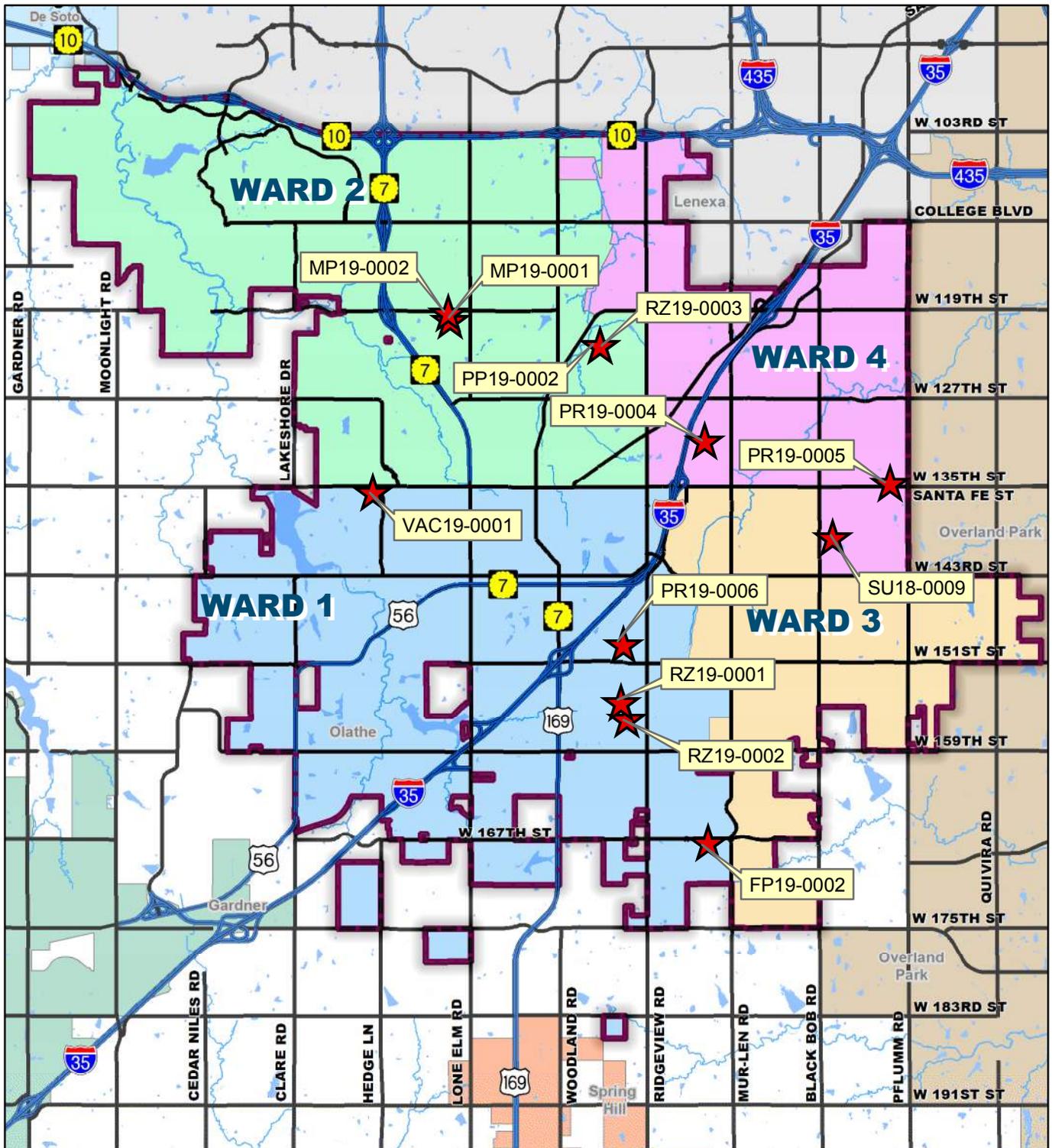


# MARCH 25, 2019

## OLATHE PLANNING COMMISSION

### CASE LOCATIONS



User: jaredmd  
Date: 03/22/2019

	Highway		City of Olathe
	Arterial Street		Lakes





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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**QUORUM ACKNOWLEDGEMENT**

**CONSENT AGENDA**

- A. MN19-0311:** Standing approval of the minutes as written from the March 11, 2019 Planning Commission meeting.
- B. MP19-0001:** Request approval for a minor plat for **Ranch Villas at Prairie Haven, Lot 24** containing 4 lots on 0.28± acres; located in the vicinity of 119th Street and Lone Elm Road.  
Owner / Applicant: Greg Prieb; Prieb Homes  
Engineer: Timothy Tucker; Phelps Engineering, Inc.
- C. MP19-0002:** Request approval for a minor plat for **Ranch Villas at Prairie Haven, Lot 17** containing 4 lots on 0.28± acres; located in the vicinity of 119th Street and Lone Elm Road.  
Owner / Applicant: Greg Prieb; Prieb Homes Inc.  
Engineer: Timothy Tucker; Phelps Engineering Inc.
- D. FP19-0002:** Request approval for a final plat for **Kiddi Kollege South** containing 1 lot on 2.3± acres; located at the southeast corner of the intersection of W. 167th Street and the future Britton Street.  
Owner: Travis Schram; Day3, LLC  
Applicant: Jon Kopek; KBC Investment Group, LLC  
Engineer: Jeff Skidmore; Schlagel & Associates, P.A.
- E. PR19-0004:** Request approval for revised preliminary site development plan for **Builders Stone** on 1.99± acres; located at 707 N. Lindenwood Drive.  
Owner / Applicant: Brandon Becker; Ace Properties, LLC  
Engineer: Jim Long; Allenbrand-Drew & Associates, Inc.
- F. PR19-0005:** Request approval for revised preliminary site development plan for **Olathe Animal Hospital Addition** on 0.83± acres; located at 13800 W. 135th Street.  
Owner: Clare Romain Trust  
Applicant / Engineer: Christopher Herre; Rose Construction Co Inc.

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**REGULAR AGENDA-NEW BUSINESS**

- A. RZ19-0001:** Request approval for a rezoning from R-3 District to R-4 District and Preliminary Plan for **Saddlewood Apartments** on 18.99± acres; located in the vicinity of W. 154th Street and S. Brentwood Street.

*Applicant has requested a continuance to a future Planning Commission meeting.*

Owner: Saddlewood Associates, L.L.C.  
Applicant: Aaron March; Rouse Frets White Goss Gentile Rhodes  
Engineer: Jeff Skidmore; Schlagel & Associates, PA

**B. PUBLIC HEARING**

- VAC19-0001:** Request approval for vacation of existing drainage easement for **The Shops at Prairie Farms, Lot 4**; located at 2180 W Dartmouth Street.

Owner / Applicant: Jeff Berg, HBA Olathe LLC  
Engineer: Roger Claar; DEV Inc.

**C. PUBLIC HEARING**

- RZ19-0002:** Request approval for a zoning amendment for RP-3 District, **The Villas of Asbury**, on 10.51± acres; located at 15584 and 15608 S. Church Street.

Owner / Applicant: Sue Engbroten; Pinnacle Construction  
Engineer: Matt Cox; Allenbrand-Drews & Associates, Inc.

**D. PUBLIC HEARING**

- RZ19-0003 & PP19-0002:** Request approval for a rezoning from CTY RN-1 District to R-1 District and preliminary plat for **Cottages of Mahaffie** containing 5 lots on 1.39± acres; located in the vicinity of W. 122nd St. and Timberlane Boulevard.

Owner: Barbara & Freddie Vaughan  
Applicant: Todd Allenbrand; Payne & Brockway, P.A.  
Engineer: Mark S. Huggins; Payne & Brockway, P.A.

- E. PR19-0006:** Request approval for revised preliminary site development plan for **Garmin Wayfinding Sign Package** on 96.1± acres; located at 1200 E. 151st Street.

Owner: Patrick Desbois; Garmin Realty, LLC  
Applicant: Dan Zeller; Gould Evans  
Engineer: Judd Claussen; Phelps Engineering

**ANNOUNCEMENTS****ADJOURNMENT**



City of Olathe

City Planning Division

## **MINUTES – Opening Remarks**

**Planning Commission Meeting: March 11, 2019**

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The Planning Commission convened at 7:00 p.m. to meet in regular session with Vice Chairman Mike Rinke presiding. Commissioners Chip Corcoran, Barry Sutherland, Jeremy Fry and Jose Munoz, Jr., were present. Chairman Dean Vakas and Commissioners Ryan Freeman and Ryan Nelson were absent.

*Recited Pledge of Allegiance.*

The Vice Chair made introductory comments. Regarding *ex parte* communication, the Vice Chair requested that if a commissioner had something to report, they specify the nature of the *ex parte* communication when item is reached in the agenda.

A motion to approve MN19-0225, the meeting minutes from February 25, 2019, was made by Comm. Fry and seconded by Comm. Sutherland and passed with a vote of 5-0.

Vice Chair Rinke stated that the Unified Development Ordinance entitles an applicant to one continuance, which is formally made through a motion by the Planning Commission. When a case is scheduled for a continuance, the public hearing is not open. Comments, recommendations or analysis on any case is not provided or discussed until the public hearing is open. This process ensures that anyone interested in the case has the opportunity to participate.



City of Olathe  
City Planning Division

## MINUTES

### Planning Commission Meeting: March 11, 2019

<b>Application:</b>	<b><u>UDO19-0001:</u></b> Unified Development Ordinance Amendments – Chapter 18.15, Composite Design Standards
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*Motion by Comm. Sutherland, seconded by Comm. Munoz, to continue UDO19-0001 to a future Planning Commission date.*

*Aye: Sutherland, Fry, Munoz, Corcoran, Rinke (5)*

*No: (0)*

*Motion was approved 5-0.*



City of Olathe  
City Planning Division

## MINUTES

### Planning Commission Meeting: March 11, 2019

<b>Application:</b>	<b><u>RZ18-0023</u></b> Request to rezone 1.43± acres from R-1 (Residential Single-Family) to R-3 (Residential Low-Density Multifamily) for the property specifically located at 725 W. Park Street.
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*Motion by Comm. Fry, seconded by Comm. Corcoran, to continue RZ18-0023 to a future Planning Commission date.*

*Aye: Sutherland, Fry, Munoz, Corcoran, Rinke (5)*

*No: (0)*

*Motion was approved 5-0.*



City of Olathe  
City Planning Division

## MINUTES

### Planning Commission Meeting: March 11, 2019

<b>Application:</b>	<b><u>SU18-0010</u></b> Request for a special use permit to allow a Homeless Shelter in the R-3 District for Project 10 20 at the property specifically located at 725 W. Park Street
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*Motion by Comm. Munoz, seconded by Comm. Sutherland, to continue SU18-0010 to a future Planning Commission date.*

*Aye: Sutherland, Fry, Munoz, Corcoran, Rinke (5)*

*No: (0)*

*Motion was approved 5-0.*



City of Olathe

City Planning Division

## MINUTES

### Planning Commission Meeting: March 11, 2019

<b>Application:</b>	<b><u>PR19-0001:</u></b> Request approval for revised preliminary site development plan for Tint World on 1.08± acres; located at 1301 E. Santa Fe Street.
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**Zachary Moore, Planner II**, appeared before the Planning Commission, summarizing this request for approval of the revised preliminary site development plan for Tint World. The subject property is located at 1301 East Santa Fe and is zoned C-3. Window tinting facilities are allowed in this district by right.

**Mr. Moore** presented an aerial view of the subject property advised that the City is developing a roadway improvement project for the intersection of Ridgeview Road and Santa Fe, which will have some impacts on this site.

**Mr. Moore** presented a picture of the existing building, which previously served as a QuikTrip. The shell of the building will remain and improvements to each façade will occur. **Mr. Moore** noted landscaping improvements that will occur when the site is redeveloped. He added that the applicant is requesting two waivers with this application.

**Mr. Moore** then spoke about another impact to this site due to the roadway improvement project. He noted that a temporary construction easement is adjacent to the right-of-way line, where much of the perimeter landscaping is required. The applicant has agreed to defer installation of landscaping in these areas until a certificate of occupancy has been issued. Such landscaping will be completed approximately 45 days after the roadway improvement project is completed, which is estimated to be Winter 2020.

**Mr. Moore** spoke of the proposed architecture of the building and presented each façade, stating that with the building materials met or exceeded the minimum standards.

**Mr. Moore** said the applicant is requesting a waiver on the eastern façade to allow an overhead door on a primary façade in Building Design Category D. Staff feels that with the additional design features the applicant is providing, the design provided is worthy of staff's support.

The second waiver request is to reduce the parking and paving setback along Ridgeview Road, from 15 feet to 10 feet. **Mr. Moore** presented a drawing that delineated where the new right-of-way line would be. Upon examination, staff found that extending the landscaping area in that setback to 15 feet as required by code would create an issue with fire code regarding drive aisle width. Also, the landscaping area along Ridgeview Road is required to be 10 feet wide, and with the reduced parking and paving setback, the applicant is still able to meet the landscaping requirement within that setback. Staff is supportive of this waiver request, as well.

In summary, **Mr. Moore** stated that staff is in support of the revised preliminary site development plan as stipulated, with two amendments as indicated below.

**Vice Chair Rinke** questioned the access on the southern portion of the property. He asked whether staff considered closing access that leads to the strip mall. **Mr. Moore** responded that with the City's roadway improvement project, a driveway would be located within a right turn lane, which would violate the City's Access Management Plan.

**Curtis Petersen, Polsinelli Law Firm**, 6201 College Boulevard, Overland Park, applicant's representative, approached the podium. He agreed with everything presented by Mr. Moore and was available for questions.

There were no questions. **Vice Chair Rinke** called for a motion.

*Motion by Comm. Sutherland, seconded by Comm. Munoz, to recommend approval of PR19-0001, with the following stipulations, as amended:*

- A. Staff recommends approval of the revised preliminary site development plan (PR19-0001) with the following stipulations:
  1. A final site development plan shall be approved prior to issuance of a building permit.
  2. A waiver shall be granted to allow an overhead door to be located on the eastern (primary) façade. The overhead door shall be made primarily of glass and shall have a minimum 4-foot canopy projecting above it, with support columns constructed of masonry as shown on the building elevations dated February 19, 2019.
  3. A waiver shall be granted to allow the reduction of the parking and paving setback from 15 feet to 10 feet on the western property line.
  4. Landscaping along the northern **and western** property line may be deferred until after a certificate of occupancy is issued, but the landscaping shall be installed according to the approved plans within 45 days of the completion of the roadway improvement project at the southeast corner of the intersection of Santa Fe Street and Ridgeview Road.
  5. All areas of asphalt and parking lot removal and all tie in points to existing and/or proposed conditions shall be identified on the final site development plan.
  6. The parking lot improvements, interior curb lines, and storm sewer work at the north of the site shall be completed prior to issuance of certificate of occupancy.
  7. All landscaping on site shall be irrigated.
  8. As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
  9. The final site development plan shall reflect that the proposed Tint World tie-in inlets shall be **connected to the existing City stormwater system by Tint World as approved by the City, with the City connecting the existing Tint World tie-in inlets to the proposed City stormwater system at time of City construction expected in 2020.**
  10. All signage on the site and building shall comply with the requirements of *UDO, Section 18.50.190.*

PR19-0001  
March 11, 2019  
Page 3

*Aye: Sutherland, Fry, Munoz, Corcoran, Rinke (5)*

*No: (0)*

*Motion was approved 5-0.*



City of Olathe  
City Planning Division

**MINUTES – Other Matters**

**Planning Commission Meeting: March 11, 2019**

**Vice Chair Rinke** noted that the next Planning Commission meeting is scheduled for Monday, March 25, 2019, at 7:00 p.m.

*Meeting adjourned.*



City of Olathe  
City Planning Division

## STAFF REPORT

**Planning Commission Meeting: March 25, 2019**

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<b>Application:</b>	<b><u>MP19-0001</u>: Ranch Villas at Prairie Haven, Lot 24</b>
<b>Location:</b>	In the vicinity of 119 <sup>th</sup> Street and Lone Elm Road
<b>Owner/Applicant:</b>	Gregory Prieb II, Prieb Homes
<b>Engineer:</b>	Tim Tucker, P.E., Phelps Engineering, Inc.
<b>Staff Contact:</b>	Joshua Gentzler, Planning Intern

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<b>Total Area:</b>	<u>.28 Acres</u>	<b>Proposed Use:</b>	<u>Residential</u>
<b>Current Zoning:</b>	<u>RP-3</u>	<b>Units/Lots:</b>	<u>4</u>
		<b>Tracts:</b>	<u>0</u>

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### 1. Comments:

This is a request for approval of a minor plat for Ranch Villas at Prairie Haven, Lot 24, (a resurvey and replat of Lot 24, Ranch Villas at Prairie Haven), on .28 acres, located in the vicinity of 119<sup>th</sup> Street and Lone Elm Road.

The final plat (P-62-01) and the rezoning and preliminary site development plan (RZ-18-01) for Ranch Villas at Prairie Haven were approved by the Planning Commission in 2001. As the townhomes are complete, the existing lots are replatted for the sale of the individual units.

No public easement or right-of-way will be dedicated with this replat and therefore the plat will not require City Council acceptance.



*Aerial of Site (site outlined in blue)*



*Site from Provence Street*

## 2. Final Plat Review

- a. **Lots/Tracts** – The replat includes four (4) lots for a total of four (4) individual but attached villa units.

The layout of the units is consistent with the approved final plat.

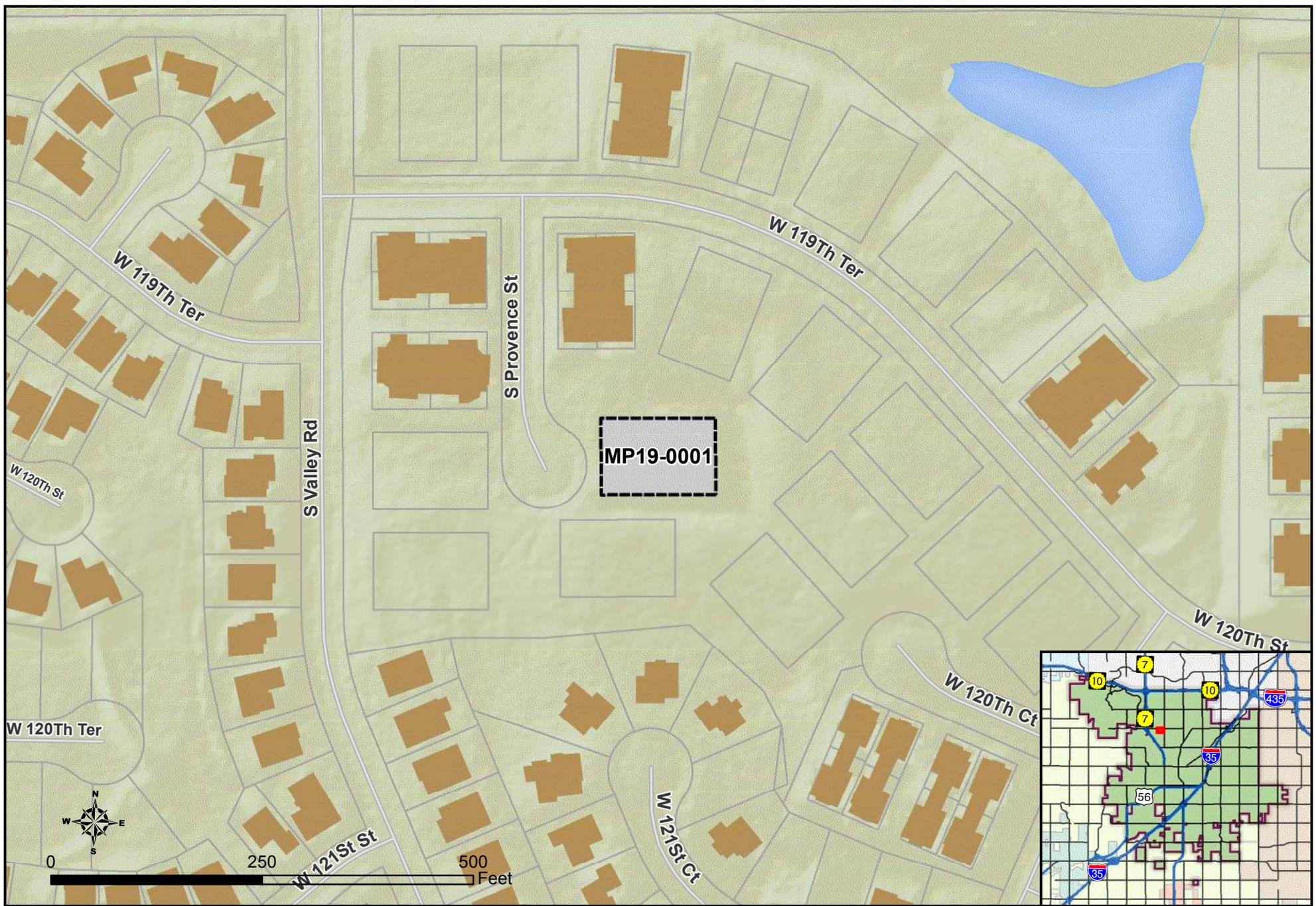
The proposed lots exceed the minimum lot area of 3,000 square feet as required for RP-3 Districts and vary in size from approximately 3,080 square feet to approximately 3,100 square feet.

