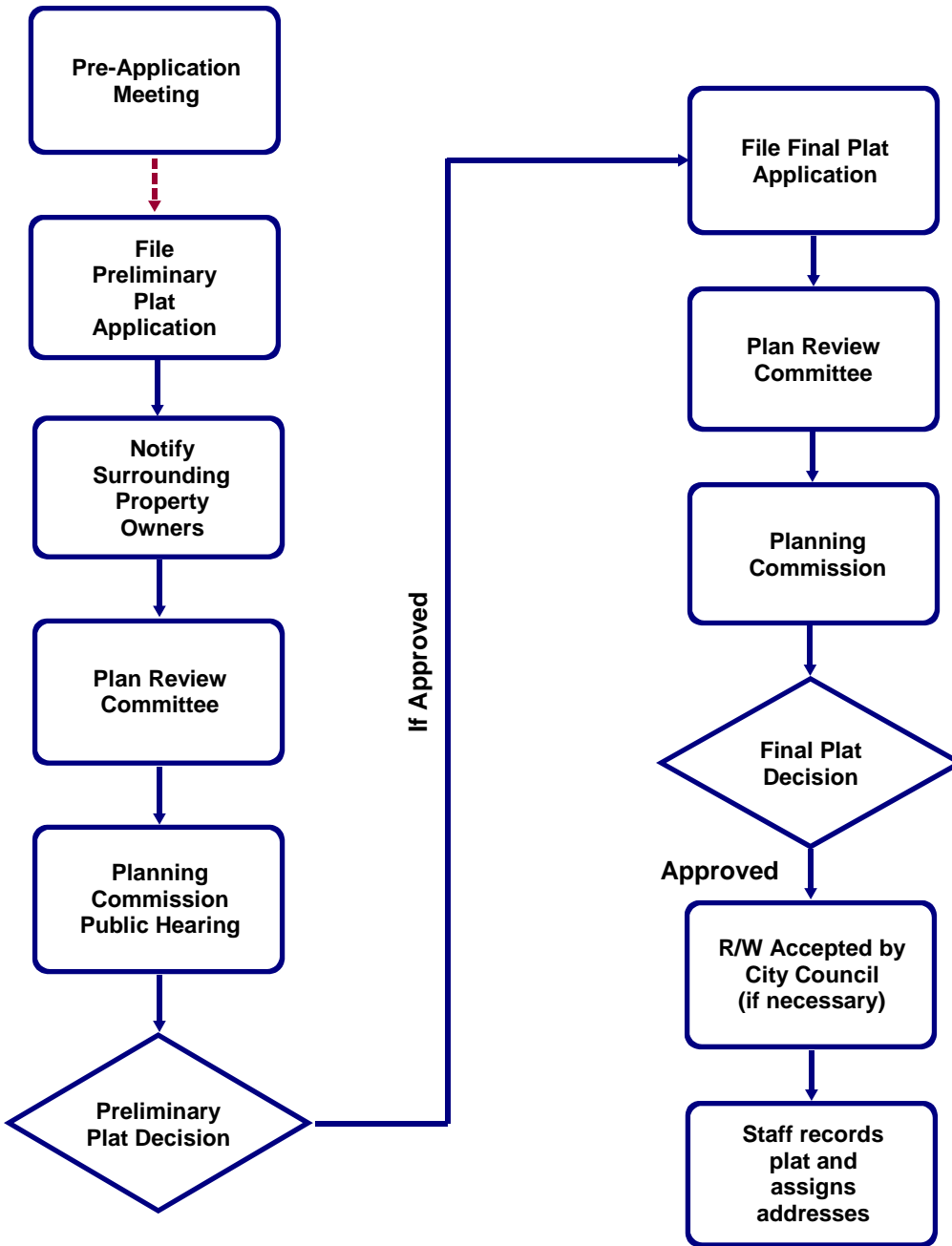


PLATTING

Chapter 5



LEGEND

Required 

Optional 

Chapter 5 - Platting

Purpose of this Step

The City of Overland Park requires that virtually all property be platted before a building permit is issued. Platting involves the subdivision of land into lots or tracts. A plat is recorded as a permanent legal document that includes both an accurate description, as well as a graphical depiction of any real property that is to be divided. The intent of platting is to provide a readily accessible and easily understandable public record of property. Units of property that have been created by platting can be easily transferred between interested parties.

