City of Leawood

4800 Town Center Drive
Leawood, KS

SPECIAL USE PERMIT GUIDELINES

Commercial Development

In accord with various Federal and State civil rights legislation, the City of Leawood does not discriminate against individuals regardless of race, ethnicity, color, religion, gender, national origin, age, marital status, medical condition or disability.

City of Leawood
2020 Planning Commission Schedule and Deadlines

Planning Commission Meeting 6:00:00 PM at Leawood City Hall	Application Deadline Rezoning, SUP, Preliminary Plan/Plat, Final Plan/Plat	Deadline for Publication Public Notices, Rezoning & SUP Sign Posting
Tuesday, January 28, 2020	Tuesday, December 24, 2019	Tuesday, January 7, 2020
Tuesday, February 25, 2020	Tuesday, January 21, 2020	Tuesday, February 4, 2020
Tuesday, March 24, 2020	Tuesday, February 18, 2020	Tuesday, March 3, 2020
Tuesday, April 28, 2020	Tuesday, March 24, 2020	Tuesday, April 7, 2020
Tuesday, May 26, 2020	Tuesday, April 21, 2020	Tuesday, May 5, 2020
Tuesday, June 23, 2020	Tuesday, May 19, 2020	Tuesday, June 2, 2020
Tuesday, July 28, 2020	Tuesday, June 23, 2020	Tuesday, July 7, 2020
Tuesday, August 25, 2020	Tuesday, July 21, 2020	Tuesday, August 4, 2020
Tuesday, September 22, 2020	Tuesday, August 18, 2020	Tuesday, September 1, 2020
Tuesday, October 27, 2020	Tuesday, September 22, 2020	Tuesday, October 6, 2020
Tuesday, November 24, 2020	Tuesday, October 20, 2020	Tuesday, November 3, 2020
Tuesday, December 8, 2020	No New Applications - Old Business Only	
Tuesday, January 26, 2021	Tuesday, December 22, 2020	Tuesday, January 5, 2021

APPLICATION CHECKLIST

(Special Use Permit)

At a minimum, all applications must include the following to be accepted. Additional information may be required to take the application forward to the Planning Commission and Governing Body. See the information within the application package for details about each item listed below.

- ☐ A completed application with the signature of the property owner on which the project is proposed to be located.
- ☐ Appropriate application fee.
- ☐ A written and electronic copy of the legal description of the property included in the proposed development, including the acreage.
- ☐ A draft of the letter to provide public notification to all property owners within 200' of the proposed development. The letters must be mailed by certified mail, return receipt requested. The return receipts must be submitted to the City of Leawood prior to the public hearing before the Planning Commission.
- ☐ A draft letter inviting property owners within 500' of the project to an interact meeting. The meeting must be held within the City of Leawood on a weekday in the early evening after 6:00 p.m.
- ☐ Please note that a site plan is required with a special use permit application.

Signature of Applicant: _____, Date: _____

PLANNING & DEVELOPMENT

	SUBDIVISION REGULATION PROCEDURES	
Planning	**Preliminary Plat Submission**	**$800.00 minimum + $2.00 per lot/tract**
	Final Plat Submission	**$400.00 minimum + $2.00 per lot/tract**
	Cost to Develop Arterial Streets	
Planning	**When a designated arterial street abuts the property owner's land, the property owner shall pay at least 50% of the cost to develop said street to the standards prescribed for a major collector to pay for the future improvement of the street or to reimburse the City for its costs for a street which has already been improved to major collector standards, unless the property owner has paid the 135th Street Corridor Impact Fee for the property. The cost to construct a major collector shall be determined at the time an existing collector was constructed or, for future construction is established at $783.00 per foot. Fee shall not be applicable for a single residential lot split if lot owner has dedicated any required right-of-way for street improvement and dedication approved by Governing Body.**	**$783.00per foot. Fee shall be collected at time of platting.**
	SPECIAL USE PERMITS [SUP]	**Fee**
Planning	**Tract Size 0 – 5 acres**	**$300.00 each**
	Tract size 5.1 – 10 acres	**$400.00 each**
	Tract size 10.1 + acres	**$500.00 each**
	Temporary Use Permit	**$50.00 each**
	Seasonal Sales	**$50.00 @ application**

