

# Conditional Use Permit Application Package



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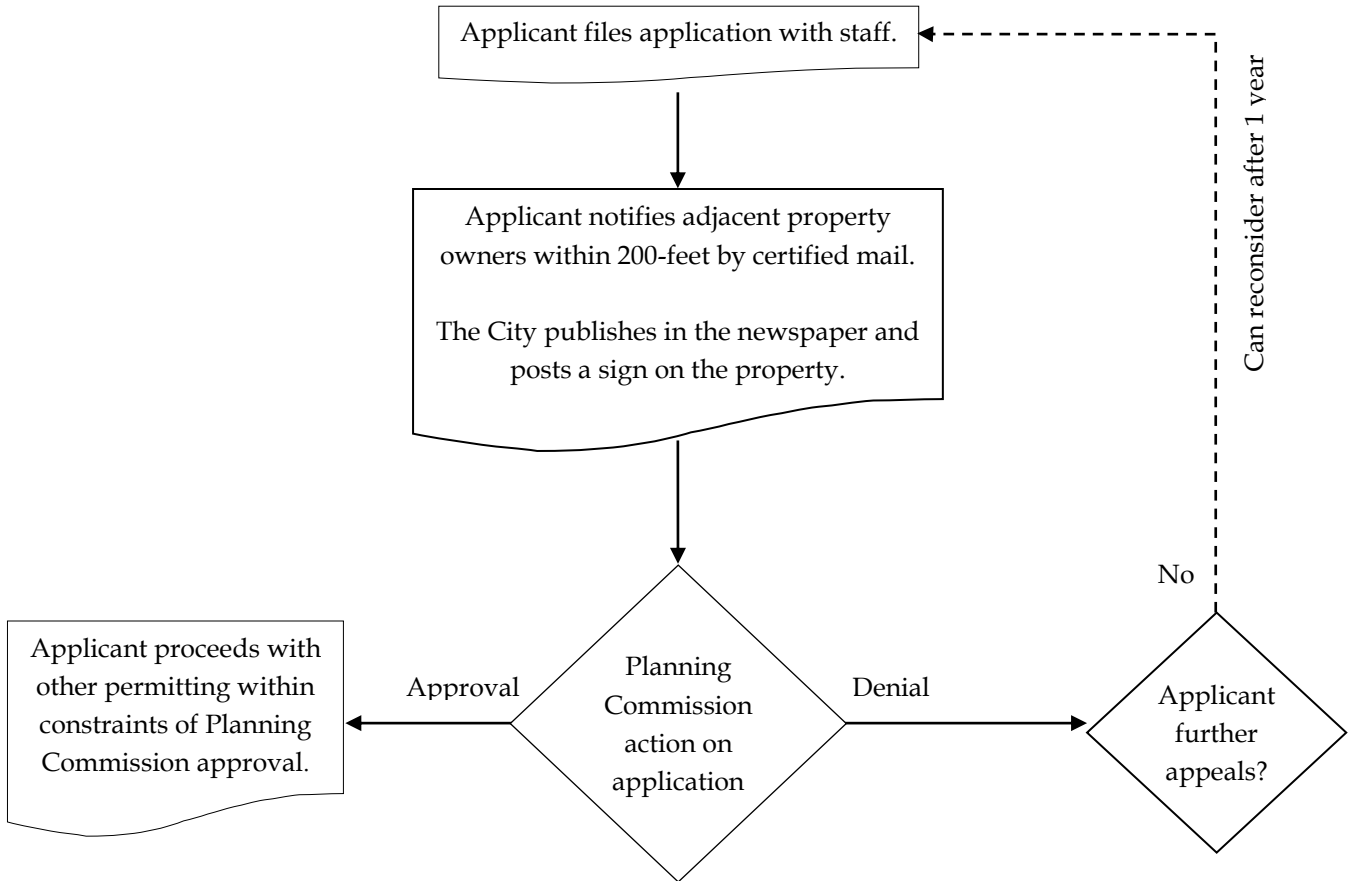
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Please fill out the Application completely, supplying the necessary information and documentation to support your request. Your application will not be processed until the application is completed and the required legible documentation is provided.

