



Planning Commission Special Meeting Agenda

Special Meeting Tuesday, February 2, 2016– 6:30PM
City Hall Council Chambers 300 Chief Eddie Hoffman Highway

MEMBERS

Joy Shantz
Chair
Term Expires
12/2017

John Guinn
Vice-Chair
Term Expires
12/2016

Nikki Hoffman
Council Rep.
Term Expires
10/2017

Kathy Hanson
Committee Member
Term Expires
12/2017

Cliff Linderoth
Committee Member
Term Expires
12/2017

Lorin Bradbury
Committee Member
Term Expires
12/2017

Kurt Kuhne
Committee Member
Term Expires
12/2017

Ted Meyer
Ex-Officio Member

Betsy Jumper
Recorder

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD (5 MINUTE LIMIT)
- IV. NEW BUSINESS
 - A. PUBLIC HEARING: Applicant: Bethel Spirits, LLC, is applying for a Conditional Use Permit to open a Package Store. The Legal Description is United States Survey Number 1002, lot 1, in Bethel, Alaska 99559. The physical address is 750 Front Avenue.
 - B. PUBLIC HEARING: Applicant: Fili's Restaurant, is applying for a Conditional Use Permit Application to obtain a Liquor License. The Legal Description is United States Survey Number 3770, lot 1, block 6 in Bethel, Alaska 99559. The physical address is 110 Osage Avenue.
- V. ADJOURNMENT

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 checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Cash

1. General Information

NAME OF APPLICANT:	Bethel Spirits LLC
Physical Address:	750 Front Street
Mailing Address:	PO Box 719
Home Phone Number:	
Work Phone Number:	907-543-2124
Cell Phone Number:	907-545-4151
Email Address:	ahoffman@bncak.com

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)	UCI LLC
Physical Address:	3351 Arctic Blvd , Anch AK
Mailing Address:	Same
Home Phone Number:	
Work Phone Number:	907-751-6800
Cell Phone Number:	
Email Address:	dcottrell@mcac-cpa.com

2. Property Information / Legal Description

Township:	Range:
Section:	Meridian:
Subdivision: Commercial Center Subdivision	Block(s):
Lot(s):	US Survey or Plat No.: 1002
Street Address: 750 Front Street	

3. Conditional Use Description

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

Bethel Spirits is applying for a package store license to be placed within a portion of the first floor of the former Swanson's Marina building located at 750 Front Street in Bethel, Alaska. The retail space will be approximately 1400 square feet and the inventory space will be approximately 1400 square feet.

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

This facility was formerly a retail center and the area is well suited for this type of use. There are several roads that lead to this property including First Street and Front Street so there should not be vehicular or traffic congestion.

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.

This facility has been used as a retail facility for many decades. The parking lot is well situated to service a package retail store in this location. In the past the building was a Marina with numerous boats and snow machines parked on the grounds with additional space for retail customers. As a package store, there will be quick entry/exit and adequate parking exits. The lot is over one acre in size, if additional parking is needed, that can be accommodated in the future.

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

The property is accessed by both First Street and Front Street, it is anticipated that the current access points will be adequate for existing and future use.

e. Comment on any potential output of noise or dust, fumes, waste, and other forms of potential environmental pollution

The proposed package store should not produce any significant output of noise or dust. There should not be any fumes, waste or any other forms of potential environmental pollution.

f. Describe special features and/or restrictions you have designed to minimize negative impacts and to ensure the public health, safety, and welfare of nearby structures and residents

The business will be very mindful to ensure operations do not negatively impact public health and safety. The continued welfare of the neighboring area is important to the business and having good, safe surroundings will help the business succeed. The operation will comply with all City and State laws, regulations and certifications. The business will be responsive to the community.

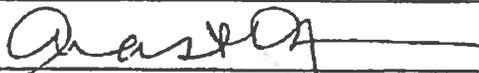
g. What are the dimensions of the structure within the proposed use?

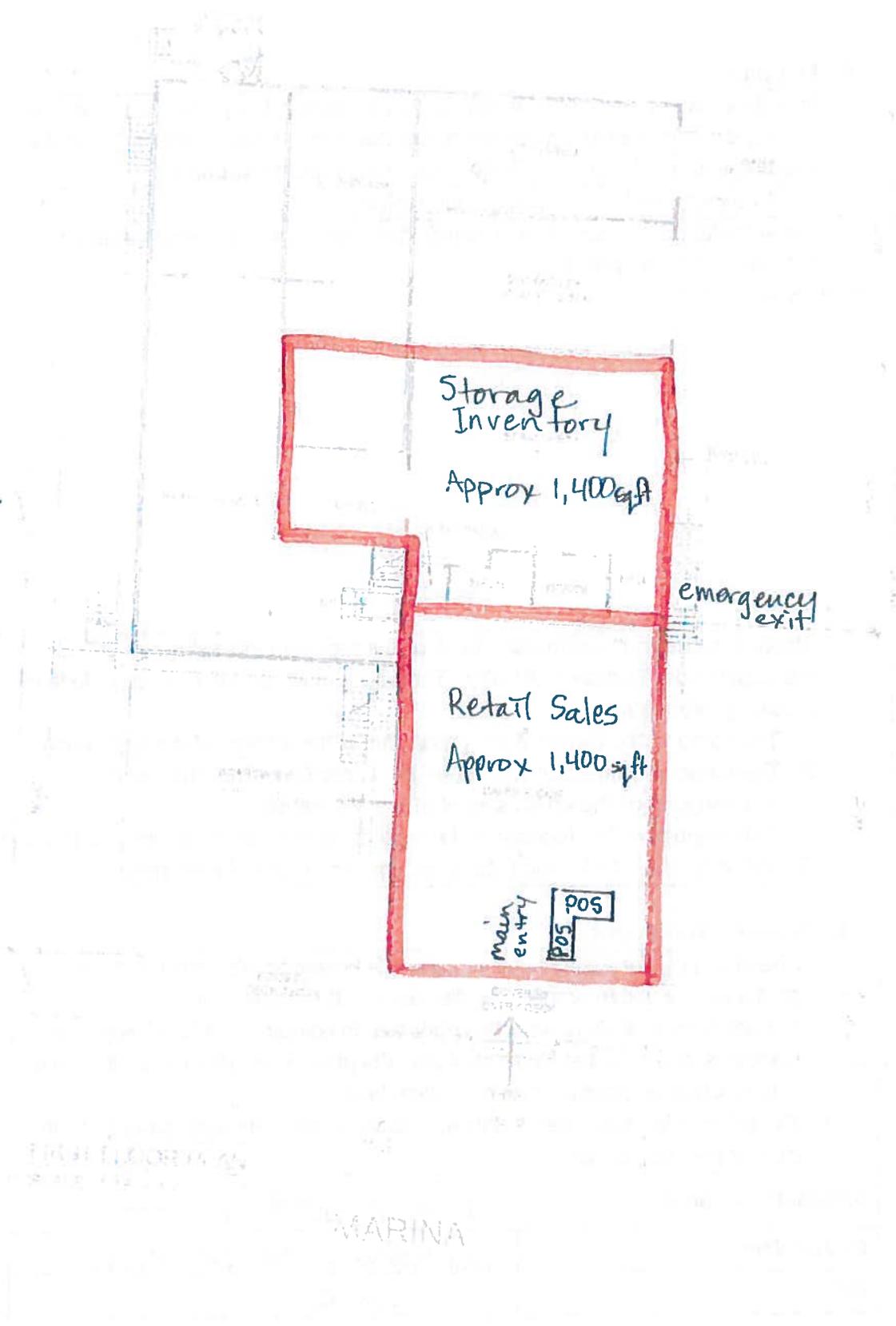
70x64, 32x36

4. Mapping

a.	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. Indicate access to and from the property.
b.	If applicable, attach a site plan permit application
c.	List all buildings and structures located within 600' of the property (whether or not owned by the applicant): Previously submitted.
d.	Attach a notice form conforming to all of the requirements set out in Bethel Municipal Code, Section 18.04.070. The notice must, at a minimum, include the following information: <ol style="list-style-type: none"> 1. The name of the owner of the parcel that is the subject of the application; 2. The name of the person who made the application if not the owner; 3. A description of the action sought in the application; 4. A description of the location and a legal description of the subject parcel; and 5. Space for the City to insert the date, time and place of a hearing.

