

Special Use Permit Application & Process

See Unified Development Code 18.40.100

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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 – Special Use Submittal Requirement Checklist

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

Requirements

- **Application Form** complete with names and addresses of owner, applicant and/or engineer.
- **Ownership Affidavit Form**
- **Legal Description** of the property as a Microsoft Word document
- **Filing Fee** (See [Planning Application Fees](#))
- **Digital File** of all documents submitted for review (PDF format).
- **Statement of the Purpose** for the requested Special Use Permit.
- All studies as may reasonably be required by the Planning Manager or his/her designee. (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
- **Assurances of Adequate Public Facilities** as required by Section UDO 18.30.040
- **All other documents** required by Section UDO 18.94
- **Completed Checklist** (received during pre-application meeting)

Step 3 – Submit the Application

An application for a Special Use Permit 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 Submittal Requirements checklist. (See attached pages) An application can be found of the following page.

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 identifies 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 (via fax or email) on the Wednesday before the Monday Applicant's Meeting. (See [Planning Commission Calendar](#))

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) in City Hall. This meeting is not the appropriate forum to discuss policy issues or negotiate any agreements.

The applicant's meeting is:

- To allow City staff to present preliminary comments regarding the development plans and discuss revisions with the applicant.
- To give the applicant an opportunity to ask questions.
- To work out a schedule for submitting revised plans.

If a case involves policy issues or items that may be resolved through a development agreement, City Planning 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 – 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. The action taken by the Planning Commission on special use permits is final. There is an opportunity to appeal the Planning Commission's decision to the City Council. The applicant may request that the special use permit be appealed to the City Council by requesting in writing to the City Planning Manager within (5) five business days of the Planning Commission action.

Step 7 – City Council

Special Use Permits 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 Special Use Permit, approve with conditions, deny, or remand the application back to the Planning Commission.

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.



SPECIAL USE APPLICATION

PLEASE PRINT OR TYPE

FEE _____	CASE NO: SU _____
REC'D BY _____	PC DATE _____
DATE _____	PLANNER _____
STAFF USE ONLY	

REQUESTED SPECIAL USE PERMIT FOR: _____

GENERAL LOCATION OR ADDRESS OF SUBJECT PROPERTY: _____

NAME OF PLAT/LOT AND BLOCK NO: _____

AREA OF SUBJECT PROPERTY IN ACRES OR SQ FT: _____

ZONING ON SUBJECT PROPERTY: _____ CURRENT LAND USE: _____

PROPERTY OWNER

NAME _____ COMPANY _____

ADDRESS _____ SUITE _____

CITY _____ STATE _____ ZIP _____

PHONE _____ FAX _____ EMAIL ADDRESS _____

APPLICANT

NAME _____ COMPANY _____

ADDRESS _____ SUITE _____

CITY _____ STATE _____ ZIP _____

PHONE _____ FAX _____ EMAIL ADDRESS _____

ENGINEER/ARCHITECT

NAME _____ COMPANY _____

ADDRESS _____ SUITE _____

CITY _____ STATE _____ ZIP _____

PHONE _____ FAX _____ EMAIL ADDRESS _____

NOTE: SPECIAL USES SHALL COMMENCE WITHIN 1 (ONE) YEAR FROM THE DATE OF APPROVAL, UNLESS EXTENDED BY ACTION OF THE GOVERNING BODY.

THOSE SPECIAL USES WHICH ARE APPROVED WITH A TIME LIMIT SHALL NOT BE AUTHORIZED NONCONFORMING STATUS WHEN SUCH TIME LIMIT EXPIRES. COMMENCEMENT OF A SPECIAL USE OCCURS UPON THE INITIAL ISSUANCE OF A BUILDING PERMIT, OR LAND CLEARING PERMIT, OR UPON THE INITIATION OF SIGNIFICANT ACTION TO SATISFY REQUIREMENTS FOR IMPROVEMENTS CONTAINED IN THE SPECIAL USE REPORT, OR OTHER REGULATORY DOCUMENTS. ADDITIONALLY, CONSTRUCTION SHALL OCCUR WITHIN 1 YEAR FROM THE DATE OF APPROVAL.

ONLY 1 (ONE) TIME EXTENSION SHALL BE PERMITTED AND SHALL NOT EXCEED 6 MONTHS. THE EXTENSION SHALL BE REQUESTED BY THE OWNER PRIOR TO THE EXPIRATION OF THE SPECIAL USE. THE REQUEST IS TO BE MADE TO THE PLANNING MANAGER

SIGNATURE OF OWNER OR AGENT: _____

CITY OF OLATHE

Ownership Affidavit

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 Affidavit

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

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
Property Owner Notification Letter

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 **SPECIAL USE PERMIT** for _____ 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 special use permit on the above-described tract at 7:00 PM on _____, 20____. Any interested persons or property owners are invited to attend. Information regarding this 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 special use permit.

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 ($\frac{3}{4}$) 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: _____

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

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

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.***

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.