



# **Payne & Brockway, P.A.**

**CIVIL ENGINEERS & LAND SURVEYORS**

**Mark Huggins, P.E.  
Gerald Conn, P.S.**

**Carman G. Payne, P.E. (1892-1963)  
S.H. Brockway, P.E. (1907-1989)  
Lee Meireis, R.L.S. (1933-2010)  
Ed Young, P.E., R.L.S. (1936-2011)  
Mike Howell, R.L.S. (Retired)  
Johnny Ray, R.L.S. (Retired)**

September 30, 2024

Jessica Schuller, Senior Planner  
Planning Department  
City of Olathe  
P.O. Box 768  
Olathe, KS 66051-0768

RE: Crème de la Crème – PF24-0012 & FP24-0026

Dear Ms. Schuller:

On Monday, September 9, 2024, at 6:00 pm a neighborhood meeting for Crème de la Crème was held at Millbrooke Elementary School. Notices were mailed on August 30, 2024, with the copies of preliminary site development plan and final plat.

Todd Allenbrand with Payne & Brockway introduced himself and introduced the guest that was representing InSite Development Service, LLC at the meeting as follows:

Andrew Johnson, P.E., Project Manager InSite Development Service, LLC

See neighbors sign-in sheet, attached at the end of the minutes, that attended the meeting.

Todd: Hi everyone, I'm Todd Allenbrand with Payne & Brockway and this is Andrew Johnson with InSite Development. The project tonight is a Daycare located at 113<sup>th</sup> Street and Noble Drive, south of Primrose Daycare and west of Covington Court. I'll turn it over to Andrew to share more of the details.

Andrew: We're the developer and prospective purchaser of the property. The site is the pie shape property. It will have a 17,000 sq.ft. plus building, little under 20,000 sq.ft. playground area, access to 113<sup>th</sup> Street, Sunnybrook Boulevard and sidewalk connections from the site to the streets. We'll in turn lease it to tentative user Crème de la Crème to operate a child daycare facility, Crème de la Crème is an upper scale facility. We will be utilizing the existing basin for our stormwater and onsite stormwater treatment. These are our building elevations. We are currently working through city comments. If there are any question, I would be happy to answer them.

426 South Kansas Ave. Olathe, Kansas 66061 Ph: 913.782.4800 Fax: 913.782.0907 [www.payne-brockway.com](http://www.payne-brockway.com)

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22-0028

Jim Rude: 11401 S Millridge Street, there's currently a sidewalk on Noble Drive, that's currently not shown. It's further down Noble from where you are stopping the sidewalk maybe another 100 feet. We were wondering if you would be involved with extending the sidewalk from your sidewalk to the existing sidewalk? I'm not sure the distance, but there is no sidewalk, so people have to walk in the street.

Andrew: That's a good question. The city is aware the sidewalk hasn't been continued. It was brought up in our meeting with them. The city said it was shown on the development plan for the Covington Court multi family. It was supposed to be extended the McKenzie property. We are constructing sidewalks along our frontage for both Sunnybrook and Noble including the frontage within the proposed tract.

Todd: InSite, as Andrew mentioned, will be responsible for the construction of the public sidewalks adjoining their side of the proposed development. This is a typical in the City of Olathe, a developer or home builder is required to construct the sidewalks adjoining their frontage. In this case, the missing sidewalk, would be the responsibility of the developer of Covington Court.

Andrew: Correct, we're proposing our sidewalks within the public right-of-way. As Todd mentioned the adjacent property owners are responsible to develop the sidewalks.

Jim Rude: Thank you and respect to the pond, I'll ask one more question and I want the planner to hear this, your property line will extend above the pond from the middle of the pond?

Andrew: That is correct, InSite, our special purpose entity, will own to this point and McKenzie will own from just below the green sanitary sewer line to the middle of the pond.

Jim Rude: You are purchasing the property from the McKenzie's?

Andrew: Correct.

Jim Rude: The line from your property ends to the line for Lot 6 will still be McKenzie's?

Andrew: Correct.

Jim Rude: Ok so any contractual requirements they have for the pond maintenance conceivably wouldn't change? I know you maybe can't answer that.

Andrew: That's correct, but the only possible change is that we may become a party to requirements, because we will be discharging our stormwater into it. We may have to be a party to its maintenance and cost, its conceptual at this point.

Jim Rude: You'll have discussion about the agreement.

Andrew: Yes, we're not sure what the exact details of the agreement will be at this time, but at the minimum will have to be mentioned that we are an accepted user of the basin.

Jim Rude: Will that be with City of Olathe or McKenzie?

Andrew: I'm not sure if the City of Olathe is included in the existing agreement for the basin, I would need to check.

Jim Rude: They are not, its two-party agreement Heartland Development and McKenzie's. Heartland is the responsible for the three HOA's for Covington Court, Covington Creek and Covington Pool.

Todd: These type documentations or agreements are setup with new developments. If something changes with the properties defined in the documents, the changes are captured in amendments which are recorded for public record. This is a common practice.

Jim Rude: This will come from the landowner, McKenzie, or will InSite possibly be into a contractual agreement with them?

Todd: We aren't sure exactly what the attorneys have discussed, but typically the new developer, in this case, InSite would be added to whatever agreements are in place and it would define the details to add InSite.

