

Washington County, Arkansas Conditional Use Permit (CUP)

Submittal Information

The following items must be turned in to the Planning Office by **2:00pm** on the submittal date for your CUP in order to be reviewed by the Planning Board.

Incomplete submittals will not be included on the agenda.

Please submit all items digitally via email. Email to planning@washingtoncountyar.gov

If you are unable to email or have questions, please contact the Planning Department at 479-444-1724

SUBMITTAL CHECKLIST ITEMS

- 1) CUP Application (see attached).
- 2) CUP Review Fee (\$250, check or exact cash).
- 3) Detailed site Plan based on deed or survey showing all proposed structures and any other site improvements proposed with this project (parking areas, driveways, interior roads, septic areas, water taps, wells, outdoor storage areas, fencing, signage, etc.)
- 4) Submit Traffic Statement or Traffic Study (impact development is expected to have based on increase in vehicle traffic). A full Traffic Study may be required.
- 5) Submit a Drainage Statement explaining the expected impact. A full Drainage Report may be required if requested by the County Engineer or if the CUP is in conjunction with a Large Scale Development (LSD) project.
- 6) Soil work performed by a Designated Representative of the Health Department.
- 7) Full description of the request / letter of explanation (please see cheat sheet on page 8).

IMPORTANT: The CUP application is considered complete when all the required documents in the above checklist have been submitted. Except for payment, all materials must be submitted and postmarked by the appropriate deadline for consideration (electronic submissions accepted), please check attached schedule for submittal dates.

To prevent any processing delays, application materials received after the intended deadline will be added to the project packet, however, planning staff cannot guarantee the CUP request will be considered for review during the desired planning cycle.

GENERAL INFORMATION

What is a conditional use?

A conditional use is a land use that may be permitted in a particular zoning area only after approval is granted by the Planning Board and the Quorum Court in accordance with the standards and criteria set by the zoning ordinance. Conditional uses are custom tailored to a specific location.

What are “conditions” of approval?

If the CUP is approved, it may contain conditions affecting the proposed use and/or development. The Planning Staff recommends conditions to the Planning Board for mitigation or improvement of the individual circumstances to ensure compatibility of the use with the existing surrounding land uses.

Please keep in mind that:

- It is recommended that the applicant, property owner and/or representative attend the meeting(s) and be prepared to answer questions or present any supporting information for the CUP request.
- The Planning Administrator shall send a certified letter to all adjoining property owners within three hundred feet (300') of the exterior boundary of the proposed development at least fourteen (14) days prior to the scheduled meeting of the Planning Board at which the plat is to be reviewed, said Notice shall state the date, time, and place of the proposed development review. The developer shall reimburse the Planning office the actual costs of mailing plus \$0.15 (per notice sent). In case of High Intensity CUP, notifications will be sent to neighbors within 1/2 mile radius (2,640') at least thirty (30) days prior to the scheduled Planning Board meeting. Contact the Planning Office for details.
- The developer shall reimburse the Planning office the actual costs of any engineer review (if applicable). Staff will only bill for the actual review rate that the project was reviewed. Contact the Planning Office for details.
- All CUPs must be ratified by the Quorum Court if they are approved by the Planning Board/Zoning Board of Adjustment. This ratification usually takes place at the next regularly scheduled Quorum Court meeting (the third Thursday of each month, unless otherwise scheduled).
- Any applicant or member of the public may appeal the approval or denial of a CUP within 30 days of the decision of the Planning Board/Zoning Board of Adjustment. Contact the Planning Office for appeal forms and additional details.
- Certain properties may be subject to private covenants or deed restrictions. Washington County cannot regulate or enforce covenants or deed restrictions. It is the responsibility of each individual property owner to be aware of and comply with any applicable covenants or deed restrictions. The applicable POA or other private parties may have the authority to take legal action as a result of a violation of these private covenants or deed restriction.

Below (Article 10 of the Washington County Zoning Ordinance) is the criterion set out by the Zoning Ordinance for the allowance of Conditional Uses.

ARTICLE 10. Sec 11-200 Criteria for Allowance of Conditional Uses:

- (1) The Zoning Board of Adjustment shall hear and decide requests for a conditional use and may authorize such if it finds:
 - a. That a written application has been filed with the Planning Office and the appropriate fee has been paid.
 - b. That each property owner as set out in Article 14 has been notified by return receipt mail.
 - c. That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted.
 - d. That the proposed use is compatible with the surrounding area.
 - e. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 - f. That the Conditional Use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area.
 - g. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone.

