

CONDITIONAL USE PERMIT (CUP)



DEPARTMENT OF PLANNING
300 East Main Street, Sun Prairie, WI 53590-2227
(608)825-1107
FAX (608)825-1194

LAND DEVELOPMENT APPLICATION FORM

Applications will not be processed unless all required information for the specific application type is submitted and applicable fees paid by 12:00 NOON on the application deadline date. No partial applications will be accepted and final acceptance will be determined by the assigned staff person after the initial submission.

Applicant Initials:

Three horizontal lines for entering applicant initials.

Letter of Intent (1 copy)
Predevelopment Agreement signed (1 copy)
Application checklist complete and signed (1 copy)

OFFICE USE: Staff Initials:

Three horizontal lines for office staff initials.

Applicant information:

Name: Address: Phone Number: Fax Number: E-mail Address:

Owner information:

Name: Address: Phone Number: Fax Number: E-mail Address:

Primary contact information:

Name: Address: Phone Number: Fax Number: E-mail Address:

Property Information:

Legal Description: (Metes and bounds and other complex descriptions must be submitted on diskette in Microsoft Word format) Parcel Number: Address/Location: Existing Zoning District: Existing Land Use:

Brief Description of Project:

Three horizontal lines for project description.

Property Owner Authorization (required):

(Signature or signed letter of authorization)

Applicant Signature (if different from owner):

Three horizontal lines for applicant signature.

OFFICE USE:

Received in Planning Dept. office by: Date:

Fee Paid: Check #: Project Number:

Attach a separate sheet if more room is needed to supply complete information.

Project Type (check those that apply): Fee: _____

Development Agreement

_____ \$500

Amendment

_____ Zoning Text \$400 Ordinance Section (s) _____

_____ Zoning Map \$600 Existing Zoning _____ Proposed Zoning _____

_____ Master Plan \$600

Annexation

_____ Petition \$350

_____ Agreement \$250 (If filed separately)

Board of Appeals

_____ Variance \$600

_____ Interpretation \$150

_____ Appeal \$600

Use Permits

_____ Zoning Permit \$35

_____ Conditional Use Permit (CUP) \$600

\$200 (In Business District Revitalization Overlay District (BDO))

_____ Special Use Permit (SUP) \$250

_____ Site Plan \$250

_____ Home Occupation \$50

_____ Chicken Keeping \$35

Planned Development

_____ Concept Plan \$250 (\$0 in Business District Revitalization Overlay District (BDO))

_____ GDP Amendment \$600

_____ General Development Plan (GDP) \$2,000

(\$250 (In Business District Revitalization Overlay District (BDO))

_____ Precise Implementation Plan (PIP) \$600 (\$0 in Business District Revitalization Overlay District (BDO))

_____ PIP - Minor Amendment \$100

_____ Miscellaneous Land Use Requests \$150

Land Division

_____ Certified Survey Map
 _____ Lots _____ Outlots

▪ \$250 plus \$100 per lot for each Certified Survey Map which results in four or less lots, outlots, or parcels

_____ Concept Plat \$150

_____ Preliminary Plat
 _____ Lots _____ Outlots

▪ \$600+\$30 for each lot, outlot, or parcel within the preliminary plat
 ▪ \$100 for each amended or revised preliminary plat

_____ Final Plat
 _____ Lots _____ Outlots

▪ \$600+\$30 for each lot, outlot, or parcel within the final plat
 ▪ \$100 for each amended or revised final plat or a final plat reapproval

_____ Final Plat
 (Including combined Preliminary Plat and Final Plat, when permitted)

▪ \$500 plus \$30 per lot, outlot or parcel

Also see:

- Detailed Instruction Sheet for Filling Out Land Development Application
- Predevelopment Agreement Form (must be signed for all project types by the applicant)
- Application Checklist for the specific project type with instructions (must be signed by the applicant)
- Plan Commission Development Review Calendar



**DETAILED INSTRUCTION SHEET FOR FILLING OUT
LAND DEVELOPMENT APPLICATION**

Prior to Submittal:

It is strongly recommended that applicants set up an appointment with the staff of the Department of Planning to discuss your proposal in detail and review the approval process.

