

# **CONDITIONAL USE PERMIT APPLICATION PROCEDURES**

**For**

**The UNINCORPORATED AREA OF  
JOHNSON COUNTY, KANSAS**

**A PRE-APPLICATION CONFERENCE IS REQUIRED PRIOR TO  
SUBMITTAL OF ANY APPLICATION**

**DEADLINE: All application materials shall be submitted at least 45  
days before a scheduled public hearing.**

**See Zoning Board Public Hearing Schedule**

For more information contact:  
Johnson County Department of Planning, Development, and Codes  
111 S. Cherry Street, Suite 3500  
Olathe, Kansas 66061  
913-715-2201  
913-715-2222 Fax

## CONDITIONAL USE PERMIT PROCEDURES

**APPLICANT RESPONSIBILITIES:** Omission of any of the following items may delay the review and processing of the application.

- A. A complete application form. (Attachment A)
- B. Legal Description and common street address of the property.
- C. Payment of filing fee. Make check payable to Johnson County Planning Department. (Attachment B)
- D. Letter of Authorization if not the legal owner of the property (Attachment C)
- E. A list of the owners of all properties within 1,000 feet of the subject property certified by a licensed abstractor, title company, or similarly qualified person.
- F. Ownership list and Legal Description Certification form (Attachment D)
- G. Site Development Plan (12 copies) (Attachment E)
- H. A Site Plan Checklist form (Attachment F)
- I. Post a sign (supplied by the Planning Department) twenty (20) days before the scheduled Public Hearing. Complete Certification of Notification of Sign Posting form (Attachment G)
- J. A written narrative description (see Attachment H)
- K. Applicant or applicant's representative **MUST** attend the Zoning Board Hearing.

**FOR ADDITIONAL INFORMATION PLEASE REFER TO THE *JOHNSON COUNTY ZONING AND SUBDIVISION REGULATIONS*, WHICH INCLUDES THE FOLLOWING ARTICLES APPLICABLE TO CUPS.**

- 1. Article 4 – Application Procedures;
- 2. Article 11 – Planned Zoning District General Requirements;
- 3. Article 15 – Development Plan Procedures;
- 4. Article 17 – Supplementary Height, Area, and Bulk Regulations;
- 5. Article 23 – Conditional Use Permits, particularly pages 23-7, 23-8, 23-18, 23-19, and 23-20.

**DEADLINE:** All application materials **MUST** be submitted at least 45 days before a scheduled hearing date.

## PLANNING DEPARTMENT PROCEDURES

**Public Hearing:** The Planning Department will schedule a hearing before the appropriate Zoning Board, which is responsible for hearing the Conditional Use Permit request.

**Posting of Sign:** The Planning Department will supply the applicant with a sign to be posted on the property within 20 days prior to the date of public hearing.

**Newspaper Publication:** The Planning Department will publish the Legal notice of the public hearing 20 days prior to the date of public hearing.

**Letter of Notification:** The Planning Department will mail notices of the public hearing, by certified mail, to all property owners within 1,000 feet (list provided by applicant) of the subject property at least 10 days prior to the Public Hearing. **(The applicant shall pay the certified mailing cost.)**

**Protest Period:** After the Zoning Board has made a recommendation to the Board of County Commissioners (BOCC), a 14-day protest period begins which allows owners of nearby properties the opportunity to file with the County Clerk a petition protesting the proposal.

**Board of County Commissioners (BOCC):** After the protest period has concluded, the application will be brought before the BOCC for final action. If the BOCC disagrees with the recommendation of the Zoning Board, the application must be returned at least once to the Zoning Board for reconsideration before the BOCC takes final action.