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:	Anna Hoffmann Pres/CEO BNC
Date:	1-19-16



Storage
Inventory

Approx 1,400 sq ft

emergency
exit

Retail Sales

Approx 1,400 sq ft

main
entry

POS
Soc

COVERED
ENTRY



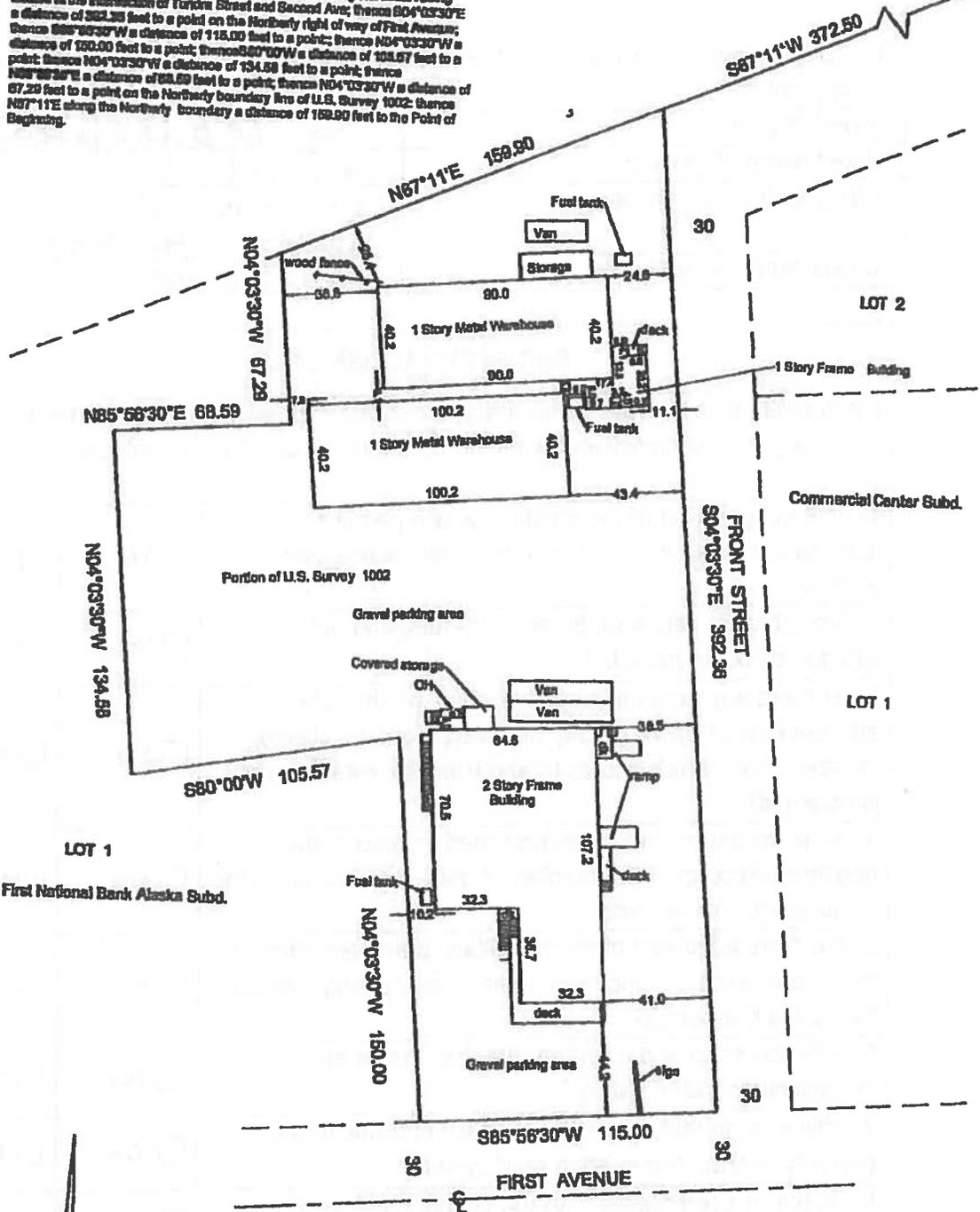
MARINA

LEGAL DESCRIPTION

That portion of U.S. Survey 1002 according to the official Bureau of Land Management Survey thereof, being located in the Bethel Recording District, Fourth Judicial District, State of Alaska described as follows:
 Beginning at a point located 372.50 feet S87°11'W of a Bureau of Land Management Monument which is corner No. 4 of U.S. Survey No. 3230A being located at the intersection of Turinda Street and Second Ave; thence S04°03'30"E a distance of 372.50 feet to a point on the Northernly right of way of First Avenue; thence S85°56'30"E a distance of 115.00 feet to a point; thence N04°03'30"W a distance of 150.00 feet to a point; thence S80°00"W a distance of 105.57 feet to a point; thence N04°03'30"W a distance of 150.00 feet to a point; thence N85°56'30"E a distance of 68.59 feet to a point; thence N04°03'30"W a distance of 67.29 feet to a point on the Northernly boundary line of U.S. Survey 1002; thence N04°03'30"W a distance of 134.58 feet to a point; thence N87°11'E a distance of 159.90 feet to the Point of Beginning.

8412

Corner No. 4
U.S. 3230A



Reduced
 SCALE: ~~1/4" = 100'~~
 EASEMENTS OF RECORD, OTHER THAN THOSE SHOWN ON THE RECORDED PLAT ARE NOT SHOWN HEREON.

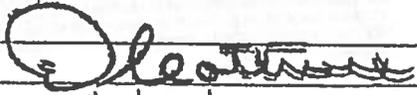


FB 15-4, pg 15-17

AS-BUILT NO CORNERS SET THIS DATE
 I hereby certify that I have performed a Mortgagee's inspection of the following described property:
 Portion of U.S. Survey 1002, Parcel described by metes and bounds. (See description at top left)
 Bethel Recording District, Alaska, and that the improvements identified hereon are within the property lines and do not overlap or encroach on the property lying adjacent thereto, that no improvements on the property lying adjacent thereto encroach on the premises in question and that there are no roadways, easements, lines or other visible elements on said property except as indicated hereon.
 Dated at Anchorage, Alaska
 this 7th day of April, 2015
FRED WALATKA & ASSOCIATES
 Engineers and Surveyors

BE 007-248-1058

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

Owner's Signature:	
Printed Name of Owner:	Dave Cottrill
Mailing Address for Owner:	3351 Arctic Blvd Anchorage AK 99503
Contact Number for Owner:	907-751-6600

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. Are sufficient setbacks, lot area, buffers, and other safeguards being provided?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Is there any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector Or street from which access to and from the establishment is obtained?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. What measures are being proposed to reduce any negative effect upon the number of entries and exits on the frontage road or highway?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Are there adequate parking facilities to accommodate a reasonably expected increase demand for parking created by issuing the permit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Will access to and from the premises create an unreasonable traffic hazard?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Will a reasonably expected increase in traffic to the property overtax the existing road system?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Is the use compatible with the character of the surrounding neighborhood?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Is the property located in a flood zone?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. 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
11. 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;

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. Are sufficient setbacks, lot area, buffers, and other safeguards being provided?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Is there any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector Or street from which access to and from the establishment is obtained?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. What measures are being proposed to reduce any negative effect upon the number of entries and exits on the frontage road or highway?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Are there adequate parking facilities to accommodate a reasonably expected increase demand for parking created by issuing the permit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Will access to and from the premises create an unreasonable traffic hazard?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Will a reasonably expected increase in traffic to the property overtax the existing road system?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Is the use compatible with the character of the surrounding neighborhood?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Is the property located in a flood zone?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. 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
11. What is the zoning designation of the property?		

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

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.]

Memo

TO: City of Bethel Planning Commission
FROM: Ted Meyer, Planner
SUBJECT: Findings and Recommendation for Conditional Use Permit Application
Submitted by Bethel Spirits LLC
DATE: 1/25/16

Background

Bethel Spirits seeks a Conditional Use Permit to open a package liquor store to be placed within a portion of the first floor of the former Swanson's Marina Building located at 750 Front Street in Bethel, Alaska. Per Bethel Municipal Code Section 5.08.060 (Alcoholic Beverages), a Conditional Use Permit is required for alcohol sales.

The Conditional Use Permit provides additional review and of land uses which are generally considered appropriate in certain zoning districts provided that appropriate safeguards are considered to ensure their compatibility with permitted principal uses. The conditional use permit procedure is intended to allow more scrutiny on the impact of the proposed conditional use on surrounding property, and the application of controls and safeguards to assure that the conditional use will be compatible with the surrounding area.

Below is Code Section 18.60.040 (Conditional Use Permit) followed by 10 questions answered by staff regarding the location of the proposed conditional use. The answers to these questions form the basis for the Planner's recommendation to the Planning Commission.

BMC 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:

Staff Findings

1. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment.

Chapter 5.08.030 (J) of the Bethel Municipal Code refers to the proximity of liquor sales to certain establishments such as a school or alcohol inpatient or outpatient treatment facility. There is no school or alcohol treatment facility within 200 feet of the proposed use. The closest church is 340 feet away.

2. The conditional use meets the standards otherwise applicable to a use in the applicable land use district.

Bethel Spirits would be located in a central location of the General Use District next to the Kuskokwim River (*See attached Bethel Zoning Map*). This district is intended to allow a mix of compatible residential and commercial uses. This same structure has been used as a retail facility for many years and is surrounded by other commercial structures as well.

