

# Rezoning/Zoning Amendment Process & Application

See Unified Development Ordinance 18.40.090

(1)  
Discovery & Project  
Evaluation Meeting



(2)  
Application  
Checklist



(3)  
Submit  
Application



(4)  
Development  
Review Committee



(5)  
Applicant Meeting



(6)  
Public Notification



(7)  
Neighborhood  
Meetings



(8)  
Planning  
Commission



(9)  
City Council



## **Step 1 – Pre-Application Process**

The applicant is required to meet with City Planning staff prior to submitting an application. There are two types of pre-application meetings, depending on the scope of the project: (A) a Discovery meeting; and (B) a Project Evaluation meeting. More than one pre-application meeting may be required by staff as needed.

### **A) Discovery Meeting**

*This meeting gives staff the opportunity to identify issues that may be addressed prior to the application being submitted and identify special studies needed in conjunction with the application. In addition, the meeting allows the applicant to explain issues that shaped the initial design of the project and ask questions about the application procedures. This exchange of information can often make the process go more smoothly. It is not necessary to have detailed plans drawn prior to the meeting. However, the more information brought to the meeting (even in sketch form), the more thorough and specific the staff can be in response. Depending on the complexity of the project, this meeting may be waived at the discretion of the Planning representative.*

#### **Purpose**

- Acquaint the applicant with the procedural requirements.
- Provide for an exchange of information regarding the proposed development and the regulations, restrictions and requirements, the *Comprehensive Plan* and other development requirements.
- Advise the applicant of any public sources of information that may aid the application, identify policies and regulations that create opportunities or pose significant restraints for the proposed development.
- Review proposed concept plans and provide the applicant with opportunities to enrich the development plan to mitigate any undesirable project consequences;
- Review the compatibility with adjacent land uses, either proposed or existing; and
- Provide general assistance by City staff on the overall design of the proposed development.

### **B) Project Evaluation Meeting**

*This meeting allows staff to meet with the applicant and discuss the changes made to the project up to this point, as well as additional concerns both parties may have during the remainder of the process. At the conclusion of this meeting, the applicant should be aware of all materials needed for filing the application and the correct format for all documents. Additional staff comments and revisions may be required as a result of this meeting. Depending on the changes required by City staff, it may be necessary to have a second project evaluation meeting prior to filing the application.*

#### **Purpose**

- Provide a more in-depth review of the plans with the applicant prior to filing the application;
- Review plan corrections based on comments made by the applicant with respect to staff's comments during the discovery meeting;
- Advise the applicant of any additional revisions that are necessary prior to filing the application; and
- Provide general assistance by City staff on the overall design of the plan.

#### **Schedule a Meeting**

Applicants may schedule a meeting by creating an account and submitting a request at: <https://energov.olatheks.org>. For more information contact the Planning Division at 913-971-8750, Monday through Friday, 8 a.m. to 5 p.m.

*Please be aware that the meetings are not intended to cover all issues related to the development process, and decisions/discussions during the pre-application process are subject to change based on information submitted at the time the application is filed.*

## **Step 2 – Application Checklist: Submittal Requirements**

*Applications missing any of the following items will be considered incomplete and rejected.*

### **General Requirements**

- **Application Form** with contact information of developer, owner, engineer and/or architect
- **Ownership Affidavit Form**
- **Filing Fee** (See [Planning Application Fees](#))
- **Legal Description** of the property in print and on disk (Microsoft Word)
- **Digital File** of all documents submitted for review (PDF format).
- **Assurances of Adequate Public Facilities** as required by *UDO 18.30.040*
- **Statement of Purpose** Describing the requested zoning change (PDF)
- **All other documents** required by Section UDO 18.94
- **Application Checklist** Provided by staff during the pre-application meeting

### **Additional Studies**

May be required by the Planning Official or designee as indicated on the application checklist  
(NOTE: *This requirement may be appealed to the Planning Commission*)

- **Traffic Impact Study** according to *Access Management Plan*
- **Preliminary Water Quality Report** per *Olathe Municipal Code Title 17*
- **Stormwater Management Report** (detention required) per *Olathe Municipal Code Title 17*
- **Stormwater Drainage Plan** with computations per *Olathe Municipal Code Title 17*

## **Step 3 – Submit the Application**

An application for rezoning must be completed and submitted to the City Planning Division, with the proper filing fee, payable to the City of Olathe. See the Schedule of Fees and Charges for the applicable application fee. An application may be withdrawn at any time upon written request; however, no refund will be made after the application has been accepted. A complete application consists of all items identified in the Application Checklist.

