

Dear Rezoning, Special Use Permit, (Revised) Preliminary Plan Applicant:

As part of your application process, you are required to notify surrounding property owners of your public hearing before the Planning Commission to consider your application request. This notice must be sent by certified mail, a minimum of twenty two days prior to your scheduled public hearing before the Planning Commission. You are required to submit to the city the white/green certified mailing receipt cards as proof of mailing. See the attached instructions for sending certified mail. Do not use any electronic options for the delivery of certified mail as it does not provide adequate proof for the city to verify you have met your notice requirements. For your convenience, the last date to mail notices can be found on your application receipt or on the Planning Commission deadline schedule. The required notice must be sent to:

- Property owners within 200 feet of the property subject to your request and
- If the subject property is located adjacent to unincorporated land outside of the city's limits, the notices must also be mailed to all property owners of unincorporated property within 1,000 feet of the property subject to your request.

A form letter is included in this packet. Use the information on your receipt to fill in the blanks on the form. A reduced copy of your proposal should be included with the letter. Neighborhood meetings are required per Section 18.140.065 of the Unified Development Ordinance. The Planning Staff will advise if a neighborhood meeting is required for your particular application. A separate instruction packet for neighborhood meetings is available.

Additional requirements for the processing of your application include:

- A certified mailing affidavit
- A proof of ownership affidavit
- An authorization of agency affidavit for use when the applicant is not the property owner
- A sign posting affidavit – for rezonings and special use permits only

For your convenience, a notification and affidavit checklist is included to assist you through this portion of the process. All affidavits, except the sign posting affidavit, should be returned to the Planning and Development Services Department the Friday after your mailing date. The sign affidavit must be returned the day of your public hearing. Improper notification of surrounding property owners will result in your application being delayed. As outlined in Section 18.140.110 of the Unified Development Ordinance, requests for continuance may receive prior approval if they are submitted in writing no later than the Tuesday prior to your scheduled hearing. Late requests for continuance must be made in person to the Planning Commission. Should you determine that a continuance is necessary, please contact the planner assigned to your case for an overview of the continuance process. If you have any questions about the notification process or the required affidavits, please contact the Planning Department at (913) 895-6217.

LESLIE KARR
MANAGER, CURRENT PLANNING

Attachment

Notification and Affidavit Checklist



Current Planning Division
8500 Santa Fe Drive
Overland Park, KS 66212
(913)895-6217 Fax (913)895-5013
E-mail: pod@opkansas.org

Planning and Development Services Department

www.opkansas.org

GENERAL NOTIFICATION INFORMATION

- The Planner of the Day, 913/895-6217, is available to answer questions about the notification requirements.
- Failure to properly notify surrounding property owners will result in a continuance of your application.
- A notary public is available in the Planning and Development Services Department for your convenience.
- DO NOT use electronic options for providing your notice requirements without pre-approval from the Planning Department.

OBTAIN A LIST OF SURROUNDING PROPERTY OWNERS

- The Johnson County Records and Tax Administration office, 913/715-0775, can provide a list or you may contact a private title company. (*See back for directions to the Johnson County Administration Building*)
- List must include owners within a 200-foot radius of your application area.
- When adjacent to any unincorporated properties, the list must include owners within a 1,000-foot radius.

PREPARE NOTIFICATION LETTER

- See attached sample, fill in the following information:
 - Plan number,
 - A description of your request,
 - Date of the public hearing,
 - General location of the property or the address.
 - Legal description of the application area (*may also be attached*).
- Attach a copy of your plan when applicable.
- Provide a copy of your letter to the Planner assigned to your case.

NOTIFICATION PROCESS

- Send notices by certified mail to surrounding property owners (*see attached example*).
- Notices must be mailed 22 days in advance of the Public Hearing. See application receipt or deadline schedule for the last date to mail.
- Keep the white portion of the receipts. Be sure to clearly label with property owner(s) name and address exactly as shown on the property owner list.

POST SIGN - REZONING AND SPECIAL USE PERMIT APPLICATIONS ONLY

- A sign will be provided by the Planning and Development Services Department.
- The sign must be posted 15 days prior to the Public Hearing.
- The sign must be posted in a central location, five feet beyond the sidewalk, or 20 feet from the edge of the pavement. One sign is required for each street frontage.
- If your item is continued, the public hearing date must be updated. Contact the Planner of the Day for a continuance sticker.