KEY PROJECT DEADLINES FOR PLANNING COMMISSION

By Project Type

SPECIAL USE PERMIT	REZONING	PRELIMINARY PLAT	PRELIMINARY PLAN	FINAL PLAT	FINAL PLAN	IMPORTANT DATES AND ACTIVITIES The following are a list of key activities and deadlines that must be accomplished prior to the Planning Commission Meeting. Other requirements and deadlines will be communicated by Planning Staff or the Public Works Department. Failure to meet any of these deadlines will result in a continuation of the project to the next Planning Commission Meeting.
						PLANNING COMMISSION APPLICATION DEADLINE
✓	✓	✓	✓	✓	✓	**Application:** The applicant must submit a completed application (including all required signatures), 1 copy of all required plans and/or plats, a pdf of all plans/plats, and the required fee by the Planning Commission application deadline.
			✓			**Stormwater Drainage Study:** A Stormwater Drainage Study, in accordance with Sections 15-516 and 15-517 of the City's Stormwater Management Ordinance and all applicable sections of APWA, must be submitted directly to the City Engineer within the Public Works Department on or before the Planning Commission application deadline. Contact the Public Works Department for details.
			✓			**Traffic Study:** A Traffic Study must be submitted directly to the City Engineer within the Public Works Department on or before the Planning Commission application deadline. Contact the Public Works Department for details.
						MINIMIMUM OF 20 DAYS PRIOR TO PLANNING COMMISSION MEETING (not including day of meeting)
✓	✓	✓	✓			**Posting of Signs:** Signs must be posted a minimum of 20 days prior to Planning Commission meeting (not including day of meeting) along each public R.O.W. The City provides the signs. Contact the Planning Services Division.
✓	✓	✓	✓			**Public Notice:** Public notice must be sent a minimum of 20 days prior to Planning Commission meeting (not including day of meeting) by certified mail with return receipt, for properties within 200 ft. of proposed development. A draft of the letter must be submitted to Staff for approval prior to mailing.
						MINIMUM OF 10 DAYS WITHIN FILLING OF APPLICATION
✓	✓	✓	✓			**Interact Meeting:** The applicant is required to send courtesy notification to residents within 500 ft. of the proposed development and president(s) of adjacent and/or nearby homes association(s), even if beyond the 500 ft. This letter must be submitted to Staff for approval prior to mailing. In addition, proof of such notice must be submitted. to City Planning staff either upon the filing of an application or within 10 days thereafter.
						10 DAYS PRIOR TO PLANNING COMMISSION MEETING
✓	✓	✓	✓			**Interact Meeting Summary:** A summary of the Interact Meeting must be submitted to Planning Staff a minimum of 10 days prior to Planning Commission Meeting.
						2 DAYS PRIOR TO PLANNING COMMISSION MEETING
✓	✓	✓	✓			**Proof of Public Notice:** The return receipts from the certified mailing of public notice must be submitted to the Planning Staff 2 days prior to Planning Commission Meeting.
						DAY OF PLANNING COMMISSION MEETING
✓	✓					**Maintenance of Sign Affidavit:** The sign provided by the City of Leawood for rezoning and Special Use Permits shall be maintained and kept in place by the applicant until the conclusion of the public hearing before the Plan Commission or until withdrawal of the application, at which time the sign may be removed by the applicant; but in any event, the sign shall be removed by the applicant after final action on the application. The applicant shall file an affidavit at the time of the public hearing before the Plan Commission that the sign was placed and maintained to the hearing date as required by this ordinance. No application shall be heard by the Planning Commission or the Governing Body unless such affidavit has been filed.

LEAWOOD PLANNING COMMISSION

The Leawood Planning Commission is a nine member non-partisan body whose members are appointed by the Mayor and confirmed by the Governing Body.

The Planning Commission prepares the Comprehensive Plan that is used as a general guide for the development of the community. The Comprehensive Plan is reviewed and updated annually as part of the commission's ongoing process of evaluating trends and patterns. The Commission also reviews all zoning, special use permit, and site plan and plat applications prior to making recommendations to the governing body for final action.

The regular scheduled public meetings of the Planning Commission are held at 6:00 PM on the fourth Tuesday of each month in the City Council chambers, 4800 Town Center Drive. The Commission may also schedule a special meeting and/or conduct a study session on the second Tuesday of each month.