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.

The proposed package liquor store site building has been a retail outlet for many years. The building is currently vacant. There is no planned expansion of the existing structure; the footprint of the building will remain the same.

The proposed liquor store will experience short-term parking as customers will make purchases and then leaving the premises. Access to and from the property would be on both First and Front Street. There is not a traffic problem in the immediate vicinity. It is anticipated that there would be an increase upon business operation.

Per BMC 18.48.160 D., there is a “Retail Sales and Service” parking requirement of one space per 300 feet of gross floor area. The combined retail space of 1,400 sq feet and the inventory space of 1,400 sq feet equals a total of 2,800 square feet. This will require 9.3 parking spaces. There is adequate parking space on the Front Street entrance and on the side street entrance to accommodate this requirement.

Short term customers will not affect the current capacity of water and sewer facilities on the premises. According to the Public Works Department, drainage is an issue during spring breakup. Due to culvert problems on the State-owned Front Street, this issue affects all properties from the First National bank for two blocks north, up to the end of the old fish plant.

4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010;

The proposed Conditional Use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010 (*see code directly below*)

16.04.010 Purposes. 

A. In addition to the purposes set out in each title, the purposes of BMC Titles 15, 16, 17, and 18 together are to:

1. Promote a logical growth pattern within the city and the economic extension of public services and facilities;
2. Encourage the most appropriate use of land throughout the city;
3. Reduce congestion in the streets;

4. Enhance safety from fire, flooding and other dangers;
 5. Provide adequate light, air and open space;
 6. Preserve property values;
 7. Prevent the overcrowding of the land;
 8. Avoid undue concentration of population;
 9. Facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks and other facilities;
 10. Assure that development does not adversely affect either the ability of the city to deliver public services or the safety of property and the health, safety and welfare of persons;
 11. Assure that the burdens placed on public facilities by development are borne by the development;
 12. Promote the public health, safety and welfare.
- B. BMC Titles 15, 16, 17 and 18 shall be interpreted and administered to complement each other and so as to implement the purposes set out in subsection A of this section. [Ord. 10-15 § 4.]

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.

The planned site is immediately surrounded by commercial businesses (*see attached Land Use Map*). Within a 600 foot radius of the proposed Bethel Spirits store, there are the following uses: three warehouses, auto repair shop, hardware store, vacant building, market, bank, marine supply store, Joe Lomack office building (AVCP office), hotel (290 feet away), church (340 feet), social hall (300 feet), six residences (closest is 440 feet), apartment building (525 feet). The Kuskokwim River is across the street.

6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan.

The proposed conditional use is in accordance with the City of Bethel Comprehensive Plan 2035, adopted in 2011. Under the Goals and Strategies Section of Chapter 4 (Land Use, Housing, and the Environment), the relevant sections, “Growth Patterns” and “Land Use Compatibility” both deal with development site location.

Goal #2 under “Growth Patterns” encourages future growth to locate near existing employment centers and public services (*see page 4-8 of the attached section of the Bethel Comprehensive Plan*). The planned location of this new business in an existing building of past retail activities adheres to the associated Action step #1b that encourages infill of development.

Under the Land Use Compatibility section (*see page 4-11 of the attached section of the Bethel Comprehensive Plan*), Goal #3 provides for compatibility among adjoining land uses so that future development maintains or improves the quality of life or land value of surrounding uses”. The associated Map 4.4 (*Future Land Use Plan Map - see page 4-10 of the attached section of the Bethel Comprehensive Plan*) is a long-term vision of how and where the city will grow and change over the next 20 years to accommodate expected population and job growth (versus the current City’s Zoning Map which designates how land can be used and what can be built on any given property today). The Future Land Use Map indicates a change from the current General Use District (mix of compatible residential and commercial uses) to an Industrial/Commercial District for this proposed site.

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. This same structure has been used as a retail facility for many years, with cars coming to and from the property. The building is on the corner of First and Front Streets and is not generally a busy intersection.

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.

The planned location of Bethel Spirits fits in the General Use District (mix of commercial and residential). The site is surrounded by other commercial establishments. It is anticipated that customers coming to Bethel Spirits would come from all over 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.

The planned location for Bethel Spirits is on a previous retail site, surrounded by a variety of commercial activities. There will be no impact on drainage from the business.

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.]

The proposed site of Bethel Spirits is located in an existing, highly commercialized area. The area is also located in an identified flood hazard area. Construction in the flood hazard area requires a Site Plan Permit. However, Bethel Spirits plan is to use the existing building on the site, combined with no plan to extend the building footprint. Therefore a Site Plan Permit is not required at this time.

Summary of Findings and Recommendation to the Planning Commission

Summary of Findings

1. Per Chapter 5.08.030 (J) of the Bethel Municipal Code, there are no schools or alcohol inpatient/outpatient treatment facilities within 200 feet of the proposed conditional use, or in the area. The closest church is 340 feet away.
2. The location for the Conditional Use Permit request by Bethel Spirits LLC is consistent with the City of Bethel's General Use Zoning District.
3. The proposed Package liquor store is compatible with the surrounding area, as it would be surrounded completely by other commercial uses.

4. The conditional use is in accordance with two land use goals in the Bethel Comprehensive Plan's Land Use Goals and Strategies section. It is consistent with the encouragement of the "infill" of development, and consistent with the encouragement of future growth to locate near existing employment centers and public services.
5. There is safe access to and from the property which has been a site location of past businesses. The property meets the 9.3 parking space requirement.
6. There is not a traffic problem in the immediate vicinity. It is anticipated that there would be an increase upon business operation

Recommendation

Based on these findings, I recommend approval of the Conditional Use Permit for Bethel Spirits to open a package liquor store to be placed within a portion of the first floor of the former Swanson's Marina Building located at 750 Front Street in Bethel, Alaska.

BETHEL SPIRITS



BETHEL

COMPREHENSIVE PLAN

2035

SEPTEMBER 2011

prepared by AGNEW::BECK Consulting
for the City of Bethel, Alaska



Growth Patterns

GOAL 2: Encourage future growth to locate near existing employment centers and public services. Coordinate plans affecting the location of growth with plans for the location of water, wastewater and roads, as economically feasible.

Strategy 1: Explore policies (including infill and redevelopment) that could be used to encourage development of lands within or adjoining existing developed areas that have the potential to accommodate new growth.

Action 1a: Identify and map areas within or adjoining existing developed areas that have the potential to accommodate new growth; these include vacant or underutilized lands served by roads, with good access to public services and employment.

Candidate areas include:

- *The developed areas of "downtown Bethel."*
- *Undeveloped land immediately adjoining downtown Bethel, for example, the land adjoining the easternmost of the possible "donut hole" road routes – a new north-south road and water/sewer line just west the existing downtown Bethel.*
- *River front land downriver from the existing port, and the vicinity of the East Harbor.*

Action 1b: Review and work to remove barriers that discourage infill and redevelopment (e.g., lack of access to properties, excessive restrictions in the BUC).

Action 1c: Create appropriate incentives for individual landowners to redevelop property and/or carry out infill projects that would otherwise not be feasible.

This might include assisting land owners apply for façade improvement grants, energy-related building upgrades or temporary reductions in taxes (this latter is a strategy that typically applies in communities with property taxes, and may not be possible in Bethel).

Action 1d: Plan for and develop expanded infrastructure, as needed, to support priority uses.

For example, water and sewer lines serving expanded or relocated port facilities.

Policy 1e: Protect the interests of current users as land is redeveloped.

For example, if the City partners with a private developer in redeveloping land currently used for housing, take steps to provide affordable housing available to households currently living on the property.

Strategy 2: Remove regulatory hurdles and/or create incentives for more concentrated development.

Action 2a: Review and revise (as necessary) Bethel's existing parking requirements; where possible, reduce parking requirements and encourage shared parking or access for alternative transportation modes (e.g., pedestrian facilities, public transit).

Public discussion indicated some concern about new retail businesses having adequate off-street parking. BMC Chapter 18.48 Article II. Off-Street Parking and Loading includes parking requirements for all uses. If there is a lack of parking, this code could be revised to require additional spaces. However, if development is concentrated (particularly in central commercial areas) and transportation policies promote alternative modes (e.g., sidewalks for walking or bicycling, legal access for snowmachines), the need for off-street parking can be reduced. Likewise, the need for larger parking areas can be reduced through the use of shared parking arrangements.

Land Use Compatibility

GOAL 3: Provide for compatibility among adjoining land uses, so future development maintains or improves the quality of life or land values of surrounding uses.

Strategy 1: Review and revise Bethel land use regulations.

Action 1a: Examine existing Bethel code and existing land uses; revise and simplify land use designations to better fit the reality of Bethel's mixed use land use patterns.