**CONDITIONAL USE PERMIT APPLICATION**

Johnson County Planning Department  
111 S. Cherry Street, Suite 3500  
Olathe, Kansas 66061  
913-715-2201

Office Use Only

Application No. \_\_\_\_\_  
Township \_\_\_\_\_ Zoning Board \_\_\_\_\_  
ZB Hearing Date \_\_\_\_\_  
Date Received \_\_\_\_\_ Date Paid \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION**

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY/ST/ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ Fax \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY/ST/ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ Fax \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_

**PROPOSED USE INFORMATION**

Present Zoning District \_\_\_\_\_  
Present Land Use \_\_\_\_\_  
Proposed Land Use \_\_\_\_\_  
Reason for Requesting Conditional Use Permit \_\_\_\_\_

**PROPERTY INFORMATION**

Legal Description \_\_\_\_\_  
Address of Property \_\_\_\_\_  
Site Size \_\_\_\_\_ Property Real Estate Number \_\_\_\_\_  
Present Improvements or structures \_\_\_\_\_

I, the undersigned am the *(circle one) owner, duly authorized agent,* of the aforementioned property situated in the unincorporated portion of Johnson County, Kansas. By execution of my signature, I do hereby Officially apply for a Conditional Use Permit as indicated above.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**ATTACHMENT A**

**ZONING FEE SCHEDULE**  
**JOHNSON COUNTY, KANSAS**

**Effective January 1, 2005**

| <b>A. Rezoning Applications</b>  | <b>Review Fee</b>  |
|--|--|
| Rural or Residential Districts   | \$300 0-5 acres<br>\$350 5.1-10 acres<br>\$400 10.1-20 acres<br>\$450 20.1 > acres                       |
| Planned Retail Business Districts  | \$600 0-5 acres<br>\$750 5.1-15 acres<br>\$900 15.1-25 acres<br>\$1050 25.1-50 acres<br>\$1200 >50 acres |
| Planned Employment Center Districts  | \$600 0-5 acres<br>\$750 5.1-15 acres<br>\$900 15.1-25 acres<br>\$1050 25.1-50 acres<br>\$1200 >50 acres |
| <b>B. Conditional Use Permit Applications</b>  |  |
| <ul style="list-style-type: none"> <li>• <i>*Seventy-five dollars (\$75.00) for only keeping animals on less than 10 acres in accordance with Zoning and Subdivision Regulations;</i></li> <li>• <i>*Preschools and Day-Care Centers in a residence or in an accessory building to a residence;</i></li> <li>• <i>*Accessory buildings or structures larger than or accessory buildings in greater quantities than permitted by Article 18 of the Zoning and Subdivision Regulations;</i></li> <li>• <i>*Kennels.</i></li> </ul> | \$375 or \$75*   |
| <b>C. Development Plan Applications</b>  |  |
| Preliminary  | \$300 + \$7.50 a lot   |
| Final  | \$300  |
| <b>D. Plat Applications</b>  |  |
| Preliminary  | \$300 + \$7.50 a lot   |
| Final  | \$300  |
| <b>E. Sign Permit</b>  | \$75   |
| <b>F. Tract/Lot Split or Lot Line Adjustments</b>  | \$150  |
| <b>G. Board of Zoning Appeals</b>  |  |
| Variance   | \$150  |
| Appeal   | \$100  |
| <b>H. Grading Plans</b>  | \$225  |
| <b>I. Flood Plain Development Permit Applications</b>  | \$75   |
| <b>J. Administrative Plan Review Applications</b>  | \$150  |
| <b>K. Public Works Fees</b>  |  |
| 1. Storm Drainage Plans  | \$200  |
| 2. Street Plans  | \$200  |
| <b>L. Airport Plan Review Applications</b>   | \$50   |
| <b>M. Nonconforming Use, Lot, or Structure Reviews</b>   | \$100  |

**OWNER AUTHORIZATION**

I/WE \_\_\_\_\_, hereby referred to as the "Undersigned", being of lawful age, do hereby on this \_\_\_\_ day of \_\_\_\_\_, 200\_, make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

See Exhibit A attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize \_\_\_\_\_ (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Johnson County, Kansas, \_\_\_\_\_ (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Johnson County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly our of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.

