



PLANNING 101

Residents and business owners are often passionate about how the property around them is used, but understanding how zoning, land use and the planning approval process works can be intimidating.

On the next few pages, we've illustrated the basics of how the planning process works and addressed some of the most frequent questions we receive.

WHAT ROLE DOES ZONING PLAY IN OUR COMMUNITY PLANNING PROCESS AND HOW PROPERTY IS USED?

Each property in the City is assigned a zoning classification that determines how development can occur. Zoning regulations include a list of uses that are allowed and other rules such as maximum height, minimum setbacks and number of units per lot. Zoning can be seen as the "instruction manual" for carrying out the vision of the City's Comprehensive Plan and future land use map. It helps growth to occur in a well-managed way that complements the surrounding uses.

EXAMPLE: RP-1, Planned Residential Single-Family (Low-Density) Zoning District

In an RP-1 District, these uses are allowed by right. Regulations still apply for each use, and some may be subject to supplementary use regulations.

- Single-family home
- Manufactured home, subject to architectural design standards
- Churches or places of worship
- Daycare, limited
- Group homes
- Public parks



A few additional uses are allowed in RP-1 with a special use permit. These are required for uses that need additional analysis of whether they will be compatible with the surrounding uses and is dependent on the proposed location and its surroundings. They're often approved for a specific period of time, and they must be approved by both the Planning Commission and the City Council. Uses allowed with a special use permit in RP-1 are:

- Cemeteries
- Cultural services
- Daycares, general
- Large wind energy conservation systems
- Public safety services
- Schools, elementary and secondary
- Utilities
- Wireless communications facilities

Any other use is not permitted in this zoning district. In order to put a warehouse, gas station or supermarket in this neighborhood, a developer would have to apply to rezone the property.



Basics of Planning Commission

The Planning Commission is responsible for reviewing and recommending planning and zoning issues to the City Council. They're charged with protecting the public health, safety and welfare of the city. The Commission can approve some applications, while other types must have final approval from the City Council.

As is the case with all Lenexa's volunteer boards and commissions, the nine members of the Planning Commission are appointed by the mayor with the consent of the City Council.

They typically meet at 7 p.m. on the first Monday of the month in the Community Forum at Lenexa City Hall. You can sign up to receive copies of the Planning Commission packet (which outlines the items being considered at the next meeting) and action agenda (which summarizes actions taken at the latest meeting) at Lenexa.com/ENews.

Find useful resources like a list of land uses, the Comprehensive Plan and future land use map at Lenexa.com/Planning.

YES

SOMETIMES

NEVER

HOW DOES THE PLANNING PROCESS WORK?

This flowchart shows how a rezoning and concept/preliminary plan proposal moves through the planning process. This is one of the more procedurally complex issues the Planning Commission addresses. Rezoning also often attracts a lot of attention from neighbors. The Agricultural zoning district was considered a “holding zone” for large empty parcels when they were first annexed by the City. As a result, developers are often seeking to rezone Agricultural



property into a zoning type that will accommodate a large development like a subdivision or commercial district.

All applications for rezoning must be accompanied by a concept or preliminary plan. This saves the developer and City time and money by not having to apply for and review these interconnected items separately.

PRE-APPLICATION CONFERENCE

Development proposals are not solicited by the Planning Commission or City staff; rather, developers and property owners submit development proposals to the Planning Commission. The developer typically kicks off this process by meeting with Community Development staff to present a conceptual plan for their development.

STAFF REVIEW

Once an application is formally submitted, City staff first check the plans for completeness and assesses fees. The concept or preliminary plans are reviewed by a team that includes staff from the Police and Fire Departments and the Engineering, Traffic, Building Inspection and Planning divisions of the Community Development Department.

Staff is responsible for ensuring development proposals comply with maximum density, provide enough parking and open space, don't exceed the maximum height allowance and are set back the required distances from property lines. Staff also looks at the design of the buildings.

After reviewing the plans, staff sends their comments to the developer for them to address and submit revised plans.