# Conditional Use Permit Process



# Conditional Use Permit Application



Please fill out this form completely, supplying the necessary information and documentation to support your request. Your application will not be processed until the application is completed and the required documentation is provided. All application fees are non-refundable.

**Fee: \$100.00 per request**

**PRIMARY CONTACT** (select one):  Applicant / Agent  Owner

## PROPERTY INFORMATION

Property Address:			Parcel #:
Lot:	Block:	Subdivision:	Current Zoning:

## OWNER INFORMATION

**OWNER CERTIFICATION:** By my/our signature below, I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application. I/we have read this application and consent to its filing. Further, I/we authorize the agent listed below to represent me/us in proceedings with the City of Bella Vista regarding this application. (See reverse for additional acknowledgements)

Name:	Owner Signature:		
Mailing Address:	City:	State:	Zip:
Phone:	Phone:	Email:	
Name:	Owner Signature:		
Mailing Address:	City:	State:	Zip:
Phone:	Phone:	Email:	

## APPLICANT / AGENT INFORMATION

**APPLICANT / AGENT ACKNOWLEDGEMENT:** By my signature below, I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval. (See reverse for additional acknowledgements)

Name:	Applicant/ Agent Signature:		
Mailing Address:	City:	State:	Zip:
Phone:	Phone:	Email:	

*This application is not valid unless signatures on both the front and back of this form have been provided.*

## FOR OFFICE / REVIEW USE ONLY

Application Date:	How Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Plastic	Proof of Mailing Provided:
Reviewer:	File #:	Notification Deadline:
Permit #:	Permit Fees:	PC Date:
	Receipt #	PC Action:

## CONDITIONAL USE INFORMATION

Section 109-38(e) of the Municipal Code sets forth guidelines for review and approval through the Conditional Use Permit process. Please provide a letter to the Planning Commission and City Council that addresses each of the guidelines below.

1. The proposed use shall be so designated, located and operated so that the public health, safety, and welfare will be protected.
2. The proposed land use shall be compatible with other area properties located nearby.
3. The proposed use shall be in compliance with the provisions of this section.
4. The proposed use shall be in conformance with all applicable provisions stated in this chapter for the district in which the use is to be located. The use shall facilitate public convenience at that location.
5. The proposed use shall be in conformance with all off-street parking and loading requirements of this chapter, and ingress and egress and pedestrian ways shall be adequate.
6. Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust and odor shall have been addressed in the proposed use application.
7. Landscaping and screening of the proposed use shall be in accordance with all Municipal Code regulations.
8. Proposed use signage shall be in accordance with the provisions of Municipal Code Sections 109-46 and Sections 109-281 through 109-288.
9. Open space located within the proposed use, in a non-residential property, shall be maintained by the owner/developer.
10. The size and shape of the site, including size, shape and arrangement of proposed structures shall be in keeping with the intent of this chapter.
11. The Planning Commission shall not authorize less than minimum requirements of this chapter relating to height, area, setbacks, parking, or landscaping.
12. The Planning Commission shall use the provisions of any adopted municipal guide - in particular any existing master street plan, land use plan, capital improvements plan, community facilities plan - or other municipal document created to provide required public facilities necessary to protect the public interest.
13. The Planning Commission shall not permit any use in a zone as a conditional use that is not permitted under this chapter or that defies the intent of that district.