4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

STATE OF KANSAS  
COUNTY OF JOHNSON

The foregoing instrument was acknowledge before me on this \_\_\_\_ day of \_\_\_\_\_, 200\_,  
by \_\_\_\_\_.

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

Notary Public

**ATTACHMENT C**

**List of Owners of Record within 1,000 feet  
and  
Legal Description Certification**

As described in the Applicant Responsibilities section of this Application Procedures packet, applicants are responsible for submitting the names and mailing addresses of all the owners of real property within 1,000 ft. of the property on which the application is being made. The list shall be prepared by a licensed abstractor, title company, or similarly qualified person. The list shall be certified that it is consistent with the owners of record according to the Register of Deeds. All owner names and addresses shall be provided for all property owners for properties with multiple ownership.

As noted above this list is to be CERTIFIED by the abstractor, title company or other qualified person that a search has been conducted of the records on file with the JOHNSON COUNTY REGISTER OF DEEDS' OFFICE. The list is not acceptable if prepared from real estate, county clerk or other record sources. The list is not complete if all owners of multiple ownership parcels have not been identified and fully disclosed with names and addresses provided.

Attached to the list shall be a cover letter that certifies that the list is consistent with the Register of Deeds records. The cover letter shall also certify that the legal description of the property owned (or under authorization) by the applicant/agent/owner is the property for which the 1,000 ft. radius list is prepared, per Register of Deeds records, and FURTHER that the legal description has been checked and is accurate with respect to the property for which the application is proposed.

Any questions about these procedures should be directed to the Johnson County Planning, Development and Codes Department, telephone 913-715-2201 or fax 715-2222.

THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read, understand and have provided the above information to the abstractor, Title Company or other similarly qualified person preparing my 1,000-foot radius ownership list.

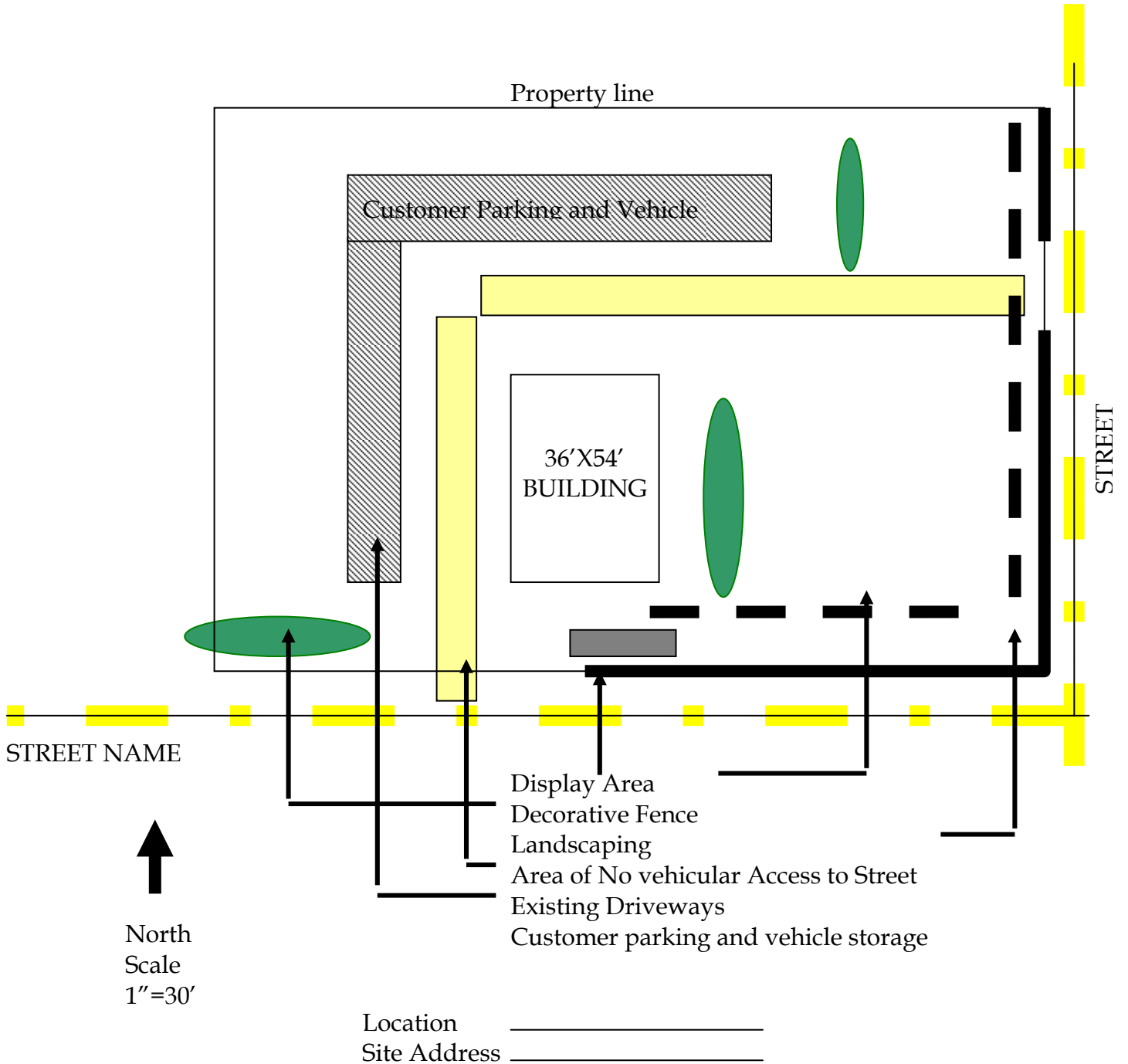
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