- b. **Utilities/Municipal Services** – The property is located in the City of Olathe Sewer and the WaterOne service areas.
- c. **Streets** – All units will have access to S Provence Street, which is a part of the public street network, via the common drives in Tract A.
- d. **Street and Signal Excise Taxes** – No excise fees are due with this application since the property has already been platted.
- e. **Landscaping/Tree Preservation** – Per stipulation d of P-62-01, “The developer is responsible for planting street trees. Such trees shall be planted at the completion of each phase of development.”
- f. **Amenities** - Per stipulation f of P-62-01, “Sidewalks shall be constructed in conformance with the Unified Development Ordinance (UDO) and the approved final site development plan.”

## 3. Staff Recommendation:

Staff recommends approval of MP19-0001 with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the Planning Division.
- b. Sidewalks shall be constructed on both sides of all public and private streets and drives as required by the RP-3 zoning ordinance.
- c. The developer is responsible for planting street trees, subject to UDO 18.30.130 G. Such trees shall be planted at the completion of each phase of development.
- d. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials, subject to UDO 18.30.130 I.
- e. A note shall be included on the building permit stating that all above ground mechanical equipment shall be screened according to UDO 18.30.130 I.



**RANCH VILLAS AT PRAIRIE HAVEN, LOT 24**  
**MP19-0001**



User: JaredMD  
Date: 03/19/2019



# FINAL PLAT OF RANCH VILLAS AT PRAIRIE HAVEN, LOT 24

A RESURVEY AND REPLAT OF LOT 24, RANCH VILLAS AT PRAIRIE HAVEN,  
A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

**LEGAL DESCRIPTION**  
A resurvey and replat of Lot 24, RANCH VILLAS AT PRAIRIE HAVEN, a subdivision of land in the Northeast Quarter of Section 22, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, containing 0.2841 acres, more or less of replatted land.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "RANCH VILLAS AT PRAIRIE HAVEN, LOT 24".

**DEDICATION**  
The undersigned proprietors of the property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, plazas, roads, drives, lanes, easements, and alleys, not heretofore dedicated.  
The undersigned proprietors of said property shown on this plat do hereby certify that all prior existing easement rights on land to be dedicated for public use and public ways and thoroughfares running to any person, utility, or corporation have been obtained except that same person, utility or corporation shall retain whatever rights they would have as if located in a public street.

**CONSENT TO LEVY**  
The undersigned proprietors of the above described tract of land hereby agree and consent that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to rescind such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the time and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall remain a lien on the remainder of the land fronting and abutting on said dedicated public way or thoroughfare.

**RESTRICTIONS**  
All lots, parcels, tracts and properties in this subdivision shall hereafter be subject to the Declaration of Restrictions for "Ranch Villas at Prairie Haven", which instrument is recorded in the Office of the Register of Deeds of Johnson County, Kansas, and which shall hereby become a part of the dedication of this plat as though fully set forth here.

**EXECUTION**  
IN TESTIMONY WHEREOF, PRIBB HOMES, INC., has caused this instrument to be executed by its Member this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Gregory D Pribb II, President

**ACKNOWLEDGEMENT**

STATE OF KANSAS }  
COUNTY OF JOHNSON }

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, came Gregory D. Pribb II, President of Pribb Homes, Inc., who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Company, and said person duly acknowledged the execution of same to be the act and deed of said company. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

NOTARY PUBLIC: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

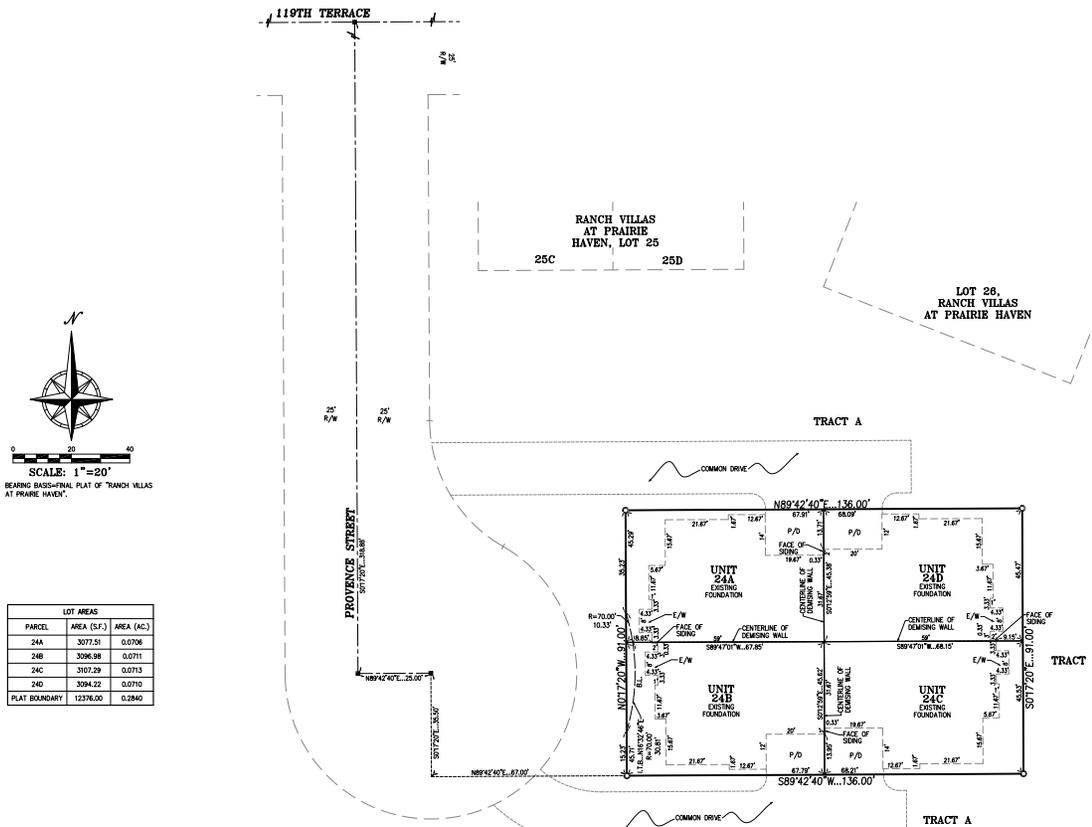
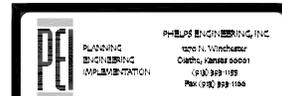
Print Name: \_\_\_\_\_

**APPROVALS**

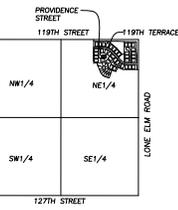
APPROVED by the Planning Commission of the City of Olathe, Johnson County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chairman: C.S. Voska

I, Thomas Dwayne Phelps, hereby certify that in February 2015, I or someone under my direct supervision have made a survey of the above described tract of land and the results of said survey are correctly represented on this plat.



LOT AREAS		
PARCEL	AREA (SF.)	AREA (AC.)
24A	3077.51	0.0706
24B	3096.98	0.0711
24C	3107.29	0.0713
24D	3094.22	0.0710
PLAT BOUNDARY	12376.00	0.2840



VICINITY MAP  
SEC. 22-13-23



- LEGEND**
- DENOTES SET 1/2" x 24" REBAR W/PHELPS CORP QLS-82 PLASTIC CAP IN CONCRETE
  - DENOTES FOUND 1/2" REBAR W/PHELPS CORP QLS-82 PLASTIC CAP IN CONCRETE (UNLESS NOTED OTHERWISE)
  - DENOTES FOUND MAG. NAIL FROM ORIGINAL CENTERLINE CONTROL POINTS SET BY GREEN ENGINEERING SERVICES ON MARCH 14, 2002
  - B.L. DENOTES BUILDING LINE
  - E/W DENOTES EXISTING WALL
  - P/D DENOTES PROPOSED DRIVE PER APPROVED SITE PLAN



City of Olathe  
City Planning Division

## STAFF REPORT

**Planning Commission Meeting: March 25, 2019**

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<b>Application:</b>	<b><u>MP19-0002</u>: Ranch Villas at Prairie Haven, Lot 17</b>
<b>Location:</b>	In the vicinity of 119 <sup>th</sup> Street and Lone Elm Road
<b>Owner/Applicant:</b>	Gregory Prieb II, Prieb Homes
<b>Engineer:</b>	Tim Tucker, P.E., Phelps Engineering, Inc.
<b>Staff Contact:</b>	Joshua Gentzler, Planning Intern

---

<b>Total Area:</b>	<u>.28 Acres</u>	<b>Proposed Use:</b>	<u>Residential</u>
<b>Current Zoning:</b>	<u>RP-3</u>	<b>Units/Lots:</b>	<u>4</u>
		<b>Tracts:</b>	<u>0</u>

---

### 1. Comments:

This is a request for approval of a minor plat for Ranch Villas at Prairie Haven, Lot 17 (a resurvey and replat of Lot 17, Ranch Villas at Prairie Haven) on .28 acres, located in the vicinity of 119<sup>th</sup> Street and Lone Elm Road.

The final plat (P-62-01) and the rezoning and preliminary site development plan (RZ-18-01) for Ranch Villas at Prairie Haven were approved by the Planning Commission in 2001.

As the townhomes are complete, the existing lots are replatted for the sale of the individual units.

No public easement or right-of-way will be dedicated with this replat and therefore the plat will not require City Council acceptance.



*Aerial of Site (site outlined in blue)*



*Photo of Site from 119<sup>th</sup> Terr*

## 2. Final Plat Review

- a. **Lots/Tracts** – The replat includes four (4) lots for a total of four (4) individual but attached villa units.

The layout of the units is consistent with the approved final plat.

The proposed lots exceed the minimum lot area of 3,000 square feet as required for RP-3 Districts and vary in size from approximately 3,090 square feet to approximately 4,000 square feet.

- b. **Utilities/Municipal Services** – The property is located in the City of Olathe Sewer and the WaterOne service areas.

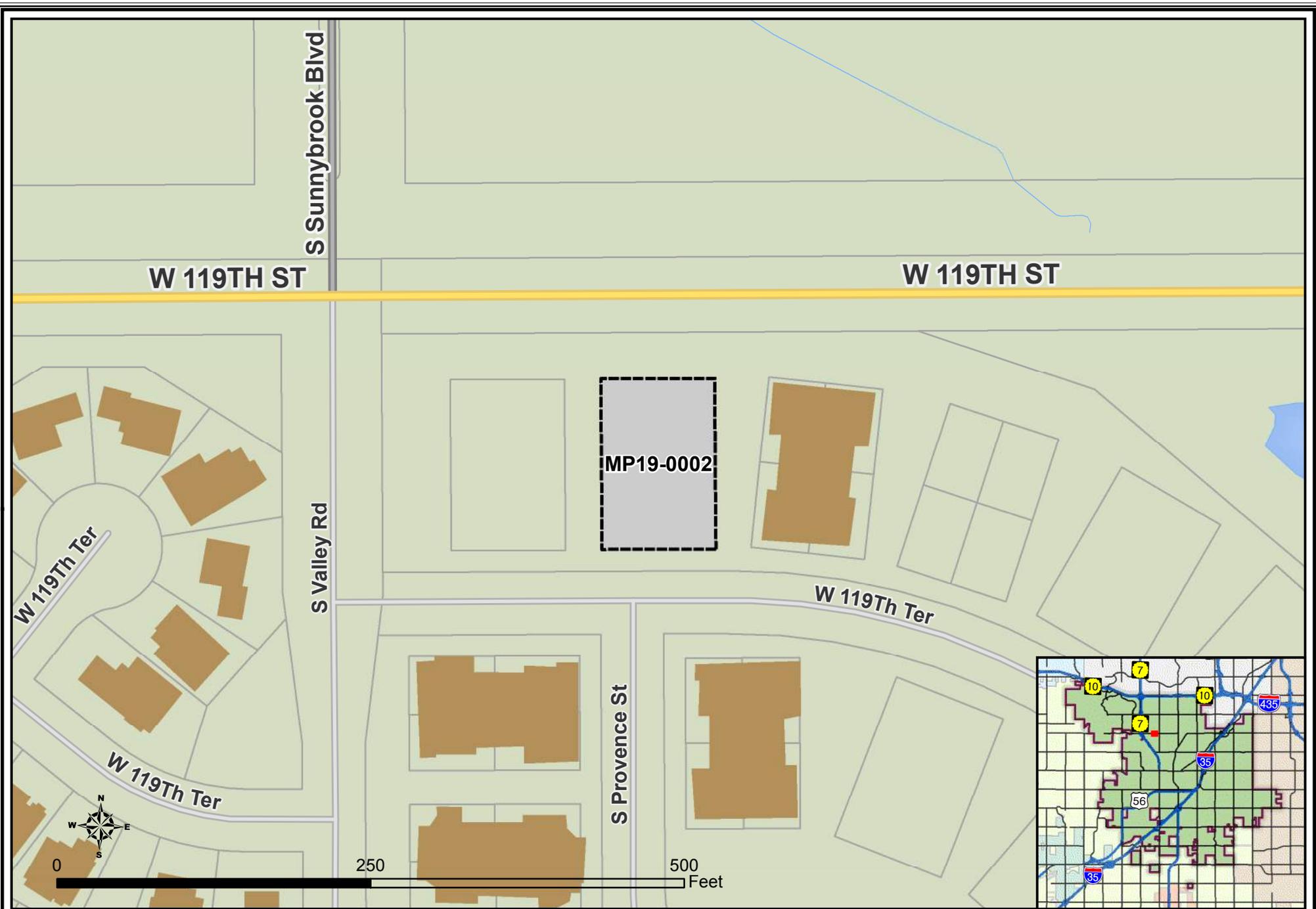
There is an existing 10-foot Utility Easement (U/E) along the south side of 119<sup>th</sup> Street, approximately 15 feet to the north of the property.

- c. **Streets** – All units will have access to W 119<sup>th</sup> Terrace, which is a part of the public street network, via the common drives in Tract D.
- d. **Street and Signal Excise Taxes** – No excise fees are due with this application since the property has already been platted.
- e. **Landscaping/Tree Preservation** – Per stipulation d of P-62-01, “The developer is responsible for planting street trees. Such trees shall be planted at the completion of each phase of development.”
- f. **Amenities** - Per stipulation f of P-62-01, “Sidewalks shall be constructed in conformance with the Unified Development Ordinance (UDO) and the approved final site development plan.”

### 3. Staff Recommendation:

Staff recommends approval of MP19-0002 with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the Planning Division.
- b. Sidewalks shall be constructed on both sides of all public and private streets and drives as required by the RP-3 zoning ordinance.
- c. The developer is responsible for planting street trees, subject to UDO 18.30.130 G. Such trees shall be planted at the completion of each phase of development.
- d. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials, subject to UDO 18.30.130 I.
- e. A note shall be included on the building permit stating that all above ground mechanical equipment shall be screened according to UDO 18.30.130 I.



**RANCH VILLAS AT PRAIRIE HAVEN, LOT 17**  
**MP19-0002**



User: JaredMD  
Date: 03/19/2019

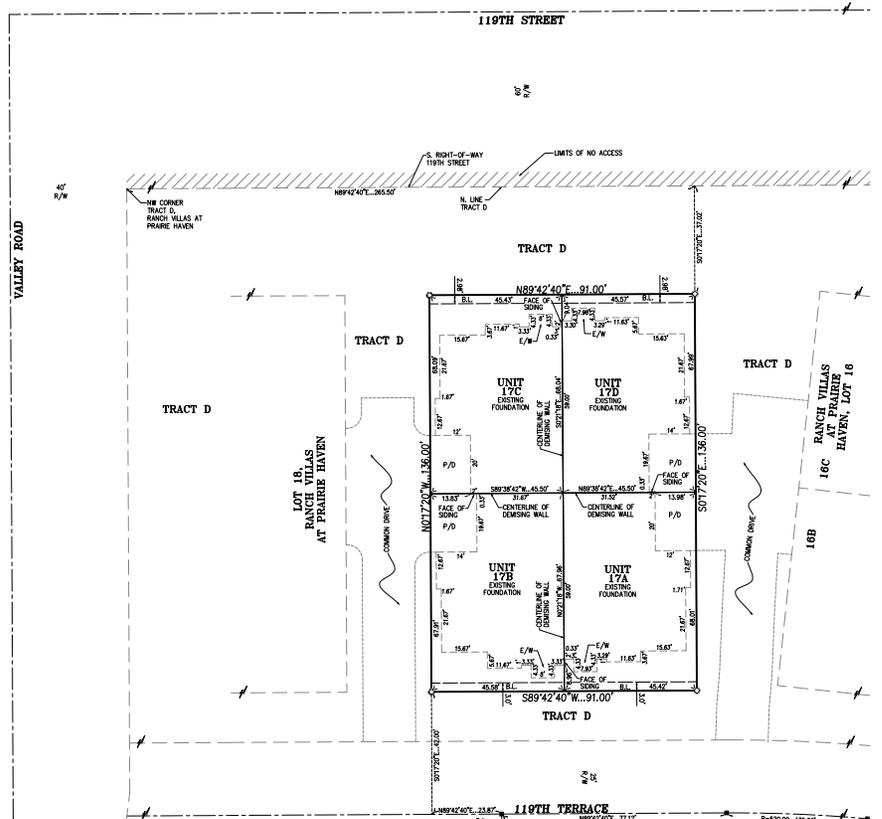
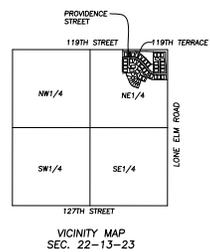


# FINAL PLAT OF RANCH VILLAS AT PRAIRIE HAVEN, LOT 17

A RESURVEY AND REPLAT OF LOT 17, RANCH VILLAS AT PRAIRIE HAVEN,  
A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS



PARCEL	LOT AREAS	AREA (SQ. FT.)	AREA (AC.)
17A	3096.36	0.0710	
17B	3063.77	0.0710	
17C	3094.70	0.0710	
17D	3097.17	0.0711	
PLAT BOUNDARY	12378.00	0.2841	



- LEGEND**
- DENOTES SET 1/2" x 3/4" REBAR W/PHELPS CORP. QLS-82 PLASTIC CAP IN CONCRETE
  - DENOTES FOUND 1/2" REBAR W/PHELPS CORP. QLS-82 PLASTIC CAP IN CONCRETE (UNLESS NOTED OTHERWISE)
  - DENOTES FOUND MAG. NAIL FROM ORIGINAL CENTERLINE CONTROL POINTS SET BY GREEN ENGINEERING SERVICES ON MARCH 14, 2002
  - B.L. DENOTES BUILDING LINE
  - - - E/W DENOTES EGRESS WELL
  - - - P/D DENOTES PROPOSED DRIVE PER APPROVED SITE PLAN

**LEGAL DESCRIPTION**  
A resurvey and replat of Lot 17, RANCH VILLAS AT PRAIRIE HAVEN, a subdivision of land in the Northeast Quarter of Section 22, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, containing 0.2841 acres, more or less of replatted land.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "RANCH VILLAS AT PRAIRIE HAVEN, LOT 17".

**DEDICATION**  
The undersigned proprietors of the property shown on this plat do hereby agree and consent that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to rescind such land proposed to be dedicated for public use and public ways and thoroughfares running to any person, utility, or corporation have been abtained except that some person, utility or corporation shall retain whatever rights they would have as if located in a public street.

**CONSENT TO LEVY**  
The undersigned proprietors of the above described tract of land hereby agree and consent that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to rescind such land proposed to be dedicated for public use and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall remain a lien on the remainder of the land fronting and abutting on said dedicated public way or thoroughfare.

**RESTRICTIONS**  
All lots, parcels, tracts and properties in this subdivision shall hereafter be subject to the Declaration of Restrictions for "Ranch Villas at Prairie Haven", which instrument is recorded in the Office of the Register of Deeds of Johnson County, Kansas, and which shall hereby become a part of the dedication of this plat as though fully set forth here.

**EXECUTION**  
IN TESTIMONY WHEREOF, PRIEB HOMES, INC., has caused this instrument to be executed by its Member this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Gregory D. Prieb II, President

**ACKNOWLEDGEMENT**  
STATE OF KANSAS }  
                          } SS  
COUNTY OF JOHNSON }  
BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, came Gregory D. Prieb II, President of Prieb Homes, INC., who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Company, and said person duly acknowledged the execution of same to be the act and deed of said company. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

NOTARY PUBLIC: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

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

**APPROVALS**  
APPROVED BY THE Planning Commission of the City of Olathe, Johnson County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chairman: C.S. Volas

I, Thomas Dwayne Phelps, hereby certify that in January 2016, I or someone under my direct supervision have made a survey of the above described tract of land and the results of said survey are correctly represented on this plat.



