

B. FINAL PLAT NO. 2009-10 - PHOENIX CONDOMINIUMS - 7924 Santa Fe Drive

1. APPLICANT: Kaw Valley Engineering is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting approval of a one-lot final plat for a commercial, office, and residential condominium building.
3. LOCATION: The 0.28-acre property is located at 7924 Santa Fe Drive.
4. EXISTING ZONING: This property is currently zoned MS-1, Main Street 1 District.
5. ANALYSIS: The applicant is requesting final plat approval for a condominium plat for the Phoenix Building in downtown Overland Park. The three-and-a-half-story building is already constructed for commercial on the first floor, office on the second floor, and four residential units on the top floor-and-a-half. Garages for the residential units are provided on the first floor along Foster Street at the rear of the building. Common areas are provided on the three main floors of the building for hallways and access. Platting the building for condominiums allows the individual commercial, office, and residential units to be sold as opposed to being leased.

Staff has reviewed the plat and, except for some minor technical issues, finds all ordinance requirements have been met. Staff would point out that the owners of the condominium units will be subject to the Declaration of Condominium Conditions, Covenants and Restrictions that is recorded along with the condominium plat. Johnson County reviews the declaration for compliance with the condominium plat and building floor plans. That additional review adds time to the process and sometimes requires additional technical revisions to be made, either to the plat or the declaration, for these documents to comply.

Typically, the payment of Excise Tax is required prior to the recording of a final plat. In this case, though, the property was platted previously as Lots 23 and 24 of the Overland Hill subdivision, and the proposed condominium plat does not increase the number of developable lots. Under the Rebate Ordinance regarding Excise Tax, this plat would be considered exempt from the payment of Excise Tax.

6. STAFF RECOMMENDATION: Staff recommends approval of Final Plat No. 2009-10, Phoenix Condominiums, subject to the following stipulation:

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- 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.