# SAMPLE SITE PLAN

**Development Plan:** A site development plan that includes all of the items listed in Sections 3 and 6 of Article 15 and which complies with the development plan requirements of Articles 11 and 15 must be submitted as part of a Conditional Use Permit application. The development plan must indicate how the proposed use would satisfy the screening, setback, signage, and other such conditional use performance and development standards and zoning regulations as specified for the particular conditional use listed herein.



**ATTACHMENT E**

**DEVELOPMENT PLAN CHECKLIST**  
**JOHNSON COUNTY PLANNING, DEVELOPMENT AND CODES DEPARTMENT**

The following items apply to development plan requirements on applications for conditional use permits, preliminary and final development plans and planned retail and employment center zoning districts. Some proposals, because of simplicity may require less information. Some because of complexity may require more information. You are encouraged to work closely with staff in advance of your actual application submittal to determine what may and may not apply. Submission of less information than necessary to adequately review and process your application may delay the review process. Please check the appropriate boxes as the form is completed (I-included; NI-not included, NA-not applicable).

| <b>I</b> | <b>NI</b> | <b>NA</b> |   |
|----------|-----------|-----------|---|
| ___      | ___       | ___       | Twelve (12) copies of site plan at a minimum scale of 1"=100'   |
| ___      | ___       | ___       | One 11" x 17" reduction of the site plan.   |
| ___      | ___       | ___       | Location by common street address and legal description.  |
| ___      | ___       | ___       | Names, address and telephone numbers of the applicant, owner, and designer of the plan.   |
| ___      | ___       | ___       | Date, Scale and North Arrow.  |
| ___      | ___       | ___       | Existing and proposed contours at no greater than five-foot (5') intervals.   |
| ___      | ___       | ___       | The boundary lines of the area included in the development plan, including approximate angles, dimensions and reference to a section corner, quarter-section corner, or point on a recorded plat. |
| ___      | ___       | ___       | For both the area included in the development plan the area within two-hundred (200) feet of the boundaries thereof.  |
| ___      | ___       | ___       | The location, widths and names of all existing or platted streets, railroad and utility rights-of-way, parks and other public open spaces and permanent easements.                                |
| ___      | ___       | ___       | The location and dimensions of permanent buildings, structures, or houses and natural features, such as woodlots, streams and lakes or ponds, and any land area subject to the 100-year flood.    |
| ___      | ___       | ___       | Locations of existing sewers, water mains, culverts and other underground facilities, indicating pipe sizes, grades, manholes and locations of record.  |
| ___      | ___       | ___       | General location arrangement and dimensions of proposed buildings and structures.   |