***Rezoning applications will be placed on the Planning Commission agenda based upon the completeness of the application submittal. All additional information, which is to support the application, must be submitted by the deadline date. Failure to meet the application submittal requirements checklist will result in the application being rejected.***

## **Step 4 – Development Review Committee (DRC)**

Every application goes through a detailed staff review. Although a member of the Planning staff is assigned to coordinate the review of each application, the focal point of the process is the meeting of the Development Review Committee. This is a staff-only committee consisting of 10 to 15 representatives of various city departments that review each item on the agenda and identify relevant issues. From this meeting, the departments will prepare written comments on the proposed application. The staff comments will be sent to all parties listed on the application form by email according to the [Development Review Schedule](#).

The comments prepared by staff based on this meeting are intended to be a complete list of changes required by the applicant prior to the Planning Commission meeting. However, some circumstances may warrant additional staff comments following the applicant meeting to ensure compliance with city codes and ordinances. For example, if a change is requested by City staff and the solution presented by the applicant creates an unforeseen issue, staff may provide additional comments to correct the problem.

## **Step 5 – Applicant's Meeting**

*Depending on the complexity of the project, this meeting may be waived at the discretion of the City Planning representative.*

The applicant may meet with staff (generally, Planning, Public Works, Code Administration, Fire, Utilities, Traffic and Parks) at City Hall. **This meeting is *not* the appropriate forum to discuss policy issues or negotiate any agreements.**

### **Purpose**

- Allow City staff to present preliminary comments regarding the development plans and discuss revisions with the applicant.
- Give the applicant an opportunity to ask questions.
- Work out a schedule for submitting revised plans.

If a case involves policy issues or items that may be resolved through a development agreement, the Planning Division will schedule a separate meeting with appropriate City staff. However, alternative solutions to technical problems that are within the authority of the staff to consider may be discussed. If an applicant has questions, it would be helpful to call ahead of time so the staff can be prepared with answers at the meeting. If extensive changes are being made or more information is needed to adequately review the application (e.g. additional traffic or engineering studies), then the application may be “continued” (i.e., rescheduled to a later Planning Commission meeting date to allow time for the necessary work to be completed).

## **Step 6 – Public Notification**

**Signs:** After application has been made for rezoning, the city will supply the applicant with the required number of signs to be posted on the property. The applicant shall post the sign(s) no later than 20 days before the date of the public hearing (see attached schedule). The applicant is also responsible for the maintenance of the sign(s) in legible condition until the public hearing has concluded.

**Certified Letters:** The applicant will be responsible for mailing notices (see attached form letter) of the public hearing by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED**.

- Letters must be sent to all owners of land within the notification area (200 feet within the city limits; 1,000 feet in the unincorporated area) of the subject property.
- **THESE NOTICES MUST BE SENT A MINIMUM OF 20 DAYS PRIOR TO THE PUBLIC HEARING (see attached schedule).**
- A general location map and legal description of the subject property should be attached to the notice.
- **THE RETURN CARDS (GREEN) OR CERTIFIED MAIL RECEIPTS MUST BE SUBMITTED TO THE PLANNING OFFICE NO LATER THAN THE WEDNESDAY PRECEDING THE PLANNING COMMISSION MEETING.**
- Information regarding ownership of the land within the notification area can be obtained from the Johnson County Department of Records and Tax Administration, or through a title insurance company (preferred method).
- **A LIST OF PROPERTY OWNERS WITHIN THE NOTIFICATION AREA MUST BE SUBMITTED WITH THE APPLICATION.**

**Affidavits of Compliance:** Affidavits (see attached forms) concerning the posting of the sign(s) and the mailing of property owner notification letters **MUST BE RETURNED TO THE PLANNING OFFICE BY THE WEDNESDAY PRECEDING THE PLANNING COMMISSION MEETING.**

## **Step 7 – Neighborhood Meeting**

The neighborhood meeting process is designed to inform residents of the proposed project and resolve issues that may impact the quality of life in the area or the value of the surrounding properties.

- A neighborhood meeting is required if the proposed development is located adjacent to or within 500 feet of residential developments.
- A new non-residential or mixed use development must send notice to other non-residential development within 500 feet of the proposed development. However, no meeting with those developments is required.
- The applicant shall provide written notice fixing the time, date, and place of the meeting to all property owners of record and all homes associations within five hundred (500) feet of the proposed development area. When applicable, the applicant shall include the site plan and elevations associated with the application. The **notice shall be mailed at least ten 10 days prior** to the meeting.
- **The meeting shall be held at least 20 days or more prior to the scheduled meeting before the Planning Commission.**
- The Neighborhood Meeting shall include a complete overview of the proposed application. The applicant shall provide a project description, site plan, building elevations and complete explanation and details of the proposed development.

- The applicant shall provide staff with the list of property owners within 500 feet of the subject property that received an invitation to the Neighborhood Meeting.
- The applicant shall provide an accurate written summary or minutes of the meeting to City staff to forward to the Planning Commission.