If it is determined that there exist conditions that could be imposed by the Board that would significantly lessen the impact of the aforesaid, then the Board has the power to impose said conditions which shall be specifically set forth.

Conditional Use Permit Application

PROJECT INFORMATION

Submittal Date:

Project Name:

Project Summary: (Please use additional sheets of paper as needed)

Project Summary: (Please use additional sheets of paper as needed)

APPLICANT INFORMATION

Applicant Name or Project Manager:

Email:

Phone:

The following statements and answers herein made and all data, information, and evidence herewith submitted are, 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 this application. I understand that the County might not approve what I am applying for, or might set conditions on approval.

Applicant Signature:

Date:

PROPERTY OWNER INFORMATION

Property Owner:

Mailing Address:

Email:

Phone:

I certify under penalty of perjury that I am the owner of the property that is the subject of this application. (If more than one property owner, each owner must sign the declaration. Please use additional sheets of paper as needed)

Applicant Signature:

Date:

Applicant Signature:

Date:

Conditional Use Permit Application

PARCEL INFORMATION

Parcel Number(s):

Total Parcel(s) Acreage:

Total Acreage Used for Project:

Site/Location Address:

Is this parcel in a Planning Area?

If yes, which City?

Current Zoning:

Existing condition of parcel: (Please describe what condition the parcel is in as of today)

Perc test/Soil work completed?

Completed:

Date/DR Name

Scheduled:

Date/DR Name

ADDITIONAL PROJECT INFORMATION

If Commercial, please answer the following (Large scale development -LSD- permit might be required):

What are the days/hours of operation?

Number of employees:

Will this require new construction?

If yes, how many buildings and sizes?

Will there be outdoor music?

If yes, will it be amplified?

Will there be outdoor lighting?

If yes, please describe:

Will you install fencing or other screening?

If yes, please describe:

Will there be deliveries made to the property?

If yes, please describe:

Will there be signage?

If yes, please describe:

Will there be customers visiting the business?

If yes, please describe:

Will you construct in phases? If so, please detail the construction/phasing schedule:

If Residential, please answer the following (Variance permit might be required):

Is the parcel in a platted subdivision?

Reason for additional residential unit (if applicable):

Reason for split (if applicable):

Do you have a recent soil analysis or is there one scheduled?

Conditional Use Permit Application

COMPATIBILITY

Findings of Fact

The Board shall hear and decide requests for conditional use permits and may take the factors listed below in making its recommendation to the Quorum Court. As the applicant, you must demonstrate why the proposed conditional use is appropriate. The burden of proof of the conditional use rests with the applicant.

Please address each question below as thoroughly as you can. Please attach additional sheets of paper as needed.