**PHELPS ENGINEERING, INC.**

PLANNING      1202 N. W. 10th Street  
ENGINEERING      Olathe, Kansas 66061  
SURVEYING      (913) 393-1199  
CONSULTING      Fax: (913) 393-1198



## STAFF REPORT

Planning Commission Meeting: March 25, 2019

<b>Application:</b>	<b>FP19-0002, Final Plat for Kiddi Kollege South</b>		
<b>Location:</b>	Southeast corner of the intersection of W. 167 <sup>th</sup> Street and the future Britton Street		
<b>Owner:</b>	Travis Schram; Day3, LLC		
<b>Applicant:</b>	Jon Kopek; Kiddi Kollege		
<b>Engineer:</b>	Jeff Skidmore P.E.; Schlagel & Associates, P.A.		
<b>Staff Contact:</b>	Zachary Moore, Planner II		
<b>Site Area:</b>	<u>2.34± acres</u>	<b>Proposed Use:</b>	<u>Daycare</u>
<b>Lots:</b>	<u>1</u>		
<b>Tracts:</b>	<u>0</u>	<b>Current Zoning:</b>	<u>C-2</u>

### 1. Comments:

The following application is a final plat for Kiddi Kollege South containing one commercial lot for a proposed daycare facility. An associated rezoning and preliminary site development plan application (RZ18-0013) was approved in August 2018. After review, staff has found this final plat application is consistent with *Unified Development Ordinance (UDO)* standards.

For your information, a final site development plan for Kiddi Kollege has been submitted and is currently under staff review.

### 2. Plat Review:

- a. **Lots/Tracts** – The plat includes a total of one commercial lot and no common tracts. Lot 1 has a total area of approximately 1.97± acres, and approximately 0.37± acres of arterial street right-of-way are dedicated with this final plat.
- b. **Public Utilities** – The subject property is located within the Johnson County WaterOne and Johnson County Wastewater service areas. Utility Easements (U/E), Sanitary Sewer Easements (S/E), and Stormwater Management Easements (BMP/E) will be dedicated with this final plat.
- c. **Streets/Right-of-Way** – The subject property will have access from a private drive at the south of the subject property that will connect to future Britton Street. A 15-foot wide Private Access Easement (A/E) will be dedicated at the south of the subject property for this private drive. Approximately 60 feet of street right-of-way will be dedicated for W. 167<sup>th</sup> Street to the north of Lot 1 with this final plat application.



*Aerial view of site*



*View looking west from the intersection of W. 167<sup>th</sup> and the future Britton Street*

### **3. Excise Taxes:**

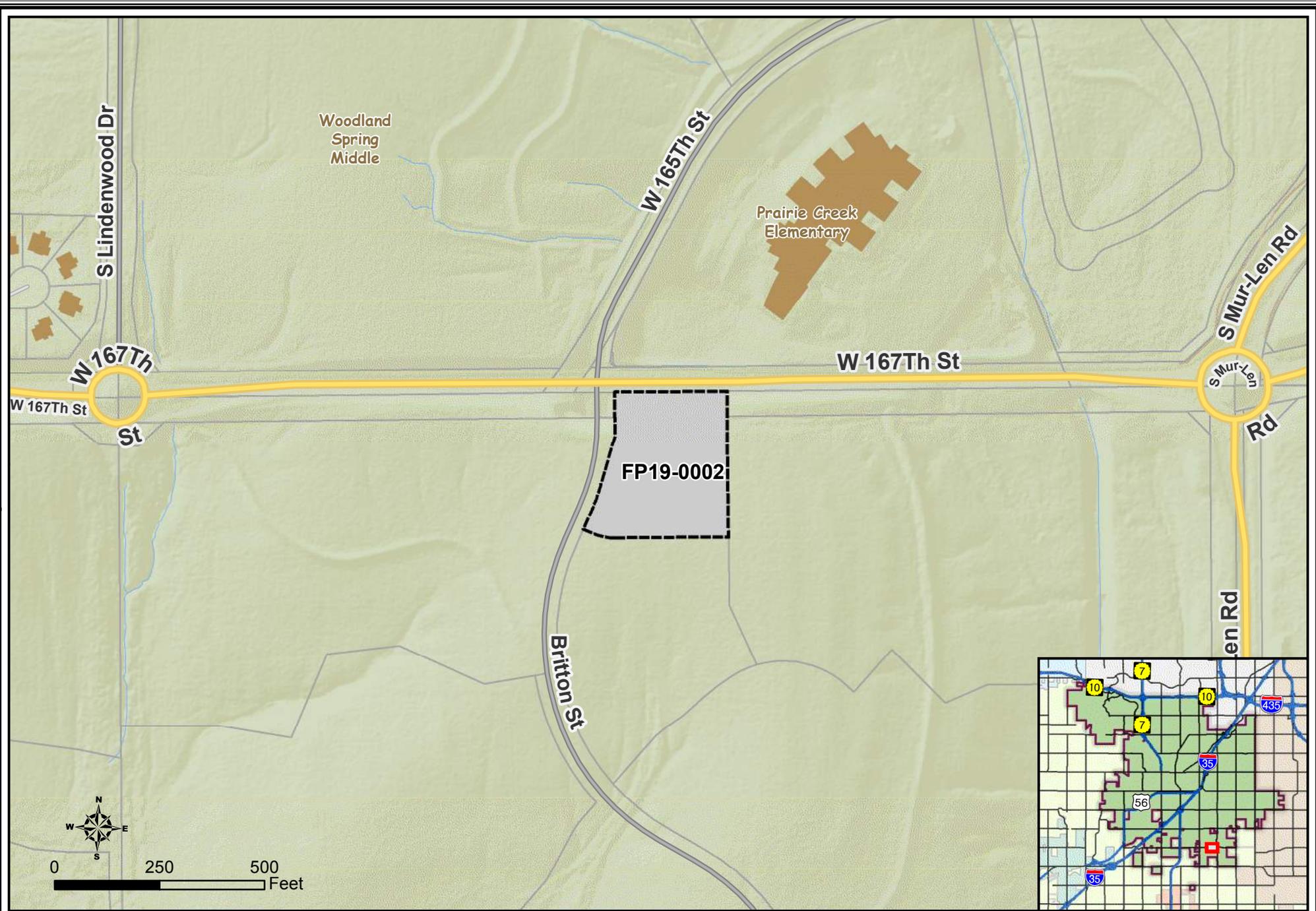
The subject property is located within a Benefit District (33605) for streets; therefore, the final plat is exempt from any street excise taxes. Final plats are subject to a traffic signal excise tax of \$0.0576 per square foot of land for commercial zoning, less land dedicated for arterial street right-of-way. The required excise fee shall be submitted to the City Planning Division prior to

recording the final plat. Based on the net Plat area (1.97± acres), the total excise tax for traffic signals is **\$4,941.81**.

**4. Staff Recommendation:**

Staff recommends approval of FP19-0002, Final Plat for Kiddi Kollege South with the following stipulations:

- a) The final plat is subject to a traffic signal excise tax of **\$4,191.81**. The required excise tax shall be submitted to the Planning Division prior to recording the final plat.
- b) This final plat shall be recorded, and all excise fees shall be paid prior to submitting for building permit.
- c) Prior to recording the final plat, a stormwater quality/quantity facility maintenance agreement shall be provided.



User: JaredMD  
Date: 03/19/2019

# KIDDI KOLLEGE SOUTH

FP19-0002



**FINAL PLAT OF  
KIDDIE KOLLEGE SOUTH**  
PART OF THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 14 SOUTH, RANGE 24 EAST  
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

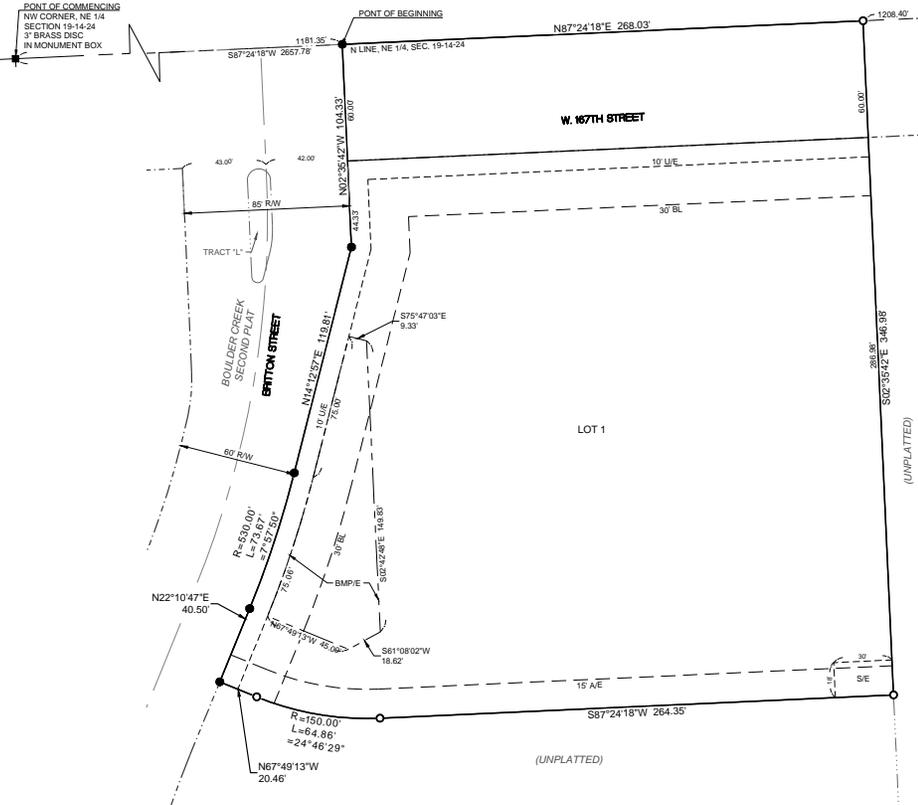


**DESCRIPTION:**

Part of the Northeast One-Quarter of Section 19, Township 14 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the said Northeast One-Quarter; thence North 87 degrees 24 minutes 18 seconds East, along the North line of the said Northeast One-Quarter, a distance of 1181.35 feet to the Point of Beginning; thence continuing North 87 degrees 24 minutes 18 seconds East, along said North line, a distance of 268.03 feet; thence South 02 degrees 35 minutes 24 seconds East a distance of 348.98 feet; thence South 87 degrees 24 minutes 18 seconds West a distance of 264.35 feet to a point of curvature; thence Northwest on a curve to the right tangent to the previous course, having a radius of 150.00 feet, a central angle of 24 degrees 46 minutes 29 seconds and an arc length of 64.86 feet; thence North 07 degrees 49 minutes 13 seconds West a distance of 20.46 feet to a point on the Eastern right of way of Bitton Street as platted by "BOULDER CREEK, SECOND PLAT"; thence along the said Eastern right of way for the remaining four courses, North 22 degrees 10 minutes 47 seconds East a distance of 45.50 feet to a point of curvature; thence Northwest on a curve to the left tangent to the previous course, having a radius of 530.00 feet, a central angle of 07 degrees 57 minutes 50 seconds and an arc length of 73.67 feet; thence North 14 degrees 12 minutes 57 seconds East a distance of 119.81 feet; thence North 02 degrees 35 minutes 42 seconds West a distance of 104.33 feet to the Point of Beginning, and containing 2.3388 acres more or less.

NE CORNER  
SECTION 19-14-24  
3" BRASS DISC IN  
MONUMENT BOX



**DEDICATIONS:**

The undersigned proprietor of the described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereinafter be known as "KIDDIE KOLLEGE SOUTH".

The undersigned proprietor of said property shown on this plat does hereby dedicate those portions of the streets and roadways shown as "W. 167th STREET", together with all other parcels and parts of land indicated on this plat, and not heretofore dedicated, as streets, terraces, roads, drives, lanes, avenues, courts, places, etc., for public use as public ways or thoroughfares; subject to the right hereby reserved to the present owner and its successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under, over and along said roadways.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "UE", is hereby granted to the City of Olathe, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

A 10 foot wide "Utility Easement" or "UE" is hereby dedicated to the City of Olathe, Johnson County, Kansas, adjacent to and parallel with the Right-of-Way of Streets.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to enter upon, construct and maintain pipes, inlets, manholes, surface drainage facilities, drainage ditches, drainage channels or water courses, other drainage facility tributary connections and appurtenant work relative to storm water drainage upon, over, or under the areas outlined and designated on this plat as "Stormwater Quality / Quantity Easement" or "BMP/E".

An easement or license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "SSE" on this plat, together with the right of ingress and egress over and through adjoining land as may be reasonably necessary to access said easement and is hereby dedicated to the Consolidated Main Sewer District of Johnson County, Kansas or their assignee. Alteration of land contours will be permitted only with the express written approval of R.W. Any placing of improvements or planting of trees on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation therefor.

An perpetual easement of access upon, over and under those areas outlined and designated on this plat as "Private Access Easement" or "AE" is hereby granted to the unplatting proprietor to the South and adjacent to Lot 1 to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of private streets and similar facilities. Said areas are also reserved for the ingress and access of all owners to the South of and adjacent to Lot 1 and their occupants, guests, and invitees. The private streets within the "AE" shall be maintained as set forth in the Easements, Covenants and Restrictions Agreement ("ECR") recorded in Book \_\_\_\_\_ Page \_\_\_\_\_ of the Johnson County, Kansas records. If the ECR is not in place or disbanded, then maintenance shall be the responsibility of the owner of the lot or tract.

The undersigned proprietor of said property shown on this plat hereby certifies that all prior existing easement rights on land to be dedicated for public use and public ways and thoroughfares turning to any person, utility or corporation have been absolved except that same person, utility or corporation shall retain whatever easement rights they would have as if located in a public street.

**RESTRICTIONS:**

All landscaping and related materials that are planted or constructed within the adjacent Street right-of-way shall be maintained by the Property Owners, or their authorized representatives therefor.

The use of all lots, units and properties in this subdivision shall hereafter be subject to the Declarations, which instruments are to be recorded in the Office of the Register of Deeds of Johnson County, Kansas, as provided above, and which shall hereby become a part of the dedication of this plat as though set forth herein.

**NOTICE:**

This site includes Stormwater Treatment Facilities, as defined and regulated in the Olathe Municipal Code. Restrictions on the use or alteration of the said Facilities may apply. This property is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the City.

**CONSENT TO LEVY:**

The undersigned proprietor of the above described tract of land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on said dedicated public way or thoroughfare.

**EXECUTION:**

IN TESTIMONY WHEREOF, \_\_\_\_\_ of KBC INVESTMENT GROUP LLC by the authority of its Member, has caused this instrument to be executed, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

KBC INVESTMENT GROUP LLC

By: \_\_\_\_\_

ACKNOWLEDGMENT:

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, came \_\_\_\_\_ of KBC INVESTMENT GROUP LLC, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said company, and such duly acknowledged the execution of the same to be the act and deed of same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Notary Public \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

Print Name \_\_\_\_\_

**APPROVALS:**

APPROVED BY the Planning Commission of the City of Olathe, Johnson County, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

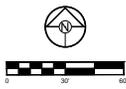
Chairman, C.S. VAKAS

APPROVED BY the Governing Body of the City of Olathe, Johnson County, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mayor, MICHAEL COPELAND Deputy City Clerk, David F. Byrnes III, MMC

**LEGEND:**

- FOUND MONUMENT AS NOTED
- FOUND 1/2" REBAR WITH K&S S 54 CAP UNLESS OTHERWISE NOTED
- SET 1/2" REBAR WITH K&S CAP UNLESS OTHERWISE NOTED
- EXISTING PLAT AND ROW LINES
- EXISTING LOT AND PROPERTY LINES
- BL BUILDING LINE



**BASIS OF BEARINGS:**  
GRID NORTH  
NAD 83 KANSAS NORTH ZONE  
N LINE NE 1/4, SEC 19-14-24  
S87°24'18"E

LOT #	AREA (SF)
LOT 1	85,795.32
R/W	16,081.92

**FLOOD NOTE:**

This property lies within flood ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain as shown as on the Flood Insurance Rate Map 2009/1C0105Q Revised August 3, 2009.

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY PERFORMED ON 7-15-2018. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PRELIMINARY

Aaron T. Ruter - Land Surveyor  
K&S LS-1423



**SCHLAGEL & ASSOCIATES, P.A.**

Engineers • Planners • Surveyors • Landscape Architects  
14920 West 107th Street • Lenexa, Kansas 66215  
(913) 492-5158 • Fax: (913) 492-8400

DATE 12-26-2018  
DRAWN BY JMT  
CHECKED BY AR  
PROJ. NO. 18-092

FINAL PLAT OF  
KIDDIE KOLLEGE SOUTH

SHEET NO. 1 OF 1



City of Olathe  
City Planning Division

**STAFF REPORT**

**Planning Commission Meeting: March 25, 2019**

<b>Application:</b>	<b>PR19-0004: Revised Preliminary Site Development Plan for Builders Stone</b>
<b>Location:</b>	707 N. Lindenwood Drive
<b>Owner/Applicant:</b>	Brandon Becker; Ace Properties, LLC
<b>Engineer:</b>	Jim Long, Allenbrand-Drews and Associates, Inc.
<b>Staff Contact:</b>	Shelby Ferguson, Planning Consultant

<b>Site Area:</b>	<u>1.99 ± acres</u>	<b>Proposed Use:</b>	<u>Office/warehouse and outdoor storage</u>
<b>Building Area:</b>	<u>10,000 square feet</u>	<b>Plat:</b>	<u>Landmark Business Park Second Plat</u>
<b>Zoning:</b>	<u>M-1</u>		

	<b>Plan Olathe Land Use Category</b>	<b>Current Use</b>	<b>Current Zoning</b>	<b>Site Design Category</b>	<b>Building Design Category</b>
<b>Site</b>	<b>Industrial Area</b>	<b>Vacant Building</b>	<b>M-1</b>	<b>6</b>	<b>F</b>
<b>North</b>	Industrial Area	Office/Warehouse	M-1	-	-
<b>South</b>	Industrial Area	Office/Warehouse	M-2	-	-
<b>East</b>	Mixed Density Residential Neighborhood	Office	CP-O	-	-
<b>West</b>	Industrial Area	Self-Storage	MP-1	-	-

**1. Proposal:**

The applicant is requesting approval of a revised preliminary site development plan for architectural updates to the existing warehouse/office along with a new outdoor storage area located at 707 N. Lindenwood Drive. The site currently includes an existing (and vacant) 10,000 sq.ft. building with surface parking. At this time the future tenant has not been identified and the applicant is preparing the building with future needs in mind to accommodate a user who may want outdoor storage.

Warehouse, offices and outdoor storage areas are permitted per Section 18.20.500 of the UDO in this M-1 zoning district. The revised preliminary site development plan requires consideration by the Planning Commission because the revisions constitute a “major change” per UDO, Section 18.40.120. Decrease of areas devoted to open space of more than five (5) percent or the substantial relocation of such areas, constitute the “major change” to the site development plan.

**2. History:**

The subject property was platted in 1984 as part of the Landmark Business Park Second Plat (P-41-83). Zoning from R-1 to M-1 was established on the property in 1973, as part of RZ-22-73. In 1984 a plan review (PR-52-84) was submitted and approved by the Planning Commission for Office/Warehouse building on this site. The building was constructed in 1985 and remains as the existing structure today.

**3. Existing Conditions/ Site Photos:**

The building on the subject site is currently vacant. Photos of the site may be found below.



*View of the existing building, looking west*



*View of existing building, looking southwest*



*Aerial view of the subject property (outlined in yellow)*

**4. Neighborhood Meeting/Correspondence:**

The applicant held a neighborhood meeting February 26, 2019. There were no members of the general public in attendance and staff has not received any correspondence or inquiries.

**5. Zoning Requirements:**

- a. **Building Height** – The maximum height allowed for buildings in the M-1 District is 55 feet from finished grade. The height of the existing building is 26 feet. No proposed change in height with this application.
- b. **Setbacks** – Parking and paving areas within developments in the M-1 District are required to maintain a minimum setback of 50 feet from front property lines and 10 feet from side property lines.

Minimum structure setback requirements are as follows:

	UDO Requirement	Proposed Plan
<i>Front Yard</i>	50 feet from the property line	110 feet
<i>Side Yard</i>	10 feet from the property line	20 feet
<i>Rear Yard</i>	10 feet from the property line	215 feet

- c. **Open Space** – The M-1 District requires a minimum 20% open space to be provided. The proposal before the Planning Commission provides a total of 26.9% open space, thereby meeting this requirement.