### **Step 8 – Planning Commission Meeting**

The Olathe City Planning Commission meets on the 2nd and 4th Monday of each month at 7:00 p.m. in the New City Hall Council Meeting Room at 100 E. Santa Fe. THE AGENDA AND STAFF REPORTS WILL BE AVAILABLE THE WEDNESDAY PRECEDING THE PLANNING COMMISSION MEETING. For each item on the agenda, the applicant will be given an opportunity to make their own presentation. Presentations should be a brief description of the proposed project and include responses to any concerns raised in the City staff's report and any additional information which the applicant wishes to bring to the meeting (for example, color renderings, maps, photographs, or petitions). (It is required that all additional information be provided to staff in advance, so it can be included in the Commissioners' packets.). Staff will then give a staff report and recommendation.

### **Step 9 – City Council**

Rezoning requires approval by the governing body. The Olathe City Council meets on the first and third Tuesday of each month at the Council Chambers of City Hall at 100 East Santa Fe at 7:00 p.m. The format of the meeting is similar to that used by the Planning Commission and applicants should be prepared to make a similar type of presentation. If necessary after the City Council has listened to the presentations and to any public comments, they will discuss the application and then take action. The City Council can approve the Rezoning, approve with conditions, deny, or remand the application back to the Planning Commission.

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In the event that any section of this document conflicts with the city's *Unified Development Ordinance (UDO)*, the requirements of the *UDO* shall prevail.



# REZONING/ ZONING AMENDMENT APPLICATION

FEE _____	CASE NO: RZ _____
REC'D BY _____	PC DATE _____
DATE _____	PLANNER _____
<b>STAFF USE ONLY</b>	

**Check Applicable Application Type:**

- REQUESTED REZONING FROM \_\_\_\_\_ TO \_\_\_\_\_  
PRESENT ZONING DISTRICT PROPOSED ZONING DISTRICT
- ZONING AMENDMENT FOR \_\_\_\_\_ ZONING DISTRICT

GENERAL LOCATION OR ADDRESS OF PROPERTY \_\_\_\_\_

PLAT NAME/LOT AND BLOCK NO \_\_\_\_\_

AREA OF PROPERTY (SQ. FT./ACRES) \_\_\_\_\_

CURRENT LAND USE \_\_\_\_\_ PROPOSED LAND USE \_\_\_\_\_

**PROPERTY OWNER'S NAME(S)** \_\_\_\_\_ PHONE \_\_\_\_\_

COMPANY \_\_\_\_\_ FAX \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_  
STREET CITY STATE ZIP

E-MAIL ADDRESS \_\_\_\_\_

**APPLICANT/AGENT'S NAME(S)** \_\_\_\_\_ PHONE \_\_\_\_\_

COMPANY \_\_\_\_\_ FAX \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_  
STREET CITY STATE ZIP

E-MAIL ADDRESS \_\_\_\_\_

**ENGINEER/ARCHITECT'S NAME(S)** \_\_\_\_\_ PHONE \_\_\_\_\_

COMPANY \_\_\_\_\_ FAX \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_  
STREET CITY STATE ZIP

E-MAIL ADDRESS \_\_\_\_\_

**NOTE: (SEE ATTACHED SUBMISSION REQUIREMENTS.)**

- ⇒ TWO (2) FOLDED COPIES OF THE SITE DEVELOPMENT/CONCEPT PLAN(S)
- ⇒ ONE (1) REDUCED COPY (8 1/2" X 11") OF ALL PLANS
- ⇒ PLEASE SUBMIT THE FOLLOWING IN PRINT AND DIGITAL FILES ON A CD OR USB DRIVE: LEGAL DESCRIPTION OF THE PROPERTY (WORD), THE SITE PLAN OR PLAT (PDF), AND ALL REQUIRED STUDIES OR REPORTS (PDF)
- ⇒ AFTER STAFF REVIEW, 2 HARD COPIES AND DIGITAL COPIES WILL BE REQUIRED FOR RESUBMITTAL

**PLEASE FOLD PLANS FOR SUBMITTAL – DEADLINE IS NOON**

**SIGNATURE OF OWNER OR AGENT** \_\_\_\_\_

NOTE: IF NOT SIGNED BY OWNER, AUTHORIZATION OF AGENT MUST ACCOMPANY APPLICATION

# CITY OF OLATHE

## Ownership Affidavit

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STATE OF KANSAS            )

SS.

COUNTY OF JOHNSON        )

Comes now \_\_\_\_\_ (owner) who being duly sworn upon his/her  
oath, does state that he/she is the owner of the property legally described as

\_\_\_\_\_  
\_\_\_\_\_.

In the application for \_\_\_\_\_.