AFFIDAVITS AND DOCUMENTATION

- Return the following notarized affidavits and documentation to the Planning and Development Services Department by 5:00 p.m. the Friday after your mailing date.
 - Ownership affidavit - for property owner or contract purchaser.
 - Authorization of agency - for any person representing or acting on behalf of the owner.
 - Certified mailing affidavit.
 - Mailing list.
 - Copy of notification letter.
 - White receipts from certified mailing with property owner(s) name and address clearly labeled.
- Bring the sign posting affidavit with you to your hearing (*if required*).

Dear Property Owner:

This letter is to notify you that the Planning Commission will hold a public hearing at Overland Park City Hall, 8500 Santa Fe Drive, City Council Chamber, to consider a **(insert case type)** on the following tract of land:

Insert a typed Legal Description of the property here, or type “See Attached Legal Description” here and attach a typed legal description to the letter when it is mailed.

This tract of land can be more generally described as:

insert address

A public hearing to consider this request for **(insert case type and plan number from application receipt)** has been scheduled before the Overland Park Planning Commission on:

Monday, **insert date**, beginning at 1:30 p.m.

The purpose of the request is to allow:

Indicate the proposed use of the property and the time frame (duration) requested on the application.

All interested property owners are invited to attend. More information on this application and copies of any submitted plans are available on the city’s website (www.opkansas.org), in the Planning & Development Services Department in City Hall, or by contacting the undersigned.

Following the action of the Planning Commission, the surrounding property owners as defined by Section 18.140.080 of the Unified Development Ordinance (UDO), may file a protest petition with the City Clerk. The protest petition must be filed with the City Clerk’s office by the close of business within fourteen (14) days after the Planning Commission’s action. A valid protest petition (signed by the owners of 20 percent of the property required to be notified under Section 18.140.080) requires an affirmative vote of at least ten members of the thirteen member Governing Body in order for the application to be approved. If you have questions about filing a protest petition or you wish to obtain the required forms, please contact the Planning and Development Services Department, Overland Park City Hall, 8500 Santa Fe Drive, 913-895-6217 or visit the city’s website www.opkansas.org.

Respectfully,

Type your name and contact information below your signature.

PLAN NUMBER _____

SIGN POSTING (To be returned the day of the hearing)

AFFIDAVIT

STATE OF _____)
) SS:
COUNTY OF _____)

_____, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states:

That he/she has visually observed the sign(s) being in place and maintained on the lot, tract, or parcel of land for which the application was filed, for no less than 15 days prior to the date of the hearing in compliance with Chapter 18.140.090 of the Overland Park Municipal Code.

Further affiant saith naught.

SIGNATURE

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

Notary Public

My Commission Expires:

For Office Use Only	
_____ Date Submitted	
_____ Received By	_____ Approved for Hearing/Date

PLAN NUMBER _____

UDO 18.140.080 LEGAL NOTICE CERTIFIED MAILING AFFIDAVIT

STATE OF _____)
) SS:
COUNTY OF _____)

_____, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That he/she is a representative of the property described in the attached notice upon which an application for a _____ has been filed before the City Planning Commission of the City of Overland Park, Kansas.
2. That on the ____ day of _____, _____, did mail at least twenty two (22) days prior to the scheduled Public Hearing, postage prepaid, by certified mail, a letter explaining the proposed change, time, date, and place of hearing and attached hereto, to all of the owners of property within a radius in compliance with Chapter 18.140.080 of the Overland Park Municipal Code, from the described real estate, as follows:

(Please attach legal description)

List the name and address of all property owners who have received notification below:

<u>NAME</u>	<u>ADDRESS</u>
_____	_____
_____	_____
_____	_____

If additional space is needed, prepare an attachment.

3. Further affiant saith naught.

SIGNATURE

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

Notary Public

My Commission Expires:

			For Office Use Only
<u>Date Received</u>	<u>Received By</u>	<u>Number of Owners</u>	<u>Number of Cards</u>
_____ Approved for Hearing/Date			

**PROOF OF PROPERTY OWNERSHIP
AFFIDAVIT**

STATE OF _____)
) ss.
COUNTY OF _____)

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

(1) (FILL IN ONLY BY PROPERTY OWNER OF RECORD)

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

Is/are the legal owner/authorized official of the legal owner of the property that is the subject of plan number _____.