**6. Site Design Standards:**

The subject property is located in the future land use designation of Industrial Area according to the *Comprehensive Plan* and the development is subject to **Site Design Category 6** (UDO 18.15.130). The following is a summary of the composite site requirements:

- a. **Parking Pod Size** – Parking for developments in Site Design Category 6 must be separated into pods no greater than 320 stalls. The largest parking pod that will be provided on this site is 24 stalls.
- b. **Stormwater/Detention** – The site will manage the 1, 10 and 100-year storm events with on-site detention and provide stormwater quality BMP's in accordance with Title 17 requirements. A preliminary stormwater management design report shall be submitted with the final site development plan. A basin with plantings has been located on the east side of the property between the proposed parking area and the street right-of-way.
- c. **Buffer Area** – Buffer standards apply to development in Site Design Category 6 that are located to any arterial street or non-industrial zoning district. The adjacent zoning districts are industrial and therefore buffering is not required. The proposed plan does provide perimeter landscape around the entire site.

**7. Building Design Standards:**

<b>Building Design Standard</b>	<b>UDO Requirement (Category F)</b>
	Proposed Design
<i>Primary Façade Expression</i>	<p><b>All buildings in Building Design Category F must incorporate façade expression to add visual interest.</b></p> <p>The proposed improvements to the building include wall projections and wall offsets on the north and east façades.</p> <p>The proposed building materials for Category 1 materials is increased by 40% on the primary facades.</p>
<i>Transition Standards</i>	<p><b>A building or portion of a building located within 200' of district R-1 or R-2 may be no more than 35 feet or two stories in height.</b></p> <p>The existing building is not located within 200 feet of an R-1 or R-2 district.</p>
<i>Overhead Doors</i>	<p><b>If visible from a public street a canopy and/or windows in the overhead door to minimize visual impacts.</b></p> <p>The overhead door/loading dock area is located on the far west end of the north façade which limits visibility. In addition, the existing building includes an overhang above the overhead door in addition to a wall projection.</p>

**Proposed Building Materials**

The existing structure of the building will remain, however the exterior building materials on the north and east façade will be altered. The materials that are proposed consist of stone veneer, brick veneer, EIFS, and glass. The stone, brick and glass that are proposed to be used are classified as Category 1 materials, and the EIFS is classified as a Category 2 material.

A provision in the UDO Section 18.60.030.F grants exceptions to buildings that do not conform to the required building design standards, allowing it to remain in a manner that matches the design and materials of the current building. The south and west facades are subject to this provision as the existing metal panels will remain.

The applicant will paint the metal panels to rehabilitate the existing facades, but there will be no change in materials therefore are not subject to Building Design Category 6 requirements. The west façade includes a proposed overhead door/loading dock area, should the future tenant require access along this portion of the building. The addition of a loading dock door along this façade is determined by staff a trade in the same materials (metal) therefore exempting building design requirements.

<b>Primary Façade</b>	<b>Category 1 (min. 20%)*</b>	<b>Category 2 (max. 60%)</b>
North Elevation	<b>62%</b>	<b>38%</b>
East Elevation	<b>61%</b>	<b>39%</b>
<b>Secondary Façade</b>		
South Elevation	<b>n/a</b>	<b>n/a</b>
West Elevation	<b>n/a</b>	<b>n/a</b>

**8. Parking/Lighting:**

The standard parking requirements for office industrial buildings is 1 space per 1,500 square feet of floor area. Based on this requirement the proposed use requires seven (7) parking spaces. A total of 33 spaces currently exist on the site and the proposed site plan will remove 10 parking spaces for a total of 23 spaces to remain. The applicant is not required to provide additional parking by UDO. However, they are showing a future parking area that would provide for 24 additional spaces on the east side of the property should the future tenant require it. Screening of parking areas is required by the UDO and the preliminary landscape plan is meeting these requirements with a mix of landscaping along the north and east property lines.

A parking lot lighting plan has not been submitted with this preliminary site development plan; however, one will be provided upon submittal of the final site development plan. The photometric plan shall comply with the UDO Section 18.30.135.

**9. Access/Street:**

The site has one access point connection from Lindenwood Drive, which is a public street. There are existing sidewalks along Lindenwood Drive. Sidewalks are located along the perimeter of the building. Over time the sites pavement, curbs and sidewalks have

deteriorated. The applicant shall rectify these site issues before receiving Certificate of Occupancy.

#### **10. Storage Area**

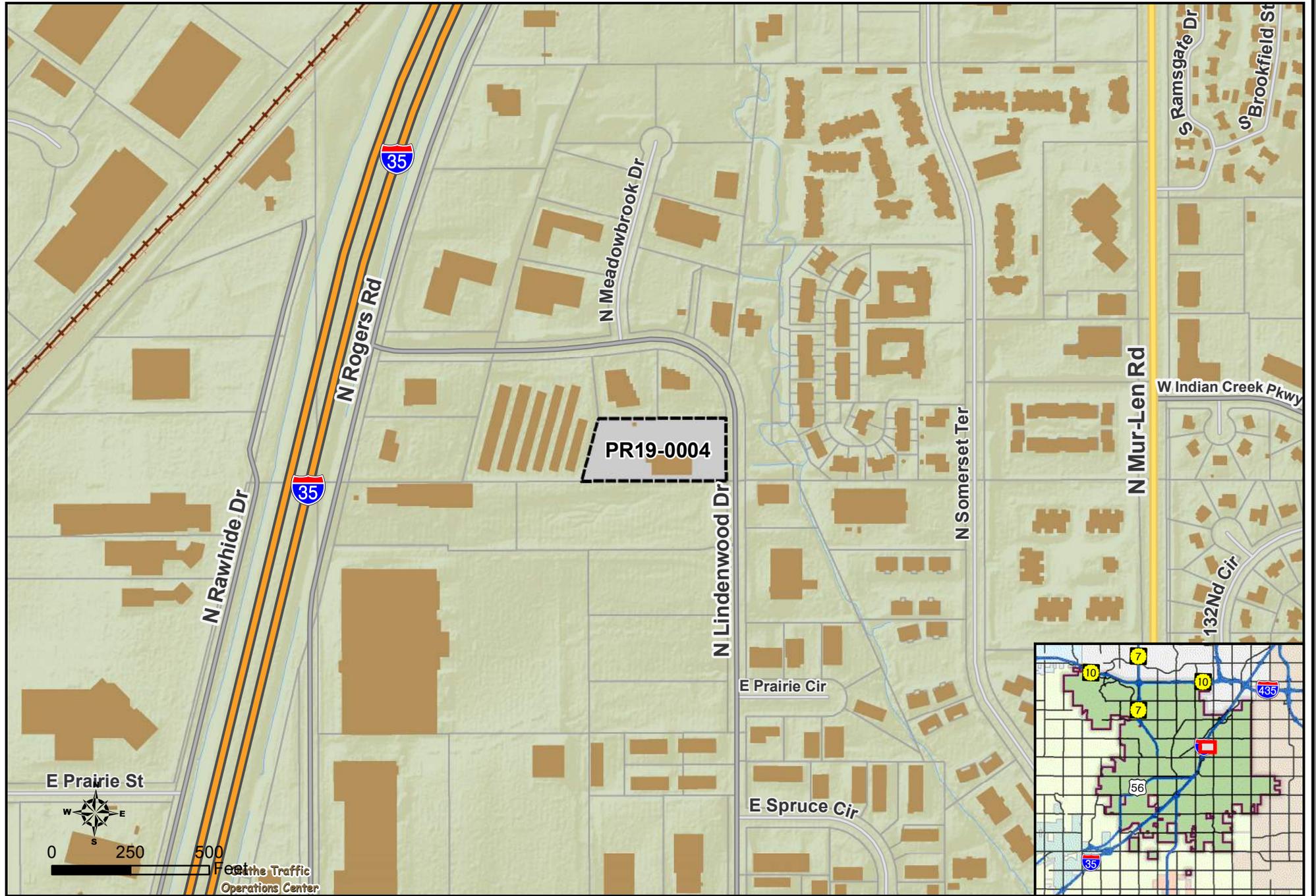
The site has proposed outdoor storage located to the west of the existing building. Currently this area is vacant with a mix of evergreens and scrub brush vegetation. The UDO requires outdoor storage lots to be 100% screened from public view. This portion of the site currently has fencing along the north, west, and south property lines for screening. To increase screening in this area the applicant is providing landscaping along the fence line. If the future tenant constructs this storage area additional screening between the parking lot and storage area will be required per UDO requirements.

#### **11. Landscaping:**

The applicant has provided a preliminary landscape plan with the revised site development plan. The proposed plan shows the required perimeter landscaping along the north and east property lines for parking screening. New landscaping is being provided to replace the existing scrub vegetation in the proposed outdoor storage area along the north, west and south property lines. The new landscaping is provided per UDO requirements for 100% screening of outdoor storage. Additional landscaping is shown along the southeast property line to screen the bank of utility cabinets located between the existing building and south property line from public view at Lindenwood Drive.

#### **12. Staff Recommendation:**

- A. Staff recommends approval of the revised preliminary site development plan (PR19-0004) with the following stipulations:
  1. If the outdoor storage component is constructed screening from public view will be required with a gate or masonry wall between the parking area and storage lot.
  2. Deteriorated pavement, sidewalks, curbs and additional code/site violations shall be rectified prior to receiving Certificate of Occupancy.
  3. A final site development plan shall be approved prior to issuance of building permit.
  4. A photometric plan and detailed cut sheets of all pole and building lighting shall be submitted with the final site development plan per the *UDO*.
  5. All existing foundation landscaping shall be replaced as shown on the preliminary landscape plan per *UDO Section 18.30.130*
  6. As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture. A note shall be added to the final site development plan.



E Prairie St



0 250 500

Footprint Traffic Operations Center

**BUILDERS STONE**  
PR19-0004



User: JaredMD  
Date: 03/19/2019



# Revised Preliminary Development Plan

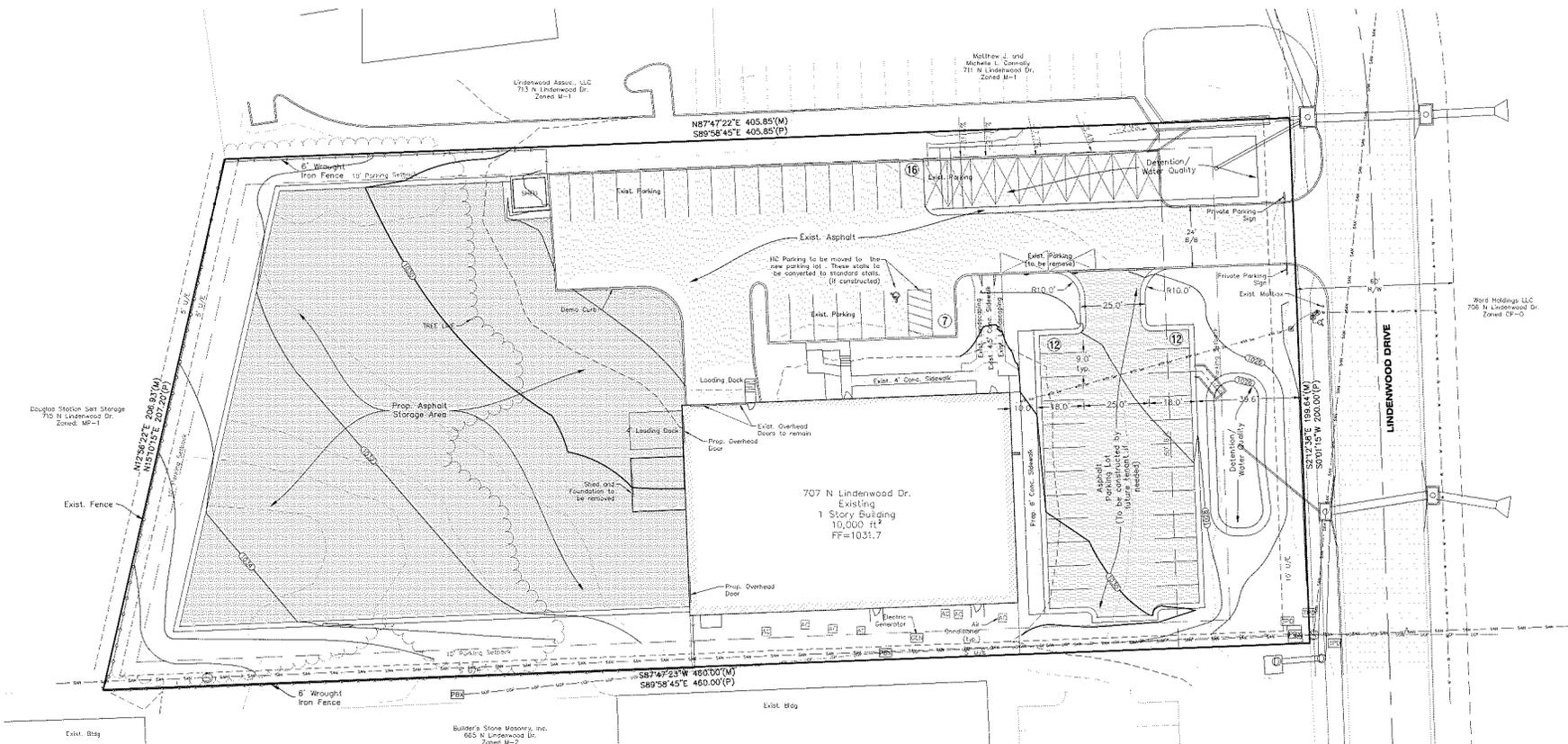
## **Builder's Stone**

### **707 N. Lindenwood Drive**

City of Olathe  
Johnson County, Kansas

#### TOPOGRAPHICAL LEGEND

	—SIN—	Ex. Storm Sewer
	—SAN—	Ex. Sanitary Sewer
	—W—	Ex. Water Main
	—GAS—	Gas Main
	—OHP—	Overhead Power Lines
	—UT—	Underground Telephone
	—UGP—	Underground Power
	—EF—	Exist. Fence
	—G—	Exist. Grade



Total Lot Area:  
86,584 ft<sup>2</sup>  
1.99 acres

Zoning: M-1

UDO Classification:  
Site Design Category 6  
Building Design Category F  
Landscape Buffer - Type 1

Open Space  
23,317 ft<sup>2</sup> = 26.9%

Exist. Building  
10,000 ft<sup>2</sup>

Proposed Parking  
48 stalls including 1 Exist. Handicap Stall

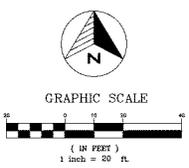
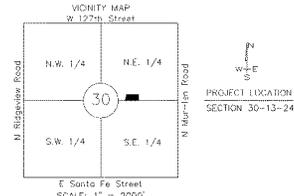
Parking Setbacks  
Front Yards: 30 ft.  
Rear and Sideyards: 10 ft.

Area is not located in a flood zone per FEMA Map  
Number 20091C0079G, dated August 3, 2009

Legal Description:  
Lot 11, Landmark Business Park, Second Plot a  
subdivision now in the City of Olathe, Johnson  
County, Kansas

PREPARED FOR:  
ACE PROPERTIES LLC  
616 ROGERS ROAD  
OLATHE, KANSAS 66062  
PHONE: (913) 764-4444

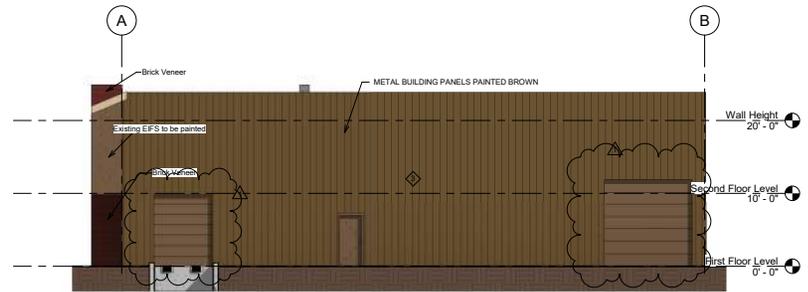
PREPARED BY:  
ALLENBRAND-DREWS & ASSOCIATES, INC.  
122 N. WATER STREET  
OLATHE, KANSAS 66061  
PHONE: (913) 764-1076  
FAX: (913) 764-8635



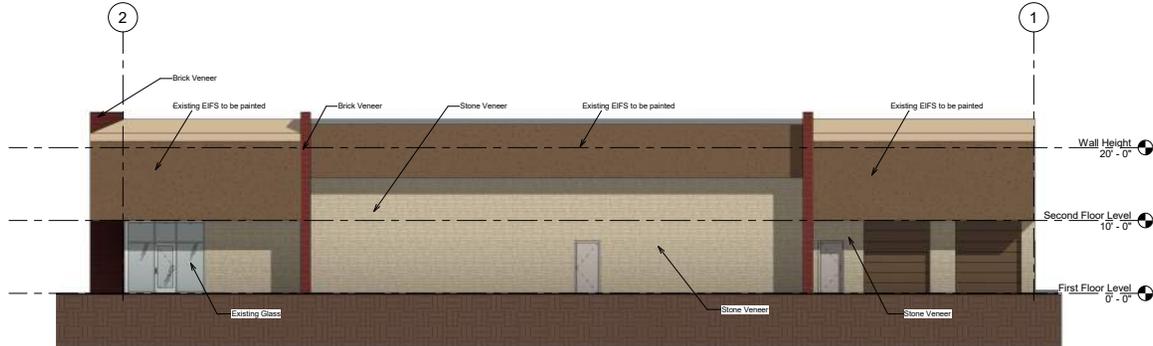
Designed By: _____	4			
Drawn By: _____	3			
Checked By: _____	2			
Date: 10/13/23	1	2/27/19	Revised per City Comments dated 2/20/19	J.L.
Job No. 151527	No.	Date	Revisions	By
<b>CIVIL ENGINEERS</b> <b>LAND SURVEYORS - LAND PLANNERS</b> <b>LAND SURVEYORS - LAND PLANNERS</b> 122 N. WATER STREET OLATHE, KANSAS 66061 PHONE: (913) 764-1076 FAX: (913) 764-8635				
<b>Builders Stone</b> 707 N. Lindenwood Drive Revised Preliminary Development Plan				
Sheet No. C1				



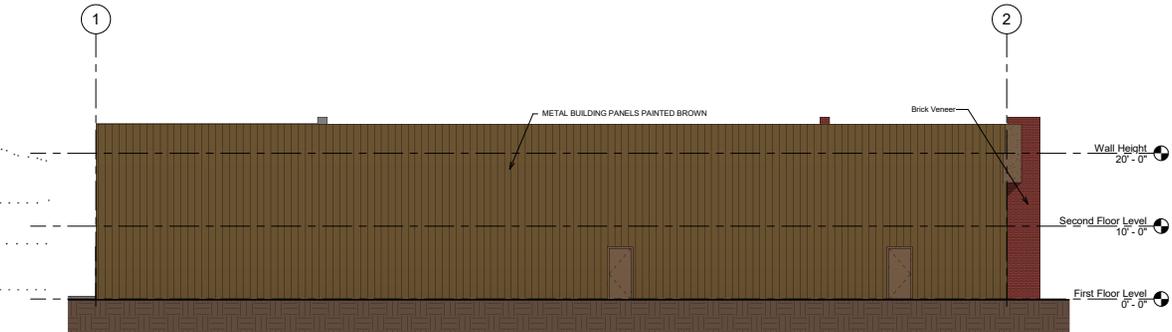
① East Color  
1/8" = 1'-0"



③ West Color  
1/8" = 1'-0"



② North Color  
1/8" = 1'-0"



④ South Color  
1/8" = 1'-0"

**OLATHE COMPOSITE DESIGN STANDARDS**

OLATHE UDO BUILDING DESIGN CATEGORY 1\*  
OLATHE UDO SITE DESIGN CATEGORY 6  
PRIMARY FACADES: NORTH & EAST  
MATERIALS TO USE MIN.: CAT #1 = 20% / CAT #2 = 60% / CAT #3 = 20%  
THIS IS A MAJOR FACADE IMPROVEMENT FOR AN EXISTING BUILDING

NORTH ELEVATION (PRIMARY FACADE)  
TOTAL WALL SURFACE AREA = 2,877 SQ.FT.  
(100% CATEGORY ONE MATERIALS)

CLEAR GLASS WINDOWS = 110 SQ.FT. (4%)  
(MATERIAL CATEGORY #1)

STONE VENEER = 1,810 SQ.FT. (66%)  
(MATERIAL CATEGORY #1)

BRICK VENEER = 40 SQ.FT. (2%)  
(MATERIAL CATEGORY #3)

EIFS = 1,125 SQ.FT. (38%)

EAST ELEVATION (PRIMARY FACADE)  
TOTAL WALL SURFACE AREA = 1,930 SQ.FT.  
(100% CATEGORY ONE MATERIALS)

CLEAR GLASS WINDOWS = 312 SQ.FT. (16%)  
(MATERIAL CATEGORY #1)

STONE VENEER = 815 SQ.FT. (43%)  
(MATERIAL CATEGORY #1)