Filing Deadline:

The deadline for all applications is **12:00 NOON** on the filing day as identified in the Plan Commission Development Review Calendar. Incomplete applications will not be accepted. Applications received after 12:00 noon will be processed along with applications filed for the next application cycle.

Upon Filing Your Application:

Planning staff will review the application submittal for completeness and circulate plans to appropriate City departments for review. A public hearing or public meeting date before the Plan Commission will be scheduled by City staff after a **complete** application is received. You will be informed of the time and place of the public hearing or public meeting and provided with a copy of the City staff comments and recommendations in advance of the meeting. For public hearing items, staff will also notify property owners within 200 feet of the boundaries of the property.

While your attendance at a public hearing or meeting is not mandatory, it is in your best interest to attend the meeting to explain your proposal and answer questions. If you, or a representative attending on your behalf, are not present to answer questions regarding the development proposal, the application may be denied or referred to another date due to a lack of available information. You should also remain at the public hearing or public meeting until after the Plan Commission votes on your proposal.

Required Application Submittal Materials (to be attached to the application form):

1. **Legal Description of Property.** Submittal of a proper legal description of the project is REQUIRED for all applications. A proper legal description is a lot and block number of a recorded certified survey map or plat, or a metes and bounds description prepared by a surveyor, engineer, title company, etc. A “plat of survey” or “site plan” is NOT a proper legal description. Any application without a proper, complete and appropriate legal description will NOT be processed.

All metes and bounds and other complex descriptions shall be submitted with the application on a **CD** or via e-mail in Microsoft Word format. (*E-mail to kschneider@cityofsunprairie.com*)

2. **Letter of Intent.** The applicant shall provide the City with a **Letter of Intent** describing in detail the application. The letter of intent should include the following information, as applicable:
 - Purpose for the request
 - Construction schedules (i.e. project start, proposed occupancy date)
 - Names of people involved (i.e. applicant, property owner, contractor, architect, landscaper, business manager)
 - Detailed description of the types of business or businesses proposed
 - Hours of operation for the business or activity
 - Area of the site in square feet or acres

- Number of dwelling units
- Number of employees (total and on largest shift)
- Number of lots to be created (if involves a land division)
- Explain any wetlands, woodlands, floodplain, steep slopes and other environmental features on the property
- Identify access to the property
- If located in the Extraterritorial Jurisdiction (ETJ) area of the City, explain other processes that have or need to be taken with other regulating governmental entities.
- Any additional information that the applicant wishes to submit in support of or to justify the requested action.

3. **Predevelopment Agreement Form. (MUST BE SIGNED FOR ALL PROJECT TYPES BY THE APPLICANT)** This agreement between the developer and the city ensures that the developer agrees to pay for all review, processing, approving and/or administration costs incurred by the city including without limitation because of enumeration, costs of publications and special meetings, legal, engineering, planning and design service costs incurred by the city in connection with this review, processing, approving and/or administration of the application. Additionally this agreement ensures that the city agrees to review the application of the developer in accordance with the law and desires to have such review made without unreasonable expense to the city taxpayers. When completing the form, the blanks for the dollar amounts on page 2 should be left blank.

4. **Application Checklist. (MUST BE COMPLETED AND INITIALED BY THE APPLICANT)** An application checklist for the specific application type must be completed by the applicant as part of the application process. Each checklist was created to identify all of the items that must be submitted for each project type. Each item in the checklist must be initialed by the applicant, indicating that the required item has been included in the application submission. Planning staff will also use this checklist to determine if the application is complete and therefore ready to be placed on the Plan Commission agenda. More detailed instructions for each project type are included on the respective project checklist.

Please submit all **COMPLETE** plans, maps and documents including the required fees along with this application per the attached requirements. All plans larger than the 11” x 17” size **MUST be folded upon submittal, NOT rolled up**. The application will **NOT** be processed until all necessary information and fees have been submitted. **No partial applications will be accepted and final acceptance will be determined by the assigned staff person after the initial submission.**

City Council Action on Your Submittal:

To complete your process and apply for a building permit, all changes to the original plans, plats or maps, including site/parking/landscaping plans/plats/certified survey maps, etc. required as conditions of approval by the City Council must be made and **three (3) copies (2 - 11” x 17”, 1 full size)** must be **resubmitted** to the Department of Planning for final sign off and circulation to other departments.