Jim Rude: Thank you, it will happen with your development amending the agreements. I have one more question. I think your plan said the building would be 28 feet high and is the still under review by the city?

Andrew: Yes, it's currently under review. The highest point will be parapet above the gym at approximately 28 feet. The average building height will be 16 feet or 17 feet. We are currently addressing city comments, so some of those height could change slightly along with some of their materials.

Bob Simmons: I live at 11478 S Waterford Drive. I want to come back to the side. If I may, there's a public works side being done with tis development. The public work side of this, is it going to be done by InSite as part of your overall developer role the streets and connections?

Andrew: Yes, technically speaking as what we have agreed to with the McKenzie's, they will be responsible for the design or paying for the design of the roadways and InSite will be responsible for the contraction of them.

Bob: Will Payne & Brockway be the engineer for the roads.

Todd: Yes, we have contracted with the McKenzie's.

Bob: I've been in the weeds a little when I say all this, we love our developer love him to death, but they did something funky when they platted the second plat. They jogged the plat around road rather coming all the way up along the road. In my opinion they did it to probably avoid constructing the sidewalk.

Todd: The jogging of a property line doesn't necessarily disqualify a developer from construction a sidewalk. As mentioned before, rather the boundary is continuing along a road or jogs around it, a developer or home builder is responsible for the construction of the sidewalk adjoining the public right-of-way. In this case, there is a development plan in place identifying the construction of the missing sidewalk.

Bob: Us as a community would just like to get this gap closed.

Todd: The city is aware of the missing sidewalk. I can't speak for the city, but I'm sure they have the same concerns.

Bob: Is there going to be some changes to the building material?

Andrew: Yes, we are currently working through city comments. We'll be making some changes to the façade, adding some stone.

Bob: Is there going to be a swimming pool?

Andrew: No, there won't be a swimming pool. There might be a splash pad feature, but no swimming pool.

Bob: I know the building sets north/south to the world, but what façade faces Covington Court cul-de-sac?

Andrew: The southerly facing on the elevations. Also, for the record, we'll be adding pedestrian gateway connection to the site.

Bob Foss: 21264 W 115<sup>th</sup> Terrace Foxfield Court other side of Lone Elm. The water going into the holding are (detention basin) how does it get into it by tubing.

Todd: We are planning on sheet flowing or surface draining the parking into a filter strip then into the basin. The building will have some downspouts/roof drains that will be piped and taken into the basin. The piping will be determined as progress through the plans and their approvals.

Bob: I meant the drainage from your parking to the pond.

Todd: That's what I mentioned surface draining to the pond.

Bob: Where is the pond.

Todd: The pond is in the proposed tract. The pond sets within a Covington Court tract and our proposed tract.

Bob Simmons: Crème de la Crème will maintain the grassy area by 113<sup>th</sup> Street.

Andrew: Yes, that will be their responsibility.

Bob: I want to go back to Jims's comment about the pond. Your property line to water's edge, outside your property, do think there will be an agreement with the McKenzie's?

Andrew: Yes, as we discussed, there are stormwater maintenance agreements in place which we'll be party to them most likely based on a land percentage.

Bob: Do you have a projected start of construction.

Andrew: We are thinking the quarter three of 2025 or possibly quarter two.

Andrew: Any other questions or concerns.

Bob: We are hoping that the development siphon some of the traffic of Waterford. We see a lot of people coming up Sunnybrook then through our development. Noble turns into 113<sup>th</sup> Street that will be a right turn and left turn at Sunnybrook?

Todd: We would assume the extension of Sunnybrook and 113<sup>th</sup> Street should alleviate some of the traffic concerns. However, because we can predict peoples driving patterns, we won't have a better picture until they're built.

Bob: Do you know if there will be any stop signs.

Todd: I think there could be one at the south leg of Noble Drive, where it connects to 113<sup>th</sup> Street. There's currently a yield sign at this location. I would anticipate a yield sign on 113<sup>th</sup> Street where it connects with Sunnybrook. I wouldn't anticipate a stop sign at this location when Sunnybrook is extended north. Sunnybrook is the collector street for these areas, so at the 113<sup>th</sup> Street intersection, it probably won't have a stop sign. Anyway, stopping patterns are determined by the city based on need.

Bob: We would really like for Sunnybrook to go through.

Todd: You, the neighbors, the owners and I know the city would as well.

Bob/Jim: Who is the planner for the project.

Todd: Jessica Schuller.

There was no more input from the neighbors, so it was concluded a half an hour before the scheduled end time.

City of Olathe Planning Department  
Jessica Schuller, Senior Planner  
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Page 6 of 7

As of the preparation of this summary, no additional neighbors have reached out to the group either by letter, phone call or email.

Submitted by:  
Payne & Brockway, P.A.



Todd Allenbrand



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## NEIGHBORHOOD MEETING SIGN-IN SHEET

PROJECT: Crème da la Crème MEETING DATE: September 09, 2024

NAME	ADDRESS	PHONE	EMAIL
FRED NEWSON	11442 S. Norston St.		
KON CARR	11445 S NORSTON ST.		
GREG FOSS	21264W. 115th Ter.		
Jim Rude	11401 S. Millbrook 66061	913-940-8141	jan-rude@msn.com
Bob Simmons	11478 S. Wataford Dr.	816-985-8109	simmonsbc@skglobe.net