A first suggestion for these uses includes the following categories:

- *Low density residential areas*
- *Mixed use - residential primary (residential and limited, residential-compatible uses)*
- *Mixed use (mix of commercial & residential, fewer constraints on size and character of commercial).*
- *Industrial/heavy commercial zone,*
- *Public Use*
- *Airport and related uses*

Action 1b: Use the generalized future land use designations in the Land Use Plan Map (Map 4.4), which broadly identifies areas intended for various uses, as the starting point for revising the zoning code in BMC Title 18 (Bethel zoning code).

For example,

- *Low density residential areas. This zone takes in several specific subdivisions, e.g., Tundra Ridge, Larson and Blueberry. In these areas uses should be generally limited to residential uses. Exceptions would be for small home-based businesses with minimal off-site impacts, or perhaps neighborhood serving commercial, such as a small grocery store*
- *Mixed use. This use is intended to be the most common land use zone, made up of residential and residential-compatible uses. Examples of residential compatible uses include schools and other community serving, non-industrial facilities, and churches, office and professional services uses (e.g. health facilities), and neighborhood-serving commercial*
- *Industrial/Heavy Commercial. This zone is intended for uses that are generally incompatible with residential, and consequently need to be located where they do not disrupt adjoining residential or residential-compatible uses. This zone includes such uses as warehousing, storage, construction-related industries, marine and aviation-related industries. Key industrial locations include the tank farm, the port, the airport and portions of the waterfront between Second Avenue and the waterfront and the airport.*

Action 1c: Modify code to require a conditional use review process for large-scale uses or any other use likely to have significant off-site impacts.

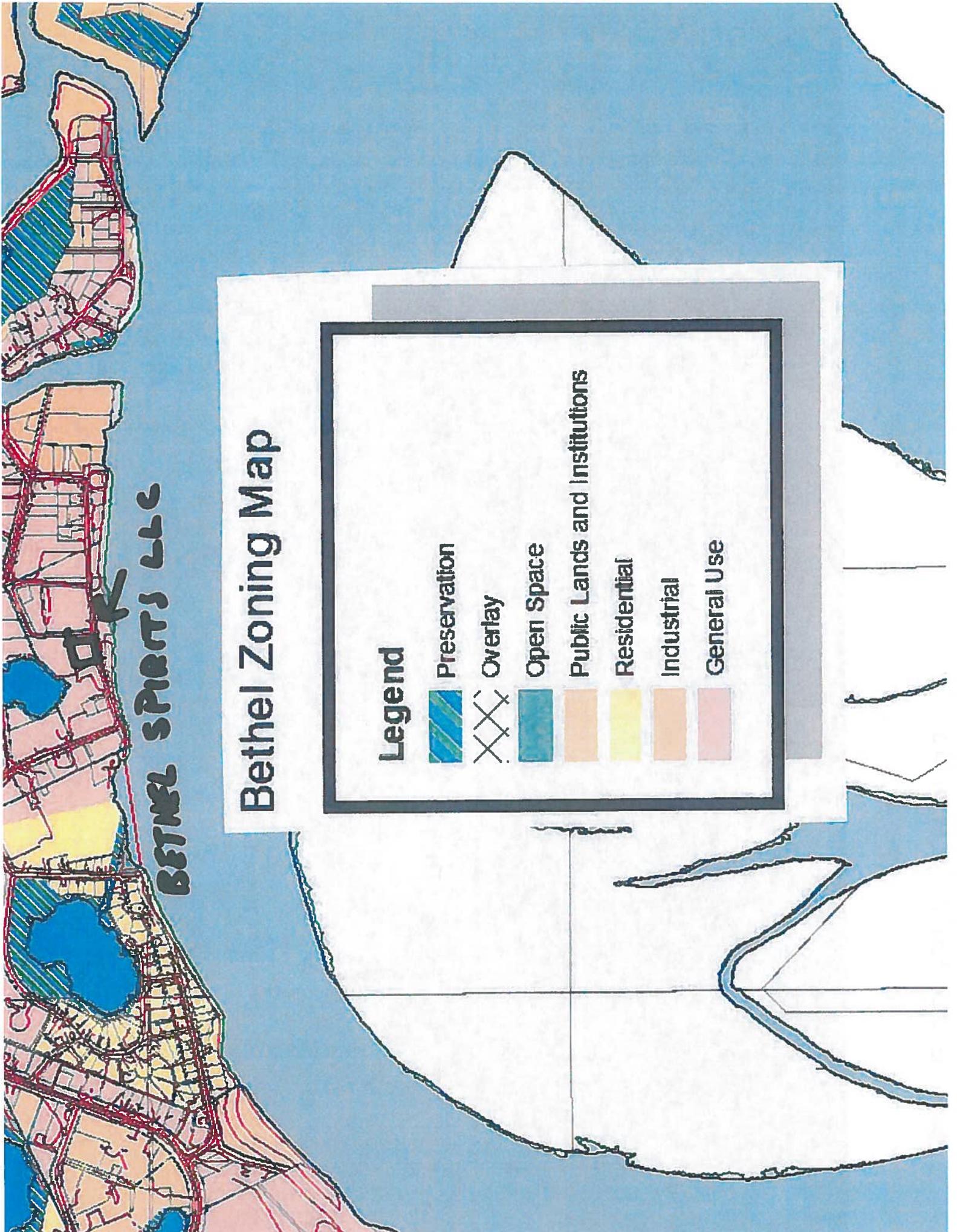
Examples of such projects include a large scale public building, or a private use such as car repair.

BETHEL SPORTS LLC

Bethel Zoning Map

Legend

	Preservation
	Overlay
	Open Space
	Public Lands and Institutions
	Residential
	Industrial
	General Use



PROPOSED
SIDE VIEW OF
BETHEL SPIRITS



PROPOSED
BETHEL SPIRITTS
VIEW FROM FRONT ST.





PUBLIC HEARING NOTICE

CONDITIONAL USE PERMIT

NOTICE IS HEREBY GIVEN that on January 11, 2016, the City of Bethel Planning Office received an application for a Conditional Use Permit to open a Liquor Store. The legal description is United States Survey Number 1002, Lot 1. The physical address is 750 Front Street.

LAND OWNER: UCI, LLC- 3351 Arctic Blvd., Anchorage, AK. 99503 phone 907-751-6800
APPLICANT: Bethel Spirits, LLC, 3351 Arctic Blvd., Anchorage, AK. 99503 phone 907-751-6800

APPLICANT CONTACT: Ana Hoffman, Bethel Native Corporation, 460 Ridgcrest Dr., Bethel, AK. 99559 phone 907-543-2124

PURPOSE: To open a liquor Store, to be located at 750 Front Street, (the "old" Swanson's Marina).

CITY OF BETHEL CONTACT: Ted Meyer, Planning Director, City of Bethel Planning Department, phone 907-543-5603.

TIME AND PLACE: Special meeting of the City of Bethel Planning Commission, 6:30 PM February 2, 2016 at City Hall, located at 300 Chief Eddie Hoffman Highway in Council Chambers

Ted Meyer
Ted Meyer, Planning Director

I hereby certify that this Notice of Hearing - Conditional Use Permit Application has been posted at City Hall, AC Quick Stop, Swanson's, and Corina's Caselot Grocery bulletin boards, within the City of Bethel, on or before January 26, 2016. It is further certified that this Notice will be published in the Delta Discovery weekly newspaper beginning the week of January 25, 2016, for one publication.



CITY OF BETHEL
PLANNING OFFICE
P.O. Box 1388 • Bethel, Alaska 99559
907-543-5301
Fax # 907-543-4186

1-25-16

To Whom this may concern:

You are receiving this notice of a Public Hearing pursuant to Bethel Municipal Code 18.04.070 "Notice shall be mailed to the owners of each parcel of property any part of which is within six (600) feet of the exterior boundary of the parcel that is the subject of the application".

PUBLIC HEARING NOTICE

CONDITIONAL USE PERMIT

NOTICE IS HEREBY GIVEN that on January 11, 2016, the City of Bethel Planning Office received an application for a Conditional Use Permit to open a Package Store. The legal description is United States Survey Number 1002, Lot 1. The physical address is 750 Front Street.

LAND OWNER: UCI, 3351 Arctic Blvd, Anchorage, AK 99503 Phone # 907-751-6800

APPLICANT: Bethel Spirits, LLC, P.O. Box 719, Bethel, AK. 99559

APPLICANT CONTACT: Ana Hoffman, Bethel Native Corporation, 460 Ridgcrest Dr., Bethel, AK. 99559 Phone# 907-543-2350

PURPOSE: To open a Liquor Store, to be located at 750 Front Street, (the "old" Swanson's Marina).

CITY OF BETHEL CONTACT: Ted Meyer, Planning Director, City of Bethel Planning Department, phone 907-543-5603.