**Lists, tests or tables indicating the following:**

- \_\_\_ \_\_\_ \_\_\_ The total floor area of buildings, the area of the site, and the percent of building coverage of the site.
- \_\_\_ \_\_\_ \_\_\_ The number of building sites or lots and the number of parking spaces to be provided.
- \_\_\_ \_\_\_ \_\_\_ Any other quantities needed to describe or quantify the proposed development or to determine compliance with the zoning regulations.
- \_\_\_ \_\_\_ \_\_\_ Preliminary Development Plan Analysis Report
- \_\_\_ \_\_\_ \_\_\_ Preliminary sketches of building elevations depicting the general style, size and exterior construction materials of the buildings proposed in sufficient detail to exhibit the relative compatibility of the proposed development with the character of the neighborhood.
- \_\_\_ \_\_\_ \_\_\_ General location, arrangement and dimensions of parking spaces width of aisles, width of bays, angle of parking and other similar information.
- \_\_\_ \_\_\_ \_\_\_ General location and dimensions of vehicular drives, entrances, exists, acceleration and deceleration lanes, location and dimensions of pedestrian entrances, exists, walks and walkways.
- \_\_\_ \_\_\_ \_\_\_ Location, height and general materials to be used for walls, fences and landscaping.
- \_\_\_ \_\_\_ \_\_\_ Indication of proposed schedule sequencing and location of each development phase in the project is to be developed in phases.

I \_\_\_\_\_ (printed name of *(circle one)* agent or owner), hereby certify that the attached and completed application contains the information as specified above in accordance with the Johnson County Zoning and Subdivision Regulations. I understand the submission of incomplete or inaccurate information may result in a delay in processing and action on this application.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**SIGN POSTING PROCEDURES AND CERTIFICATION**

Each applicant is required to post one or more notification sign(s) on the property. The applicant is responsible for obtaining the sign(s) from the Johnson County Planning Department and for posting and maintaining the sign(s) as prescribed below:

1. The sign(s) shall be placed on the property at least twenty (20) days before the scheduled public hearing date;
2. If the Township Zoning Board or Board of Zoning Appeals public hearing is continued, delayed, or postponed, the sign(s) shall be replaced or amended to accurately describe the new date, place, and time for the public hearing;
3. If the property has more than one (1) abutting street, a sign shall be placed facing all streets;
4. If the property under consideration does not have any abutting street, consult with the Planning Department staff regarding the appropriate location for the sign(s);
5. The sign(s) shall be firmly affixed on the property in a place visible from the adjoining streets;
  - a. The bottom of the sign(s) shall be a minimum of two (2) feet above the ground;
  - b. The sign(s) shall be placed within five (5) feet of the public right-of-way; and
  - c. The sign(s) shall be positioned to have no visual obstructions and to be readily seen by passersby;
6. The status of the sign(s) should be checked frequently and fallen or destroyed sign(s) shall be immediately replaced; new sign(s) are available from the Planning Department if needed; and
7. The sign(s) shall be posted and maintained throughout the approval process and then removed by the applicant within ten (10) days after final action on the application by the Board of County Commissioners.

Prior to the public hearing, the applicant is required to certify that the sign(s) have been posted and maintained as required. Applicants are encouraged, but not required, to submit photographs showing the posted sign(s) as viewed from the abutting street(s). Failure to comply with these requirements may cause the public hearing to be continued to a later date.