BRICK VENEER = 40 SQ.FT. (2%)  
(MATERIAL CATEGORY #3)

EIFS = 751 SQ.FT. (39%)

SOUTH ELEVATION (EXISTING WALL)  
TOTAL WALL SURFACE AREA = 2,877 SQ.FT.  
PAINTED METAL PANELS (EXISTING) = 2,877 SQ.FT. (100%)

WEST ELEVATION (EXISTING WALL)  
TOTAL WALL SURFACE AREA = 1,930 SQ.FT.  
PAINTED METAL PANELS (EXISTING) = 1,930 SQ.FT. (100%)

FACADE EXPRESSION TOOLS  
THE PRIMARY FACADES HAVE:  
1. WALL OFFSETS  
2. WALL PROJECTIONS  
3. INCREASED MATERIAL QUALITY

**Scharhag**  
HERNAN SCHARHAG COMPANY ARCHITECTS

6247 Brookside Blvd, #204 Kansas City, Mo 64113  
Phone: 816-866-5055 Scharhag@att.net

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Owner Remodeling for  
**707 LINDENWOOD**  
PRELIMINARY DEVELOPMENT PLAN

J. Jeffrey Schneider Mo. License A-4205  
Hernan Scharhag Co., Arch. Con. of Authority 000022

1		PDP Comments		Date 1	
No.	Description	Revision	Schedule	Date	
Revision Schedule					

Colored  
Elevations

Project number 2143

Date 02.26.2019

**A202**

Scale 1/8" = 1'-0"

7/20/2019 3:08:04 PM





City of Olathe  
City Planning Division

STAFF REPORT

**Planning Commission Meeting: March 25, 2019**

<b>Application:</b>	<b><u>PR19-0005</u></b> <b>Revised preliminary site development plan for Olathe Animal Hospital</b>
<b>Location:</b>	13800 W. 135 <sup>th</sup> Street
<b>Owner/Applicant:</b>	Clare Romain Trust
<b>Architect:</b>	Chris Herre, Rose Design Group
<b>Staff Contact:</b>	Dan Fernandez, Planner II

<b>Site Area:</b>	<u>0.83± acres</u>	<b>Current Use:</b>	<u>Animal Hospital</u>
<b>Zoning:</b>	<u>C-2</u>	<b>Plat:</b>	<u>Greenwood Plaza Shopping Center, 1<sup>st</sup> Plat, Lot 6</u>
<b>Building Area:</b>	<u>623 sq. ft. addition</u> (5,523 sq. ft. total)	<b>Lots:</b>	<u>1</u>

	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Current Zoning</b>	<b>Site Design Category</b>	<b>Building Design Category</b>
<b>Site</b>	<b>Conventional Neighborhood</b>	<b>Animal Hospital</b>	<b>C-2</b>	-	-
<b>North</b>	Conventional Neighborhood	Middle School	R-1	-	-
<b>South</b>	Conventional Neighborhood	135 <sup>th</sup> Street	N/A	-	-
<b>East</b>	Conventional Neighborhood	Automotive Services	CP-2	-	-
<b>West</b>	Conventional Neighborhood	Commercial	C-2	-	-

**1. Comments:**

The application is for a revised preliminary site development plan for Olathe Animal Hospital located at 13800 W. 135<sup>th</sup> Street. The existing building is approximately 4,900 square feet and the proposed addition is for 623 square feet and would house additional animal services and a break room for the employees. The total square footage of the building after the addition will be about 5,500 square feet. Per the *Unified Development*

*Ordinance (UDO)*, additions over 5% are considered major changes and are required to be reviewed by the Planning Commission. The proposed addition is a 13% increase to the existing square footage.

A rezoning and preliminary site development plan (RZ-13-95) for the site were approved in July 1995.



Site Aerial



View of north elevation from 134<sup>th</sup> Place, side of building addition

**2. Zoning Requirements:**

- a. **Setbacks** – The minimum setback requirements and proposed setbacks are as follows:

	<i>UDO Requirement</i>	<i>Proposed Plan</i>
<i>Front Yard</i>	15 feet from property line	Not applicable, addition on rear of property
<i>Side Yard</i>	7½ feet from the property line	50 feet and 70 feet
<i>Rear Yard</i>	7½ feet from the property line	95 feet

The current parking/paving setbacks meet the current UDO requirements of 15 feet from street right-of-way and 10 feet from property lines and there are no changes proposed for the parking lot and paving areas.

- b. **Building Height** – The maximum height permitted for the C-2 District is 35 feet. The highest point of the addition is approximately 16 feet 8 inches.

**3. Development Requirements:**

- a. **Access/Streets** – The subject property has an existing access drive to W. 134<sup>th</sup> Place which is a private street. There are no proposed changes to the access drive or private street with this application.
- b. **Parking** – The *UDO* requires 1 parking space per 1,500 square feet of building area for animal care services which includes animal hospitals. Based on the 5,500 square feet of total building area, 4 spaces are required. The existing parking area has parking for 26 vehicles.
- c. **Landscaping** – The property is well landscaped throughout including trees around the perimeter and interior of the site and parking/paving screening. The applicant has added foundation landscaping along the south elevation which faces 135<sup>th</sup> Street.
- d. **Public Utilities** – The property is in the City of Olathe water and Johnson County Wastewater service areas.
- e. **Stormwater/Detention** – The site is less than 1 acre and does not require stormwater detention.

**4. Building Design Standards:**

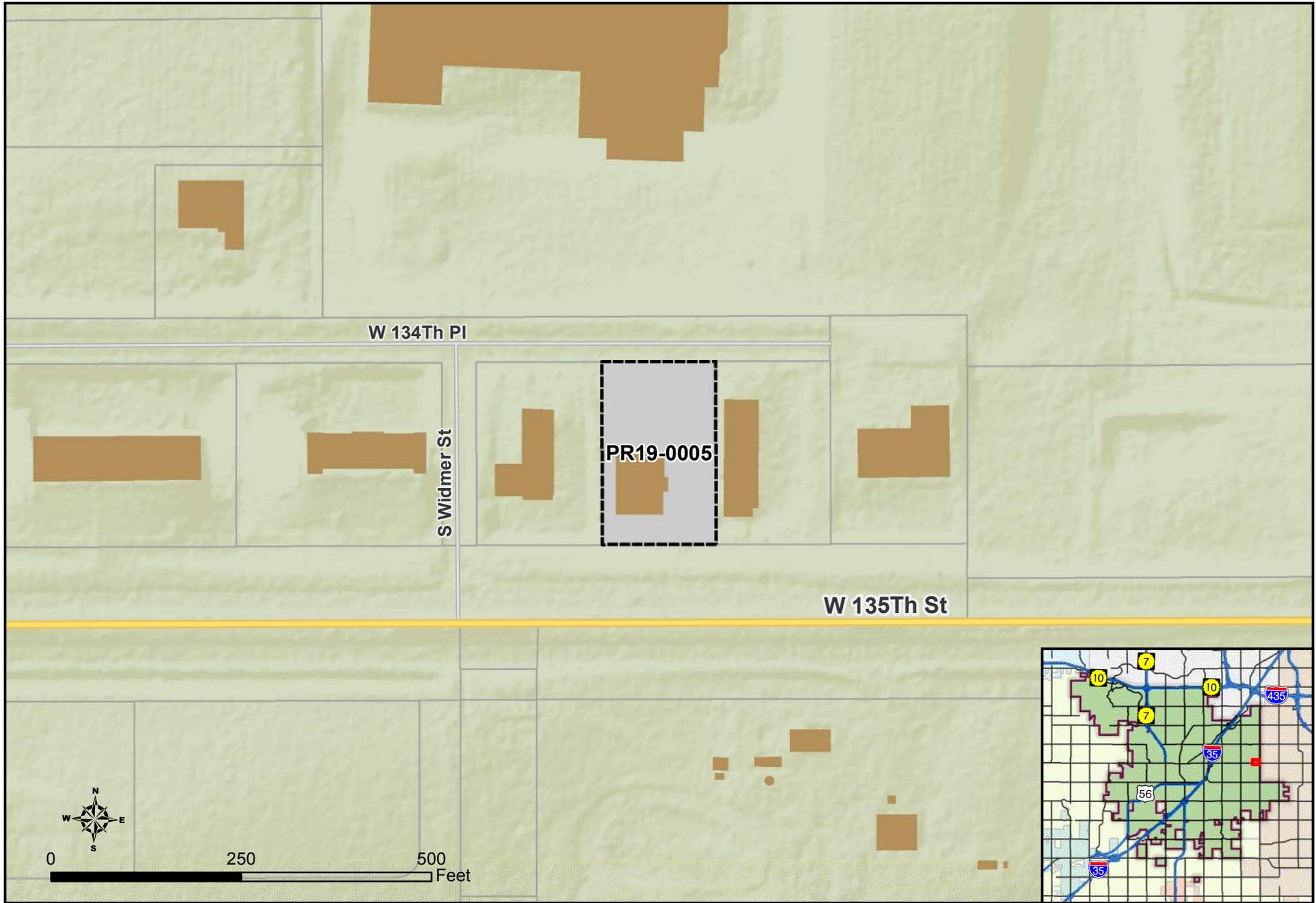
Additions to the existing buildings do not have to meet a *UDO* design category per *Section 18.60.020.F*. The purpose of this section is to allow existing buildings to be expanded or enlarged in a manner that matches the existing building design and materials. The proposed addition for Olathe Animal Hospital is required to be compatible with the existing buildings in terms of materials and color.

The plans show an existing 4,900 square foot building with a 623 square foot addition that is to be located on the north side of the existing building. The current building is constructed of smooth face and split face CMU with standing seam metal roofing. Both the materials and colors of the addition will match the existing building.

**5. Staff Recommendation:**

Staff recommends approval of the preliminary site development plan (PR19-0005) with the following stipulations:

- a. A final site development plan application shall be submitted and approved prior to submitting for building permit.
- b. The final site development plan shall include notes for all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, to be screened from public view with landscaping or an architectural treatment compatible with the building architecture in accordance with UDO requirements.
- c. Details for type and size of shrubs along the south foundation shall be provided with the final site development plan.



User: JaredMD  
Date: 03/19/2019

# OLATHE ANIMAL HOSPITAL ADDITION

## PR19-0005









City of Olathe  
City Planning Division

## STAFF REPORT

### Planning Commission Meeting: March 25, 2019

<b>Application:</b>	<b><u>RZ19-0001</u></b> Rezoning 18.99± acres from RP-3 to R-4 and preliminary site development plan for Saddlewood Apartments
<b>Location:</b>	In the vicinity of 154 <sup>th</sup> Street and Brentwood Street
<b>Owner:</b>	Saddlewood Associates, L.L.C.
<b>Applicant:</b>	Aaron G. March, Rouse Frets White Gentile Rhodes
<b>Engineer:</b>	Jeff Skidmore, Schlagel & Associates
<b>Staff Contact:</b>	Dan Fernandez, Planner II

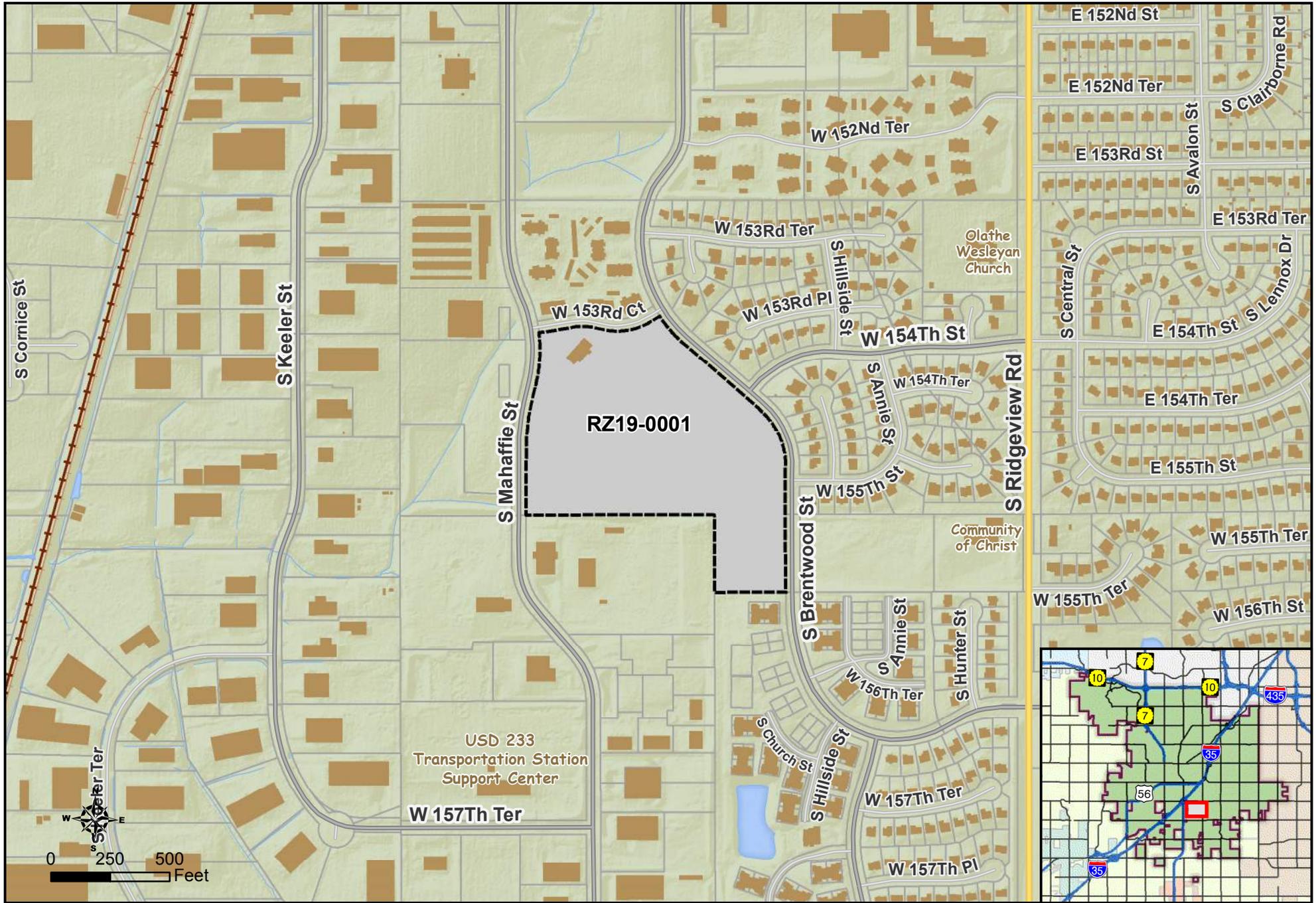
#### Comments:

The Applicant is requesting a continuance to a future Planning Commission meeting. The applicant has requested extra time to work on revisions to the plans based on staff comments.

Applications are permitted one continuance per the Unified Development Ordinance (UDO) and any additional continuances are at the discretion of the Planning Commission. This is the first continuance request for this application. The applicant will send notification to surrounding property owners and updated signs will be placed on site when a date has been set.

#### Staff Recommendation:

Staff recommends continuing this application to a future Planning Commission meeting.



**SADDLEWOOD APARTMENTS**  
**RZ19-0001**



User: JaredMD  
 Date: 03/19/2019



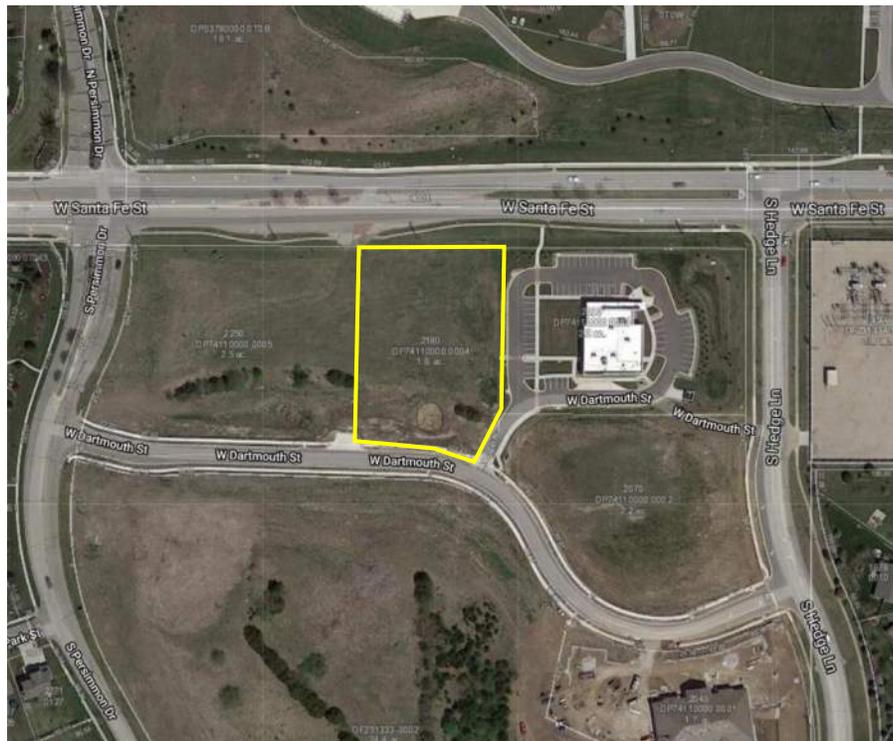
**STAFF REPORT**

Planning Commission Meeting: March 25, 2019

<b>Application:</b>	<b><u>VAC19-0001</u> Vacation of existing drainage easement (The Shops at Prairie Farms, Lot 4)</b>
<b>Location:</b>	2180 Dartmouth Street
<b>Owner/ Applicant:</b>	Jeff Berg, HBA Olathe LLC
<b>Engineer:</b>	Roger E. Claar, DEV Inc.
<b>Staff Contact:</b>	Ginna Verhoff, Planning Intern

**1. Introduction:**

The following is a request to vacate a 15 – foot wide by 55 – foot long drainage easement located at 2180 Dartmouth Street. The subject property is located south of West Santa Fe Street and west of South Hedge Lane. As part of the final development plan (PR18-0062) for Pacific Dental Services within The Shops at Prairie Farms, the stormwater will be accommodated through Stormwater BMPs instead of the existing public storm sewer.



*Aerial View of the Subject Property*



*View looking north from Dartmouth Street*

2. **Public Notice:**

The applicant mailed the required public notification letters to surrounding properties within 200 feet per *Unified Development Ordinance* requirements. Staff has not received any concerns regarding the proposed vacation for the drainage easement.

3. **Utilities:**

The site is located within the City of Olathe water and sewer service area. The Public Works Department has reviewed the exhibits for the drainage easement vacation and recommends approval as proposed.

4. **Staff Recommendation:**

Staff recommends approval of the drainage easement vacation as proposed.



**PDS DENTAL OFFICE**  
**VAC19-0001**



User: JaredMD  
Date: 03/19/2019



# EXHIBIT "A"

## DRAINAGE EASEMENT VACATION

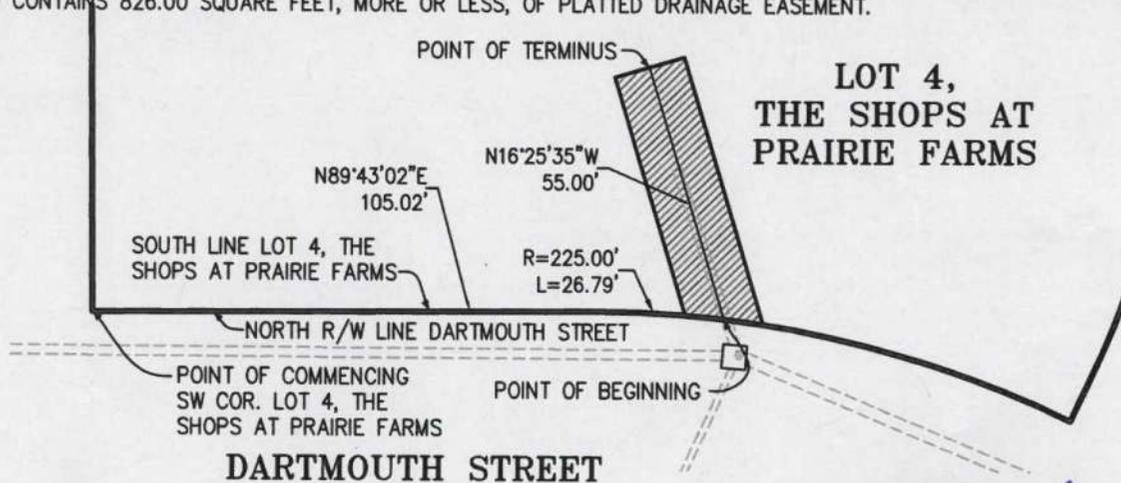
### PART OF LOT 4, THE SHOPS AT PRAIRIE FARMS AND BEING PART OF THE N.E. 1/4 SECTION 33, T. 13 S., R. 23 E., IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

#### DESCRIPTION:

ALL THAT PART OF LOT 4, THE SHOPS AT PRAIRIE FARMS, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING A 15.00 FOOT WIDE STRIP OF LAND BEING A PLATTED DRAINAGE EASEMENT LABELED "C 15' D/E", LYING 7.50 FEET ON THE LEFT AND 7.5 FEET ON THE RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N 89°43'02" E, ALONG THE SOUTH LINE OF SAID LOT 4 AND THE NORTH RIGHT-OF-WAY OF DARTMOUTH STREET, AS NOW ESTABLISHED, A DISTANCE OF 105.02 FEET; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID LOT 4 AND THE NORTH RIGHT-OF-WAY LINE OF SAID DARTMOUTH STREET ON A CURVE TO THE RIGHT SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 225.00 FEET, AN ARC DISTANCE OF 26.79 FEET TO THE POINT OF BEGINNING; THENCE N 16°25'35" W, A DISTANCE OF 55.00 FEET, TO THE POINT OF TERMINUS.