NOTE: Conditional Use Permits and General Development Plans will be recorded with the Dane County Register of Deeds by City staff. Certified Survey Maps and Final Plats must be recorded with the Dane County Register of Deeds by the applicant. Prior to recording, the applicant is required to provide the City with a digital copy and a paper copy of the final plat or CSM. A recorded copy must be provided to the City Department of Planning prior to a building permit being issued on the property.

**PREDEVELOPMENT AGREEMENT FOR COSTS SUSTAINED
BY THE CITY OF SUN PRAIRIE, DANE COUNTY WISCONSIN, IN REVIEWING, CONSIDERING
AND/OR ADMINISTERING
LAND DEVELOPMENT RELATED ACTIVITIES**

THIS AGREEMENT is entered into between the City of Sun Prairie, Wisconsin, a Wisconsin Municipal Corporation, hereinafter called the **(CITY)**, and _____ **(DEVELOPER)** of the following described lands within the City of Sun Prairie or its three mile extraterritorial jurisdiction:

WHEREAS, the person(s) above-named wish to engage in the following land development related activities

within the **CITY** and/or its three mile extraterritorial jurisdiction and to obtain **CITY** approval of this land development related activity; which may include but is not limited to land divisions, zoning map amendments, conditional use permits, variances, annexations, site plan reviews, landscape plan reviews, planned unit developments, comprehensive plan amendments, official map amendments, and urban service area amendments, in accordance with applicable federal and state laws and **CITY** ordinances; and,

WHEREAS, the **CITY** agrees to review the land development related activity, as defined above, of the **DEVELOPER** in accordance with law and desires to have such review made without unreasonable expense to the **CITY** taxpayers:

NOW, THEREFORE, the parties agree as follows:

PART A. PAYMENT FOR REVIEW SERVICES

The **DEVELOPER** agrees to pay all review, processing, approving and/or administration costs incurred by the **CITY** including without limitation because of enumeration, costs of publications and special meetings, legal, engineering, planning and design service costs incurred by the **CITY** in connection with this review, processing, approving and/or administration.

The **DEVELOPER** understands the legal, engineering, planning or design consultants retained by the **CITY** are acting exclusively on behalf of the **CITY** and not the **DEVELOPER**.

PART B. GUARANTEE OF PAYMENT

If the **CITY**, in its sole discretion, determines that the costs the **CITY** may incur in connection with the land development related activity are significant, then the **CITY** shall require the **DEVELOPER** to guarantee reimbursement of the **CITY** for costs described in **PART A** by depositing with the **CITY** Clerk/Treasurer a (cash deposit) (cashier's check) (irrevocable letter of credit) in the name of the **CITY** in the principal sum of \$ _____, which includes the sum of \$ _____ to cover the cost of unanticipated contingencies.

If guarantee is made by cash deposit, the **CITY** agrees to deposit the guarantee payment in an interest bearing account and to make payments from such account for the above described services.

If at any time moneys in the account, including earned interest, or the principal amount of the irrevocable letter of credit are insufficient to pay expenses incurred by the **CITY** for review, processing, approving and/or administration costs, **DEVELOPER** agrees to deposit required additional amounts within fifteen (15) days of

written demand by the **CITY** Clerk/Treasurer, the **CITY** shall not be required to take any further action on such activity until the amount in arrears plus interest at the rate of 18% per annum are paid in full.

PART C. TERMINATION OF GUARANTEE

Sixty (60) days after completion of review, processing, approving or administering, evidenced by resolution or ordinance of the **CITY** Council/Board approving, conditionally approving or rejecting the land development related activity, the **CITY** agrees to refund the **DEVELOPER** any moneys remaining in the deposit account, including any interest earned thereon; or if guarantee is made in the form of an irrevocable letter of credit, to give a written release, sufficient to terminate the guarantees of such letter less, in either case, any amounts owing for administrative costs described in **PART A**.

PART D. EFFECT OF APPROVAL

Subject to the applicable regulations of any governmental entity with jurisdiction and/or the ordinances, rules and regulations of the **CITY**, the approval of the land development related activity shall entitle the **DEVELOPER** to final approval of land development related activity only if all conditions of approval have been met, and only if all required guarantee deposits, and all amounts payable under this Agreement have been paid.