Anyone wishing to appear on the Planning Commission agenda or study session agenda should contact Planning Services at (913) 339-6700.

REZONING, PRELIMINARY PLAN AND SPECIAL USE PERMIT PROCEDURES FOR LEAWOOD, KANSAS

Newspaper publications: The city will be responsible for publishing the notice of public hearing in the official City newspaper not less than 20 days prior to the end of the public hearing.

Posting of the sign: Upon submission of the application, the City will supply the applicant with a sign to be posted on the property. The sign must be posted not less than 20 days prior to the public hearing.

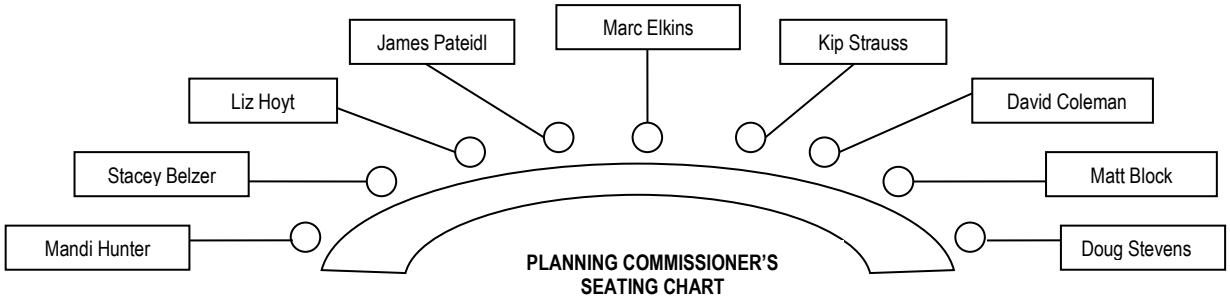
Letters of notification: The applicant will be responsible for mailing notices by certified mail, return receipt requested, of the proposed zoning change to all land owners located within 200 feet of the area proposed to be altered. These notices must be sent a minimum of 20 days prior to the Planning Commission hearing.

Public hearing: The Planning Commission hears all zoning requests, hearing from the applicant and anyone in the audience wishing to speak for or against the proposal. The Commission will then make a recommendation for approval or denial to the City Council or continue the application to another Planning Commission agenda. The following is an outline of the public hearing process.

1. Staff summarization of comments and recommendations.
2. Applicant presentation and response to staff comments and recommendations.
3. Public Hearing
   a. Anyone wishing to speak, either in favor or in opposition has an opportunity to speak.
   b. It is appreciated if the speakers keep repetition to a minimum.
4. The applicant will have an opportunity to respond to points raised during the hearing.
5. Planning Commission discussion.
6. Motion and second by the Planning Commission.
7. Planning Commission discussion of motion.
8. Planning Commission vote on the motion.

Protest period: Certain property owners may file a petition protesting the application within 14 days after the close of the Planning Commission public hearing. The petition must be signed by the owners of record of 20% or more of any real property proposed to be rezoned, or by the owners of record of 20% or more of the total real property within the area required to be notified in Article 16-5-4.1 of the proposed zoning of specific property, excluding streets and public ways and property excluded pursuant to 16-5-4.3.

City Council Action: After the protest period has concluded, the application will be placed on an agenda for a City Council meeting. The Council may then take action on the proposal. The Council may approve the Planning Commission's recommendation, or it may amend and approve or remand the proposal to the Planning Commission for further consideration.



PLANNING COMMISSIONER'S SEATING CHART

To all developers in the City of Leawood, Kansas:

The information contained in this packet will explain Leawood's procedures and requirements necessary for Special Use Permit (SUP) approval.

These procedures and regulations are governed by the Leawood Development Ordinance and K.S.A. 12-741 et seq.

Please contact the Planning and Development Department if there are any questions, (913) 339-6700.

Planning and Development Department
City of Leawood, Kansas
January, 2020

Rezoning/SUP Procedure

Rezoning/SUP

A rezoning/Special Use Permit (SUP) application and fee must be submitted to the Planning and Development Department by the application deadline. The application shall include the signatures of all owners of properties that are part of the subject development or provide proof of ownership of all owners through the completion of the ownership affidavit. All zoning districts within the City of Leawood are planned districts which require preliminary plan approval and the filing of a development plan with a rezoning or Special Use Permit, please refer to the City's application guidelines relating to preliminary and final site plans for additional application requirements.