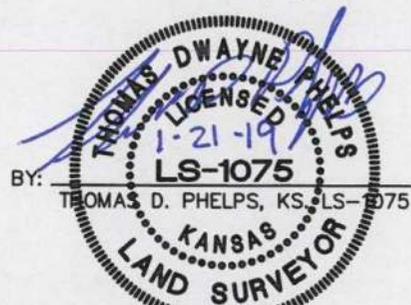
THE SIDELINES OF THE ABOVE DESCRIBED 15.00 WIDE STRIP OF LAND ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE ON THE SOUTH LINE OF SAID LOT 4 AND THE NORTH RIGHT-OF-WAY LINE OF SAID DARTMOUTH STREET AND CONTAINS 826.00 SQUARE FEET, MORE OR LESS, OF PLATTED DRAINAGE EASEMENT.



SCALE: 1"=40'



I HEREBY CERTIFY THAT THIS REAL PROPERTY LEGAL DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.



\\PEI-SERVER\Projects\180899\Office\Easements\drainage vacation\drainage easement vacation.dwg Layout:1-P Jan 21, 2019 11:28am



PLANNING  
ENGINEERING  
IMPLEMENTATION

PHELPS ENGINEERING, INC (913) 393-1155  
1270 N. Winchester Fax (913) 393-1166  
Olathe, Kansas 66061 www.phelpsenineering.com

CERTIFICATE OF AUTHORIZATION KANSAS LAND SURVEYING - LS-82  
ENGINEERING - E-391  
CERTIFICATE OF AUTHORIZATION MISSOURI LAND SURVEYING-2007001128  
ENGINEERING-2007005058

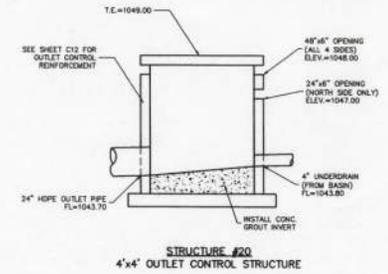
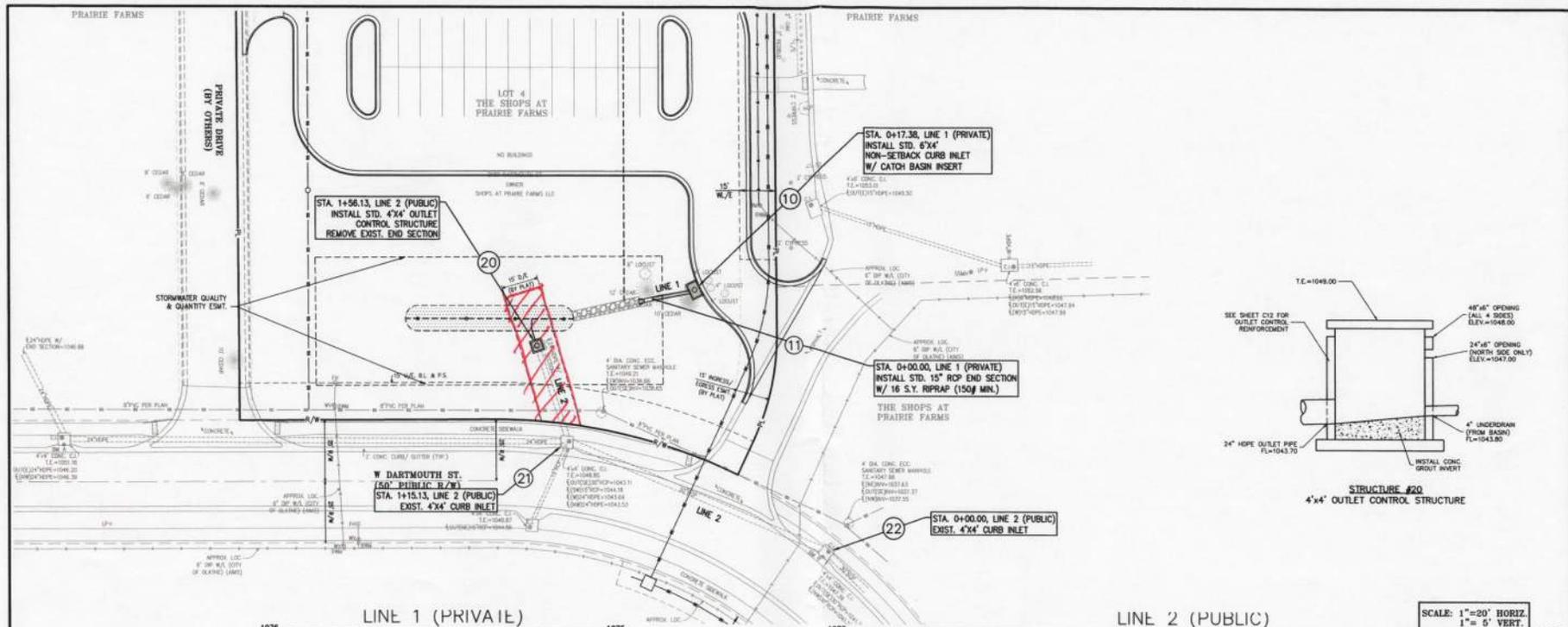
PROJECT NO. 180899  
DATE: 1/14/2019  
BY: DWJ



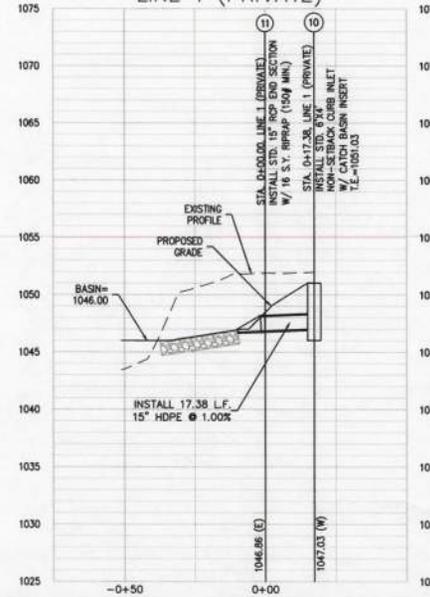
PAUL J. HINES, INC.  
 1000 W. 15th Street, Suite 200  
 Topeka, Kansas 66604  
 (785) 234-1111  
 www.pauljhines.com



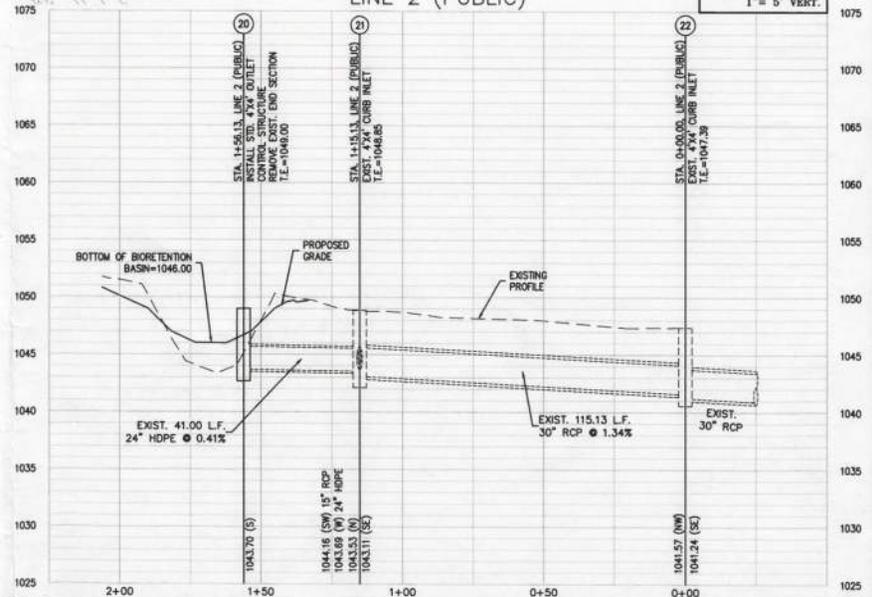
**STORM SEWER PLAN & PROFILE**  
 PACIFIC DENTAL SERVICES  
 LOT 4, SHOPS AT PRAIRIE FARMS  
 2180 W. DARTMOUTH ST. - OLA T.H.E., KANSAS



LINE 1 (PRIVATE)



LINE 2 (PUBLIC)



SCALE: 1"=20' HORIZ.  
 1"=5' VERT.

I:\Projects\2018\20180701\20180701\_PACIFIC DENTAL SERVICES.dwg - 10/12/2018 - 10:29am - David Pao

PROJECT NO.	180078	DATE	REVISION
DATE	10/12/2018	DATE	
BY	PAJ	DATE	
CHECKED BY		DATE	
APPROVED BY		DATE	



REVIEWED  
 John A. Blandon by 1/16/17  
 J. Blandon  
 President/Chief Executive Officer  
 Olathe Medical Center, Inc.  
 1-9-17  
 JOHNSON COUNTY SURVEYOR

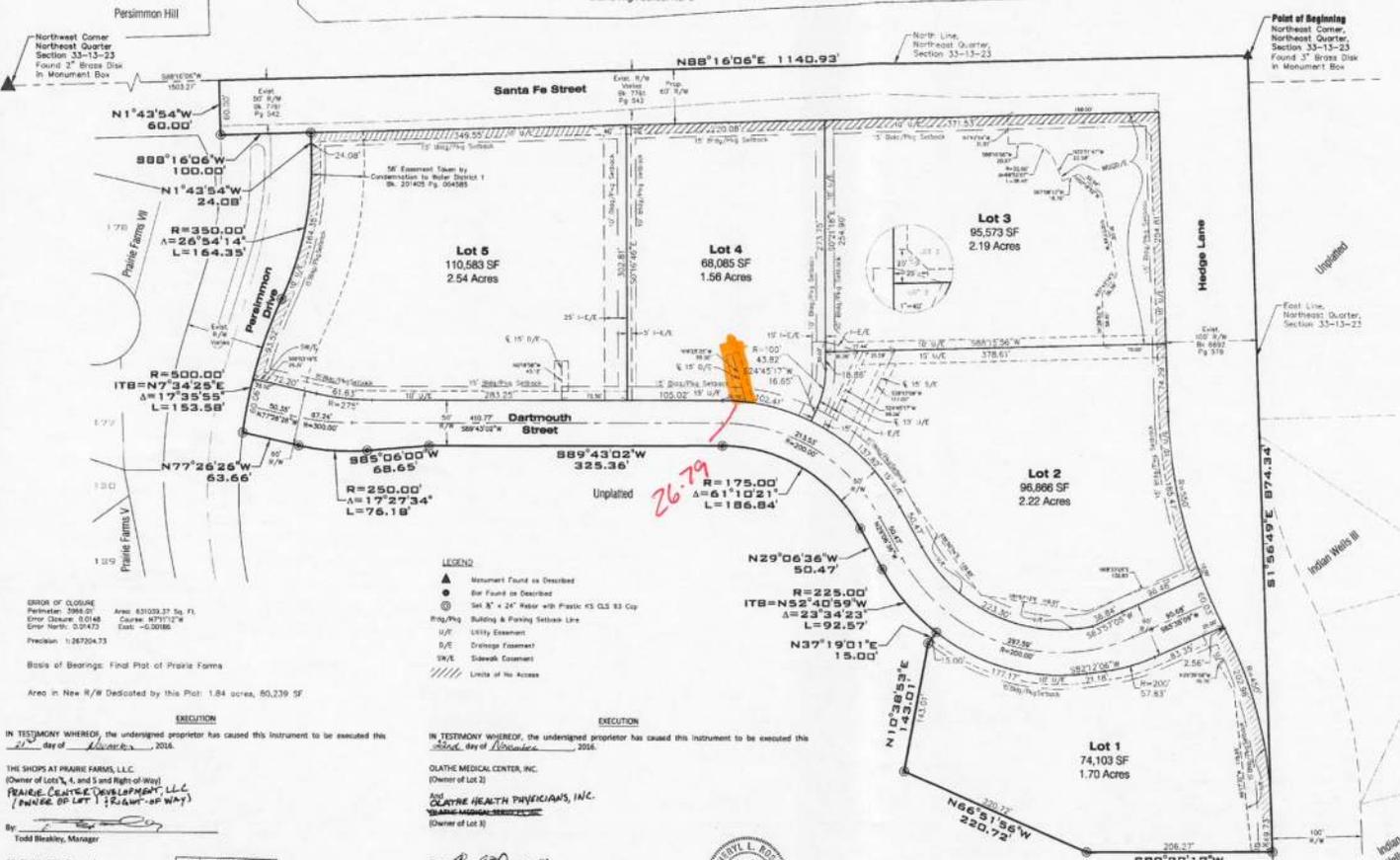
# FINAL PLAT

OF

## The Shops at Prairie Farms

City of Olathe  
 Johnson County, Kansas

Olathe High School No. 5



**LEGEND**

- ▲ Monument Found as Described
- Set Found as Described
- ⊙ Set 1/4" x 24" Rod with Plastic 1/8 CLS 1/8 CLS Cap
- ▭ Building & Parking Setback Line
- 1/4" Utility Easement
- 1/2" Drainage Easement
- 1/4" Sewer Easement
- /// Limits of the Access

**ERROR OF CLOSURE**  
 Perimeter: 3988.02  
 Error Closure: 0.0148  
 Error Ratio: 0.0047  
 Precision: 1:82704.13

**Area:** 430,029.27 Sq. Ft.  
 Course: MPT17.2"W  
 Error: -0.30886

**Basis of Bearings:** Final Plat of Prairie Farms

**Area in New R/W Dedicated by this Plat:** 1.84 acres, 90,239 SF

**EXECUTION**

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this 10th day of November, 2016.

**THE SHOPS AT PRAIRIE FARMS, L.L.C.**  
 (Owner of Lots 1, 4, and 5 and Right of Way)  
**PRAIRIE CENTRE DEVELOPMENT, L.L.C.**  
 (OWNER OF LOT 1; RIGHT OF WAY)

By: Todd Bleakley, Manager

STATE OF KANSAS )  
 ) SS: John A. Blandon  
 COUNTY OF JOHNSON )

BE IT REMEMBERED, that on this 10th day of November, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **TODD BLEAKLEY, Manager of THE SHOPS AT PRAIRIE FARMS, L.L.C.** who is personally known to be the same person who executed the foregoing instrument of writing, and such person duly acknowledged the execution of the same for himself and for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires: 3/31/2020

John A. Blandon  
 Notary Public

**EXECUTION**

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this 10th day of November, 2016.

**OLATHE MEDICAL CENTER, INC.**  
 (Owner of Lot 2)

**OLATHE HEALTH PHYSICIANS, INC.**  
 (Owner of Lot 3)

By: Frank M. Devocelle, President/Chief Executive Officer

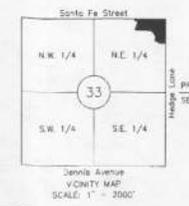
STATE OF KANSAS )  
 ) SS: John A. Blandon  
 COUNTY OF JOHNSON )

BE IT REMEMBERED, that on this 10th day of November, 2016, before me a Notary Public in and for said County and State, came **FRANK M. DEVOCELLE, President/Chief Executive Officer of OLATHE MEDICAL CENTER, INC.** and **OLATHE HEALTH PHYSICIANS, INC.**, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Corporations, and he duly acknowledged the execution of the same to be the act and deed of said Corporations.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires: 11-20-2017

John A. Blandon  
 Notary Public



Individual Lot owners shall be responsible for the maintenance of storm water detention and storm water quality best management practices on their own lots.

**LEGAL DESCRIPTION**

All that part of the Northeast Quarter of Section 33, Township 13, Range 23 in the City of Olathe, Johnson County, Kansas described as follows: Beginning at the Northeast corner of the Northeast Quarter of said Section 33; thence South 1 degree 49 minutes 49 seconds East, a distance of 188.34 feet; thence North 89 degrees 43 minutes 03 seconds East, a distance of 874.34 feet; thence South 89 degrees 27 minutes 17 seconds West, a distance of 206.27 feet; thence North 86 degrees 51 minutes 56 seconds West, a distance of 220.72 feet; thence North 10 degrees 58 minutes 53 seconds East, a distance of 143.03 feet; thence North 37 degrees 13 minutes 03 seconds East, a distance of 15.00 feet; thence Northwesterly along a curve to the right, having a radius of 225.00 feet, an initial tangent bearing of North 52 degrees 40 minutes 59 seconds West, a central angle of 23 degrees 34 minutes 23 seconds, a distance of 92.57 feet; thence North 29 degrees 06 minutes 36 seconds West, a distance of 50.47 feet; thence Northwesterly along a curve to the left, having a radius of 175.00 feet, a central angle of 61 degrees 10 minutes 21 seconds, a distance of 186.84 feet; thence South 89 degrees 43 minutes 03 seconds West, a distance of 325.36 feet; thence South 89 degrees 06 minutes 00 seconds West, a distance of 68.065 feet; thence Easterly along a curve to the right, having a radius of 250.00 feet, a central angle of 17 degrees 22 minutes 34 seconds, a distance of 76.18 feet; thence North 77 degrees 26 minutes 26 seconds West, a distance of 63.66 feet to a point on the East right-of-way line of Freeman Drive as established on the Plat of Prairie Farms, a subdivision of land in the City of Olathe, Johnson County, Kansas; thence Northwesterly along a curve to the right, having a radius of 500.00 feet, an initial tangent bearing of North 7 degree 34 minutes 25 seconds East, a central angle of 17 degrees 15 minutes 25 seconds, a distance of 153.58 feet; thence continuing along said East right-of-way line, Northwesterly along a reverse curve to the left, having a radius of 350.00 feet, a central angle of 26 degrees 14 minutes 34 seconds, a distance of 164.35 feet; thence continuing along said East right-of-way line, North 1 degree 43 minutes 54 seconds West, a distance of 24.08 feet; thence North 88 degrees 15 minutes 06 seconds West, along the Northern Line of said Prairie Farms, a distance of 100.00 feet; thence North 1 degree 43 minutes 54 seconds West, a distance of 60.00 feet to a point on the North line of the Northeast Quarter of said Section 33; thence North 88 degrees 15 minutes 06 seconds West, along the North line of the Northeast Quarter of said Section 33, a distance of 1145.93 feet to the point of beginning, containing 18.49 acres, more or less.

**DEDICATION**

The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "THE SHOPS AT PRAIRIE FARMS".

The undersigned proprietors of said property shown on this plat do hereby dedicate to public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, avenues, lanes, and alleys and hereinafter dedicated as such.

An easement to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance and use of sidewalks, conduits, water, gas, electrical, sewer, pipes, poles, wires, drainage facilities, ducts, cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City of Olathe, Kansas, and other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas to enter upon, construct, use and maintain or authorize the location, construction, maintenance and use of conduits, pipes, surface drainage facilities, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Drainage Easement" or "D/E".

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas for the purpose of constructing, rehabilitating, and maintaining a public sidewalk and appurtenant work in any part of the easement, including the right to repair, maintain and replace the sidewalk, and for any reconstruction and future expansion of such facility within the area of the easement is outlined and designated on this plat as "Sidewalk Easement" or "S/E".

An easement or license is hereby dedicated to the City of Olathe to install, construct, operate, inspect, alter, repair, replace, substitute, relocate, add to, remove and maintain a culvert, storm sewer, drainage ditch, drainage channel/water course or other drainage facility tributary connectors and appurtenant work in said easement including the right to clean, repair, replace and care for said drainage facilities in, on, over, under and through those areas designated as "Water Quality & Quantity Drainage Easement" or "WQ/QVE", together with the right of ingress and egress over and through said easement.

A perpetual easement is hereby reserved by and granted to all owners and occupants of the lots in this subdivision, their heirs, assigns, successors, utility companies and their representatives, emergency vehicles and personnel, to enter upon, over or across those areas outlined and designated on this plat as "Ingress-Egress Easement" or "I/E".