TIME AND PLACE: Special meeting of the City of Bethel Planning Commission, 6:30 PM February 2, 2016 at City Hall, located at 300 Chief Eddie Hoffman Highway in Council Chambers

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 checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Cash	

1. General Information

NAME OF APPLICANT:	Mefail Saliu
Physical Address:	110 Osage Street
Mailing Address:	Po Box 3051
Home Phone Number:	(907) 543-4092
Work Phone Number:	(907) 543-7010
Cell Phone Number:	(907) 545-2122
Email Address:	filispizza@gmail.com

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)	Kadri Limani
Physical Address:	5531 Kasayuli
Mailing Address:	PO Box 729
Home Phone Number:	(907) 543-5884
Work Phone Number:	(907) 543-3781
Cell Phone Number:	(907) 545-2246
Email Address:	diku-118@yahoo.com

2. Property Information / Legal Description

Township:	Range:
Section:	Meridian:
Subdivision:	Block(s): 3770
Lot(s): Lot 1, Block 6	US Survey or Plat No.: 3770
Street Address: 110 Osage Street	

3. Conditional Use Description

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

New Restaurant/Eating Liquor License
in Bethel (AS 04.11.110).

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

None

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.

The property has reasonable parking space for a higher demand if necessary. The property has 2 handicap parking spaces and approximately 25 regular parking spaces that are available in the front and the rear of the building.

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

The main entrance of the property ~~could be accessed~~ ^{is accessed} from Osage Street and the rear entrance of the property could be accessed from Ridgcrest Drive.

e. Comment on any potential output of noise or dust, fumes, waste, and other forms of potential environmental pollution

None, The property is equipped with adequate water supply and sewage capacity

f. Describe special features and/or restrictions you have designed to minimize negative impacts and to ensure the public health, safety, and welfare of nearby structures and residents

The property is equipped with adequate lightening and no trespass signs. The building is also equipped with video surveillance inside and outside the building.

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

The building is 48 feet x 36 feet.

4. Mapping

a. 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. Indicate access to and from the property.

b. If applicable, attach a site plan permit application N/A

c. List all buildings and structures located within 600' of the property (whether or not owned by the applicant):

- Tundra Center, 680 Ridgcrest Drive (Not Owned)

d. Attach a notice form conforming to all of the requirements set out in Bethel Municipal Code, Section 18.04.070. The notice must, at a minimum, include the following information:

1. The name of the owner of the parcel that is the subject of the application;
2. The name of the person who made the application if not the owner;
3. A description of the action sought in the application;
4. A description of the location and a legal description of the subject parcel; and
5. Space for the City to insert the date, time and place of a hearing.

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:

Mefail Saliv

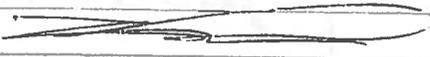
Printed Name:

Mefail Saliv

Date:

11/16/11

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

Owner's Signature:	
Printed Name of Owner:	Kabri Limani
Mailing Address for Owner:	po Box 729 Bethel AK 99559
Contact Number for Owner:	(907) 545-2246

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. Are sufficient setbacks, lot area, buffers, and other safeguards being provided?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Is there any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector Or street from which access to and from the establishment is obtained?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. What measures are being proposed to reduce any negative effect upon the number of entries and exits on the frontage road or highway?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Are there adequate parking facilities to accommodate a reasonably expected increase demand for parking created by issuing the permit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Will access to and from the premises create an unreasonable traffic hazard?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Will a reasonably expected increase in traffic to the property overtax the existing road system?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Is the use compatible with the character of the surrounding neighborhood?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Is the property located in a flood zone?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. 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
11. What is the zoning designation of the property?		

RIDGECREST MEMORIAL CEMETERY

Osage Street

Parking For Filiis Pizza

110 Osage St.

Ridgecrest Drive



NOT TO SCALE

68 CT

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.

Fli's



BETHEL

COMPREHENSIVE PLAN

2035

SEPTEMBER 2011

prepared by AGNEW::BECK Consulting
for the City of Bethel, Alaska



Summary of Findings and Recommendation to the Planning Commission

Summary of Findings

1. The proposed sale of alcohol at the Fili's Restaurant location complies with BMC restrictions regarding proximity to sensitive establishments (school, alcohol in/outpatient facilities). Although the Tundra Center, a halfway house located across the street on Ridgecrest Drive does not have in/outpatient facilities, it does provide service to many people with alcohol related crimes. However, liquor license renewal by the State every two years would review any potential problems.
2. The location for the Conditional Use Permit request by Fili's is consistent with the City of Bethel's General Use Zoning District.
3. Fili's Restaurant location is at the end commercial corridor. The proposed use would be generally compatible with the surrounding area.
4. The conditional use is in accordance with two land use goals in the Bethel Comprehensive Plan's Land Use Goals and Strategies section. It is consistent with the encouragement of the "infill" of development, and consistent with the encouragement of future growth to locate near existing employment centers and public services.
5. There is safe access to and from the property which is the current site location of Fili's Restaurant. The property meets the 17.28 parking space requirement.
6. Fili's is located on a busy street of Bethel, at the end of a business corridor. It is anticipated that there would be an increase of customers to the restaurant and in traffic around Fili's upon the introduction of liquor sales.

Recommendation

Based on these findings that are consistent with the BMC, I recommend approval of the Conditional Use Permit for Mefail Saliu, owner of Fili's Pizza Restaurant for the sale of alcohol on the property located at 110 Osage Street in Bethel, Alaska.

Under the Land Use Compatibility section (*see page 4-11 of the attached section of the Bethel Comprehensive Plan*), Goal #3 provides for compatibility among adjoining land uses so that future development maintains or improves the quality of life or land value of surrounding uses". The associated Map 4.4 (*Future Land Use Plan Map - see page 4-10 of the attached section of the Bethel Comprehensive Plan*) is a long-term vision of how and where the city will grow and change over the next 20 years to accommodate expected population and job growth (versus the current City's Zoning Map which designates how land can be used and what can be built on any given property today). The Future Land Use Map designates the current Fili's site as being in the "Mixed Use Commercial" District (defined as, "mix of commercial and residential, with fewer constraints on size and character of commercial).

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. It is anticipated that there will be an increase in customers to and from Fili's if and when liquor sale operations begin. Access to and from the site is currently at the main entrance on Osage Drive. There will only be limited access to the restaurant from Ridgecrest Drive (only to access the four additional parking spaces in the rear). Most pedestrians walking on Ridgecrest Drive currently use the other side of the street.

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.

Customers to Fili's come from all over the city. Travelling north on Ridgecrest Drive, Fili's location is at the end of a corridor of service orientated, commercial businesses which include five restaurants (including Fili's) on the west side of Ridgecrest Drive, and AC, GCI, and the Bethel Native Corporation Building on the west side.

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.

Liquor sales services would be added to the existing Fili's restaurant. There are no drainage problems on the property.

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.]

Fili's is located on high ground just outside the floodplain.

1. Promote a logical growth pattern within the city and the economic extension of public services and facilities;
 2. Encourage the most appropriate use of land throughout the city;
 3. Reduce congestion in the streets;
 4. Enhance safety from fire, flooding and other dangers;
 5. Provide adequate light, air and open space;
 6. Preserve property values;
 7. Prevent the overcrowding of the land;
 8. Avoid undue concentration of population;
 9. Facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks and other facilities;
 10. Assure that development does not adversely affect either the ability of the city to deliver public services or the safety of property and the health, safety and welfare of persons;
 11. Assure that the burdens placed on public facilities by development are borne by the development;
 12. Promote the public health, safety and welfare.
- B. BMC Titles 15, 16, 17 and 18 shall be interpreted and administered to complement each other and so as to implement the purposes set out in subsection A of this section. [Ord. 10-15 § 4.]

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.

Within the 600 foot radius of Fili's, there are the following uses:

(see attached Land Use Map for reference)

East Side of Ridgecrest Drive

On Osage Ave, there is a cemetery across the street. There are two residences 350 feet away (in the General Use District). On Mission Drive, in the Public Lands and Institutions District) there is the UAF Cooperative Extension office, and two residences over 450 feet away.

West Side of Ridgecrest Drive

The Tundra Center is across the street from Fili's. On Sixth and Seventh Avenues, there are nine residences, one church (distance of 400 feet) two shops, and one vacant building. Directly to the north and east of Fili's is the low lying area surrounding Brown' Slough, in the Preservation Zoned District.

6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan.

The conditional use is in accordance with the Bethel Comprehensive Plan 2035, adopted in 2011. Under the Goals and Strategies Section of Chapter 4 (Land Use, Housing, and the Environment). the relevant sections, "Growth Patterns" and "Land Use Compatibility" both deal with development site location.

Goal #2 under "Growth Patterns" encourages future growth to locate near existing employment centers and public services *(see page 4-8 of the attached section of the Bethel Comprehensive Plan)*. The addition of the new service in an existing retail establishment of Fili's adheres to the associated Action step #1b that encourages infill of development.

house to an establishment serving alcohol, this half-way house provides services to many people with alcohol related crimes. The closest church (on Sixth Street) is 400 feet away.