(ALL OWNERS OF RECORD MUST FILE AN AFFIDAVIT)

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

That _____
(Name of contact purchaser signing Affidavit; if a corporation or business, exact name and legal status of said corporation or business)

Is the holder of a contract to purchase the property that is the subject of case number _____ from the owner(s) and is therefore a "landowner" within the meaning of the Zoning Code.

SIGNATURE

Subscribed and sworn to before me this _____ day of _____,

_____.

Notary Public

My appointment expires

**IF APPLICATION IS BEING FILED BY AN AGENT OR LESSEE, AFFIDAVIT ON
NEXT PAGE MUST BE COMPLETED**

For Office Use Only

Date Received

Received By

Approved for Hearing/Date

Directions from Overland Park City Hall to the Johnson County Administration Building

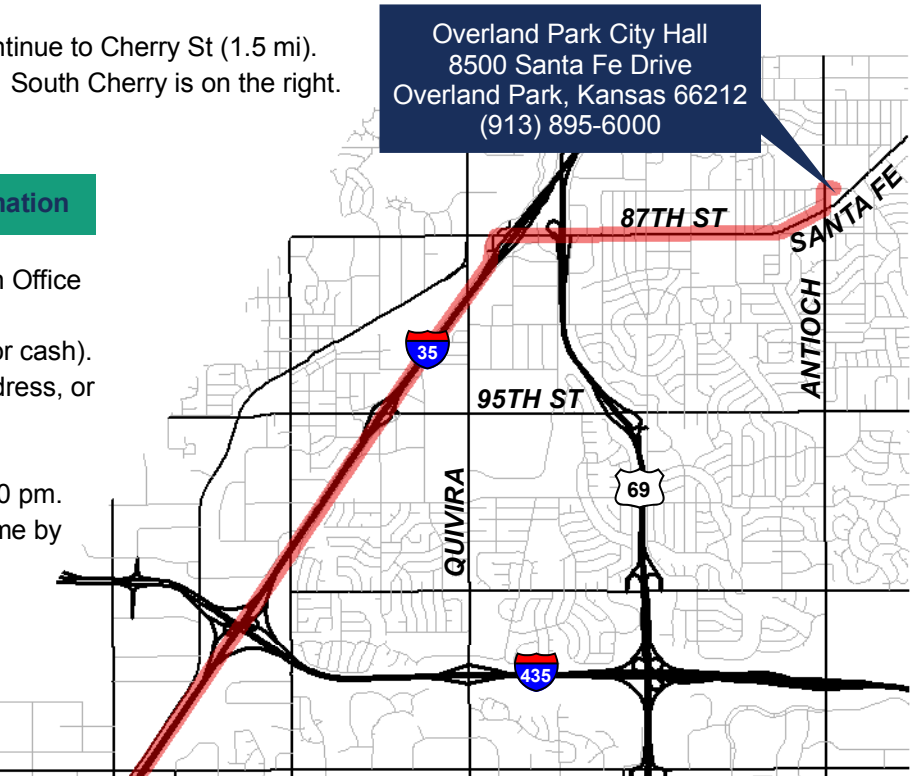
Turn-by-Turn Directions (total distance: 10.5 mi)

- 1) Leaving City Hall, turn left (west) onto 85th Street.
- 2) Turn left (south) on Antioch.
- 3) Turn right (west) on Santa Fe Drive (which becomes 87th Street) and continue to I-35 (1.8 mi).
- 4) Turn left (south) onto I-35 South and continue to the Santa Fe exit (7 mi).
- 5) Turn right (west) on Santa Fe and continue to Cherry St (1.5 mi).
- 6) Turn left (south) on Cherry Street. 111 South Cherry is on the right.

Johnson County Mailing List Information

- Go to Records and Tax Administration Office (suite 1200).
- The mailing list fee is \$20.00 (check or cash).
- You will need a parcel ID number, address, or legal description for the property.
- It will take 5 to 30 minutes to process.
- Requests must be started prior to 4:30 pm.
- You can start the process ahead of time by calling (913) 715-0775.