**THE FOLLOWING CERTIFICATION IS TO BE COMPLETED AND SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO THE OPENING OF THE PUBLIC HEARING.**

I, \_\_\_\_\_ (printed name) hereby state that I have received a copy of the Sign Posting Procedures and that the required sign(s) have been posted and maintained as prescribed in the Sign Posting Procedures.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Application No. \_\_\_\_\_

**ATTACHMENT G**

## WRITTEN NARRATIVE REQUIREMENTS

**Written Narrative Description:** A written narrative description of the proposed use must be submitted that addresses:

- How the proposed use would satisfy the performance and development standards and zoning regulations as specified for the particular conditional use listed in Article 23.
- How the proposed use shall meet and comply with the Zoning Board Guidelines for issuance of Conditional Use Permits listed below.
- The hours of operation, traffic routes and expected traffic volumes, staffing levels, methods of operation, and off-street parking.
- The number of months/years for which the permit is requested
- The number of months the use is projected to be conducted and whether the character of the use would tend to be seasonal or vary during the duration of the permit.
- The reasons that appear to make the site in question appropriate for the proposed use.
- Whether and the extent to which the use could cause pollution
- The steps to be taken to cause the use to be compatible with other parcels of real property near the site in question.
- Any other such reasonable information about the proposed use that would be necessary or helpful for the impacts of the proposed use to be fully evaluated and considered.

### Conditional Use Permit Time Limits

All Conditional Use Permits are issued for a specific time period. The standard time period is 10 years. Some specific uses have time period other than 10 years. The Board of County Commissioners can approve shorter or longer time limits.

### Zoning Board Guidelines for Issuance of Conditional Use Permits

1. That the granting of any Conditional Use Permit is in harmony with the general purpose and intent of these regulations, and will not be injurious or detrimental to the public health, safety, and general welfare.
2. That the granting of the Conditional Use Permit will not:
  - a. Impair an adequate supply of light and air to adjacent property;
  - b. Unduly increase hazards from fire or other dangers.
  - c. Increase traffic on streets or highways beyond their capacity;
  - d. Unduly increase the potential for flood damages to adjacent property or lead to additional public expense for flood protection, rescue or relief;
  - e. Otherwise unduly impair the public health, safety, comfort, morals or general welfare of the inhabitants of the County, or otherwise create a nuisance or nuisance-like situation; or
  - f. Pollute the air, land or water.

3. That the conditional use:

- a. Will be designed, constructed, operated, buffered, screened, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not be incompatible with the character of the area.
- b. Will be compatible with and not be hazardous or unduly disturbing to existing or planned future neighboring uses and zoning.
- c. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and wastewater disposal; or that the persons or agencies responsible for the establishment of the proposed use shall agree to adequately provide any such essential facilities and services. With respect to this standard, the minimum infrastructure requirements in Article 31 of these regulations shall be guidelines for interpretation of the minimum infrastructure required for each conditional use.

Each conditional use shall be considered with respect to the infrastructure available and whether additional or improved infrastructure would be needed for the proposed conditional use. If additional or improved infrastructure would be needed, a conditional use permit may be approved if the applicant shall comply with Article 31, Section 2, (C) (1) and (2).

- d. Will not create excessive additional requirements at public cost for public facilities and services.
- e. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to nearby persons or property or the general welfare of the community by reason of excessive production of dust, fumes, glare, illumination, noise, odors, smoke, traffic, or vibration.
- f. Will have vehicular approaches to the property which are so designed and would be provided to prevent an interference with traffic on surrounding public arterial streets.
- g. Will not result in the destruction, loss, or damage of a natural, scenic, aesthetic or historic feature of major importance.
- h. Will comply with the lot, yard, and open space; sign; and off-street parking and loading space requirements of these regulations unless otherwise specifically granted.

**ATTACHMENT H**