**CONSENT TO LIFT**

The undersigned proprietors of the above described land hereby consent and agree that the Board of County Commissioners of Johnson County, Kansas and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of the special assessments on such land dedicated shall become and remain a lien on the remainder of the land fronting or abutting on such dedicated public ways or thoroughfares.

**APPROVALS**

APPROVED BY the Planning Commission of the City of Olathe, Johnson County, Kansas, this 10th day of November, 2016.

By: C.S. Vohla, Chairman

APPROVED BY the Governing Body of the City of Olathe, Johnson County, Kansas, this 15th day of November, 2016.

By: Michael McLaughlin, Mayor

Attest: Donald J. Howell, City Clerk

THIS IS TO CERTIFY THAT ON THE 10TH DAY OF NOVEMBER, 2016, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 66-1-1.

**THE SHOPS AT PRAIRIE FARMS**

**CIVIL ENGINEERS**  
**LAND SURVEYORS - LAND PLANNERS**

**AD**

1221 N. WATER STREET  
 OLAATHE, KANSAS 66061  
 PHONEX: (913) 764-1076  
 FAX: (913) 764-8038

14 W. FLORIDA  
 PANDA, KANSAS 66071  
 PHONEX: (913) 857-1076  
 FAX: (913) 857-8964

**GRAPHIC SCALE**  
 1" = 40' FT.  
 1" = 80' FT.



City of Olathe  
City Planning Division

**STAFF REPORT**

**Planning Commission Meeting: March 25, 2019**

<b>Application:</b>	<b><u>RZ19-0002:</u> Zoning amendment for RP-3 District (The Villas of Asbury)</b>
<b>Location:</b>	15584 and 15608 S. Church Street
<b>Owner/Applicant:</b>	Sue Engbrotten, Pinnacle Construction
<b>Engineer:</b>	Matt Cox, Allenbrand-Drews & Associates
<b>Staff Contact:</b>	Dan Fernandez, Planner II

<b>Site Area:</b>	<u>10.51 ± acres</u>	<b>Existing Use:</b>	<u>Multi-family</u>
<b>Current Zoning:</b>	<u>RP-3</u>	<b>Proposed Zoning:</b>	<u>RP-3</u>
<b>Building Area:</b>	<u>8 Multi-family units</u>	<b>Plat:</b>	<u>The Villas of Asbury LT 15 and LT 16</u>

	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Current Zoning</b>	<b>Site Design Category</b>	<b>Building Design Category</b>
<b>Site</b>	<b>Mixed Density Residential</b>	<b>Industrial/Warehouse</b>	<b>RP-3</b>	<b>N/A</b>	<b>N/A</b>
<b>North</b>	Mixed Density Residential	Warehouse/Office	RP-3	-	-
<b>South</b>	Conventional Neighborhood	Warehouse/Office	R-1	-	-
<b>East</b>	Conventional Neighborhood	Industrial/Warehouse	R-1	-	-
<b>West</b>	Mixed Density Residential	Warehouse/Office	M-2	-	-

**1. Comments:**

The applicant is requesting a zoning amendment to allow the building setback along the west property line to be reduced from 75 feet to a range of 65 feet to 71 feet. The subject

site was rezoned (RZ-31-00), and a preliminary site development plan approved in February 2001. The approved plan included 180 townhome units in 4-plex buildings. As part of the approval, a stipulation was included that there be a 75-foot setback from the west property line, however, the recorded plat for the townhome buildings encroached into the required setback. This zoning amendment will correct and address this issue and a zoning amendment is the only avenue available to revise or remove an approved stipulation. Additional history of the development and reason for the zoning amendment is included in Section 5 of this staff report.

**2. Existing Conditions/Site Photos:**

The subject properties consist of two lots for two future 4-plex buildings that are located within the Villas of Asbury development.



Site Aerial



View looking west from interior driveway

### **3. Public Notice:**

A neighborhood meeting was held in accordance with the UDO on March 4, 2019 with approximately 47 attendees. Issues discussed included construction timeline and process, stormwater, the location of buildings and vehicle parking. The minutes from this meeting and the sign-in sheet has been included in the Planning Commission packet.

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per *UDO* requirements. Staff received an email in opposition from a resident with concerns about how the applicant has worked with the HOA and residents of Asbury during past construction projects. The email has been included in the packet. A letter of support from the HOA has also been included in the packet for your review.

### **4. Site and Building Design/Development Requirements:**

There are no proposed changes to density, access, parking, or the building and site design with this application. The layout and location of the two subject buildings are the same as the approved preliminary site development plan.

The approved preliminary site development plan included 1 story townhomes to be constructed of brick, stucco and fiber cement siding and include architectural features such as porches and stoops. The building permit plans will show the required material and architectural features which staff will review.

An existing row of trees is located along the west property line for screening from the adjacent industrial development. However, there are gaps in the tree line and the applicant is showing additional trees to be planted in those gaps. The number and types of trees shall be shown on a landscape plan with the submittal of building permits for the 4-plexes.

### **5. Building Setback Line/Zoning Amendment**

The rezoning and preliminary site development plan approval included a stipulation that a 75-foot setback be established along the west property line which is adjacent to industrial zoning. This setback was shown on the approved plans and included on the Villas of Asbury plat. At the time of approval, per the UDO, the rear yard setback for a RP-3 zoned property was 15 feet if existing hedgerows or natural features provided screening.

The 4-plexes within the development are individually platted and when Lots 15 and 16 were platted in 2001, they were located over the setback line. Staff met with the applicant to discuss alternative solutions such as reorienting the lots or building smaller 4-plexes so that the buildings don't encroach into the setback.

The applicant stated that due to driveways and access drives that reorienting the lots was not an option. Also, their preference was to build 4-plexes that are similar or the same as the 4-plexes throughout the development and that would not be possible by shrinking the building footprint.

Since those options were not possible, the applicant is proposing to reduce the 75-foot setback immediately west of Lots 15 and 16. The new setback line would range from 65 to 71 feet. The rest of the setback line would remain at 75 feet. An exhibit of the

proposed new setback line has been included the Commission packet. A replat of the property is required to include the new setback lines as part of the plat.

## **6. Zoning Amendment Analysis**

A list of the Golden Rules criteria for a change of zoning is included with the staff report and analysis. Staff has reviewed the surrounding zoning, land uses, existing structures and character of the area and does not find that approval of the zoning amendment would adversely affect the safety and character of the surrounding neighborhood. Since the applicant is only requesting an amendment to a stipulation on a setback line with no change in land use or zoning classification, additional level of analysis typically included is not required for this case.

## **7. Waiver Request**

The applicant is requesting a waiver requests which is for the reduction in the landscape buffer requirement. Per Section 18.40.240 of the UDO, waivers can be granted if certain criteria are met. The applicant has submitted a waiver request which has been included in the Planning Commission packet.

Properties zoned R-3 require a Type 5B buffer when adjacent to industrial zoned properties per Section 18.30.130 of the UDO. A Type 5B buffer is 75 feet in width with no landscaping.

The applicant is requesting a waiver to this requirement since the setback is proposed to range from 65 feet to 71 feet immediately west of the Lots 15 and 16.

The applicant states that existing hedgerows will continue to provide a buffer between this development and the industrial properties to the west. The hedgerow will not be affected by this proposal and additional trees will be planted for additional screening. The proposed site plan shows evergreen trees on the west property line to provide an additional landscape buffer. Also, the public will suffer no loss or inconvenience by the granting of the waiver.

## **8. Staff Waiver Analysis**

Staff is supportive of the waiver request due to the proposal meeting criteria for waivers found in Section 18.40.240.E of the UDO and for the following reasons. The density, layout, landscaping, access and building and site design are not affected by the waiver request. And as mentioned previously, the applicant will be providing additional screening between this multi-family residential development and the industrial development to the west.

## **9. Staff Recommendation:**

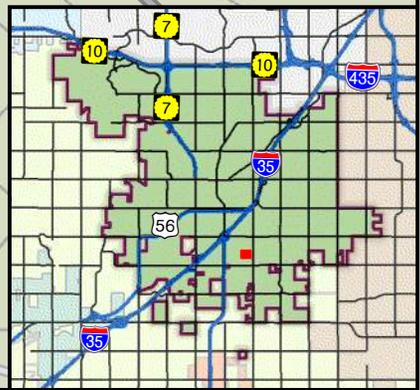
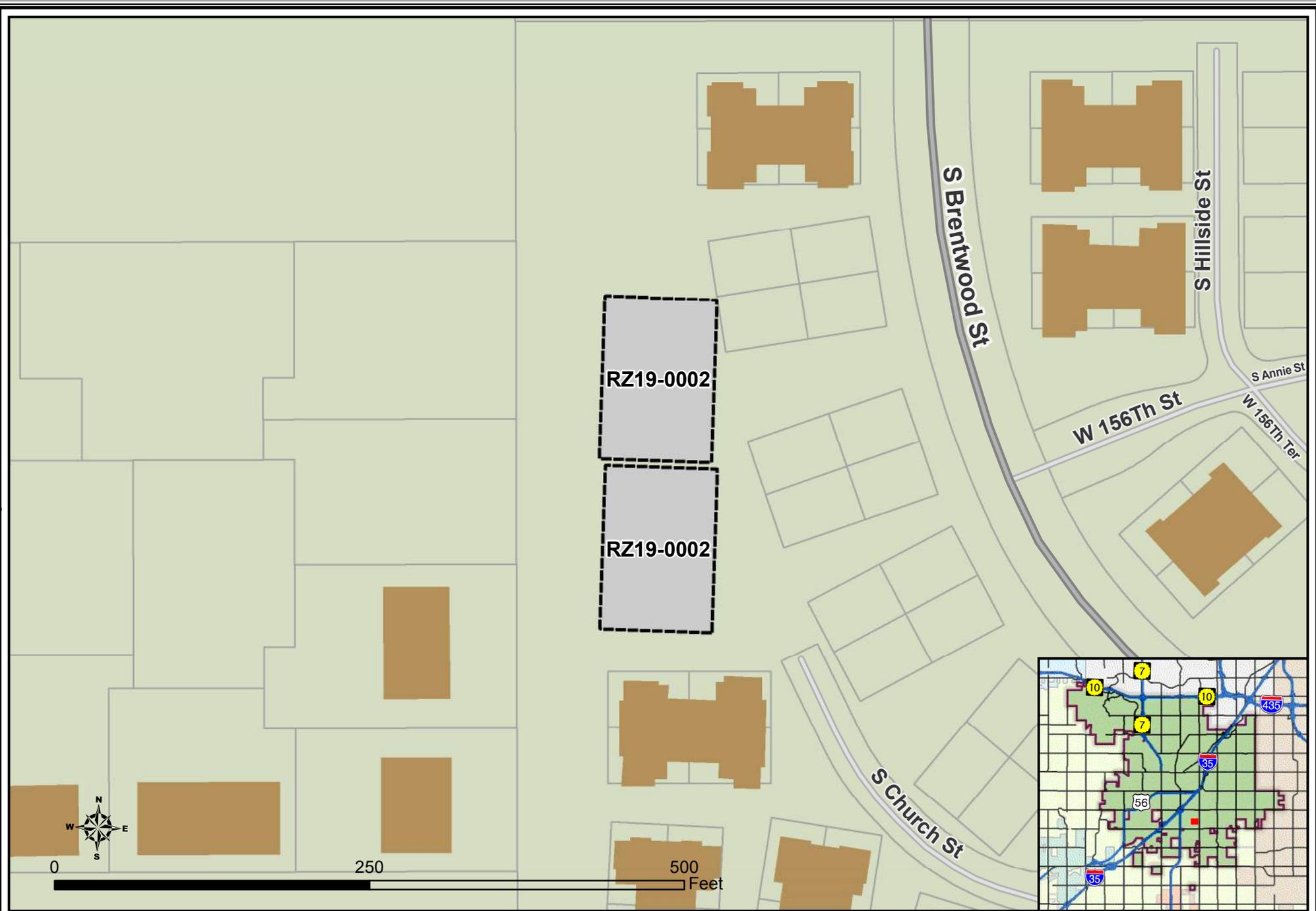
A. Staff recommends approval of RZ19-0002 for the following reasons:

- (1) The proposed development complies with the Goals, Objectives and Policies of the Comprehensive Plan.
- (2) The zoning amendment meets the *Unified Development Ordinance* criteria for considering zoning applications.

- B. Staff recommends approval of RZ19-0002 with the following stipulations to be included in the ordinance. These stipulations include those previously approved and required with the original change of zoning (RZ02-XXX) along with newly amended stipulations below:
- (1) An amendment shall be granted for the RP-3 zoning ordinance to allow a reduced building setback of 65 feet from the west property line as shown on the submitted site plan.
  - (2) A waiver shall be granted to permit the landscape buffer along the west property line to range from 65 feet to 71 feet as shown on the submitted site plan.
  - (3) Prior to obtaining building permits, the property shall be replatted to show the adjusted building setback line.
  - (4) A landscape plan showing the size and type of trees to be planted along the west property line shall be submitted and approved with the building permits.
  - (5) The combined overall maximum density for the R-1 and RP-3 development area shall be limited to 4.6 dwelling units per acre.
  - (6) All RP-3 zoned areas shall be subject to the following design requirements:
    - a) Apartment buildings shall be prohibited.
    - b) All buildings shall be designed with an appearance of individuality between dwelling units. Such design shall include varied rooflines, varied facade depths to create variety and individuality, and front porches. "Mirror image" structures in which the same design is repeated for all units in a structure with no variety shall be prohibited.
    - c) A variety of building exterior designs shall be used, with no building design plan to account for more than one-third of the development area.
    - d) Building facades facing the public or private streets shall be designed with street orientation to include entrances, porches, windows and other design elements to create the appearance of a front facade. A predominant front entry shall be provided on all facades facing the street.
    - e) Each dwelling unit shall be provided with an attached garage. No freestanding garages, carports or surface parking lots shall be permitted. However, small areas for guest parking may be permitted if entirely screened from view from the streets/drives.
    - f) Buildings shall be oriented and designed so no garages or parking lots are visible from any public or private streets, or access drives,

unless otherwise approved by the Planning Commission with final site development plans.

- g) If the Planning Commission permits a structure(s) with garages oriented toward a public or private street, a minimum thirty-(30) foot setback shall be maintained for the garage portion of the structure.
- h) Exterior building facades shall be finished with high quality building materials and architectural detailing. Exterior walls shall be finished with a minimum of seventy-five (75) percent decorative masonry materials such as stone, brick/masonry or a comparable masonry material, EIFS, stucco and siding (fiber cement board) may be permitted as a minor accent material. Vinyl siding, wood siding, or other synthetic or imitation materials with a false or "tacked on" appearance shall be prohibited.
- i) Roofing materials shall be the heaviest grade of 'Timberline' or comparable shingles, concrete or clay tile, or slate.
- j) An open space area of a minimum 3.3 contiguous acres shall be maintained in a central location for use by all persons who reside within the townhouse area. Such open space area shall include neighborhood amenities such as i.e., swimming pool/clubhouse, playground, tennis court, exercise path, cabana, etc. Detention areas may be included as part of the open space calculation if designed and maintained as a wet-bottom facility with spray fountain(s).
- k) All fences shall be wrought iron, picket fencing (not exceeding 4 feet in height) or a similar decorative fencing material. Solid wood fencing and chain-link fencing shall not be permitted. Except, chain-link fencing may be permitted around sports courts.
- l) Sidewalks shall be provided on both sides of all public and private streets and drives.
- m) A staggered double row of evergreen trees shall be installed and maintained along the west and south property lines. However, credit shall be given for existing trees located along the west property line. The number of evergreen trees to be installed by the developer along the west property line may be reduced by the Planning Commission with approval of the final site development plan upon submission of a tree survey.



**THE VILLAS OF ASBURY**  
**RZ19-0002**



User: JaredMD  
Date: 03/19/2019



# SITE PLAN FOR ZONING AMENDMENT

## LOTS 15 & 16 THE VILLAS OF ASBURY

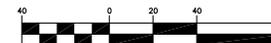
CITY OF OLATHE,  
JOHNSON COUNTY, KANSAS

### STATEMENT OF PURPOSE:

Lots 15 and 16 of The Villas of Asbury, the last unimproved lots in the development, were platted in such a way that the westerly portion of each lot falls within the 75 foot building setback along the west boundary of The Villas of Asbury, reducing the buildable area of both lots. Pinnacle Construction, the owner of the lots, has built the last eight buildings in this development, and desires to continue providing a housing product that meets the demands of the market for the last two lots in the development. In the current market, a smaller building that would fit within the current configuration of the setback on the lots is significantly less desirable and marketable. Due to the existing infrastructure and surrounding lots, it would be impossible to move the boundaries of Lots 15 and 16 outside of the setback. The purpose of this zoning amendment request is to remove the portion of the platted building setback line that falls within the west portion of Lots 15 and 16 so that entirety of each lot can be utilized for future building construction.



GRAPHIC SCALE



( IN FEET )  
1 inch = 40 ft.

OWNER / DEVELOPER:  
**PINNACLE CONSTRUCTION CO., INC.**  
CONTACT: SUE ENGBROTEN  
1227 E 119TH STREET  
GRANDVIEW, MO 64030  
PHONE: (913) 271-6223



**CIVIL ENGINEERS  
LAND SURVEYORS - LAND PLANNERS**

122 N. WATER STREET  
OLATHE, KANSAS 66061  
PHONE: (913) 764-1076 FAX: (913) 764-8635



# THE VILLAS OF ASBURY

An easement or license is hereby dedicated to the City of Olathe, to enter upon, over and across those areas outlined and designated on this plat as "Tree Preservation Easement" or "T/P/E". Trees shall not be removed from a tree preservation easement without the City of Olathe's permission, unless such trees are dead, diseased or pose a threat to the public or adjacent property. The Villas of Asbury Homes Association, or their designers, shall be responsible for the maintenance of the tree preservation easement, including but not limited to the removal of dead, diseased trees or trees posing a threat to the public or adjacent property.

A perpetual easement of access over, across, and upon the areas designated as Tracts "A", "C" and "D", "Access Easement" and "Ingress & Egress Easement" are hereby reserved to the undersigned proprietor, its heirs, assigns, etc., for ingress and egress of all owners and occupants of lots and parcels depicted on this plat, their guests and invitees. Owners and occupants of adjoining lots to the North, South, East, and West of this plat, as well as other properties within the development shall have the same right of ingress and egress as all owners and occupants of lots and parcels depicted on this plat. No obstacles or obstructions that would prohibit the free flow of traffic shall be allowed to be constructed or maintained within said "Access Easement", "Ingress & Egress Easement", and Tracts "B", "C" and "D".

All Lots and Tracts within this plat shall be subject to a "Common Facilities Agreement" to be recorded by subsequent document in the Office of the Register of Deeds. Such agreement will address maintenance of common utility lines serving all owners of each Lot and/or Tract.

Tracts "B", "C" and "D" shall be designated as "Utility Easement". All utility locations within Tracts "B", "C" and "D" shall be approved by the owners of said Tracts "B", "C" and "D" prior to installation.

Tracts "A" and "E" shall be dedicated by separate instrument to the Villas of Asbury Homes Association, which shall be responsible for all maintenance of said Tracts.

Tracts "B", "C", "D", "E", "F", "G" and "H" shall be owned by the Villas of Asbury Homes Association, which shall be responsible for all maintenance of said Tracts.

An easement or license is hereby dedicated to the City of Olathe to enter upon, locate, construct, and maintain or authorize the location, construction, or maintenance and use of conduits, sewer pipes, surface drainage facilities, etc. upon, over, and across those areas outlined and designated on this plat as "Utility Easement" or "U/E".

All medians in this subdivision shall heretofore be the sole responsibility of The Villas of Asbury Homes Association and are to be maintained by said Association.

The use of all lots in this subdivision shall be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Register of Deeds of Johnson County, Kansas, and shall be made a part of the dedication of this plat as though fully set forth herein.

The undersigned proprietor of the above described tract of land hereby consents and agrees that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use and thoroughfares or parts thereof, for public use, from the lien and effect of any special assessments and that the amount of the unpaid special assessments on such land dedicated to public use shall remain a lien on the remainder of the land parcel or parcels on said dedicated public way or thoroughfare.

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this 27th day of July, 2001.

ENING 3 DEVELOPMENT, L.L.C. (Owner of all except 157th Street Right-of-Way and Brentwood Street Right-of-Way lying South of 157th Street)

JOSEPH W. CAMPBELL, President

STATE OF KANSAS  
COUNTY OF JOHNSON

BE IT REMEMBERED, that on this 27th day of July, 2001, before me a Notary Public in and for said County and State, came JOSEPH W. CAMPBELL, President of ENING 3 DEVELOPMENT L.L.C., who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said L.L.C., and he duly acknowledged the execution of the same to be the act and deed of said L.L.C.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and day last written above.

