

**INFORMATION AND INSTRUCTIONS:
CITY OF WAUSAU CONDITIONAL USE PROCESS**

SCHEDULE AND PROCEDURE

The conditional use process is governed by Chapter 23.10.32 of the Wausau Municipal Code. Generally, an *Application for a Conditional Use*, including related drawings and a **\$400** publication fee (\$550 for a special meeting request), needs to be submitted to the City Planning Department **no later than three weeks before the date of the public hearing**. If the application and publication fee are submitted in a timely manner, final action on a conditional use can be completed during the next Plan Commission following the public hearing. If the application is submitted less than three weeks before the public hearing deadline date, it will generally take an additional five to six weeks for final action to be taken. The entire procedure is explained more fully as follows:

Upon receipt of a completed application and the publication fee, the *Wausau Daily Herald* is instructed to publish a notice of public hearing regarding the requested conditional use. This notice appears in the newspaper twice, at least one week and two weeks before the public hearing is held by the Plan Commission. In addition, all property owners within at least 100 feet of the applicant's property are notified by mail of the conditional use request and the public hearing.

The Plan Commission holds the public hearing on the conditional use request at its regular meeting which is generally held on the **third Tuesday** of each month. Plan Commission meetings are held in the Common Council Chambers of Wausau City Hall and usually begin at 5:00 p.m. Your request, however, may not be the first item on the agenda. Prior to the meeting, the City Planner generally provides the Plan Commission with a staff report and background information regarding the conditional use request. A copy of the staff report and an agenda are also sent to the applicant.

At the Plan Commission meeting, a formal public hearing is held. Generally, the petitioner or a designated representative is the first individual to speak and presents information regarding the requested conditional use and the reason(s) for the request. In addition, other individuals in support of the petitioner's request, as well as those persons in opposition to the request or seeking additional information, are allowed to testify.

Following the formal public hearing, the Plan Commission will generally discuss the conditional use request and then formulate a recommendation.

Following the public hearing, staff will compile all materials presented to be documented in a Report of Preliminary Recommended Findings. The report shall contain all substantial evidence presented at the public hearing, the recommended findings and recommended motion.

In a subsequent meeting, the Plan Commission will discuss the report and any conditions or changes with the applicant. At that time, the Plan Commission may take final action to either approve the conditional use as originally proposed, approve the proposed conditional use with modifications and/or conditions, or deny the proposed conditional use.

In any case where a conditional use has expired, a re-application and approval by the Plan Commission will need to be completed. No application that has been denied can be submitted for a period of 365 days from the date of said order, except on grounds of new evidence or material change of circumstances that are found valid by the Zoning Administrator. Appeals of the Plan Commission Decision can be appealed to the Zoning Board of Appeals within 45 days of the decision.

STANDARDS FOR RECOMMENDING APPROVAL OF A CONDITIONAL USE

Section 23.10.32(8) of the *Wausau Municipal Code* lists five standards that the Plan Commission must consider if it recommends granting a conditional use. These include the following, as listed in the municipal code:

1. Is in harmony with the Comprehensive Plan;
2. Would result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety or general welfare;
3. Maintains the desired consistency of land uses, land intensities, and land use impacts as related to the environs of the subject property;
4. The conditional use is located in an area that will adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public or private agencies serving the subject property; and
5. The potential public benefits outweigh any potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

Section 23.10.32(9) of the *Wausau Municipal Code* lists the minimum conditions that the Plan Commission shall impose for conditional use permits.

1. Any condition required for specific uses listed under Article III.
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
4. If the County Highway, Public Works Department or City Engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be born by the landowner. Costs born by the landowner shall be proportional to incremental increase in traffic associated with the proposed conditional use.
5. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation.
6. The owner must post, in a prominent public place and in form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of operation, name and contact information for the operator, and contact information for the City.
7. Other conditions to include expiration dates, operation limits of hours of days or number of events per year, limits on number of employees, limits on the total number of people, vehicles or animals, limits on the total quantity or volume of product on the premises at one time and/or limits on square footage of building or outdoor areas devoted to the proposed use