(description of application)

Acknowledge the submission of said application and agree to bind the subject property in  
accordance with the plan submitted as part of the above application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Printed Name

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires



**CITY OF OLATHE**  
**Property Owner Notification Letter**

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Case No. \_\_\_\_\_

Dear Property Owner:

This is to notify you that a public hearing will be held at the Olathe City Hall Council Meeting room at 100 E. Santa Fe, Olathe, Kansas, to consider a **rezoning** request from \_\_\_\_\_ (present zoning) to \_\_\_\_\_ (proposed zoning), or a **Zoning Amendment** for \_\_\_\_\_ District (present zoning) on the following described tract of land:

**Legal Description:**

**General Location:** \_\_\_\_\_ (See general location map attached)

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 PM on \_\_\_\_\_, 20\_\_\_\_. Any interested persons or property owners are invited to attend. Information regarding this rezoning application is available in the Planning Division at City Hall (phone 913-971-8750, City Planning Division, or you may contact the undersigned for additional information regarding this rezoning request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition with the City Clerk. If valid protest petitions are received from property owners of twenty (20) percent of the land within the notification area, exclusive of the public right-of-way, a three-quarters (¾) vote of the City Council is required to approve this rezoning request.

Copies of the protest petitions are available from City Planning Division, or from the City Clerk.

Respectfully,

\_\_\_\_\_  
Applicant (or Owner or Agent)

PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_

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*In compliance with the Americans with Disabilities Act, the City of Olathe will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's office at 913-971-8521 a minimum of 48 hours prior to the meeting.*

# CITY OF OLATHE

## Property Owner Notification Affidavit

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STATE OF KANSAS            )

Case No. \_\_\_\_\_

ss.

COUNTY OF JOHNSON        )

I, \_\_\_\_\_, of lawful age being first duly sworn upon oath, state:

That I am the \_\_\_\_\_ (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred [200] feet in the city of Olathe; one thousand [1,000] feet in the unincorporated area) of the subject property, in compliance with the UDO, Chapter 18.12, Section 18.12.080. These notices were mailed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Further affiant saith naught.

\_\_\_\_\_  
Signature of Agent, Owner, or Attorney

\_\_\_\_\_  
Printed Name

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

# CITY OF OLATHE

## Sign Posting Affidavit

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STATE OF KANSAS            )

Case No. \_\_\_\_\_

**ss.**

COUNTY OF JOHNSON        )

I, \_\_\_\_\_, of lawful age, being first duly sworn upon oath, state:

That I am the \_\_\_\_\_ (agent, owner, attorney) of the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Planning Commission, place a sign upon the property in compliance with the *Olathe Unified Development Ordinance, Section 18.40.050*, and that said sign or signs were maintained to the date of the public hearing.

Further affiant saith naught.

\_\_\_\_\_  
Signature of Agent, Owner or Attorney

\_\_\_\_\_  
Printed Name

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires:



**CITY OF OLATHE**

**Assurance of Adequate Public Facilities  
Unified Development Ordinance 18.30.040**

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**Project Name:** \_\_\_\_\_

**Location of Project:** \_\_\_\_\_

**Developer:** \_\_\_\_\_

**Engineer:** \_\_\_\_\_

**Architect:** \_\_\_\_\_

*All applications subject to UDO 18.30.040 must not be approved unless public facilities and services are available, or will be provided as a condition of the application, which are adequate to serve the development. **Infrastructure will be financed by the developer or through a City approved economic incentive program.***

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***The proposed development is served by the following existing public facilities, or if not on-site, then the facilities will be extended (applicant to include narrative statement for any infrastructure to be added with development):***

**Roads:** (Must include, but not be limited to, road network to serve the development, traffic features to accommodate the demand and roadway safety, pedestrian/cyclist systems and dedication of right-of-way.)

**Wastewater:** (Must include, but not be limited to, service by an adequate public sanitary sewer system or private sewage disposal system.)

City of Olathe       Johnson County Wastewater (JCW)       Other, specify: \_\_\_\_\_

**Water:** *(Must include access to a public water supply. Fire flows from water lines must comply with Title 16 of the Municipal Code.)*

City of Olathe                       WaterOne                       Other, specify: \_\_\_\_\_

**Stormwater:** *(Must include adequate Stormwater management system consistent with Title 17 of the Olathe Municipal Code.)*

**Fire:** *(Fire protection services must comply with Title 16 of the Olathe Municipal Code.)*

**Public Amenities:** *(Including the donation or dedication of land for public recreational facilities, parks and open space, etc.)*

**Public / Private Utilities:** *(Including gas, electric, communications, etc.)*

***It will be the responsibility of the applicant to provide any necessary plans, studies, or models confirming adequate public facilities prior to final approvals per City requirements.***

***All mentioned public facilities must be in accordance with Olathe Municipal Code, Design Criteria and Technical Specifications.***