2. The conditional use meets the standards otherwise applicable to a use in the applicable land use district.

Fili's is located on the northeast edge of the General Use District (*see attached Bethel Zoning Map*). This district is intended to allow a mix of compatible residential and commercial uses. Immediately to the north and west is a Preservation District (wetlands and drainage ways to be preserved as open areas). To the south is a Public Lands and Institutional District (existing land reserves for public and institutional use).

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.

The building that Fili's Pizza Restaurant currently occupies has been a restaurant business site for many years. There is no planned expansion of the existing structure; the footprint of the building will remain the same.

Per BMC 18.48.160 D., there is a restaurant parking requirement of one space per 100 feet of gross floor area. The 48' x 60' structure (1,728 sq. ft) requires 17.28 parking spaces. The property currently has two handicapped and approximately 25 regular parking spaces. According to the property owner, as many as 18 cars have parked in the front and side of the building. There is an additional four spaces in the rear of the building. If more spaces are needed, the owner stated that the deck and connix in the back will be removed for additional parking spaces. Upon inspection at the property, there are at least 18 parking spaces.

The main access to and from the property is on Osage Street. It is anticipated that traffic around Fili's should increase as their objective in supplementing their pizza business with alcohol sales is to increase the number of customers.

There is a 1,000 gallon water tank and a 1,200 gallon sewer tank on the premises. According to the owner, the existing capacities are adequate with the once per week water delivery and sewage pickup. According to the City Public Works Department, drainage has never been an issue on the property.

4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010;

The proposed Conditional Use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010 (*see code directly below*)

16.04.010 Purposes. 

A. In addition to the purposes set out in each title, the purposes of BMC Titles 15, 16, 17, and 18 together are to:

Memo

TO: City of Bethel Planning Commission

FROM: Ted Meyer, Planner

SUBJECT: **Findings and Recommendation for a Conditional Use Permit Application Submitted by Mefail Saliu, Fili's Pizza**

DATE: 1/25/16

Background

Mefail Saliu, owner of Fili's Pizza Restaurant seeks a Conditional Use Permit to supplement his existing pizza business with liquor sales. The property is located at 110 Osage Street in Bethel, Alaska. Per Bethel Municipal Code Section 5.08.060 (Alcoholic Beverages), a Conditional Use Permit is required for the sale of alcohol.

The Conditional Use Permit provides additional review of land uses which are generally considered appropriate in certain zoning districts provided that appropriate safeguards are considered to ensure their compatibility with permitted principal uses. The conditional use permit procedure is intended to allow more scrutiny on the impact of the proposed conditional use on surrounding property, and the application of controls and safeguards to assure that the conditional use will be compatible with the surrounding area.

Below is Code Section 18.60.040 (Conditional Use Permit) followed by 10 questions answered by staff regarding the location of the proposed conditional use. The answers to these questions form the basis for the Planner's recommendation to the Planning Commission.

BMC 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:

Staff Findings

1. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment.

Per Chapter 5.08.030 (J) of the Bethel Municipal Code, there are no schools or alcohol inpatient/outpatient treatment facilities within 200 feet of the proposed conditional use, nor in the area. The Tundra Center across the street on Ridgecrest Drive has no alcohol in/outpatient services. Although there are no standards in the BMC regarding the proximity of a half way

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.]

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

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.

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

Growth Patterns

GOAL 2: Encourage future growth to locate near existing employment centers and public services. Coordinate plans affecting the location of growth with plans for the location of water, wastewater and roads, as economically feasible.

Strategy 1: Explore policies (including infill and redevelopment) that could be used to encourage development of lands within or adjoining existing developed areas that have the potential to accommodate new growth.

Action 1a: Identify and map areas within or adjoining existing developed areas that have the potential to accommodate new growth; these include vacant or underutilized lands served by roads, with good access to public services and employment.

Candidate areas include:

- *The developed areas of "downtown Bethel."*
- *Undeveloped land immediately adjoining downtown Bethel, for example, the land adjoining the easternmost of the possible "donut hole" road routes – a new north-south road and water/sewer line just west the existing downtown Bethel.*
- *River front land downriver from the existing port, and the vicinity of the East Harbor.*

Action 1b: Review and work to remove barriers that discourage infill and redevelopment (e.g., lack of access to properties, excessive restrictions in the BUC).

Action 1c: Create appropriate incentives for individual landowners to redevelop property and/or carry out infill projects that would otherwise not be feasible.

This might include assisting land owners apply for façade improvement grants, energy-related building upgrades or temporary reductions in taxes (this latter is a strategy that typically applies in communities with property taxes, and may not be possible in Bethel).

Action 1d: Plan for and develop expanded infrastructure, as needed, to support priority uses.

For example, water and sewer lines serving expanded or relocated port facilities.

Policy 1e: Protect the interests of current users as land is redeveloped.

For example, if the City partners with a private developer in redeveloping land currently used for housing, take steps to provide affordable housing available to households currently living on the property.

Strategy 2: Remove regulatory hurdles and/or create incentives for more concentrated development.

Action 2a: Review and revise (as necessary) Bethel's existing parking requirements; where possible, reduce parking requirements and encourage shared parking or access for alternative transportation modes (e.g., pedestrian facilities, public transit).

Public discussion indicated some concern about new retail businesses having adequate off-street parking. BMC Chapter 18.48 Article II. Off-Street Parking and Loading includes parking requirements for all uses. If there is a lack of parking, this code could be revised to require additional spaces. However, if development is concentrated (particularly in central commercial areas) and transportation policies promote alternative modes (e.g., sidewalks for walking or bicycling, legal access for snowmachines), the need for off-street parking can be reduced. Likewise, the need for larger parking areas can be reduced through the use of shared parking arrangements.

Map 4.4
City of Bethel Future Land Use Plan Map



City of Bethel, Alaska. The map was prepared by the City of Bethel, Alaska. The map is a representation of the City of Bethel, Alaska. The map is not a guarantee of any future actions or results. The map is for informational purposes only. The map is not a guarantee of any future actions or results. The map is for informational purposes only.

Land Use Compatibility

→ GOAL 3: Provide for compatibility among adjoining land uses, so future development maintains or improves the quality of life or land values of surrounding uses.

Strategy 1: Review and revise Bethel land use regulations.

Action 1a: Examine existing Bethel code and existing land uses; revise and simplify land use designations to better fit the reality of Bethel's mixed use land use patterns.

A first suggestion for these uses includes the following categories:

- *Low density residential areas*
- *Mixed use - residential primary (residential and limited, residential-compatible uses)*
- • *Mixed use (mix of commercial & residential, fewer constraints on size and character of commercial).*
- *Industrial/heavy commercial zone,*
- *Public Use*
- *Airport and related uses*

Action 1b: Use the generalized future land use designations in the Land Use Plan Map (Map 4.4), which broadly identifies areas intended for various uses, as the starting point for revising the zoning code in BMC Title 18 (Bethel zoning code).

For example,

- *Low density residential areas* This zone takes in several specific subdivisions, e.g., *Tundra Ridge, Larson and Blueberry*. In these areas uses should be generally limited to residential uses. Exceptions would be for small home-based businesses with minimal off-site impacts, or perhaps neighborhood serving commercial, such as a small grocery store.
- *Mixed use.* This use is intended to be the most common land use zone, made up of residential and residential-compatible uses. Examples of residential compatible uses include schools and other community serving, non-industrial facilities, and churches, office and professional services uses (e.g. health facilities), and neighborhood-serving commercial
- *Industrial/Heavy Commercial.* This zone is intended for uses that are generally incompatible with residential, and consequently need to be located where they do not disrupt adjoining residential or residential-compatible uses. This zone includes such uses as warehousing, storage, construction-related industries, marine and aviation-related industries. Key industrial locations include the tank farm, the port, the airport and portions of the waterfront between Second Avenue and the waterfront and the airport.

Action 1c: Modify code to require a conditional use review process for large-scale uses or any other use likely to have significant off-site impacts.

