

21. FINAL PLAT NO. 2008-32 - MISSION FARMS WEST - Vicinity of the northwest corner of Mission Road and I-435

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1. APPLICANT: Grubb & Ellis/The Winbury Group is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting approval of a final plat for street right-of-way and stream corridor in an approved mixed use development.
3. LOCATION: The 9.40-acre property is located in the vicinity of the northwest corner of Mission Road and I-435.
4. EXISTING ZONING: This property is currently zoned MXD, Planned Mixed Use District.
5. ANALYSIS: The applicant is requesting final plat approval for two tracts and the public streets in the Mission Farms West development. This property was rezoned in August 2006, to allow 85 residential units, 159,200 square feet of retail, and 67,800 square feet of office space. This final plat is a portion of the overall project and includes 105<sup>th</sup> Street and Indian Creek Parkway rights-of-way. Tracts A and B are located in the stream corridor and will be dedicated to the city at a later date for parkland and open space. Staff has reviewed the plat and, except for some minor technical issues, all ordinance requirements have been met.

ENVIRONMENTAL IMPACTS: This development is being constructed in conjunction with a city flood control project. The majority of the engineering issues associated with this development were addressed when the rezoning was approved in 2006.

Tracts A and B will be designated as stream corridor and will be deeded to the city in the future. The owner will be responsible for maintenance of the stream corridor until the land has been deeded to the city. The owner is required to make application to the Kansas Department of Health and Environment for a National Pollutant Discharge Elimination System (NPDES) Permit for construction activity disturbing more than one acre.

6. STAFF RECOMMENDATION: Staff recommends approval of Final Plat No. 2008-32, Mission Farms West, subject to the following stipulations:
  - a. Prior to recording of the final plat, the additions and corrections outlined in the plat technical review memorandum shall be completed and approved by city staff.

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- b. Prior to recording of the plat, the city's required Excise Tax shall be paid.
- c. The proposed parkland Tracts A and B shall be dedicated in fee simple absolute, by Kansas Warranty Deed, to the City of Overland Park for public open space and natural preservation areas at a time acceptable to and/or requested by the Director of Parks and Recreation. In addition to the Warranty Deed, the applicant shall furnish a Title Report and a commitment for title insurance. The Title Report shall indicate that the property is free and clear of any street assessments, property taxes, and liens.

The final boundaries of the parkland property are subject to review and approval by the Parks and Recreation Department. Acceptance of the parkland is contingent upon an acceptable environmental assessment, which shall indicate that the proposed parkland is free of any hazardous waste, dumpsites, or any other harmful material. Where the initial environmental assessment is unsatisfactory, it shall be the landowner's responsibility to remediate the site to the satisfaction of the city prior to the city accepting the dedication.

Written approval of construction easements shall be obtained from the city prior to any grading, tree removal, or installation of sewers and utilities within the parkland tract.

- d. Prior to recording the final plat, staff must approve the Stream Corridor Maintenance Agreement. The Stream Corridor Maintenance Agreement shall be submitted by the city for recording at the Johnson County Register of Deeds with the recording fee paid by the developer.
- e. Delineate the designated stream corridor area on the final plat and include the required language as stated in Municipal Code Section 18.365.090.
- f. Prior to any grading or other construction on any lot adjacent to a stream corridor, the stream corridor boundary shall be delineated and be readily visible in the field.