

SPECIAL USE PERMIT

GENERAL PROCEDURE

- Special Use Permit applications are subject to Article 10 of the Zoning Regulations and Article 10 of the Procedures Manual available on the City website.
- Schedule a pre-application meeting with staff
- Submit completed application, fee & documentation by deadline
- Staff notifies applicant within one week if application is incomplete
- Notify surrounding property owners within 200' by certified letter 20 prior to the meeting
- Staff posts notice sign on property
- If Site Plan required, staff comments will be sent to the Site Plan Review Committee and the applicant 5 days before the meeting
- Applicant submits revisions based upon staff and Committee recommendations
- Staff comments sent to Planning Commission and applicant five days before the meeting
- Submit any required changes and documentation for City Council
- Staff comments sent to City Council and applicant 5 days before the meeting
- If approved, permit takes affect upon publication in official newspaper.

REQUIRED SUBMITTALS

Pre-application meeting: 3 copies of sketch & support documents to fully detail proposed use

Application/Site Plan Review Committee:

- Completed application forms with affidavits and any needed support documentation including a copy of the property deed showing owners and legal description.
- A letter to the Commissioners(see format attached) regarding details of the request.
- A buffer list & map of surrounding owners within 200 feet (or 1,000 feet if property is outside of city limits) available from the Johnson County Dept. of Records and Tax Administration, 111 S. Cherry St., Olathe, KS.
- Certified letter **receipts** from notification letters (template attached) sent to surrounding property owners (buffer list). Letters must be mailed at least 20 days prior to the Commission meeting.
- 7 full size copies (minimum 24" x 36"), 1 reduced copy (minimum 11" x 17"), 1 digital copy of site plan. These will be used for the Site Plan Review.

Planning Commission: 12 copies of revised site plan.

City Council: 12 copies of site plan, 1 reduced copy and 1 digital copy, revised according to PC recommendations.

**Failure to submit all of the required documentation may result in tabling the permit.

IMPORTANT: Review Zoning Regulations, Articles 10 & 11 and Procedures Manual, Articles 12 & 14 available at www.desotoks.us, Online Documents and Regulations

2011 APPLICATION REVIEW SCHEDULE

All meetings are at 7:00 p.m. at City Hall.

Check [Planning Review Calendar](#) on the City website for specific dates.

<http://www.desotoks.us/PDF%20Files/planningcal.pdf>

Application Submittal Deadline	Publication / Notification Date	Site Plan Review Committee	Revisrf Submittal Deadline	Planning Commission Meeting	City Council Meeting
<u>4 weeks prior to Planning Commission Meeting</u>	<u>20 Days prior to Planning Commission Meeting</u>	<u>2nd Tuesday of the month</u>	<u>2nd Monday prior to Planning Commission Meeting</u>	<u>4th Tuesday of the month</u>	<u>3rd Thursday of the month</u>

**State Statute requires a minimum 14-day waiting period between the PC meeting and the Council meeting.

SPECIAL USE PERMIT APPLICATION FEES

0 – 1 acres	\$400.00
1.1 – 3 acres	\$450.00
More than 3 acres	\$500.00
SUP Amendment	\$250.00

CITY CONTACTS (913) 583-1182

Linda Bohnsack
City Planner, ext 115
lbohnsack@desotoks.us

Mike Brungardt
City Engineer, ext 116
mbrungardt@desotoks.us

Pat Guilfoyle
City Clerk, ext 110
pguilfoyle@desotoks.us

Patrick Reavey
City Attorney, ext. 125
preavey@desotoks.us

Steve Chick, Sr.
Building Official, ext. 130
schick@desotoks.us

Kevin Ritter
Fire Chief
913-208-5352
dfd1600@yahoo.com

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SAMPLE MEMO FROM APPLICANT TO THE PLANNING COMMISSION

Date: _____

(Please print)

Business Name: _____

Address: _____

Applicant _____

To: City of De Soto Planning Commission

Re: Special Use Permit

Listed below is the information requested by City staff in connection with my/our Special Use Permit application for _____.

(This is a generic list and all questions may not apply to your application/business. Conversely, there may be aspects of the proposed use that are not covered that should be brought to the attention of staff and the Planning Commission. When answering the questions, please provide full, complete, descriptive answers. Keep in mind that some of the Commissioners may not be familiar with your type of activity or business and may need additional information. Bear in mind that it is the purpose of the Planning Commission to investigate completely any proposed use to be sure that it has a minimal negative impact on the surrounding property owners and property values.)

1. Provide a complete description of the activities to take place on the site.
2. What will be the estimated number of employees and/or contract persons working on-site or coming to the site—includes deliveries, full/part time employees, customers, etc.
3. What will be the proposed hours and days of operation, number of shifts, employees per shift.
4. What is the proposed and maximum occupancy
5. What will be the approximate vehicular traffic trips per day including employees, deliveries, contract services, customers, etc.
6. List and describe completely any proposed outdoor uses or special events to be held at the site.
7. What is the proposed signage? Please attach sketches or drawings.
8. Provide any other information that is relevant to application.

