



CONDITIONAL USE PERMIT (CUP)

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 Planning Director after the initial submission.

**Applicant
Initials:**

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

**OFFICE USE:
Staff Initials:**

Applicant information:

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

Property 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: _____
(i.e. lot # of subdivision or certified survey map; metes and bounds ("unplatted"))
Parcel Number: _____ Address/Location: _____
Existing Zoning District: _____ Existing Land Use: _____

Brief Description of Project:

Property Owner Authorization (required):

(Signature or signed letter of authorization)

Applicant Signature (if different from owner):

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.



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 Planning Division to discuss your proposal in detail and review the approval process.

Filing Deadline:

The deadline for all applications is **12:00 NOON (CT)** on the filing day as identified in the Plan Commission Development Review Calendar. No partial or incomplete applications will be accepted. Applications received after 12:00 noon will be processed along with applications filed for the next application cycle. **Applications shall be submitted electronically or using a portable storage device.**

(E-mail to planning@cityofsunprairie.com).

Payment of Fees:

Full payment must be received for an application to be complete. Payment may be mailed or delivered to City Hall, 300 E. Main Street; by calling the Planning Division at (608) 825-1107; or online through the city's website www.cityofsunprairie.com. Online payments shall be submitted by as "Miscellaneous Bills" and by selecting "Planning Documents." **All credit or debit card payments will be charged a 2.35% convenience fee.**

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 300 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.
- 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.

**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, and 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 (CUP)**, regardless of the party of their initiation, shall be filed with the Planning Division. 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 Division 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
	One (1) copy of a legal description of the subject property <i>(In Microsoft Word Format)</i>
	One (1) copy of all plans and submittal materials. <i>(In PDF Format)</i>
	<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 (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 (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?
	Payment of Fees (<i>see fee schedule</i>)
	One (1) copy 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.
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 (<i>for questions regarding the requirements for the Erosion Control Plan call the City of Sun Prairie Engineering Department at 837-3050</i>). 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 (<i>see Zoning Ordinance Chapter 17.40 for Signage Regulations</i>).

	A Lighting Plan showing the location, type and orientation of all existing and proposed exterior lighting on the subject property including photometrics (<i>see Zoning Ordinance Section 17.36.070 for Exterior Lighting Standards.</i>
	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 (<i>see Zoning Ordinance Chapter 17.32 for the Landscaping and Bufferyard Regulations.</i>
	Floor Plan Layout and Building Elevations

Action on Your Submittal:

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 either city staff or the City Council must be **resubmitted** to the Planning Division for final sign off and circulation to other departments prior to a building permit being issued and site improvements.

NOTE: Affidavits for approved Conditional Use Permits (CUP) and General Development Plans (GDP) will be recorded with the Dane County Register of Deeds by City staff. Certified Survey Maps (CSM) and Final Plats must be recorded with the Dane County Register of Deeds by the applicant. Prior to recording the CSM or plat, **the applicant is required to coordinate signatures with the project Planner.** A recorded copy or recording document number must be provided to the Planning Division.

Failure to commence operation of the approved Conditional Use Permit within 365 days of the date of approval by the common council, or failure to be in operation for a period exceeding 365 days, shall constitute a revocation of the conditional use. (*See Zoning Ordinance Chapter 17.44.050 for Conditional Use Review and Approval*)

Applicant Signature: _____ **Date:** _____