Subdivision plats dictate:

- sizes and shapes of lots
- relationship between existing and future streets
- location of proposed public improvements
- location of lands dedicated for public purposes

As a result, the purpose of the platting step is to ensure that:

- a sensibly arranged pattern of lots results for the intended uses
- streets and public improvements are planned to serve the needs of each lot, as well as surrounding properties
- consistency is provided between subdivisions
- an opportunity is provided for public review and comment on the proposed plat layout

Types of Plats

- 1. Preliminary Plats.** Preliminary plats are considered at a public hearing before the Planning Commission. The plat must demonstrate the overall subdivision concept for an entire ownership tract. The preliminary plat shows the general lot configuration, street layout and existing topography.
- 2. Final Plats.** The final plat drawing generally represents only one phase of development within the approved preliminary plat. The final plat must conform with the approved preliminary plat, but the final plat is far more detailed than the preliminary, including exact easement locations, and dedication language for all public reservations. There is no requirement for public notice, and the Planning Commission will not conduct a public hearing prior to taking action on a final plat. If the plat contains public right-of-way (or other property that is proposed to be dedicated to the city) the application will be heard by the City Council for acceptance of the public lands. Property owners and city officials will sign an approved version of the final plat drawing that will ultimately be recorded by the Johnson County Department of Records and Tax Administration.

This chapter describes the platting approval process. If you need additional information about any step in the process, please contact the Planner-of-the-Day at 913/895-6217.

Step 1 - Pre-application Meeting

It is recommended that the applicant meet with a member of the Current Planning staff prior to submitting a plat application. Depending on the property, current planners may ask staff members from Engineering Services, Community Services or Building Safety to attend. Although detailed drawings are not necessary at this point, it is helpful if the applicant has prepared some preliminary sketches of the platting concept in order to convey the character of the proposed subdivision to the staff.

The following topics arise at a pre-application meeting:

- The applicant may explain site constraints and other issues that impact the subdivision design.
- The staff can answer questions about the proposed plat and the approval process.
- The staff can provide an initial reaction to the proposed plat. The staff may provide direction and recommend changes to the plat.
- The staff can make the applicant aware of any special studies that must be performed prior to an application being submitted.
- The staff will explain fees that may be associated with platting the property, such as excise taxes or escrow payments for public improvements.

The pre-application meeting should provide the applicant with enough information to determine whether or not to file an application. The staff will provide as much feedback as possible; however, the staff cannot guarantee that all relevant issues will be identified at this meeting, or that the initial reaction of an individual staff member will reflect the final staff recommendation.

Process Improvement Points

Do some research before beginning. Find out what the property is zoned and what zoning restrictions have been placed on the property. Find out the floodplain boundary location. Is stormwater detention required on site? Are there streams regulated by the stream corridor ordinance? Is there a need for a storm drainage study? Determine what the surrounding land uses are and note where access might be provided. Have adjacent streets been stubbed into the property? Check the Master Plan and determine if a collector or thoroughfare street, or a greenway linkage is planned to go through the property. Be aware of any natural features existing on the property.

Confer with staff to determine the feasibility of a project before property is purchased or expenses are incurred on detailed plat drawings, application fees or special studies.

If you have not already done so, now is the time to check with both Johnson County Water District No. 1 and the Johnson County Unified Wastewater District to determine the availability of water and sewer services.

Step 2 - Filing the Application

Applications for plats can be filed at City Hall on any business day between 8 a.m. and 5 p.m. The process typically takes 15 to 30 minutes to complete, except that on application deadline dates there is often a waiting line in the afternoon.

A complete application submittal consists of:

- an application form
- an application fee
- seven copies of the plat drawing
- a digital copy of the plat in PDF format with a minimum resolution of 300 dpi
- any special studies that were identified during the pre-application meeting, such as traffic, etc.
- title report
- calculation sheet
- preliminary stormwater management plan (residential)

The application forms, fee schedules and a checklist for plats are included in the Appendix and are also available at www.opkansas.org.