PART E. SEVERABILITY CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of any other section, subsection, sentence, clause, phrase, or portion thereof.

IN WITNESS WHEREOF, the parties have executed this **AGREEMENT** on the _____ day of _____, 20_____

CITY OF SUN PRAIRIE

City Administrator

City Clerk/Treasurer

Attested By:

DEVELOPER/OWNER

{NAME OF DEVELOPER/OWNER} _____

By: _____

Its: _____

Attested By:

APPLICATION CHECKLIST CONDITIONAL USE PERMIT

All applications for **Conditional Use Permits**, regardless of the party of their initiation, shall be filed with the Planning Department. This form shall serve as a checklist for conditional use permit applications. **The use of this checklist by the applicant to ensure a complete application submittal for this application is required.** One completed and signed original copy of this checklist shall be submitted to the Planning Department with all application submittals.

This form is also used by staff to verify that all required materials related to this application have been received and are complete. The use of this checklist by the City or applicant does not constitute a waiver of any additional requirement contained in the City's Municipal Code. . Refer to the Sun Prairie Municipal Code for a complete listing of the requirements (<http://library.municode.com/index.aspx?clientId=13968>).

NOTE: Items will not be placed on a Plan Commission agenda until a complete application including all of the following is submitted by the deadline date and time. Submittal deadlines are listed in the Development Review Calendar.

Review Initials	Submittal Requirements
	One (1) copy of a completed application form.
	One (1) copy of a signed Predevelopment Agreement form
	A legal description of the subject property (<i>Included on the site plan and on a CD or via e-mail</i>) In Microsoft Word Format
	One (1) copy CD or via e-mail with all plans and submittal materials. (<i>In PDF Format</i>) (If e-mail files exceed 5 Mb, a CD is required)
	<p>One (1) copy of a Letter of Intent, fully explaining the request and justifying approval of the proposed conditional use. (The Applicant is advised to use the requirements of Section 17.44.050 of the zoning code listed below to develop said written justification.)</p> <ol style="list-style-type: none"> a. How is the proposed conditional use (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the City of Sun Prairie Comprehensive Plan (Master Plan 2020), Title 17 Zoning Regulations, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City? b. How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the City of Sun Prairie Comprehensive Plan (Master Plan 2020), Title 17 Zoning Regulations, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City? c. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see (4), above), result in a substantial or undue adverse impact on adjacent property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters effecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of this Article, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? d. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property? e. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

	f. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in Subsections a. through e., above), after taking into consideration any proposal by the petitioner and any requirements recommended by the Petitioner to ameliorate such impacts?
	A fee of \$600 + legal publication and recording fee (\$200 + legal publication and recording fee in Business District Revitalization Overlay District (BDO))
	One (1) copy (8 ½" x 11" or 11" x 17") of a map of the generalized location of the subject property in relation to the City as a whole. The small location map shall show the subject property and illustrate its relationship to the nearest street intersection. (A photocopy of a city street name map with the subject property clearly indicated shall suffice to meet this requirement.).
	A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 17.44.070 C. If the site plan is for a proposed conditional use cluster development per Section 17.16.070 C. through E or a group development per Section 17.16.180 a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 17.44.070. The applicant shall submit two (2) copies of all required plans at a scale no smaller than 1" = 100'. The applicant shall also submit four (4) copies on 11" x 17" sheets of all of the required plans. All plans must be folded, NOT ROLLED UP.
A MAIN SITE PLAN DRAWING SHALL BE SUBMITTED AND SHALL INCLUDE THE FOLLOWING:	
	A title block which indicates the name and address of the current property owner.
	The date of the original plan and the latest date of revision to the plan.
	A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet.
	All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
	All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
	All existing and proposed buildings, structures, and paved areas, including walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
	All required building setback lines.
	The location of all access points, parking and loading areas on the subject property, including a summary of the number of parking stalls and labels indicating the dimension of such areas (<i>see Zoning Ordinance Section 17.36.040 for Off-street Parking and Traffic Circulation Standards.</i>)
	The location of all outdoor storage areas.
	The location and type of any permanently protected green space areas.
	Detailed Site Analysis Map if permanently protected green space areas are present. (<i>see Zoning Ordinance Section 17.28.120 for Detailed site analysis.</i>)
	In the legend, data for the subject property: <ul style="list-style-type: none"> a. Lot Area; b. Floor Area; c. Floor Area Ratio (b/a); d. Paved Area (includes parking lots, sidewalks, and all other paved areas) e. Impervious Surface Area; (includes building footprint area plus all paved areas) f. Impervious Surface Ratio (e/a); and g. Building Height
THE MAIN SITE PLAN SHALL ALSO BE ACCOMPANIED BY THE FOLLOWING PLANS AT THE SAME SCALE AS THE MAIN SITE PLAN:	
	A Stormwater Management Plan showing the location of existing and proposed drainage facilities (<i>for questions regarding the requirements for the Stormwater Management Plan call the City of Sun Prairie Engineering Department at 837-3050</i>). A separate application process may be necessary.

