



611 Mulberry Road, Suite 300  
 Derby, KS 67037  
 Phone 316-788-6632  
[www.derbyks.com](http://www.derbyks.com)

**APPLICATION FOR:  
 PLANNED UNIT DEVELOPMENT  
 AMENDMENT**

This form and accompanying documents must be completed for the application to amend an approved Planned Unit Development. This form must be completed in accordance with directions on the accompanying instructions and filed with the City Planner or Authorized Agent at Derby City Hall, 611 Mulberry, Derby, Kansas 67037.

***AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED***

Date: \_\_\_\_\_

**Fee: \$750\*<sup>1</sup>**

*\* Potentially qualifies for fee waiver,  
 contact Derby Planning & Engineering Department  
<sup>1</sup> Additional recording fees may apply*

**CONTACT INFORMATION**

**Owner(s) of the Property Requesting the Amendment** (use a separate sheet if necessary):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Primary Contact? Yes \_\_\_ No \_\_\_ (Please Check)

**Agent Representing the Applicant** (if applicable):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Primary Contact? Yes \_\_\_ No \_\_\_ (Please Check)

**Contract Purchaser** (if applicable):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Primary Contact? Yes \_\_\_ No \_\_\_ (Please Check)

**REQUEST INFORMATION:**

**1. Planned Unit Development Classification (check):**

- Residential Planned Unit Development District (Refer to Article 413.A of the Zoning Regulations)
- Mixed-Use Planned Unit Development District (Refer to Article 413.B of the Zoning Regulations)

***COMPLETE APPLICATION ON NEXT PAGE***

2. Describe the purpose of the amendment request or provide a separate written statement: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Location:

a. Address (if assigned): \_\_\_\_\_

b. Legal Description: Lot(s) \_\_\_\_\_, Block \_\_\_\_\_, \_\_\_\_\_ Addition

c. If Property is not platted, a metes and bounds description and location map shall be provided with this application. A planned unit development request will not be officially approved until subject property/properties have been platted.

4. General Information:

a. Size of Property: \_\_\_\_\_ Square Feet

b. Depth of Property: \_\_\_\_\_ Feet

c. Width of Property: \_\_\_\_\_ Feet

5. Development Plan: A development plan shall accompany this application. Please see attached instructions for specific requirements.

**CERTIFICATION**

The undersigned acknowledges and certifies the following:

1. They certify that the information given herein is correct.
2. They have received and read the instruction material concerning the filing and hearing of this matter.
3. They have been advised of the fee requirements established and that the appropriate fee is herewith tendered.
4. This application is accompanied by a current ownership list certified by an abstractor for the notification area.
5. That all documents are attached hereto as noted in the instructions.
6. This application cannot be processed unless it is complete.

\_\_\_\_\_  
Property Owner(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent (if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contract Purchaser (if applicable)

\_\_\_\_\_  
Date

<p><b>OFFICIAL USE ONLY</b></p> <p><input type="checkbox"/> Fee <u>OR</u> <input type="checkbox"/> Fee Waived</p> <p><input type="checkbox"/> Certified Ownership List</p> <p><input type="checkbox"/> Development Plan</p> <p>This application has been checked and found to be complete and accompanied by the required documents and the appropriate fee.</p> <p>_____ City Planner or Authorized Agent</p>	<p style="text-align: center;">&lt;stamp date received&gt;</p>
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## INSTRUCTIONS FOR A PLANNED UNIT DEVELOPMENT DISTRICT

1. **Application:** The application must be completed and signed by all owners of record of the application area.

In order for an application to be scheduled, it must be filed with the City Planner or Authorized Agent, by one of the specific “closing dates” established by the Planning Commission. A copy of the “closing dates” may be obtained upon request.

All planned unit development applicants are encouraged to meet with applicable City staff prior to filing an application. The purpose of the pre-application conference is to provide staff and the applicant an opportunity to discuss all forthcoming steps and any other applications or steps that may be necessary prior to commencement of a specific building project.