COMMON QUESTION: *How do I know which specific businesses are coming to the proposed development?*

Sometimes, the developer knows the specific type of business or brands that will be located in their development. However, as part of submitting an application to the Planning Commission, they are not required to reveal the eventual tenant. In multi-tenant buildings or developments consisting of numerous buildings, it's less likely the developer knows who all of the tenants will be at the time of application.



PLANNING COMMISSION MEETING AND PUBLIC HEARING

During a Planning Commission meeting, the applicant makes a presentation first, followed by a staff presentation analyzing the project. Members of the public are then invited to provide input during a public hearing. Speakers are asked to provide their name and address for the public record. Depending on the number of people who want to speak on a particular item, the chairman may limit the length of comments.

Public hearings are required for rezoning and special use permit application, but not other items. The chairman will typically still allow public comment for items that don't require a public hearing.

Members of the public can also submit written comments via letter or email to the Planning Commission. These are entered into the Planning Commission packet if received in time or distributed to commissioners at the meeting or the day of the meeting.

After closing the public hearing, the Planning Commission will discuss the proposal. They may ask additional questions of the applicant and/or City staff. One of the commissioners will make a motion, and other will second the motion. The chairman will call for a vote, which is usually a voice vote by affirmation. The Commission isn't voting to approve or deny the applications — they're voting on a recommendation for the City Council to approve or deny.

PUBLIC NOTICES

For all rezoning applications, the applicant must mail a notice of public hearing — supplied by the City — to all property owners within 200 feet of the project's property line. These notices must go out at least 20 days before the hearing date via certified mail. They also must post a notification sign so it's visible from the public street. The City posts a public notice in its official paper of record.



PROTEST PERIOD

For rezoning applications, a 14-day protest period begins after the Planning Commission public hearing. During this time, a petition protesting the zoning change can be filed with the city clerk. It must be signed and notarized by 20% or more of the property owners in the required notification area. If a valid petition is filed, then 3/4 of the Governing Body members must vote to approve the rezoning in order for it to be adopted.



COMMON QUESTION: Why do projects the neighbors don't like get approved?

While members of the public have the opportunity to provide input on proposals, the Planning Commission and City Council take many issues into consideration. Rezoning and special use permits are evaluated based on criteria found in the Unified Development Code, including the character of the neighborhood, zoning of the properties nearby, conformance to the Comprehensive Plan, adequacy of utilities and impact on the environment and street network.



CITY COUNCIL CONSIDERATION

Rezoning property, approving special use permits and concept/preliminary plans are all considered by the City Council at its regular meetings, held the first and third Tuesday of each month in the Community Forum. While another public hearing isn't required for these applications, the mayor will typically allow public comment. The City Council can vote one of three ways:



Approve

The City Council can approve the rezoning application in whole or in part, with or without modification and approve the concept/preliminary plan in whole or in part, with or without modification and conditions.



Remand

The City Council also has the option to remand the application back to the Planning Commission.

When this happens, the Governing Body provides specific direction regarding what the Planning Commission should consider. Often, the developer changes something relative to the development proposal. This change may happen between the Planning Commission and City Council meeting, or it may be a result of feedback and direction given by the mayor and City Council.

If a public hearing was required when the Planning Commission first considered the application, it is not required as part of the remand. However, the Commission may allow additional public comment at the meeting.



Deny

If the zoning request is denied, the application cannot be resubmitted for one year. This rule does not apply to concept/preliminary and final plan applications.



FINAL PLAN

Once the rezoning and preliminary plan are approved, the developer must submit a final plan. The final plan is reviewed by the staff review team, which submits comments that must be addressed.

The Planning Commission often reviews the final plan during its regularly scheduled meeting and can choose to approve the plan in whole or in part, with or without modifications,

or deny the application. Based on the zoning classification of the property, the final plan may not require Planning Commission approval.

The final plan does not have to be sent to the City Council for approval unless requested by two or more City Council members or the city manager.

Once final plan approval is received, the developer can apply for permits to start construction.