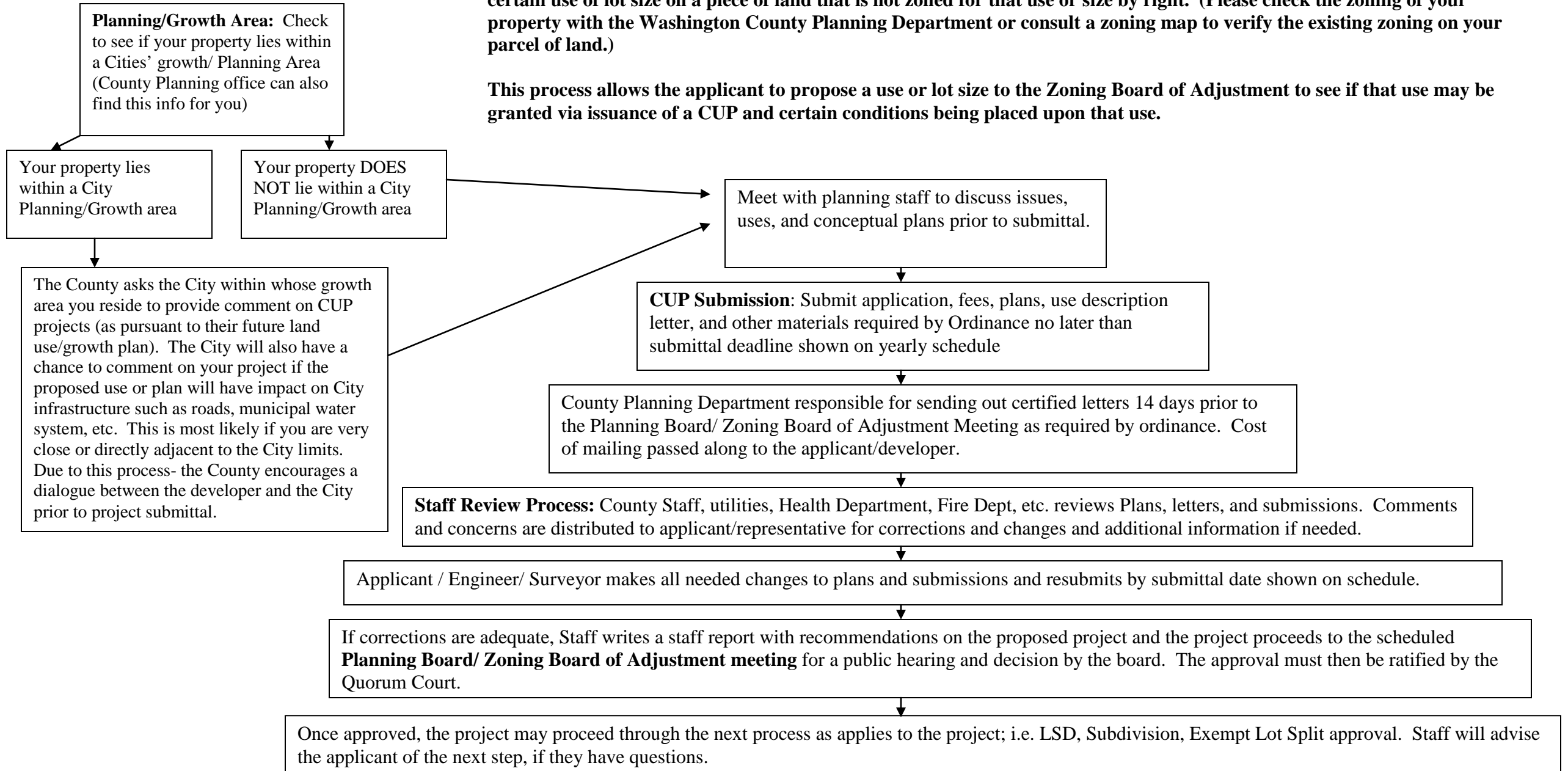
If you believe the question does not pertain to your proposal, please indicate "N/A or Not Applicable" and explain why it does not apply.

1. Describe how the proposed use is compatible with the surrounding area.
2. Describe how the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
3. Describe how the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish and impair property values within the neighborhood.
4. Describe how the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the zone.
5. Describe how the proposed conditional use, in all other respects, will conform to the applicable regulations (i.e., parking, landscaping, setbacks, lot coverage, and lot area) of the zone in which it is proposed to be located.

Washington County Conditional Use Permit (CUP) Process

A Conditional Use Permit (CUP) is required when a property owner, developer, or prospective buyer wishes to have a certain use of lot size on a piece of land that is not zoned for that use or size by right. (Please check the zoning of your property with the Washington County Planning Department or consult a zoning map to verify the existing zoning on your parcel of land.)

This process allows the applicant to propose a use or lot size to the Zoning Board of Adjustment to see if that use may be granted via issuance of a CUP and certain conditions being placed upon that use.



Authorization of Representation

This document is to be submitted to the Washington County Planning Department and Rural Development via planning@washingtoncountyar.gov

TO THE PLANNING OFFICE OF WASHINGTON COUNTY, AR

I, _____ hereby authorize
(Printed name of property owner/applicant)

_____ to represent me and/or my
(Authorized Representative)

organization and to make decisions on my behalf pertaining to the following project(s):

(Project Name/Number)

(Project Name/Number)

(Project Name/Number)

(Project Name/Number)

which is/are to be presented to the Washington County Planning Board/ZBA at their meeting to be held on _____.
(Meeting date)

(Printed name of property owner/applicant)

(Signature of property owner/applicant)

(Date)

(Printed name of property owner/applicant)

(Signature of property owner/applicant)

(Date)

Letter of Explanation- what is the current condition, and what changes are to be made?