2. **Legal Description:** The legal description for the property subject to the PUD amendment application must be accurate. If it is discovered during the processing of the application that the legal description submitted on the application is unclear or incorrect, then this may delay processing of the application. Should it be discovered that the legal description included as part of public notices is inaccurate, the Zoning Administrator may declare that notices are null and void and that the notification process, required by State Law, must be started over again. This will necessitate the repayment of the application fee. In this regard, at least 20 days must elapse between the date the legal notice is published and the public hearing date. Also, at least 20 days must elapse between the date of mailing notices to persons listed on the ownership list and the hearing date.
3. **Ownership List:** Applicants must submit a current ownership list certified by a licensed land abstractor. The ownership list shall include names, mailing addresses and zip codes of all landowners within 200 feet of the boundary of the area described in the application if within the city limits. If such area is located adjacent to the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall also provide the names, mailing addresses and zip codes of all landowners extending 1,000 feet into the unincorporated area
4. **Fee:** The amendment application must be accompanied by a filing fee of \$750.00. An amendment to an approved planned unit development may qualify for a fee waiver, contact Derby Planning & Engineering department for more information.
5. **Public Hearing Sign:** A sign advertising the date, time, location, and purpose of the public hearing shall be posted on the property subject to rezoning a minimum of 20 days prior to the public hearing date. The sign shall remain onsite and continually displayed for the general public’s viewing until after the public hearing.
6. **Development Plan:** The amendment application must be accompanied by a development plan. Please use the attached checklist to complete the required development plan(s) and associated documents.
7. **Additional Information:** Additional information and documents such as photographs, renderings, drawings, exhibits, site layout plans, or other reports may be submitted and/or required by the City Planner or Authorized Agent along with the application and ownership list. Such materials will be made a part of the case file and become public record.

8. **Review Procedures:** Amendments to Approved PUD requests are reviewed in the same manner as zone change requests as well as the additional standards identified in Articles 413.A and 413.B of the Zoning Regulations. Amendments require both preliminary and final review by the Planning Commission prior to being considered by the City Council in accordance with Article 413.A.4 of the Zoning Regulations. Planned Unit Development requests will not be finalized until platting is complete and recorded with the County Clerk. Use the attached checklists for completing the Development Plan and other required documents with submitting a PUD request.
9. **Public Hearing and Planning Commission Consideration:** The Planning Commission shall conduct the required public hearing in accordance with K.S.A. 12-757 and Article 413 of the Zoning Regulations on the date published in the City's official newspaper. At the meeting, the applicant(s) will be provided time to offer a statement along with members of the general public. Staff will present the written findings of fact and the additional standards for PUD review. The Planning Commission will deliberate on these facts and standards. The following processes pertain to each of the PUD review types:
- **Preliminary Planned Unit Development Review:** The Planning Commission may, as a condition of approval, require changes to the Amended PUD Site Development Plan and/or its accompanying written provisions. If the Planning Commission recommends disapproval of a Preliminary PUD, the application shall be forwarded to the Governing Body for final action. If approved, the applicant may proceed with preparing and submitting the Final PUD Site Development Plan and accompanying documents.
  - **Final Planned Unit Development:** The Planning Commission shall take one of the following actions on a Final PUD:
    - i. A Final PUD, which involves no modifications or additions from the approved Preliminary PUD, shall be approved by the Planning Commission and forwarded to the Governing Body if the Commission determines:
      - 1. That proposed landscaping and screening meets or exceeds the requirements of Section 304 of the Zoning Regulations.
      - 2. That all other requirements of Preliminary PUD approval have been satisfied.
    - ii. A Final PUD, which involves modifications or changes from the approved Preliminary Residential PUD, may be approved by the Commission and forwarded to the Governing Body provided it is determined that the Final Site Development Plan, and its accompanying written provisions, are in substantial compliance with the approval conditions established for the Preliminary PUD. This is provided the Commission determines:
      - 1. That proposed landscaping and screening meets or exceeds the requirements of Section 304 of the Zoning Regulations.
      - 2. That all other requirements of Preliminary PUD approval have been satisfied.
10. **Governing Body Consideration:** The Governing Body (City Council) will consider the amendment request following Planning Commission consideration. If approved, the City Council shall pass an ordinance. The Amended PUD shall take effect after the ordinance is published in the City's official newspaper. A copy of the ordinance and Certificate of Planned Unit Development shall be provided to the applicant(s) by City staff and recorded with the County Register of Deeds. The Governing Body's decision shall be the final local action. If approved with special requirements imposed on the PUD, said requirements shall be referenced on the amended PUD Site Development Plan, and if applicable, reference in the PUD's written provisions