	An Erosion Control Plan (for questions regarding the requirements for the Erosion Control Plan call the City of Sun Prairie Engineering Department at 837-3050). A separate application process may be necessary.
	A Utility Plan showing the location of all existing and proposed utilities (i.e. water mains, sanitary sewer lines, storm sewers, fire hydrants, electrical, cable, gas)
	A Signage Plan showing the location, type, and size of all existing and proposed signage on the subject property (see Zoning Ordinance Chapter 17.40 for Signage Regulations).
	A Lighting Plan showing the location, type and orientation of all existing and proposed exterior lighting on the subject property including photometrics (see Zoning Ordinance Section 17.36.070 for Exterior Lighting Standards).
	A Landscaping Plan of the subject property showing the location of all required bufferyard and landscaping areas, and existing and proposed Plant Unit options for meeting said requirements (see Zoning Ordinance Chapter 17.32 for the Landscaping and Bufferyard Regulations).
	Floor Plan Layout and Building Elevations

Any material submitted in bound booklets/packets, in addition to the required PDF files, will require fifteen (15) copies.

Certified Survey Map – If a Certified Survey Map (CSM) is approved in order to accommodate the improvements proposed through the Conditional Use Permit process, the CSM must be recorded and a recorded copy must be provided to the City before a building permit will be issued. See Section 16.24 G. of the City’s Subdivision Ordinance.

Applicant Signature: _____ **Date:** _____

2022 CALENDAR: PLAN COMMISSION DEVELOPMENT REVIEWS

* Complete Application & Plans Due ♦♦At Noon♦♦	Newspaper Notice Due	Notice to Surrounding Properties	Reports Go Out to PC	*PLAN COMMISSION MEETING DATE	*CITY COUNCIL FINAL APPROVAL
Nov. 29, 2021	Dec. 17, 2021	Dec. 30, 2021	Jan. 5, 2022	Jan. 11, 2022	Jan. 18, 2022
Dec. 27, 2021	Jan. 14, 2022	January 28	February 2	February 8	February 15
January 24	February 11	February 25	March 2	March 8	March 15
February 28	March 18	April 1	April 6	April 12	April 19
March 28	April 15	April 29	May 4	May 10	May 17
May 2	May 20	June 3	June 8	June 14	June 21
May 31	June 17	July 1	July 6	July 12	July 19
July 11	July 29	August 12	August 17	**August 23	September 6
August 1	August 19	September 2	September 7	September 13	September 20
August 29	September 16	September 30	October 5	October 11	October 18
September 26	October 14	October 28	November 2	November 8	November 15
October 31	November 18	December 2	December 7	December 13	December 20

***** Only complete applications will be accepted. If an application is incomplete, the item will not be placed on the Plan Commission agenda. Submission of an application by the above dates does not guarantee that an application will be placed on the next available agenda. Under unique circumstances special meetings may be requested and scheduled if authorized by the Mayor. Please note that meetings are subject to change or cancellation as may be necessary based on weather, availability of a Quorum or other circumstances. This schedule is intended to be a guide, not a guarantee.

****** Please note that August 9, 2022 is a primary election date. The Plan Commission meeting scheduled for that date has been moved to August 23, 2022.