Please attempt to address each item as it applies to your proposal.

1. In general, what are you doing?
What is the business, # of employees, hours of operation, after hours (?), what is the overall acreage the business will occupy (including parking and driveway)?
2. Will there be a sign & where will it be (signs 36 sqft maximum and no taller than 8 feet)
3. Water/plumbing
4. Fire
5. Sewer/septic/restroom
6. Electric
7. Gas
8. Roads- which road does the property take access from? What is the length/ width/surface type of the driveway?
9. Sight distance- how far can you see in each direction from the driveway?
10. Parking- how large & how many vehicles, how many spaces, handicapped spaces?
11. Surrounding uses- are the nearby properties mostly residential/agricultural? Are there other businesses in the vicinity?
12. Hours of operation
13. Noise
14. Trash
15. Employees
16. Compatibility with neighbors

Statement of Compatibility- Discuss what measures you will take to make this proposed use compatible with the neighborhood and their existing usage being exercised by right.

*How will you make this development compatible with the Criteria for Allowance of Conditional Uses? Items 1-5 on the CUP application, page #5.

Drainage Statement- List the existing structures and parking with approximate square footages (or dimensions), and what type of surface the parking has (gravel, concrete/asphalt, grass/dirt). List any proposed additions (structures/parking/vehicles) with square footages (or dimensions). Then state whether you anticipate the existing stormwater flow will increase in volume or speed in the area where it leaves your property.

Traffic Statement- How many employees do you have? How many deliveries do you have in a typical day? How many customers do you have per day? Then state whether you anticipate the traffic coming to the business will impact the existing traffic volume negatively, or not at all.

2024



Washington County Planning Board and Zoning Board of Adjustment Meeting Schedule, Submittal Schedule, and Tech. Review Dates

Submittal Date	Tech. Review	Resubmittal	Planning Board/ ZBA Meeting Date	Quorum Court Meeting Date
2:00 P.M. deadline	Tuesday, 10:00 A.M. (unless otherwise posted)	Address tech review comments 2:00 P.M. deadline	Thursday, 5:00 P.M. (unless otherwise posted)	<u>CUPs only</u> Must be ratified by the Q.C. Thursday, 6:00 P.M. (unless otherwise posted)
December 8, 2023	December 19, 2024	December 27, 2024	January 11, 2024	February 15, 2024
January 12, 2024	January 23, 2024	January 30, 2024	February 22, 2024	March 21, 2024
February 23, 2024	March 5, 2024	March 12, 2024	March 28, 2024	April 18, 2024
March 29, 2024	April 9, 2024	April 16, 2024	May 2, 2024	June 20, 2024
May 3, 2024	May 14, 2024	May 21, 2024	June 6, 2024	July 18, 2024
June 7, 2024	June 18, 2024	June 25, 2024	July 11, 2024	August 15, 2024
July 12, 2024	July 23, 2024	July 30, 2024	August 22, 2024	September 19, 2024
August 23, 2024	September 3, 2024	September 10, 2024	September 26, 2024	October 17, 2024
September 27, 2024	October 8, 2024	October 15, 2024	October 31, 2024	November 21, 2024
November 1, 2024	November 12, 2024	November 19, 2024	December 5, 2024	January 16, 2025
December 6, 2024	December 17, 2024	December 26, 2024	January 9, 2025	February 20, 2025

Conditional Use Permits, Variances, Subdivision Plats, and Large Scale Development Plans to be placed on the Planning Board meeting agenda must be turned into the Planning Office by 2:00 p.m. on the submittal date shown on the schedule. All items required must be included with your submittal (this includes drainage reports, traffic studies, fire flow etc. - when required). Please consult your checklist to ensure that you have all items required for submittal or your project will not be placed on the agenda.

If approved by the Planning Board/Zoning Board of Adjustment, all Conditional Use Permits must be ratified by the Quorum Court. This ratification usually takes place at the next regularly scheduled Quorum Court meeting. Any applicant or member of the public may appeal the approval or denial of a CUP within 30 days of the decision of the Planning Board/Zoning Board of Adjustment. Contact the Planning Office for appeal forms and additional details.