

APPLICATION FOR SPECIAL USE PERMIT



Community and Economic Development Department
 100 N. Appleton St. PH: 920-832-6468
 Appleton, WI 54911 FAX: 920-832-5994

Stamp date received

PROPERTY OWNER		APPLICANT (owner's agent)	
Name		Name	
Mailing Address		Mailing Address	
Phone		Phone	
E-mail		E-mail	

PROPERTY INFORMATION		
Property Tax # (31-0-0000-00)		
Site Address/Location		
Current Zoning:	Proposed Zoning:	
Current Uses:	Proposed Uses:	
Lot Dimensions and Area:	Existing Building/Tenant Space Gross Floor Area, including outdoor areas (square feet)	Proposed Building/Tenant Gross Floor Area, including outdoor areas (square feet)

DESCRIPTION OF THE PROPOSED USE FOR THIS PROPERTY

Date	Owner/Agent Signature (Agents must provide written proof of authorization)
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OFFICE USE ONLY			
FILE # _____	Application Complete _____	Date Filed _____	
Fee \$450.00	Acct #PWZNIG	Receipt # _____	Date Paid _____

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: _____

Years in operation: _____

Type of proposed establishment (detailed explanation of business):

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Proposed Hours of Operation:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

Building Capacity and Storage Areas:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: _____ persons

Gross floor area of the existing building(s):

Gross floor area of the proposed building(s):

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

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Odor:

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

Noise:

Describe the noise levels anticipated from the proposed use and all mechanical equipment:

How will the noise be controlled?

Outdoor Lighting:

Type: _____

Location: _____

Off-Street Parking:

Number of spaces existing on-site: _____

Number of spaces proposed on-site: _____

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Outdoor Uses:

Size: _____ square feet

Type and location of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

Type, location, size of outdoor display area(s) of merchandise for sale or other business property:

Number of Employees:

Number of existing employees: _____

Number of proposed employees: _____

Number of employees scheduled to work on the largest shift: _____

WHAT IS A SPECIAL USE PERMIT?

Special Uses are those uses having some uniqueness or unusual impact which require careful review of their location, design, and configuration to determine against fixed standards, the desirability of permitting their establishment at any given site. There are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the community and neighborhood impact and effect as well as consistency to the 2010-2030 Comprehensive Plan. Each zoning district has a list of uses requiring a Special Use Permit.

WHERE DO I START?

Contact the Community and Economic Development Department to discuss interest in a Special Use Permit. The staff will provide information regarding the 2010-2030 Comprehensive Plan, the criteria for evaluation, surrounding uses and possible nonconformities.

WHAT'S NEXT?

A complete submittal includes a completed application, plan of operation, a detailed development plan of the proposed development and the appropriate fee. The Community and Economic Development Department files the complete submittal with the City Clerk.

City departments make recommendations to the Plan Commission. The Plan Commission holds a Public Hearing to review staff comments and the Findings of Fact (Section 23-66 (e)) and makes its recommendations to the Common Council. A notice of the Public Hearing will be advertised in The Post-Crescent for two consecutive weeks prior to the Plan Commission meeting. Notice of the hearing is sent to the petitioner, Alderperson of the district, property owners within 100 feet of the proposed Special Use Permit lot and/or the town clerk. A recommendation to the Common Council is made within 45 days of the Public Hearing.

If a property owner or owner's designated agent for a special use permit, meets or agrees to meet all of the requirements and conditions specified in the City of Appleton Municipal Code or those imposed by the Plan Commission and/or Common Council, the City shall grant the special use permit. Any condition imposed must be related to the purpose of the City of Appleton Municipal Code and be based on substantial evidence.

The property owner or owner's designated agent must demonstrate that the application and all requirements and conditions established by the city relating to the special use are or shall be satisfied, both of which must be supported by substantial evidence. The City's decision to approve or deny the permit must be supported by substantial evidence.

Definition of Substantial Evidence. "**Substantial evidence**" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a special use permit and that reasonable persons would accept in support of a conclusion.

The Common Council formally approves or denies the Special Use Permit within 45 days of the Plan Commission action. Two-thirds of the entire Common Council must vote in favor of the permit in order for it to be granted.

WHAT IS THE FINAL ACTION?

Common Council approval is the final action for a Special Use Permit.

NOTE: *A Special Use Permit shall expire if the use is discontinued for a period of 12 months. Also, the Common Council has the ability to revoke a Special Use Permit for failure to comply with the provisions of approval.*

DEVELOPMENT PLAN CHECKLIST

Development plan of property being proposed for a special use permit, which shall supply the information as identified below:

- a. North arrows, date of preparation, and scale on 8½" x 11" size paper.
- b. Name(s) of all adjacent or surrounding streets and right-of-way width(s).
- c. Recorded property lines and their dimensions.
- d. All existing and proposed buildings and structures accessory to the principal use, including the use of each building or structure, dimensions and their locations on the parcel.
- e. Dimensions of existing and proposed yard setbacks for buildings and structures.
- f. Dimensions of existing and proposed parking, loading, and unloading areas, sidewalks and interior and perimeter landscaping areas. Identify proposed and existing surface material(s).
- g. Show the general landscaping concept for the site. The location of existing and proposed trees, shrubs and grass.
- h. The location and details of proposed and existing refuse containers and their enclosures.
- i. The location and type of all proposed and existing exterior lighting fixtures.
- j. The location, height and materials of all proposed and existing fences or retaining walls.
- k. The location and size of existing and proposed driveways.
- l. The location and use of buildings and structures on adjoining land.
- m. Submit preliminary architectural plans for the existing and proposed buildings that show sufficient detail to permit an understanding of the style of the development and the design of the building(s).
- n. Submit floor plan of the building(s), including room dimensions.
- o. Other additional information that may be deemed appropriate by the Community and Economic Development Director.

FINDINGS OF FACT

Section 23-66 (e) Standards for granting special use permits. No special use permit shall be recommended by the Plan Commission, or approved by the Common Council, unless all of the following standards are found in the affirmative:

- (1) **Proper Zoning District.** The proposed special use is designated by this Chapter as a possible special use in the zoning district in which the property in question is located.
- (2) **District Regulations.** The proposed special use will comply with all applicable development standards in the zoning district in which the property in question is located.
- (3) **Special Regulations.** The proposed use will comply with all special regulations established by this chapter for such special use.
- (4) **Comprehensive Plan or other Plans.** The proposed special use is consistent with the Comprehensive Plan or other plan officially adopted by Common Council.
- (5) **Traffic.** Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) **Landscaping and screening.** Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed special use as established in §23-172(g), Perimeter parking lot and loading space landscaping and §23-601, Landscaping and screening standards.
- (7) **Neighborhood compatibility.** The proposed use is compatible with the predominant or prevailing land use of the neighborhood surrounding the proposed development. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height of buildings, walls and fences, landscaping, screening, and exterior lighting.
- (8) **Impact on Services.** The proposed special use will not substantially increase congestion in the public streets; will not place an undue burden on any other public utilities; or will not increase the danger of fire or endanger the public health or safety.