

INFORMATION AND INSTRUCTIONS: CITY OF WAUSAU CONDITIONAL USE PROCESS

SCHEDULE AND PROCEDURE

The conditional use process is governed by Chapter 23.72 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 request can generally be taken within three to four weeks of the public hearing. If the application is submitted less than three weeks before the public hearing 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. The Plan Commission's recommendation is forwarded to the Common Council for review and final action.

The Plan Commission could recommend approving the conditional use as requested, approving the use with conditions, or denying the conditional use. The Commission could also table the request for various reasons. If the Commission formulates a recommendation, the Common Council will generally review the Commission's recommendation and take final action on the conditional use request at the regular Council meeting which is generally held on the second Tuesday of the following month. Please check with the City Clerk (715-261-6620) for the exact date and time. Although it is not required, the applicant may wish to attend this meeting to answer any questions or make comments on the request. If you wish to speak at the Common Council meeting, be sure to complete the form available prior to the Council meeting. Final action on the conditional use request will generally be taken by the Common Council at this meeting. However, the item could be tabled or referred back to the Plan Commission for further study.

A copy of the adopted Common Council resolution regarding the conditional use will be mailed to the applicant within approximately two weeks of the Council meeting. According to Section 23.72.080 of the *Wausau Municipal Code*, if a conditional use is denied by the Wausau Common Council, a new application may not be submitted for a period of one year unless there are new grounds or evidence or change of conditions. The Plan Commission and Common Council must determine if the grounds, evidence or change of conditions warrant another public hearing prior to the one year time limit. In addition, the *Wausau Municipal Code* (Section 23.72.090) provides that:

“In any case where a conditional use has not been established within one year after the date of granting thereof, then, without further action by the plan commission or the common council, the conditional use or authorization shall be null and void. However, the permit holder may apply to the plan commission for up to a one year extension of this time limitation. The plan commission may, in its discretion, grant, deny, condition, or modify such time extension request, but such extension shall not exceed one additional year.

For purposes of this section only, the term “established” shall mean that the conditional use is open for business or completely operational in cases where an existing building is to be used for the approved conditional use; in cases where a new building or building addition is to be constructed for the approved conditional use, “established” shall mean that the building permit has been issued and the footings for the foundation have been poured.”

Thus, it is important that you pursue establishment of the use, if approved, since there is a “sunset” provision in the code that terminates conditional uses not established in a timely manner.

STANDARDS FOR RECOMMENDING APPROVAL OF A CONDITIONAL USE

Section 23.72.060 of the *Wausau Municipal Code* lists six 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. 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;
2. That 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 substantially diminish or impair property values within the neighborhood;
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as the regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission.

As mentioned earlier, the Plan Commission may recommend, and/or the Common Council may stipulate, conditions and restrictions regarding the conditional use so as to protect the public interest. In some cases, the applicant may find the conditions objectionable. Any objections should be explained by the applicant at the Plan Commission meeting. Generally, if the conditions cannot be met by the applicant, the applicant should consider seeking another location for the proposed use, since the Inspections Department is required to enforce any conditions established by the Common Council as part of the conditional use process.