## ACKNOWLEDGEMENTS

By my signature below, I hereby acknowledge and understand the following:

1. The fee for any appeal or application to the Planning Commission is non-refundable.
2. The conditional use process must not allow an applicant a means to circumvent the intent of the Chapter 107 or 109 of the Municipal Code.
3. Municipal Code Section 109-38(d)(2) requires certain legal notification of the applicant, and that failure to submit proper documentation according to the Bella Vista Development Calendar will result in a delay in application consideration.
4. The Planning Commission may impose conditions and restrictions upon the premises benefitted by a Conditional Use Permit as necessary to reduce or minimize any injurious effects of the conditional use. If a conditional use permit is granted and utilized, all conditions shall become immediately operative. Conditions may include time limits for exercise or utilization within a reasonable time. The violation of any condition so imposed shall constitute grounds for revocation of the Conditional Use Permit.
5. Amendments to a conditional use permit must follow the same process as the original Conditional Use procedures.
6. No building permit shall be issued except in conformance with the provisions on a Conditional Use Permit.
7. Denial of this petition by Planning Commission shall be final for one year from the date of denial. The resubmission must meet all requirements for a new request and shall not be initiated until the expiration of the one-year timeframe.

Owner / Agent Signature:

Date:

***This application is not valid unless signatures on both the front and back of this form have been provided.***

### APPLICATION CHECKLIST

<input type="checkbox"/>	1. A completed application with appropriate fee, including the items below. Applications will not be accepted for review unless all required items are provided and the fee is paid.
<input type="checkbox"/>	2. A plot plan meeting the requirements below as provided by Section 109-38(d)(1) in the Municipal Code.
<input type="checkbox"/>	3. A Warranty Deed showing current property ownership.
<input type="checkbox"/>	4. A complete legal description. Electronic copies in PDF or Microsoft Word are acceptable.
<input type="checkbox"/>	5. Any additional or supporting documents needed by the Planning Commission because of conditions peculiar to the development. Electronic copies in PDF format are acceptable.
<input type="checkbox"/>	6. Letter to the Planning Commission that includes: <ul style="list-style-type: none"><li>• Explanation for the proposed conditional use permit including current ownership information and any proposed sales.</li><li>• Reason (need) for the requested conditional use permit.</li><li>• Statement of how the property relates to surrounding properties.</li></ul>

### PLOT PLAN REQUIREMENTS

<input type="checkbox"/>	1. The location, size, and use of buildings, signs, land and improvements;
<input type="checkbox"/>	2. The location, size and arrangement of parking space, loading space, driveways and street access;
<input type="checkbox"/>	3. Proposed screening and landscaping.
<input type="checkbox"/>	4. Drainage and run-off and its effects on each neighboring property.
<input type="checkbox"/>	5. The uses of adjoining properties.
<input type="checkbox"/>	6. Topography.
<input type="checkbox"/>	7. A scale indicator, north arrow and vicinity map.

# Public Hearing Procedures



The following are procedural rules for applications considered by the Planning Commission. These are intended to provide the applicant an idea of what to expect during the public hearing.

1. Each application to be considered by the Planning Commission will be filed on the proper form and be accompanied by the currently adopted fee for such applications. All applications shall meet the respective submittal requirements of the Municipal Code, and any supplemental information required by the Director of Community Development Services, or his or her designee.
2. The Director of Community Development Services, or his or her designee, shall receive all such applications in accordance with the Bella Vista Development Calendar.
3. All applications shall be placed on the agenda and be heard by the Planning Commission.
4. Applicants shall appear in his or her own behalf or be represented by agent or attorney at the hearing. In the absence of any appearance by the applicant, agent, or attorney - and in such cases as the Commission feels necessary - an application may be deferred until the next regular meeting if the application is not represented.
5. The order of the hearing, and allowed speaking times, shall be as follows:
  - a. Director of Community Development Services' (and/or staff designee's) side of the case;
  - b. Applicant's side of the case;
  - c. Interested property owners' opinions, with a maximum three (3) minutes to speak for each person present; and
  - d. Staff and/or Applicant's rebuttal.Planning Commissioners may interject questions after each phase, or may hold them until the end of the public hearing.
6. After the public hearing but prior to deliberations on each case, the Planning Commission reserves the right to defer action on the case until the next regularly scheduled meeting, if necessary.
7. An applicant may withdraw his or her application or appeal at any time prior to the decision of the Planning Commission.
8. After the public hearing, the Planning Commission shall deliberate the case and reach a final decision in whether the conditional use permit request is granted.