Application fees can be paid in cash, with a check or with a credit card (for transactions under \$1,000). Once the application has been entered into the city's computer system and the fee has been paid, the applicant is given a receipt that includes the case number and the date of the hearing before the Planning Commission.

In the case of a preliminary plat, the applicant is required to mail (by certified mail - return receipt) a written notice of the application and the public hearing to all property owners within the notification area. The applicant will be given an "affidavit packet" that

Process Improvement Points

Accuracy is critical when platting property. Double-check all legal descriptions.

Double-check to make sure your drawings meet all of the submittal requirements for plats. Applications that do not meet the submittal requirements will not be considered on schedule.

contains a sample letter for the mailed notice and two affidavits that state:

1. notices to surrounding property owners were mailed at least 20 days prior to the public hearing
2. the applicant either is the owner of the property or is acting as the owner's agent in making the application

These affidavits must be completed and returned to the city prior to the public hearing, along with the mailing receipts for each letter and as many of the return receipts as the applicant receives.

Once the application is taken, it is possible to submit additional information. However, significant changes or late submission of required information can result in the delay of the Planning Commission hearing.

Step 3 - Plan Review Committee

Every application goes through a detailed staff review. Although a current planner is assigned to coordinate the review, the focal point of the process is the meeting of the Plan Review Committee. This is a committee of eight to 10 representatives from various city divisions and departments that reviews each item on the Planning Commission agenda, identifies issues and develops a recommendation. Thus, the staff recommendation reflects the consensus of several opinions.

Typically, the following issues are explored for each application:

- Is the property zoned appropriately for the intended subdivision and have all zoning stipulations been met?
- Is the application consistent with the city's Master Plan and Official Street Map?
- Does the plat contain a sound, well-conceived parcel

Process Improvement Points

To save time, it is possible to run your preliminary and final plat approval simultaneously so they are considered at the same meeting. However, rezoning must be approved prior to the plat approval. Talk to the staff to find out if this type of parallel processing is applicable in your case.

The city does not evaluate availability of utilities. Be sure to check with utility companies to ensure availability of service.

and land subdivision layout that is consistent with good land planning and site engineering design principles?

- Is a stream corridor maintenance agreement required?
- Are the spacing and design of proposed intersection locations consistent with good traffic engineering design and public safety considerations?
- Are all submission requirements satisfied and all required studies submitted?
- Are the adjacent streets improved to normal city standards? If not, does additional land need to be dedicated to meet right-of-way standards or does a vertical profile need to be engineered to show how adjacent streets will be graded when they are improved? Are specific street or traffic signal improvements needed concurrent with development?
- Is the property in a 100-year floodplain or in a drainage basin in which stormwater detention is required? Are there streams regulated by the stream corridor ordinance? Are there drainage problems on-site or at site boundaries, or are there deficient drainage structures downstream? These should be addressed in the preliminary stormwater management plan.
- Is any land proposed for dedication as a public park? Is it land that would be beneficial to the park system? Is the proposed development in compliance with the Greenway Linkage Plan (the city's system of linear parks and bike/hike trails) or does there need to be a dedication of land or easements?
- Does the lot configuration generate any building code problems?

Within one or two days following the Plan Review Committee meeting, a staff member will contact the applicant to discuss the staff's recommendation. In many cases, the staff will offer suggestions for modifying the application in such a way that would increase the level of staff support. Any changes agreed to by the applicant need to be made as soon as possible to avoid delays in the approval process. If extensive changes are being made or if additional traffic or engineering

Process Improvement Points

Residential lots cannot be platted within the federal floodplain boundaries.

Keep in mind that other State and Federal permits may be required when developing property, particularly when development occurs along Waters of the U.S., within the floodplain or on property containing wetlands. While the staff will attempt to inform you which State and Federal permits may be required, it is your responsibility to comply with all State and Federal regulations.

studies are required, then the staff will request that the application be “continued;” i.e., rescheduled, to a later Planning Commission meeting.

Step 4 - Planning Commission Hearing

The Planning Commission consists of 11 appointed citizens who meet on the second and fourth Mondays of each month at 1:30 p.m. in the City Council Chamber. For each item on the agenda, the staff will present a verbal summary of the staff report and the applicant will be given an opportunity to make their own presentation.

Staff and applicants making presentations in the City Council Chamber will have access to a number of features designed to enhance presentations, which are described below.

