

# **REZONING 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

## **REZONING 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. (See Attachment B) Make check payable to Johnson County Planning Department.
- 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. Post a sign (supplied by the Planning Department) at least twenty (20) days before the public hearing. Complete Certification of Notification of Sign Posting form (Attachment E)
- H. Applicant or applicant's representative **MUST** attend the Zoning Board Hearing.
- I. In the case of a Planned District rezoning, a Preliminary Development Plan is required. (See Preliminary and Final Development Plan Procedures).

**FOR ADDITIONAL INFORMATION PLEASE REFER TO THE *JOHNSON COUNTY ZONING AND SUBDIVISION REGULATIONS* WHICH INCLUDES THE FOLLOWING ARTICLES APPLICABLE TO REZONING APPLICATIONS:**

- 1. Preliminary Plat Analysis Reports (Data requirements for soils, slopes, infrastructure, etc.) (Attachment F).
- 2. Article 4 – Application Procedures.
- 3. Article 11 – Planned Zoning District General Requirements.
- 4. Article 15 – Development Plan Procedures.
- 5. Article 17 – Supplementary Height, Area, and Bulk Regulations.
- 6. Article 31 – Minimum Infrastructure Requirements.

**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 Rezoning request.

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

**Newspaper Publication:** The Planning Department will publish the Legal Notice of 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.

**REZONING 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 Filing Fee Paid \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION**

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY/ST/ZIP \_\_\_\_\_  
 \_\_\_\_\_  
 PHONE \_\_\_\_\_  
 FAX \_\_\_\_\_

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY/ST/ZIP \_\_\_\_\_  
 \_\_\_\_\_  
 PHONE \_\_\_\_\_ FAX \_\_\_\_\_  
 CONTACT \_\_\_\_\_

**PROPOSED USE INFORMATION**

Proposed Zoning District \_\_\_\_\_  
 Proposed Land Use \_\_\_\_\_  
 \_\_\_\_\_  
 Reason for Requesting Rezoning \_\_\_\_\_  
 \_\_\_\_\_

**PROPERTY INFORMATION**

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

I, the undersigned am the (*owner*), (*duly authorized agent*), (*Circle One*) of the aforementioned property situated in the unincorporated portion of Johnson County, Kansas. By execution of my signature, I do hereby officially apply for rezoning 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 \$350 5.1-10 acres \$400 10.1-20 acres \$450 20.1 > acres
Planned Retail Business Districts	\$600 0-5 acres \$750 5.1-15 acres \$900 15.1-25 acres \$1050 25.1-50 acres \$1200 >50 acres
Planned Employment Center Districts	\$600 0-5 acres \$750 5.1-15 acres \$900 15.1-25 acres \$1050 25.1-50 acres \$1200 >50 acres
<b>B. Conditional Use Permit Applications</b>	\$375 or \$75*
<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>	
<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

**ATTACHMENT B**



**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

**ATTACHMENT D**

## 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 E**

**PRELIMINARY PLAT ANALYSIS REPORT  
PRELIMINARY DEVELOPMENT PLAN ANALYSIS REPORT  
REQUIREMENTS:**

The following general guidelines for the Preliminary Plat Analysis Reports to be considered during review of Preliminary Plat applications are hereby established to assure that land subdivision proposals are evaluated with due regard to the potential impacts resulting from the subdivision of land. The Preliminary Plat Analysis Report shall provide a brief summary of the existing conditions and contemplated improvements relative to the proposed subdivision. Information necessary for the preparation of and the Preliminary Plat Analysis Reports with respect to items A through J in this Section shall be gathered, prepared and provided in writing by qualified persons whose services shall be obtained and secured by the applicant. Preliminary Plat Analysis Reports shall be reviewed by professional staff of the County, and the staff shall indicate by use of sketches, maps and written narrative whether the Preliminary Plat Analysis Report appears to be sufficient with respect to the following information:

- A. The general characteristics of the land including the maximum and minimum slopes, vegetation, soil types, any major streams, any areas subject to flooding and the total acreage of the property.
- B. The names and descriptions of streets that will provide access to and within the development, including the roadway surface characteristics, width, the general size and condition of any culverts and bridges, and the general ability of said roadways to carry current and anticipated traffic in a safe and efficient manner. The names of any new street indicated on the Preliminary Plat shall be assigned by the County Public Works staff.
- C. The proposed source of a potable water supply including estimated fire flow capacities and the method of serving the subdivision, and the adequacy of static and residual pressures and general character of the proposed distribution system for the subdivision.
- D. The proposed access to sanitary sewers, if applicable, with a sketch of connecting main alignments, ability of an available treatment plant to handle the wastewater, and a petition for formation of a sewer district, if applicable. Evidence that the subdivision has been discussed with officials of the Unified Wastewater Districts shall be included, as well as their response as to the appropriateness of the proposed project.
- E. In cases where sanitary sewers are not available, the results of at least one (1) percolation test per five (5) acres in the proposed subdivision shall be provided except for lots larger than five (5) acres. Percolation tests conducted with regard to this subsection shall be conducted by a person licensed to conduct such tests as provided in applicable County regulations and shall be conducted in the manner provided in those regulations. The engineer shall provide a formal written opinion as to the capability of the site for on-site wastewater disposal to serve the residents of the proposed subdivision.

Whenever the time of percolation from such tests is within ten percent (10%) of the maximum time of percolation allowed, a soils profile analysis shall be prepared by a qualified soil science technician and a report on the findings of that analysis along with of the technician's written opinion as to the capability of the site for on-site wastewater disposal to serve the residents of the proposed subdivision shall be submitted.

- F. The availability of natural gas to serve the proposed subdivision.
- G. A general summary of the type of street improvements that are contemplated for streets inside the subdivision and any peripheral streets or roads, including any major culverts or bridges.
- H. A general statement describing the amount of earth moving that is contemplated, by stages if applicable, and what degree of erosion control will be needed and the proposed methods of control.
- I. The proposed stages of development of the subdivision.
- J. The proposed concepts for surface water management including discussion of any stormwater detention facilities in accordance with the then applicable Storm Drainage Standards adopted by the County and as shown on the preliminary plat.

**RELATIONSHIP OF PRELIMINARY DEVELOPMENT PLAN APPROVAL TO FINAL DEVELOPMENT PLAN SUBMITTAL REQUIREMENT:**

The applicant shall file a Final Development Plan application along with the required documents for at least the first phase of the development within one (1) year after approval of the Preliminary Development Plan by the Board. Failure to do so shall cause the approval of the Preliminary Development Plan to become null and void, unless a time extension limited to twelve (12) months, is applied for by the applicant and granted by the Board. When a zoning change was approved based on the Preliminary Development Plan and the plan has expired, the case shall be reviewed by the Zoning Board and an action to have the planned zoning changed to the previous zoning classification or some other zoning classification may be initiated by following the procedures provided in Article 4 of these regulations. Final Development Plans substantially complying with the approved Preliminary Development Plan, as provided in Section 8 of this Article, must be submitted to the Planning Office at least fourteen (14) days prior to the Zoning Board meeting at which the Final Development Plan application is requested to be considered. Development Plans submitted as Final Development Plans but which do not substantially comply with the approved Preliminary Development Plan pursuant to the requirements set forth in Section 8 of this Article shall be deemed to be and shall be treated as a new or a revised Preliminary Development Plan which must be submitted at least thirty (30) days prior to the Zoning Board meeting at which the application is requested to be considered.

**FINAL DEVELOPMENT PLAN APPLICATION REQUIREMENTS:**

The Final Development Plan shall consist of a site plan and supporting documents which conform to all requirements and conditions placed on approval of the Preliminary Development Plan by the Board. At the request of the Zoning Administrator, the applicant may be required to submit details of portions of the Final Development Plan at a scale greater than 1" = 100'. The Final Development Plan shall contain the items listed below and all items required in Section 3, Items A through N of this Article, in final form.

- A. Location, number, and direction of illumination and intensity of all exterior lighting fixtures.
- B. Location, quantity and specifications of landscape materials.
- C. Drawings indicating the location, dimensions, materials and design of all signs.

- D. Construction plans for storm water retention and detention facilities, streets, vicinity streets (public or private), storm drainage, and any other facilities to be dedicated to the public in accordance with the approved Preliminary Development Plan and the then applicable County standards.

**ATTACHMENT F**