# Legal Notification Requirements



Prior to a public hearing for a conditional use permit before the City of Bella Vista's Planning Commission, the Municipal Code requires adherence to three (3) legal notification guidelines. Failure to adhere to these guidelines will result in postponing the application. The guidelines required by the Code are listed below along with an example of each proper legal notification.

- **Notice in Publication**

Public notice of the conditional use permit's public hearing is required to be published one (1) time in a newspaper of general circulation within the City no less than **fifteen (15) days** prior to the public hearing. This notification shall be completed by City Staff.

- **Posted Sign**

Public notice of the public hearing is also required through a sign posted on the property for which the conditional use permit is being sought. The sign must be posted at least **seven (7) days** prior to the public hearing. This notification shall be completed by City Staff.

The sign shall be located in plain view and easily readable from the street along the property line. If the property has multiple street frontages, one additional sign will be required for each additional street.

- **Certified Letters or Circulated Petition**

Notification to all adjacent property owners within two hundred (200) feet of the property must be provided either by certified mail with return receipts and/or circulated petition no less than **fifteen (15) days** prior to the public hearing. Each letter shall be mailed or petition completed by the applicant shall include the following information:

1. The time, date, and place of the public hearing;
2. The location of the property on which the conditional use is requested;
3. A brief description of why the conditional use is being sought;
4. Property owner(s) name(s) and/or developer(s) name; and
5. City contact information: Community Development Services Department; 616 West Lancashire Boulevard; Bella Vista, Arkansas 72715; Phone 479-268-4980.

An example of both a proper certified letter as well as a proper petition are included below in the Examples section.

## Documentation

Failure to submit the required documentation will result in the postponement of the application. Documentation of required notification for a conditional use permit petition shall be provided in three ways:

- **Notice in Publication** - This notification shall be completed by City Staff.

- **Posted Sign** - This notification shall be completed by City Staff.

- **Certified Letters or Petition**

The applicant is required to submit postmarked certified receipts and/or a petition signed by the adjacent property owners. In addition, a map showing the location of the property in question as well as the owner's within two hundred (200) feet of the property and a letter from the applicant certifying that the map shows a complete list of those owners must be submitted. All materials must be submitted by the legal notification deadline as indicated in the Bella Vista Development Calendar.

# Legal Notification Examples

**Note:** You will need to provide the information in the bold, blue, and underlined text below as part of the application so that City Staff can tailor their publication requirements to the proposal you will be presenting.

## • Mailed Certified Letter

Dear Property Owner:

A public hearing will be held before the City of Bella Vista Planning Commission with a request for a conditional use of the property described as or located at **(address, location or legal description)**. The request is an effort to **(description of work to be done)**. The public hearing will be held at the Bella Vista City Hall Conference Room at 101 Town Center at 6:30 p.m. on the **(day)** day of **(month), 20\_\_**.

You are being notified as a requirement of the City of Bella Vista's Municipal Code. This notification will allow you an opportunity to express your views or concerns regarding the above-described petition. If you have any questions or comments concerning this application, please forward your comments in writing to Community Development Services Department; 616 West Lancashire Boulevard; Bella Vista, Arkansas 72715 or call (479) 268-4980.

Signed:

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

## • Circulated Petition

When a petition is used instead of certified mail for notifying adjoining owners, the top of each page shall match the information required for a certified letter. Below that, it shall also list all of the following items:

1. Each adjoining property owner's name and address shall be pre-printed on the petition;
2. Each signature should be placed on a line next to the respective address; and
3. Each signature should be followed by the date the signature was attached to the petition.
4. If multiple individuals are listed as adjacent owners, all owners should be listed separately on the petition, but only one signature for the respective address is required.

Adjoining property owners that cannot sign a petition (primarily due to their physical location being outside the notification area) shall still be required to be notified by certified mail.