The podium is equipped with a touch panel display for the control of presentation devices and lights. The display allows the direct viewing of the presentation images or video and includes telestrator technology to allow the presenter to draw or highlight items on the images that are projected. The podium also includes a camera based overhead projector for letter size or smaller documents. It also has DVD, CD or VHS video playback capabilities and includes network and device connectivity for a wide range of storage formats (compact flash, USB jump drives, memory sticks, etc.).

The podium also includes a cabinet/table for the projection of large format plans. Plans will be positioned on the cabinet top. A camera mounted in the ceiling will display the image.

Additionally, two large format flat panels are mounted on both sides of the chamber for public viewing of

Process Improvement Points

presentations. Several monitors are also located in the ceiling to provide viewing for those at the rear of the room.

During the meetings, there will be staff available to assist with the presentation equipment.

Presentations should be concise and to-the-point and need not be elaborate. At the end of both presentations, the Commission members may ask questions.

Next, in the case of a preliminary plat, the Chair will open the public hearing and invite anyone in the audience who has an interest in the application to speak. If issues or concerns are raised, the applicant is given an opportunity to respond.

Finally, the Planning Commission discusses the action that should be taken and the reasons for that action. The Planning Commission may approve, approve with conditions, known as “stipulations,” or deny the application. The Planning Commission may also vote to continue the application to a later meeting to allow further study or revisions to be made to the plat.

The action taken by the Planning Commission on preliminary and final plats is final. There is not an opportunity to appeal the Planning Commission’s decision to the City Council. However, if the final plat includes any right-of-way, the application will proceed to the City Council for acceptance of the public lands.

Process Improvement Points

The Planning Commission encourages public participation when considering a preliminary plat. As a result, it is strongly recommended that applicants meet with surrounding land owners prior to initiating a plat application.

Step 5 - City Council Meeting

The City Council will only consider final plats containing land that is proposed to be dedicated to the city. The City Council must officially accept ownership of the streets and public lands before the plat may be recorded.

Step 6 - Getting a Plat Recorded

A final plat does not become a legal document until it is recorded by the Johnson County Department of Records and Tax Administration. The city will not allow a building permit to be issued until after the plat has been recorded. The final version of the plat submitted for recording must be free from errors and include any revisions required as a part of the approval. Often, the Planning Commission attaches stipulations that must be completed before the plat is recorded. The city's Planning Technician coordinates the recording of all subdivision plats, and may be reached at 913/895-6190.

These steps are followed in recording all subdivision plats:

1. Once the plat has been approved, the Planning Technician will notify the applicant of any required excise tax or escrow payments that must be submitted before the plat can be recorded. The engineer who prepared the plat will also receive a memo from the Engineering Services Division outlining any corrections that must be made to the plat.
2. The following must be submitted to the Planning Technician to get a plat recorded:
 - a signed copy of the plat on 24-lb. bond paper or vellum
 - calculation sheet that shows the area of all the lots and rights-of-way
 - digital copy of the plat in .dwg format

Process Improvement Points

Planning Commission approval of final plats expires in 18 months if the plat has not been recorded.

Plan ahead! Building permits will not be issued (and public improvement construction will not be permitted) until a plat is recorded. For that reason, there is often pressure to speed up the plat recording process. Delays during the county's recording process are not unusual due to workloads and the steps involved. A snag in any of these steps will delay the recording process, and will likewise delay the issuance of a building permit. It is important to coordinate the filing of the plat with your construction plan approvals, so that building permits can be issued in a timely manner.

- required filing fee, excise tax, escrow and other miscellaneous payments
 - landscape/screening plan (if required)
3. The Planning Technician and Engineering Technicians will ensure that all corrections have been made to the plat. If changes are required, the Technician(s) will inform the engineer.
 4. If the Planning Technician determines that the plat can be recorded, the plat will be signed by the appropriate city officials.
 5. The staff delivers the plat to the Johnson County Engineer's office. The County Engineer ensures that the plat is in a format that can be legally recorded. If revisions are required, the plat will be returned to the engineer who prepared the plat. If a new plat is prepared, it will be necessary to resubmit to the Planning Technician and again obtain signatures from the city officials.
 6. The County Engineer then forwards the plat to the Johnson County Department of Records and Tax Administration. This department checks to make sure that the ownership information on the plat matches their information and that all property taxes have been paid in advance. The plat will not be released for recording until all property taxes have been paid, which is a common cause for delay. Once these items have been verified, the Johnson County Department of Records and Tax Administration will inform the Planning Technician that the plat is ready to be recorded. The Planning Technician will make arrangements to have the plat recorded.
 7. The Planning Technician will inform the appropriate city staff that the plat has been recorded so that building permits can be issued.