Upon application for rezoning or SUP, the applicant is required to notify by certified mail, all property owners within 200' of the property line at least 20 days prior to the public hearing, not including the day of the meeting (Section 16-5-3 Notice and Public Hearing Requirements). The notification needs to include what action is taking place, the location of the project, the location of the public hearing, the time and date of the public hearing, as well as any other pertinent information, including the proposed number of lots, building square footage and building height, if applicable. The returned green slips need to be submitted to the Planning and Development Department prior to the public hearing. Prior to sending notification of the public hearing, a draft of the letter shall be submitted to Planning Staff for review and approval.

Notice of the rezoning/SUP hearing shall be published at least once in the official city newspaper at least 20 days prior to the date of the hearing. The applicant must submit the legal description on a computer disk. The City is responsible for the publication. The applicant will be responsible for the publication cost.

Immediately following application for a rezoning or SUP, the applicant must have an Interact Meeting. Under the Interact Program, the applicant, prior to the scheduling of a public hearing and in addition to the formal notice required in Section 16-5-3 for that public hearing, shall send courtesy notification via regular U.S. mail to the owners of record of property within 500 feet of the proposed development and the president(s) of any adjacent and/or nearby homes association(s), even if beyond 500 feet. The City shall also notify, if possible, the president(s) of adjacent and/or nearby homes association(s).

The applicant shall reimburse the City for all notification fees. This notice is to provide an opportunity for neighbors in the general proximity to the proposed development to meet and confer with the applicant and attempt to resolve issues that may impact them. Prior to sending notification of the Interact meeting, a draft of the letter shall be submitted to Planning Staff for review and approval.

The applicant shall file an attendance list along with a written summary of the general content and comments generated at the Interact meeting outlining concerns or issues raised by all parties, with an indication of issues that remain unresolved. The summary will provide a basis for City staff consideration and will become part of the written staff report to the Planning Commission and Governing Body. Failure to meet any of the

above requirements may delay an application from initial consideration by the Planning Commission, ultimately delaying the entire review process.

In addition to the notice of the public hearing within 200' of the property, the Interact notice within 500' of the property and the public notice in an official city newspaper, the applicant requesting rezoning/SUP will erect and maintain on the land being considered for rezoning/SUP a "Rezoning/SUP Pending" sign, furnished by the City. This sign must be posted a minimum of 20 days prior to the public hearing in front of the Planning Commission, not to include the day of the meeting. On the day of the hearing the applicant will file a notarized affidavit stating that the sign was erected and maintained on the site until the date of the hearing.

After the Staff has reviewed the submission and made their recommendations, the Planning Commission will consider the rezoning/SUP. A written report and meeting agenda will be sent to the applicant prior to the meeting. This report is the same report that the Planning Commissioners receive. At the Planning Commission hearing a representative should be in attendance to present the proposed development. The Planning Commission then makes a recommendation to the Governing Body. The Planning Commission will take action by either making a recommendation of approval, recommendation of denial or continuing the application for final action at a later date.

The staff will forward the Planning Commission recommendation to the Governing Body. The Governing Body will take action either approving or disapproving the recommendation of the Planning Commission. The Governing Body may continue its action on the application for final action at a later date. The Governing Body may also remand the application back to the Planning Commission for reconsideration. A representative must be present at the time of hearing.

Summary

The applicant is responsible for meeting all applicable City, County, State and Federal codes in their submission. Incomplete submissions shall be rejected. It is the applicant's responsibility to ensure that all of the required documents have been submitted to staff.

I*nforming*
N*eighborhoods*
T*hrough*
E*arly*
R*esponse*
A*bout*
C*ommunity*
T*ransformation*

PURPOSE:

Citizen participation in the planning process is vital to its success. Maintenance of property values and protection of the quality of life that Leawood has long been known for is a common goal for both City Staff and Community residents.