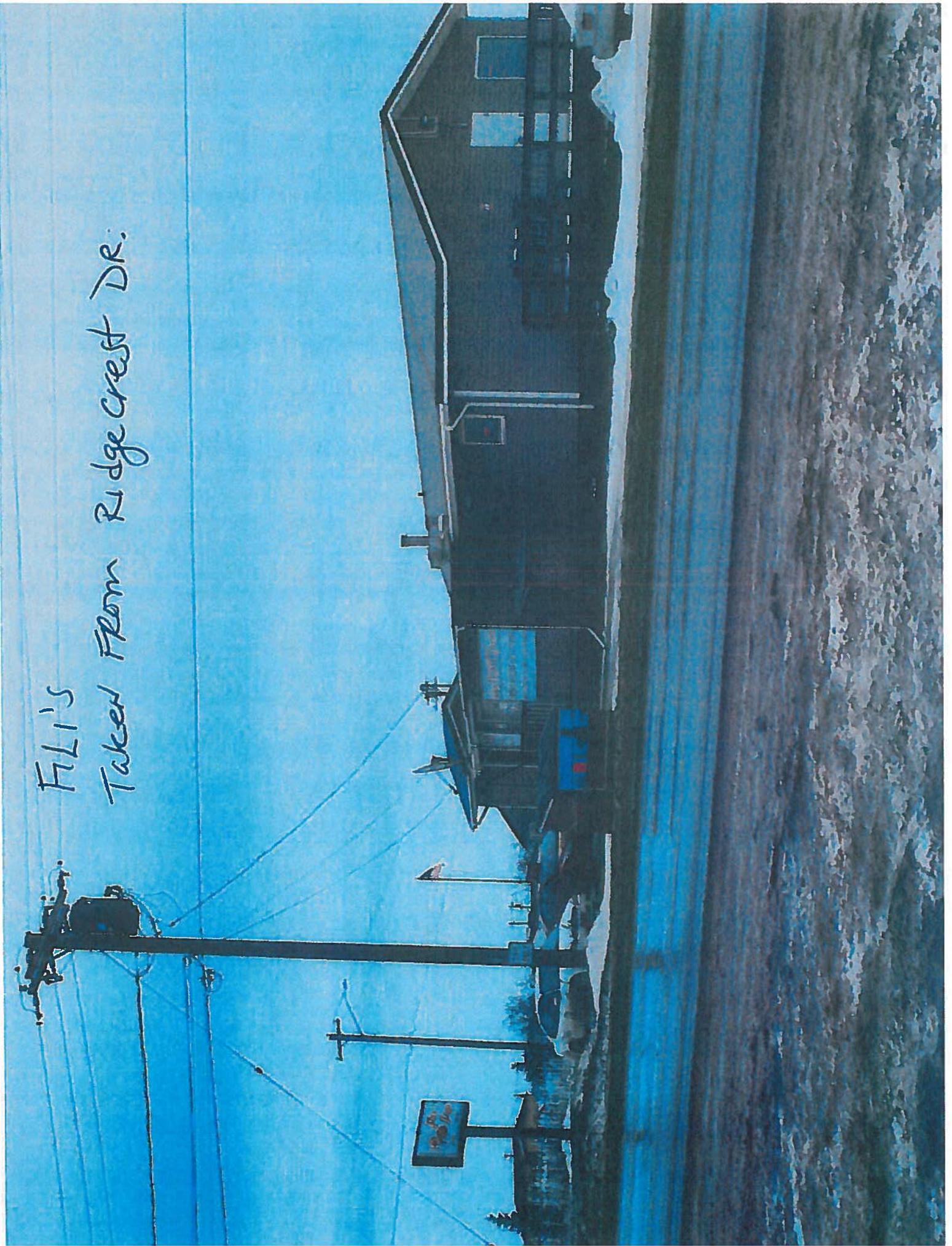
Examples of such projects include a large scale public building, or a private use such as car repair.

FRONT VIEW OF FILI'S
TAKEN FROM OSAGE ST.