Process Improvement Points

For an additional fee, the applicant may obtain a certified copy of the recorded plat from the Johnson County Department of Records and Tax Administration. Additionally, the City of Overland Park provides a copy to the engineering firms.

It is recommended that the applicant contact the following county offices before beginning the recording process to minimize unexpected delays. (See Development Directory in Appendix.)

- The County Engineer
- Johnson County Department of Records and Tax Administration

The Department of Records and Tax Administration requires that all prior and current year's property taxes be paid prior to a plat being recorded.

Step 7 - Addressing

After the plat has been recorded, the Planning Technician will assign street addresses to all platted lots. The City of Overland Park utilizes a street name grid system. More information can be found in the City of Overland Park Address Standards, which were approved with ordinance ZRR-2528. Numbered streets run east-west while named streets run north-south. The Technician will assign street names and addresses conforming with the grid system and will notify the post office, utility companies, fire and police departments, all relevant city and county offices and the project engineer of the new addresses.

Costs Commonly Associated with Platting

The Excise Tax. The excise tax is used to fund thoroughfare improvements. The excise tax rate is based on the square footage of the property being platted. Credits are available for properties that have previously participated in an improvement district for thoroughfare construction. Plats cannot be recorded and building permits cannot be issued until the excise tax is paid. The excise tax rate is established by the City Council and is subject to change without notice.

Escrow Accounts. Additional costs can be incurred for the future construction of public improvements, including adjacent collector streets and stormwater infrastructure.

Off-Site Improvements (requiring separate plan approvals). Off-site improvements that may be required to be installed by the developer concurrent with construction include:

- **Widening of Thoroughfares.** Unimproved thoroughfares adjacent to the property must be at

Process Improvement Points

The city does not allow the applicant to choose names for public or private streets within a development. All addresses and street names are assigned by the city and conform to an official grid system.

least 22 feet wide. If not wide enough, they will need to be widened to a minimum of 24 feet by the developer concurrent with construction.

- **Stormwater Projects.** Occasionally, development of a property will have a direct impact on the stormwater drainage on surrounding properties. The developer may be required to make certain off-site improvements to mitigate those effects.
- **Street System.** Improvements to the existing street network immediately abutting the plat may be required to serve the development, including the addition of turn lanes and intersection improvements.
- **Creek Improvements.** The city's ordinance establishes minimum stream set back requirements to avoid hard armoring of natural stream channels.
- **Detention.** In certain areas of the city, stormwater detention is required and must be constructed concurrent with development of the site.

Lot Splits

Once a lot has been platted, it is sometimes necessary to split the lot to allow for the transfer of ownership of only a portion of the original lot. A platted lot can be split one time via administrative approval. If any additional splits are desired, the original lot must be re-platted to show the new lot configuration. This requires going through the platting process previously described.

Applications for lot splits can be filed at City Hall on any business day between 8 a.m. and 5 p.m. Depending on the proposed split, administrative approval may be granted at the time of application or may require additional time for research. A complete application submittal consists of:

- an application form (The application form for lot splits is included in the Appendix and is also

available at www.opkansas.org.)

- a survey of the lot with the proposed new legal descriptions of the two portions.

Planning staff then reviews the lot split application to ensure that the platted lot has not previously been split and that the new lots meet the zoning district area regulations and setbacks.

Following city review of the proposed lot split, the survey of the new lots is submitted by the applicant to Johnson County Public Works for review. When that review is complete, the applicant can record the approved survey and deed transferring ownership with the Johnson County Department of Records and Tax Administration. It is important to note that a recorded survey does not establish a new lot line. That is accomplished with the recording of a deed. However, a survey involving the splitting of a lot is required to be recorded by State law.

Process Improvement Points