Sincerely,

(Applicant's Name)
(Business Name)

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SAMPLE LETTER OF NOTIFICATION FOR SPECIAL USE PERMIT APPLICATION

(Current Date)

**(Name of adjacent Property Owner)
(Address)
(City, State, Zip)**

Dear **(insert name)**:

Notice is hereby given that an application for a Special Use Permit for **(insert name and type of proposed use/business)** to be operated/placed on property located at:

(insert address and general description of the location of the property, i.e.—8228 Lexington Avenue, located about 400 feet West of the intersection of 82nd Street and Lexington Avenue.)

The zoning of the property is **(insert zoning district)** District.

The De Soto Planning Commission will consider this application at their regular meeting at 7:00 p.m. on **(insert meeting date)** at City Hall, located at 32905 West 84th Street in De Soto, Kansas. As provided by City zoning regulations and State Statutes, you are being notified because this action may have an affect upon property under your ownership, which is within 200 feet (or **1000 feet** if in the unincorporated area of the County) of the property under consideration. All persons interested in this application may be heard by the Planning Commission during their consideration of this application.

The complete application is available for inspection in the Community Development office at City Hall between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. For additional information, please see the City website at www.desotoks.us or contact Linda Bohnsack, the city planner at (913)583-1182, ext. 115 or by email at lbohnsack@desotoks.us .

Sincerely,

(Insert applicant's name & signature)

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PROOF OF OWNERSHIP AFFIDAVIT

STATE OF _____)
) ss.
COUNTY OF _____)

(1) (FILL IN IF APPLICANT IS THE LEGAL OWNER OR OWNER'S REPRESENTATIVE)

_____ (print name), being first duly sworn upon his/her oath, deposes and states he/she is the legal owner or the authorized official of the legal owner of the property that is the subject of a Special Use Permit application.

Signature of Owner: _____

Name & Title: _____

(Name of owner signing Affidavit. If owner is a corporation or business—exact name of individual signing Affidavit, capacity and exact name and legal status of said corporation or business)

(2) (FILL IN ONLY IF APPLICANT IS A CONTRACT PURCHASER)

That: _____
is/are the holder of a contract to purchase the property that is the subject of a Rezoning or Special Use Permit application from the owner(s) and is therefore a "landowner" within the meaning of the Zoning Code. (IF APPLICATION IS BEING FILED BY AN AGENT, THE AGENT'S PORTION OF THE AFFIDAVIT MUST BE COMPLETED ALSO.)

Signature: _____

Title: _____

(Name of contract purchaser signing Affidavit. If owner is a corporation or business--exact name of individual signing Affidavit, capacity and legal status of said corporation or business)

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

Notary Public

My Appointment Expires:

(EACH OWNER OF RECORD MUST FILE AN AFFIDAVIT)

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SPECIAL USE PERMIT APPLICATION

Return Form to:

City of De Soto Planning Department
P.O. Box C, 32905 W. 84th Street
De Soto, KS 66018
(913) 583-1182 ext. 115
Fax: (913) 583-3123

For Office Use Only

Case No.: _____
Filing Fee: _____
Deposit: _____
Date Advertised: _____
Date Notices Sent _____
Public Hearing Date: _____

APPLICANT: _____ PHONE: _____
E-MAIL: _____ FAX: _____
ADDRESS: _____ ZIP: _____
OWNER(S): _____ PHONE: _____
E-MAIL: _____ FAX: _____
ADDRESS: _____ ZIP: _____

TO BE COMPLETED FOLLOWING CONSULTATION WITH PLANNING STAFF

Location Of Property: _____
Legal Description: _____

Proposed Land Use Activity: _____

Adjacent Zoning and Land Use:

	<u>Zoning</u>	<u>Land Use</u>
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

Present Use of Property: _____

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Does the proposed special use meet the following standards?

Yes No

If no, attach a separate sheet explaining why.

- 1. There is a need in the community for the proposed use. _____
- 2. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected, and there will be little or no detrimental impact to nearby property. _____
- 3. Is found to be generally compatible with the character of the neighborhood in which it is proposed to be located. _____
- 4. Will comply with the height and area regulations of the district in which it is located unless specifically granted. _____
- 5. Off-street parking and loading areas and landscape buffering/screening will be provided in accordance with the standards set forth in the regulations. _____
- 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided. _____
- 7. The proposed use will not create any harmful environmental impacts such as excessive stormwater runoff, nighttime lighting, or air/noise/water pollution. _____
- 8. The proposed use will have an overall positive economic impact on the community. _____

Should this special use be valid only for a specific time period? Yes _____ No _____
If Yes, what length of time? _____

Attachments Required: _____ Property deed with owners and legal description
_____ Copies of site plan in accordance with the City's Application and Review Schedule and the requirements of Article 11, Site Plan Review, showing existing and proposed structures on the property in question, and adjacent property, off-street parking, driveways, and other information.

SIGNATURE: _____ DATE: _____

BY: _____ TITLE: _____

SIGNATURE: _____ DATE: _____

BY: _____ TITLE: _____

SIGNATURE: _____ DATE: _____

BY: _____ TITLE: _____

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