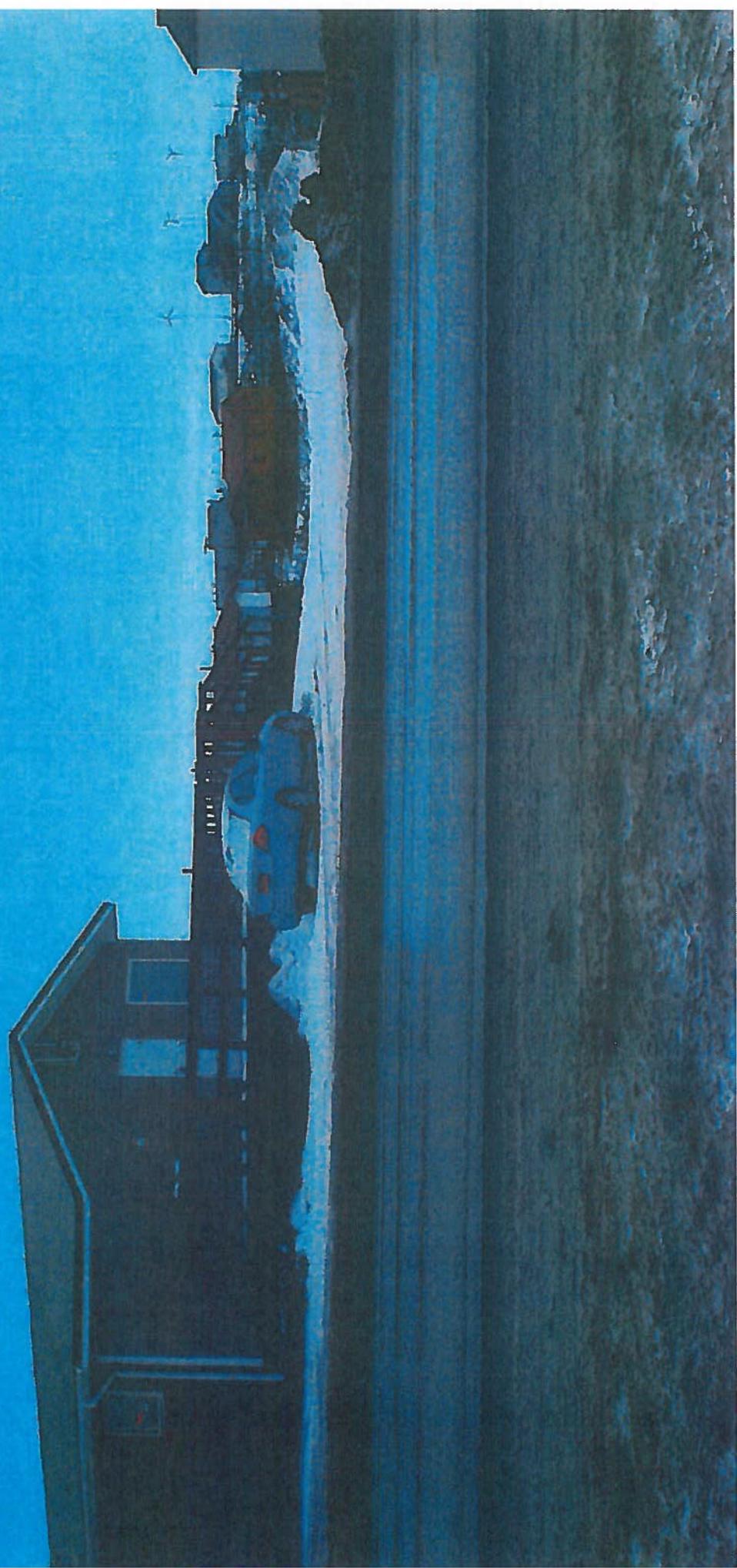


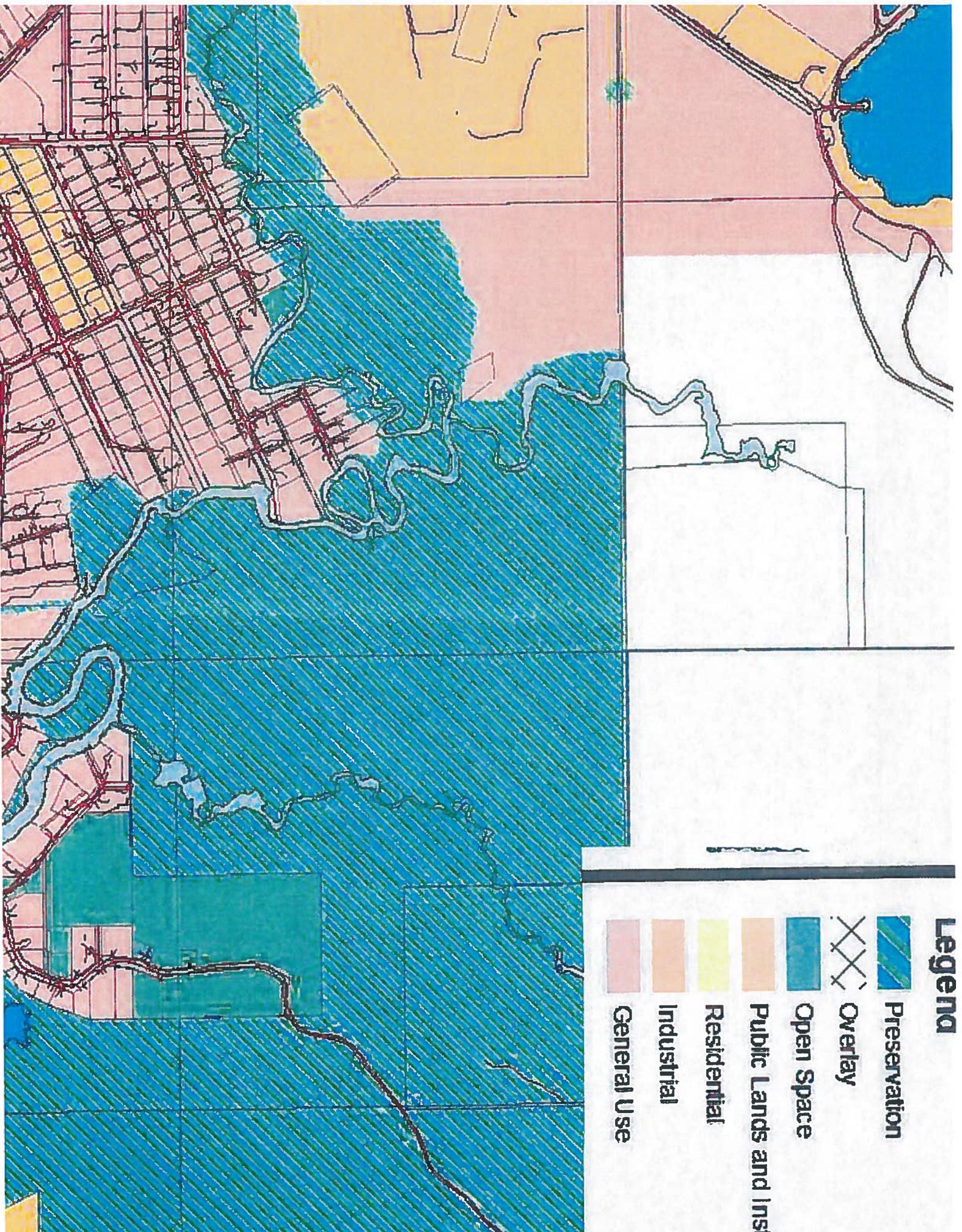
FILI'S

Taken From Ridgecrest DR.



Fili's
TAKEN FROM RIDGECREST DR.





Legend

-  Preservation
-  Open Space
-  Public Lands and Inst
-  Residential
-  Industrial
-  General Use
-  Overlay



Filis

SHOP

SHOP

CHURCH

RES
WAGNI

RES

TUNDRA

SWANT

GEMERERY

ORADE

COOP EXT

TUNDRA LANE

SEVENTH STREET

SIXTH STREET

-21)

(P86-15)

(P86-12)

(P86-40)

LOT 4

10



CITY OF BETHEL

PLANNING OFFICE

P.O. Box 1388 • Bethel, Alaska 99559
907-543-5301
Fax # 907-543-4186

1-26-16

To Whom this may concern:

You are receiving this notice of a Public Hearing pursuant to Bethel Municipal Code 18.04.070 "Notice shall be mailed to the owners of each parcel of property any part of which is within six (600) feet of the exterior boundary of the parcel that is the subject of the application".

PUBLIC HEARING NOTICE **CONDITIONAL USE PERMIT**

NOTICE IS HEREBY GIVEN that on January 8, 2016, the City of Bethel Planning Office received an application for a Conditional Use Permit for a liquor license. The legal description is United States Survey Number 3770, Lot 6. The physical address is Fili's Restaurant located at 110 Osage Street.

LAND OWNER: Kadri Limani, P.O. Box 729 Bethel, Alaska 99559 phone # 907-543-3781

APPLICANT: Mefail Saliu, DBA Fili's Restaurant, P.O. Box 3051, Bethel, AK. 99559 phone #543-7070

PURPOSE: To obtain a liquor license in order to sell alcohol at Fili's Restaurant.

CITY OF BETHEL CONTACT: Ted Meyer, Planning Director, City of Bethel Planning Department, phone 907-543-5603.

TIME AND PLACE: Special meeting of the City of Bethel Planning Commission, 6:30 PM February 2, 2016 at City Hall, located at 300 Chief Eddie Hoffman Highway in Council Chambers



CITY OF BETHEL

PLANNING OFFICE

P.O. Box 1388 • Bethel, Alaska 99559

907-543-5301

Fax # 907-543-4186

PUBLIC HEARING NOTICE **CONDITIONAL USE PERMIT**

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LAND OWNER: Kadri Limani, P.O. Box 729 Bethel, AK. 99559 phone 907-543-3781

APPLICANT: Mefail Saliu, DBA Fili's Restaurant, P.O. Box 3051, Bethel, AK. 99559 phone 907-543-7010

PURPOSE: To obtain a liquor license in order to sell alcohol at Fili's Restaurant located at 110 Osage Avenue.

CITY OF BETHEL CONTACT: Ted Meyer, Planning Director, City of Bethel Planning Department, phone 907-543-5603.

TIME AND PLACE: Special meeting of the City of Bethel Planning Commission, 6:30 PM February 2, 2016 at City Hall, located at 300 Chief Eddie Hoffman Highway in Council Chambers


Ted Meyer, Planning Director

I hereby certify that this Notice of Hearing - Conditional Use Permit Application has been posted at City Hall, AC Quick Stop, Swanson's, and Corina's Caselot Grocery bulletin boards, within the City of Bethel, on or before January 26, 2016. It is further certified that this Notice will be published in the Delta Discovery weekly newspaper beginning the week of January 25, 2016, for one publication.

Chapter 18.60 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;
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.]

The Bethel Municipal Code is current through Ordinance 15-34, and legislation passed through November 24, 2015.

Disclaimer: The City Clerk's Office has the official version of the Bethel Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Planning Commission Review of Conditional Use Permit BMC 18.60.050

The chair shall explain the hearing procedures as follows:

1. Record of Hearing: State the reason for the hearing, the parties involved with the hearing.
2. Ensure the process of notification was followed as set out in BMC 18.04.070:
 - a) Notice was mailed (by the planning office) to the owners of each parcel of property any part of which is within 600 feet of the exterior boundary of the parcel that is the subject of the conditional use application;
 - b) Notice was published at least once in a newspaper of general circulation in the city at least 6 days before the hearing;
 - c) Notice contains, at a minimum, the following information:
 - (i) The name of the owner of the parcel that is the subject of the conditional use application;
 - (ii) Name of the person making the application if not the owner;
 - (iii) A description of the action being sought in the application;
 - (iv) A description of the location and a legal description of the subject parcel;
AND
 - (v) The date, time, and place of the hearing.
3. Provide an outline on the hearing procedures (set out below).
 - A. The Planning Department staff shall present a staff report and recommendations regarding the subject project.
 - B. The Planning Commission shall ask staff any questions they may have regarding the staff review and recommendations.
 - C. 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.
 - D. Planning Commissioners may ask the applicant any questions they may have about the project.

E. The neighbors or any other interested persons will be given the opportunity to speak. After interested persons have been provided an opportunity to comment and if written copies have not been provided to the commission members, the chair will read any written comments submitted regarding the proposed project.

F. The commission members may ask questions of neighbors or other interested persons.

G. The applicant shall be given the opportunity to rebut factual matters raised by the staff, neighbors and other interested persons.

H. The staff shall be given an opportunity to comment on evidence presented and make new or amended recommendations.

I. Determination: 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.

If the 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.

4. The Commission shall make a decision based on the standards specified in BMC 18.60.060:

A. The Commission may approve a request for a conditional use permit only if it makes findings, supported by the record:

Findings to be made BMC 18.60.040 (B)(1) through (10):

The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment;

The conditional use meets the standards otherwise applicable to a use in the applicable land use district;

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;

The conditional use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010;

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;

The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan;

The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions;

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;

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;

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.

B. If the approval of the conditional use permit would result in a mix of residential and non residential uses, any approval of the conditional use may impose conditions and design standards necessary:

- To ensure the public health, safety and welfare of residents,
- To minimize or eliminate adverse impacts on residential property.

The standards identified are minimum standards. More restrictive conditions may be imposed by the commission where necessary to ensure the public health, safety and welfare of citizens and to maintain consistency with the comprehensive plan and the purposes of BMC 16.04.010.

TO DELTA DISCOVERY NEWSPAPER
FOR THE PUBLIC NOTICE ADS SECTION:

PLEASE PUBLISH THE FOLLOWING FOR (ONE) 1 WEEK FOR THE WEEK OF
JANUARY 25, 2016.

On February 2, 2016, the City of Bethel Planning Commission will have a special hearing for two (2) requests for Conditional Use Permit applications.

On Jan. 8, 2016, the Planning office received a request by Fili's Restaurant for a liquor license. The restaurant is located at 110 Osage Ave. The legal description is United States Survey 3770, lot 1, block 6 in Bethel, Alaska 99559.

On Jan. 11, 2016, the Planning office received a request by Bethel Spirits, LLC to open a package store, to be located at 750 Front Ave. The legal description is United States Survey 1002, lot 1, in Bethel, Alaska 99559.

The Public Hearing will take place at a special planning meeting, to be held at the City Council Chambers, Bethel City Hall, at 300 Chief Eddie Hoffman highway, Feb. 2, 2016, at 6:30 pm.