INTERACT, Leawood's Citizen Participation Program, has been developed to both inform and involve neighboring residents with proposed development as it occurs. By identifying neighborhood concerns prior to the Public Hearing process, the INTERACT program specifically seeks to:

- Ensure that both developers and citizens have ample opportunity early in the planning process to interface with one another and discuss neighborhood issues and perceived impact.
- Open a dialogue between the applicant and affected neighborhoods to establish and early line of communication.
- Facilitate the opportunity for citizens to learn about applications that may affect them and to encourage a forum for cooperative "damage control" at an early stage in the development review process.
- Improve communication between the development community, citizens, and Leawood City Government.
- Provide a process for sharing information that the City Planning Staff can consider in their application review process.

PROCESS:

1. Applicants seeking rezoning, preliminary or revised preliminary development plan approval, preliminary plat approval, or

conditional/special use permit approval shall first request a pre-application meeting with City Planning staff.

2. The applicant is then informed of the Citizen Participation Program.
3. The applicant is required to send courtesy notification to residents within 500 feet of the proposed development and president(s) of adjacent and/or nearby homes associations(s) and submit proof of such notice to City Planning Staff either upon the filing of an application or within ten (10) days thereafter.
4. This notice is to provide an opportunity for neighbors in the general proximity to the proposed development to meet and confer with the applicant and attempt to resolve issues that may impact them.
5. The meeting shall be held within the City limits of Leawood.
6. The applicant shall file a written summary of the general content and comments generated at the contact meeting outlining concerns or issues raised by all parties, with an indication of issues that remain unresolved.
7. The summary will provide a basis for City Staff consideration and will become part of the written staff report to the Plan Commission and Governing Body.

FAILURE TO MEET ANY OF THE ABOVE REQUIREMENTS MAY DELAY AN APPLICATION FROM INITIAL CONSIDERATION BY THE PLAN COMMISSION, ULTIMATELY DELAYING THE ENTIRE REVIEW PROCESS.

Planning and Development staff members are available to both residents and the development community to answer questions about pending issues. We encourage interested parties to contact City Hall between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday.

SAMPLE PUBLIC NOTICE LETTER FOR A SPECIAL USE PERMIT

[Date Letter is Sent]

[First Name Last Name]
[Street Address]
[City, State, Zip]

RE: Public Hearing [Time, Day, Date, Location]

Project Name and Location: [Project Name/Legal Description of Property]

Dear Citizen:

We have confirmed that you own property within **200** feet of the above referenced property. We have filed an application with the City of Leawood for a Special Use Permit for a [List what use is being proposed that requires the Special Use Permit] and for a preliminary plat and preliminary site plan. This property is generally located at the [General Location of the Property: i.e. southeast corner of 143rd Street and Nall Ave.] The development will consist of [Describe the project including the use, zoning, number of buildings, height of buildings in stories and the gross sq.ft. of of building area]. Plans submitted for this project can also be viewed at the City of Leawood Planning and Development Department at 4800 Town Center Drive, Leawood, KS.

A public hearing before the Planning Commission will be held on [Date of the Planning Commission Meeting] at 6:00 p.m. in the City Council Chambers of Leawood City Hall, 4800 Town Center Drive, Leawood KS. The general public will have an opportunity to comment on the proposed development at this meeting.

If you have any questions or if you cannot attend the meeting we can be contacted at [Phone Number].

Sincerely,

Your Name

SAMPLE

SAMPLE INTERACT NOTICE FOR COMMERCIAL DEVELOPMENT

[Date Letter is Sent]

[First Name Last Name]
[Street Address]
[City, State, Zip]

RE: Interact Meeting [Time, Day, Date, Location]

Project Name and Location: [Project Name/Legal Description of Property]

Dear Citizen:

We have confirmed that you own property within 500 feet of the above referenced property. We have filed an application with the City of Leawood to rezone this property from [Current Zoning Classification] to [Proposed Zoning Classification] and for a preliminary plat and preliminary site plan. This property is generally located at the [General Location of the Property: i.e. southeast corner of 143rd Street and Nall Ave.] The development will consist of [description of the project including number of buildings, gross sq.ft. of buildings, number of stories and the use].

In conformance with the City of Leawood's Interact Program, you are invited to an Interact meeting to provide you, as a nearby property owner, an opportunity to learn about the project and to discuss any issues or concerns that you may have. Prior to a public hearing before the Planning Commission, a summary of the meeting will be filed with the City of Leawood Planning Department. Plans submitted for this project can also be viewed at the City of Leawood Planning and Development Department at 4800 Town Center Drive, Leawood, KS.