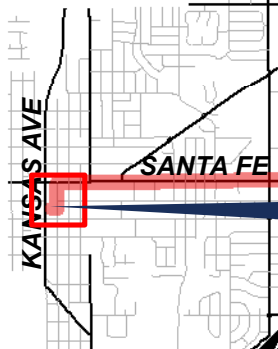
Overland Park City Hall
8500 Santa Fe Drive
Overland Park, Kansas 66212
(913) 895-6000



Inset Map



Johnson County
Administration Building
111 South Cherry Street
Olathe, Kansas 66061
(913) 715-5000



CERTIFIED MAILING INSTRUCTIONS

Notice of your request must be sent by Certified Mail:

- Certified mail provides proof of mailing. A return receipt is not required.
- Your mailing labels and the green and white certified mail receipt, USPS Form 3800, should be addressed exactly as shown on the property owner list. See example of Johnson County ownership list below.
- A date stamp on the Certified Mail receipt is required to show when your notification was accepted by the post office. The City uses this receipt as your proof of mailing. We recommend that you do not use electronic methods for your mailing.
- See the common questions below for additional guidance.

SAMPLE - OWNERSHIP LIST FROM JOHNSON COUNTY

<p>Parcel 1 of 6: NF241225-2028 (8500 Santa Fe Drive) (OWNER[S] NAME/ADDRESS) SMITH, JIM A. SMITH, SUZANNE P. 12345 METCALF OVERLAND PARK, KS 66212</p>	<p>Parcel 2 of 6 NF241225-2029 (8516 Santa Fe Drive) (OWNER[S] NAME/ADDRESS) SMITH, JIM A. SMITH, SUZANNE P. 12345 METCALF OVERLAND PARK, KS 66212</p>
<p>Parcel 3 of 6 NF241225-2030 (8540 Mackey Street) (OWNER[S] NAME/ADDRESS) RANDOM OWNER, LLC PO BOX 123 KANSAS CITY, MO 64158</p>	<p>Parcel 4 of 6 NF241225-2032 (8549 Mackey Street) (OWNER[S] NAME/ADDRESS) McDONALDS 2534 W. 115TH STREET OVERLAND PARK, KS 66223 (BILLING NAME/ADDRESS) RONALD MCDONALD 2534 W. 115TH STREET OVERLAND PARK, KS 66223</p>
<p>Parcel 5 of 6 NF241235-2005 (8422 ANTIOCH) (OWNER[S] NAME/ADDRESS) VILLA OZ YELLOW BRICK ROAD LTD 25004 W. 169 STREET TOPEKA, KS 68221 (BILLING NAME/ADDRESS) THE TOTO COMPANIES 1245 MAIN STREET TOPEKA, KS 68227</p>	<p>Parcel 6 of 6 NF241235-2012 (8474 ANTIOCH) (OWNER[S] NAME/ADDRESS) STRANG, WILLIAM B. STRANG, MARY T. 8474 ANTIOCH ROAD OVERLAND PARK, KS 66212 (BILLING NAME/ADDRESS) STRANG, WILLIAM B. STRANG, MARY T. 12345 MAIN STREET OLATHE, KS 66258</p>

CERTIFIED MAILING INSTRUCTIONS

Common questions/issues:

The same owner(s) own more than one property (Parcels 1 & 2) **One notice may be sent, provided that the owner name(s) and mailing addresses are exactly the same.**

The owner is an LLC, does the notice need to be sent to someone's attention? (Parcel 3) **You are only responsible to provide notification to the owner as listed on the County parcel records.**

The owner and the billing names are different but have the same mailing address. (Parcel 4) **Send one notice to the common address and list both the owner and billing names.**

The owner and the billing names are different and have different addresses. (Parcel 5) **You are required to send the notice to the property owner of record. We also recommend that you send a notice to the billing name address.**

The owner and the billing names are the same but have different mailing addresses. (Parcel 6) **You are required to send the notice to the property owner of record. We also recommend that you send a notice to the billing address.**

If I have two applications for the same property, can just one notice be sent? **You can send notices for two applications for the same property in the same mailing. However separate letters should be sent to make it clear that more than one application is being considered.**

Sending Certified Mail. (The instructions below are intended as a guideline. Contact the USPS for specific instructions.)

1. Address your envelope as normal.

2. Fill in recipient's name and address at the bottom of the Certified mail form.

3. The receipt and the corresponding envelope/ mailing label must be addressed exactly as shown on the property ownership list.

4. Peel the backing from the bar-coded label and place at the top of the envelope

immediately to the right of the return address so the dotted line is even with the top of the envelope. Fold the upper green part of the label over the top of the envelope. **DO NOT place the sticker to the far right or on the side of the envelope**; sufficient space must be left for attaching postage.

5. Obtain an official date stamp on the receipt as your proof of mailing.

6. Detach the certified mail receipt and turn in to the City along with the completed mailing affidavit.

7. Keep your receipts in the same order as order of the property owner list.