time to acquire more information as needed. The planning commission and the planning staff shall be given the opportunity to comment during and between any of these steps.
- E. The commission shall make a decision based upon the standards specified in BMC [18.60.060](#). The commission may impose any conditions reasonably necessary for the proposed use to comply with the standards listed in BMC [18.60.060](#). If the planning commission does not adopt the land use administrator's recommendations and conclusions, it must support its findings with a statement of findings and conclusions, which shall be included in the official minutes of the hearing and in the resolution approving or disapproving the conditional use. [Ord. 01-05 § 8.]

18.60.060 Standards for planning commission decision.

- A. The planning commission may approve a request for a conditional use permit only if it makes findings, supported by the record, as are set out in BMC [18.60.040\(B\)\(1\)](#) through (10).
- B. Where the approval of a conditional use permit application would result in a mix of residential and nonresidential uses, any approval of the conditional use may impose conditions and design standards necessary:
 1. To ensure the public health, safety, and welfare of residents; and
 2. To minimize or eliminate adverse impacts on residential property.
- C. All standards contained in this chapter are minimum standards. More restrictive conditions may be imposed by the planning commission where necessary to ensure the public health, safety, and welfare of Bethel's citizens and to maintain consistency with the comprehensive plan and the purposes of this title as set out in BMC [16.04.010](#).
- D. A site plan permit must be obtained following the granting of a conditional use permit and prior to the establishment of the use or structure for which the conditional use permit was sought. [Ord. 01-05 § 8.]

18.60.070 Lapse of approval.

A. Unless a longer time is specifically established as a condition for approval, a conditional use permit approval shall lapse and shall become void if not exercised within one (1) year from the date of approval. For a permit to be considered "exercised," substantial improvement to the land must be performed within one (1) year from the date of approval. Substantial improvement is the completion of fifty (50) percent or more of the total authorized improvements as specified on the subject permit as measured by cost. If the conditional use permit is primarily for a use not involving substantial improvements to the land, the permit is "exercised" when the use commences and continues for thirty (30) days or more.

B. A conditional use permit approval subject to lapse may be extended by the planning commission for an additional period of up to one (1) year; provided, that prior to the expiration date, a written request for extension is submitted to the planning commission and good cause for the extension is shown. [Ord. 01-05 § 8.]