The interact meeting will be held at [early evening after 5:30 p.m., i.e. 6:00 p.m.] on [Day and Date, preferably a weekday, Monday through Thursday], at [Location of the Meeting, which must be within the City of Leawood], at [Address/Location of the Meeting], Leawood, KS.

A public hearing before the Planning Commission will be held on [Date of the Planning Commission Meeting] at 6:00 p.m. in the City Council Chambers of Leawood City Hall, 4800 Town Center Drive, Leawood KS. The general public will have an opportunity to comment on the proposed development at this meeting.

If you have any questions or if you cannot attend the meeting we can be contacted at [Phone Number].

Sincerely,
Your Name

Special Use Permit Sign Affidavit

STATE OF _____

COUNTY OF _____

_____, being duly sworn upon his/her oath, deposes and states as follows:

1. That _____ is/are the legal owner(s) of the property affected by Case # _____ ; or

2. That _____ , is the agent for the owners of property affected by Case #_____; and

that there has been posted on said property, a sign indicating that a Public Hearing will be held on _____ and that such sign has been in place from _____ and remained in place up and through the date of the hearing.

Subscribed and sworn to me this _____ day of _____, 20__.

_____
Notary Public

My appointment expires:

_____

Proof of Ownership Affidavit

STATE OF _____

COUNTY OF _____

_____, being duly sworn upon his/her oath, deposes and states as follows:

1. That _____ is/are the legal owner(s) of the property affected by Case # _____; or

2. That _____, a

_____, is the holder of a contract to purchase the property

affected by Case # _____ from the owner(s), and is therefore "landowner" within the meaning of K.S.A.12-726, and any amendments thereto; and

3. That he/she is the _____ of said _____ (contract holder) and was duly authorized to file the application for Case # _____ on its behalf.

_____
Signature

Subscribed and sworn to me this _____ day of _____, 20__.

_____
Notary Public

My appointment expires:

_____

City of Leawood

APPLICATION FOR SPECIAL USE PERMIT

#_____

Please read the application fully before completing. This application cannot be processed unless complete with all the required documents attached. If you need any assistance in completing the form, please call the Planning and Development Department at (913) 339-6700 x 160. Fax: (913) 339-6781

PROPERTY INFORMATION

1. Name of Project: _____
2. Location or Address of subject property: _____
3. Legal Description: _____
4. Current Zoning: _____ Proposed Zoning: _____
5. Acreage: _____ No. of Lots/Units: _____

APPLICANT INFORMATION

OWNER OF RECORD:

Business Name_____

Contact Name_____

Address _____

City/State _____ Zip_____

Phone _____ Fax _____

Email _____

CONTACT PERSON:

Business Name_____

Contact Name_____

Address _____

City/State _____ Zip_____

Phone _____ Fax _____

Email _____

DEVELOPER:

Business Name_____

Contact Name_____

Address _____

City/State _____ Zip_____

Phone _____ Fax _____

Email _____

ENGINEER/SURVEYOR:

Business Name_____

Contact Name_____

Address _____

City/State _____ Zip_____

Phone _____ Fax _____

Email _____

ARCHITECT:

Business Name_____

Contact Name_____

Address _____

City/State _____ Zip_____

Phone _____ Fax _____

Email _____

LANDSCAPE ARCHITECT/PLANNER:

Business Name_____

Contact Name_____

Address _____

City/State _____ Zip_____

Phone _____ Fax _____

Email _____

APPLICATION CONTINUES ON THE BACK……..PLEASE TURN OVER

This space is for additional information you would like to provide in response to the questions on this form. Attach additional sheets if necessary.

_____

_____

_____

_____

IMPORTANT APPLICATION REQUIREMENTS

1. A representative must be at the meeting to represent this application.
2. If more than one property owner or developer is involved with this request, please attach additional names and addresses to this application.
3. The contact person will receive all staff correspondence.
4. Provide an electronic version of the Legal Description.

APPLICANT

_____
Applicant's Signature

PROPERTY OWNER

_____
Owner's Signature

FOR OFFICE ONLY

Date Filed: _____ Accepted by: _____ Fee Collected: _____
Case Number: _____ PC Meeting Date: _____
Planning Commission Recommendation: _____
_____

Last Revised: 1/1/19