*Joseph W. Campbell*  
Notary Public

My Commission Expires: *March 10, 2007*

JANE W. WILSON  
NOTARY PUBLIC  
STATE OF KANSAS

JACOBUS-CAMPBELL EXCAVATION, INC. (Owner of 157th Street Right-of-Way and Brentwood Street Right-of-Way lying South of 157th Street)

JOSEPH W. CAMPBELL, President

STATE OF KANSAS

BE IT REMEMBERED, that on this 31st day of August, 2001, before me, the undersigned, a Notary Public in and for said County and State, came JOSEPH W. CAMPBELL, President of JACOBUS-CAMPBELL EXCAVATION, INC., who is personally known to me to be the same person who executed the within instrument of writing on the act and deed of said Corporation. IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written.

My Commission Expires: *March 10, 2007*

NOTARY PUBLIC

*Joseph W. Campbell*  
Notary Public

3294627  
STATE OF KANSAS  
COUNTY OF JOHNSON  
REGISTER OF DEEDS  
BK 122, pg 15



This is a survey and plat of part of the E 1/2 of the SE 1/4 of Section 12, T14S, R23E of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southeast corner of the SE 1/4 of Section 12, T14S, R23E of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas; thence S 87°45'14" W, along the South line of said SE 1/4, a distance of 715.73 feet to the TRUE POINT OF BEGINNING; thence continuing S 87°45'14" W, along the South line of said SE 1/4, a distance of 143.63 feet; thence Northeasterly, on a curve to the right having a radius of 850 feet, for a distance of 235.55 feet; thence S 87°45'14" W, parallel with the South line of said SE 1/4, a distance of 555.78 feet to a point on the West line of the E 1/2 of said SE 1/4; thence S 12°14'46" E, a distance of 1,949.77 feet to a point 328.41 feet South of the Northwest corner of the E 1/2 of said SE 1/4, as measured along said West line; thence N 87°23'23" E, parallel with the North line of said SE 1/4, a distance of 153.22 feet; thence S 02°24'00" E, a distance of 153.81 feet; thence S 11°29'00" E, a distance of 69.66 feet; thence S 01°47'43" W, a distance of 67.13 feet; thence S 02°24'00" E, a distance of 184.24 feet; thence S 13°42'00" E, a distance of 76.25 feet; thence Northeasterly, on a curve to the left having an initial bearing of N 40°04'41" E, and a radius of 372.08 feet; thence S 87°23'23" E, a distance of 12.08 feet; thence S 02°24'00" E, a distance of 131.48 feet; thence Northeasterly, on a curve to the right having a radius of 250 feet, for a distance of 129.70 feet; thence N 87°23'23" E, a distance of 134.98 feet to a point on the East line of said SE 1/4, said point being 770.00 feet South of the Northwest corner of said SE 1/4; thence S 02°24'00" E, along the East line of said SE 1/4, a distance of 50.00 feet; thence S 87°23'23" E, a distance of 145.04 feet; thence Southwesterly, on a curve to the left having a radius of 300 feet, for a distance of 183.30 feet; thence S 87°23'23" E, a distance of 38.00 feet; thence Southwesterly, on a curve to the right having a radius of 450 feet, for a distance of 258.19 feet; thence S 10°24'00" W, a distance of 11.20 feet; thence Southwesterly, on a curve to the right having a radius of 1,230 feet, for a distance of 220.49 feet; thence S 14°00'00" W, a distance of 365.00 feet; thence Southwesterly, on a curve to the right having a radius of 530 feet, for a distance of 334.98 feet; thence S 02°24'00" E, a distance of 12.10 feet; thence Southwesterly, on a curve to the left having a radius of 400 feet, for a distance of 159.87 feet; thence S 02°14'46" E, a distance of 250.92 feet to the TRUE POINT OF BEGINNING, containing 34,882.03 acres, more or less.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall heretofore be known as "THE VILLAS OF ASBURY".

The streets and roads shown on this plat do not heretofore dedicated to public use, are hereby so dedicated.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction, or maintenance and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ditches and culverts, and similar utility facilities, upon, over, and under these areas outlined and designated on this plat as "Utility Easement" or "U/E", is hereby granted to the City of Olathe, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction, or maintenance and use of conduits, water lines, storm pipes, sewer pipes and related facilities and structures, and street trees upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E", is hereby granted to the City of Olathe, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

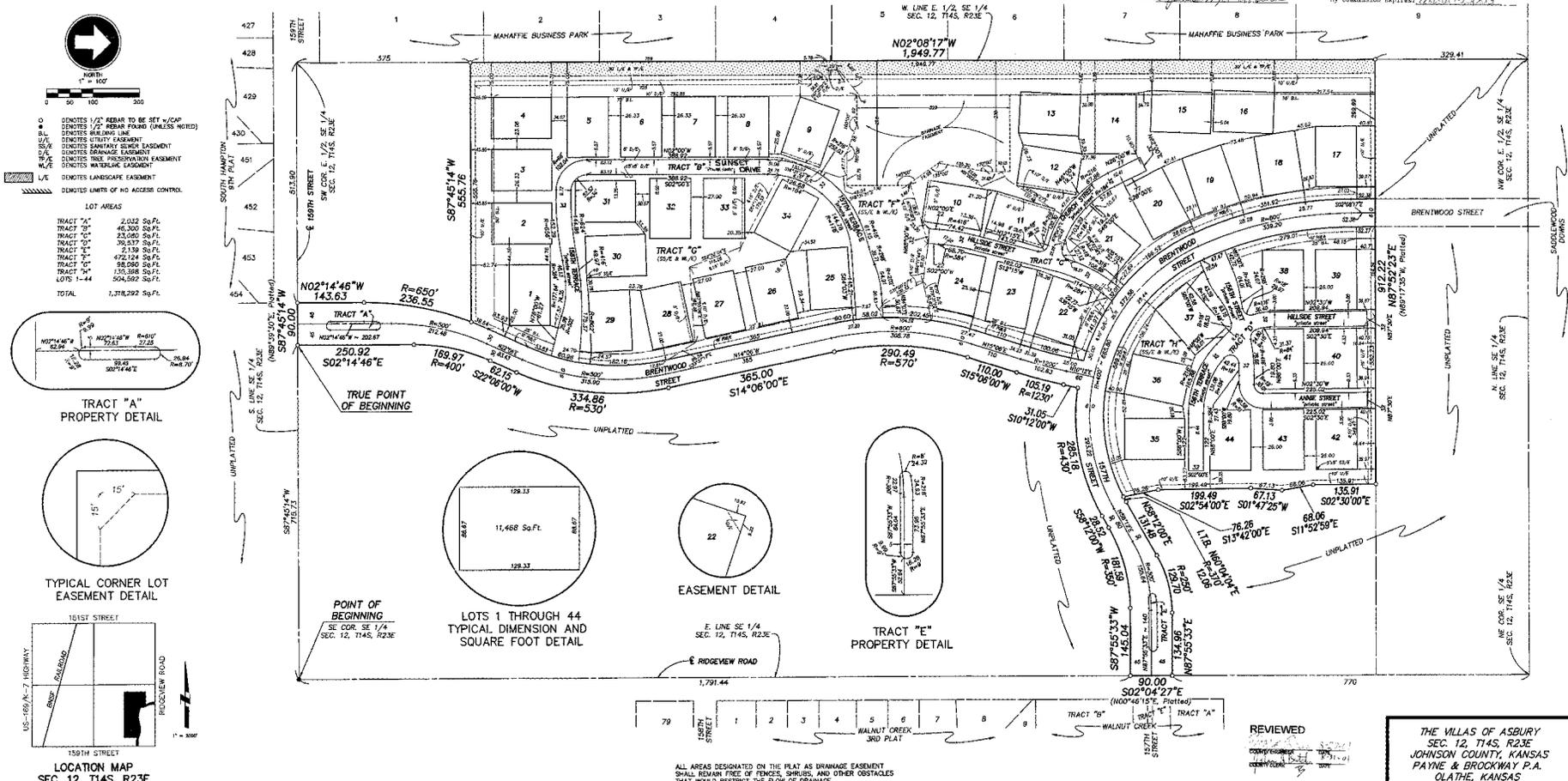
An easement or license is hereby dedicated to the City of Olathe to enter upon, locate, construct and maintain or authorize the location, construction, or maintenance and use of conduits, sewer pipes, surface drainage facilities, etc. upon, over, and across those areas outlined and designated on this plat as "Utility Easement" or "U/E".

An easement or license is hereby dedicated to the City of Olathe to enter upon, locate, construct and maintain or authorize the location, construction, or maintenance and use of conduits, sewer pipes, manholes, etc. upon, over, and across those areas outlined and designated on this plat as "Sanitary Sewer Easement" or "S/S/E".

An easement or license is hereby dedicated to the City of Olathe to enter upon, locate, construct and maintain or authorize the location, construction, or maintenance and use of water lines, fire hydrants, valves, etc. upon, over, and across those areas outlined and designated on this plat as "Water Line Easement" or "W/L/E".

All areas of Tracts "B", "C", "D", "E", "F", "G" and "H" not occupied by future buildings shall be reserved for the City of Olathe or "Water Line Easement" or "W/L/E" and "Sanitary Sewer Easement" or "S/S/E".

An easement is hereby granted and reserved by the undersigned proprietor of the above described land unto itself and the Villas of Asbury Homes Association to enter upon, plant, replace, remove, mow, dip, trim, spray, eliminate track, repair, and otherwise maintain, and to authorize any such maintenance, of any and all trees, shrubs, plants and other landscaping and all fences and other improvements installed by the undersigned proprietor and by the Villas of Asbury Homes Association upon, over, or under those areas outlined and designated on this plat as "Landscape Easement" or "L/E".



REVIEWED  
DATE: 8/27/01  
BY: [Signature]

THE VILLAS OF ASBURY  
SEC. 12, T14S, R23E  
JOHNSON COUNTY, KANSAS  
PAYNE & BROCKWAY P.A.  
OLATHE, KANSAS

Asbury Villas  
RX-00092

Neighborhood meeting held March 4, 2019, 7 pm, at the Asbury Villa Clubhouse

Welcome by Randy Willbanks and background information of his purchase of the last 10 lots from the original developer who had gone out of business. Introduction of Sue Engbrotten and Matt Cox (Allenbrand & Drews) owner of Pinnacle Construction and principal of Asbury Holdings, LLC

Overview of project was presented by Sue Engbrotten, Asbury Holdings, LLC and Complete Realtors. Displayed site plan for zoning amendment and explained that the rear building set back line is within the building envelope limiting the size of the building and possibly if any building, can be built on these two lots. Reiterated that the building lines are not moving so no additional property needs to be acquired but rather the rear set back line only would need to be adjusted. Sue explained that the site plan was modified after the certified letters had been mailed and that a second certified letter had been mailed today, March 4 but those letters would not require a signature. Sue also explained that the site plan shows building envelope of 16 and 18 are very close and showed on the site plan the shadow line of building 18 which does not take up the entire building envelope. A site plan showing the distance building to building was about 21 feet was presented and referenced typical single family side set backs of 7-7.5' leaving 14-15' between houses. The placement of the proposed asphalt drives and proximity to the existing walking trail were also shown and highlighted. If trail is damaged by construction, builder agrees to make necessary repairs. Discussed City requirement to add evergreen trees in gaps in existing tree preservation easement (hedge row). Noted that trees drawn on site map are not exact in number or in placement.

Construction traffic will be a concern, builder proposes construction of building 16 first, during construction of 16, construction vehicles will park on lot 15, signs will be posted to aid in keeping construction vehicles from parking on the asphalt access roads to buildings 18 and 19 and between 18 and 17. These signs would need to be posted at the "bump" where Church Street changes from curbed street to asphalt and at the access point off of Brentwood between building 17 and 18. Some parking may be necessary along the curbed sections of Church street. During construction of building 15, construction vehicles would need to park on curbed section of Church Street. Asphalt that is damaged on access road to 18 and 19 may be damaged during construction and if necessary will be overlaid when construction is completed. The builder had also previously committed to pouring an asphalt "ramp" where the curbed section of Church ends. Because of the "bump" this will be done once the buildings on 15 and 16 are completed because it will not withstand construction vehicles. The concrete curb that was placed by the original developer will not be removed.

Pinnacle construction plans to build the same building that they have previously constructed in asbury. At this time, it is undecided if they will construct the buildings with 4- 2 car garage units (as built on lot 38, 39, 40) or if they will be the 2- 2 car and 2 - 1 car garage buildings (as built on 18, 19, 20, 21 and 41)

Permanent parking for overflow is shown on buildings 15 and 16 and lack of parking for 17 and 18 has been discussed with HOA. Builder agrees to assist with site prep of additional parking on common area when preparing for asphalt drives and will help coordinate the asphalt but

does not agree to pay for asphalt for the previously discussed overflow parking in that area as it was not shown on the original plat map. Any such modification may need city approval.

HOA had previously asked if builder considered adding sidewalks to the asphalt streets between 15 and 16 and 18 and 19, builder does not plan of adding sidewalk there as it was not shown on the original plat maps.

HOA had requested that we discuss draining issues. The HOA has a bid to extend the storm inlet box 200 feet to the north side of building 18 at a cost of \$8000. Sue said any change to the storm water drains would have to be approved by the city of the county whoever is in charge of those in Olathe. Sue deferred to Randy and Matt Cox for further discussions about drainage. Matt Cox said the grading for the buildings has been per the developments approved grading plan Randy said that he was not opposed to participating in the cost of moving the box provided it was approved by and the work was contracted by the HOA rather than Pinnacle or Asbury Holdings. He would consider financial participation but has not seen any bids, etc.

Sue asked if there were any questions.

Ann Armstrong (livings in unit 1802) expressed concerned about it looking like the corner of the new building would almost touch her building. Asked why we can't just move lot 16 back toward the tree line. Sue put back up the site plan with the measurement from building to building and pointed out that the building was approximately 21 feet away. Explained that the site plan has not changed, was as originally platted and if you look closer at the light lines inside the building envelope you can see where the existing building 18 is in reference to the building envelope of proposed building 16. The outline of proposed building 18 is the maximum size because it is the building with all 2 car garages)

Jan Christenson (unit 1903) expressed concerns about how close the buildings were and the traffic

Ralph Apel (unit 201) asked for an explanation of what is meant by building envelope. Sue responded by pointing out the rectangular building lots and explained that any building had to fit within the rectangle.

Susana Waterman (unit 1900) expressed concerns about cars parked in driveways of proposed building 15 protruding into the access road to building 18 and 19.

Pam Borchers (unit 1803) asked what could be done to provide some privacy screening for Ann Armstrong's patio? Suggested landscape screening of some type which would need to be approved by the HOA. Ann said if the building is actually 20 feet away she really wasn't concerned about additional screening

Julie Katke (unit 2000) suggested that construction vehicles be directed to park on Brentwood rather than on Church Street.

George Drake (unit 3203) expressed concerns regarding evergreen trees . Sue said they did not know the number, species or specific sizes of the tree requirements at this time.

George Drake continued on that his dues went to pay for drainage improvements that he shouldn't have to pay for on the new buildings. Sue explained the verbiage in the new home construction contract (executed by everyone who had purchased a new unit) that the builders

drainage plan includes gutters, downspouts, splash blocks and grading to the approved site plan. Any further drainage resolution that is needed whether discovered prior to or after closing is to be paid for by the buyer. The HOA agreed to take corrective measures on these units, as they have on the units previously built (by others) George Drake ask Randy to define "participation" Randy said in reference to the request of the HOA about moving the storm inlet, that if it was approved by the governing body he would consider financial participation but didn't have enough information and had not seen any formal bids or engineered drawings. That said, he had been told approximately \$8000, he would pay up to \$8000 but would not commit to an open ended amount and would need to review the information prior to making a commitment.

Royce Cook (unit 2102) asked if the construction traffic would be coming in and out on Church street, dump trucks and the like. Sue said yes, that would be the only way they could access the property. He said the construction traffic "gets old".

Walter Geiss (unit 2103) has concerns about construction traffic damaging Church Street, says it is already in bad shape. Wants to know if the builder is going to pay to resurface the street if it is damaged. Sue said an assessment of the street would need to be made prior to construction and after construction to determine if that was necessary.

Sue concluded the meeting shortly before 8 and invited everyone to take a closer look at the site plan display

# **THE VILLAS OF ASBURY**

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**POTENTIAL DISCUSSION ITEMS FOR NEIGHBORHOOD MEETING, BUILDINGS 15-16. Monday, March 4, 2019**

1. The distributed Site Plan makes it appear as though the Building on Lot 16 will be very close to Building 18. What is the separation between buildings at 16-18 ? Does it take into account the gas line which runs to Building 17? It might be helpful to show the actual size of the buildings and the open space between them.
2. How does this change compare with the original plat approved in 2001, which also shows Building 16 envelope very close to Building 18 envelope? Does the change in the set back or envelopes mean that Lots 15 and 16 will require purchase of common area land from the HOA?
3. With the change in the set back on the west side and given the requirement for 20 feet wide asphalt drives (per fire dept. requirements) on the west side of Buildings 15 and 16, will that impact the trail and, if so, does builder agree to repair any damage to the trail?
4. Will there be the addition of evergreens in the west tree line in order to provide buffering in the gaps?
5. Construction traffic access was an issue at Building 18 because of the closeness of the asphalt drive between 17-18. What will be done to limit construction traffic primarily on South Hillside Street and South Church Street off Brentwood and keep construction traffic to a minimum on the asphalt driveway between 17-18? How will construction parking be controlled to keep interference on asphalt driveways north of 14 and along 18-19-20 to a minimum?
6. Asphalt. Given the prospective construction traffic on the asphalt driveways north of Building 14; on asphalt drive between 17-18 (limited); and on asphalt driveway to Buildings 18 and 19, at the completion of the project will those areas be re asphalted by the builder at the completion of the project? There also is the “bump” at the end of South Church Street which will need to be addressed.

7. Will the construction of Buildings 15 and 16 be consistent with Buildings 18, 19, 20, and 21?

8. Parking. It appears that the asphalt driveways on the west side of Buildings 15 and 16 will have slight extensions at the end, consistent with other asphalt driveways in the community. However, parking at 17-18; on the east side of Buildings 15 and 16; and the north side of 14 appears limited. An option at 17-18 would be a small parking lot in the open space to the west of 17. Is that something the builder would consider installing?

9. Sidewalks. Sidewalks were installed along the private street (S. Church St.). Has consideration been given to extending sidewalks along the sides of the asphalt driveway between Buildings 15-16 and Buildings 18-19?

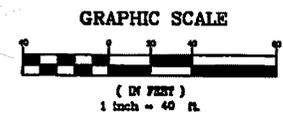
10. DRAINAGE. You are aware that the HOA has expended or is about to expend funds to remedy drainage issues between 18-19, 19-20, and 20-21. Those are caused by sump pump discharges and the relative flatness of the land, thus resulting in the need for installation of underground drainage. The HOA will be taking the position with City of Olathe Planning Commission that a condition of approval of the Site Plan for buildings 15-16 should include an extension of the 12" double wide pipe for approximately 200 feet from the existing storm inlet box to the north side of building 18. Tees will be installed for connections from Buildings 15-16 so that storm water discharges would be installed underground and connected with the new underground. That work would need to be done near the beginning of construction. Present estimate for the extension of of the 12" line would be approximately \$8,000. Please advise as to your position on drainage plans.

# SITE PLAN FOR ZONING AMENDMENT

## LOTS 15 & 16 THE VILLAGES OF ASBURY

CITY OF OLATHE,  
JOHNSON COUNTY, KANSAS

**STATEMENT OF PURPOSE:**  
Lots 15 and 16 of The Villas of Asbury, the last unimproved lots in the development, were platted in such a way that the westerly portion of each lot falls within the 75 foot building setback along the west boundary of The Villas of Asbury, reducing the buildable area of both lots. Pinnacle Construction, the owner of the lots, has built the last eight buildings in this development, and desires to continue providing a housing product that meets the demands of the market for the last two lots in the development. In the current market, a smaller building that would fit within the current configuration of the setback on the lots is significantly less desirable and marketable. Due to the existing infrastructure and surrounding lots, it would be impossible to move the boundaries of lots 15 and 16 outside of the setback. The purpose of this zoning amendment request is to remove the portion of the platted building setback line that falls within the west portion of lots 15 and 16 so that entirety of each lot can be utilized for future building construction.



OWNER / DEVELOPER:  
**FINNACLE CONSTRUCTION CO., INC.**  
CONTACT: SUE ENGRÖTEN  
1227 E 119TH STREET  
GRANDVIEW, MO 64030  
PHONE: (913) 271-8223



**CIVIL ENGINEERS  
LAND SURVEYORS - LAND PLANNERS**  
122 N. WATER STREET  
OLATHE, KANSAS 66061  
PHONE: (913) 784-1078 FAX: (913) 784-8635

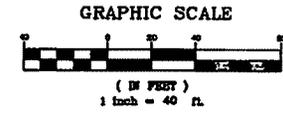
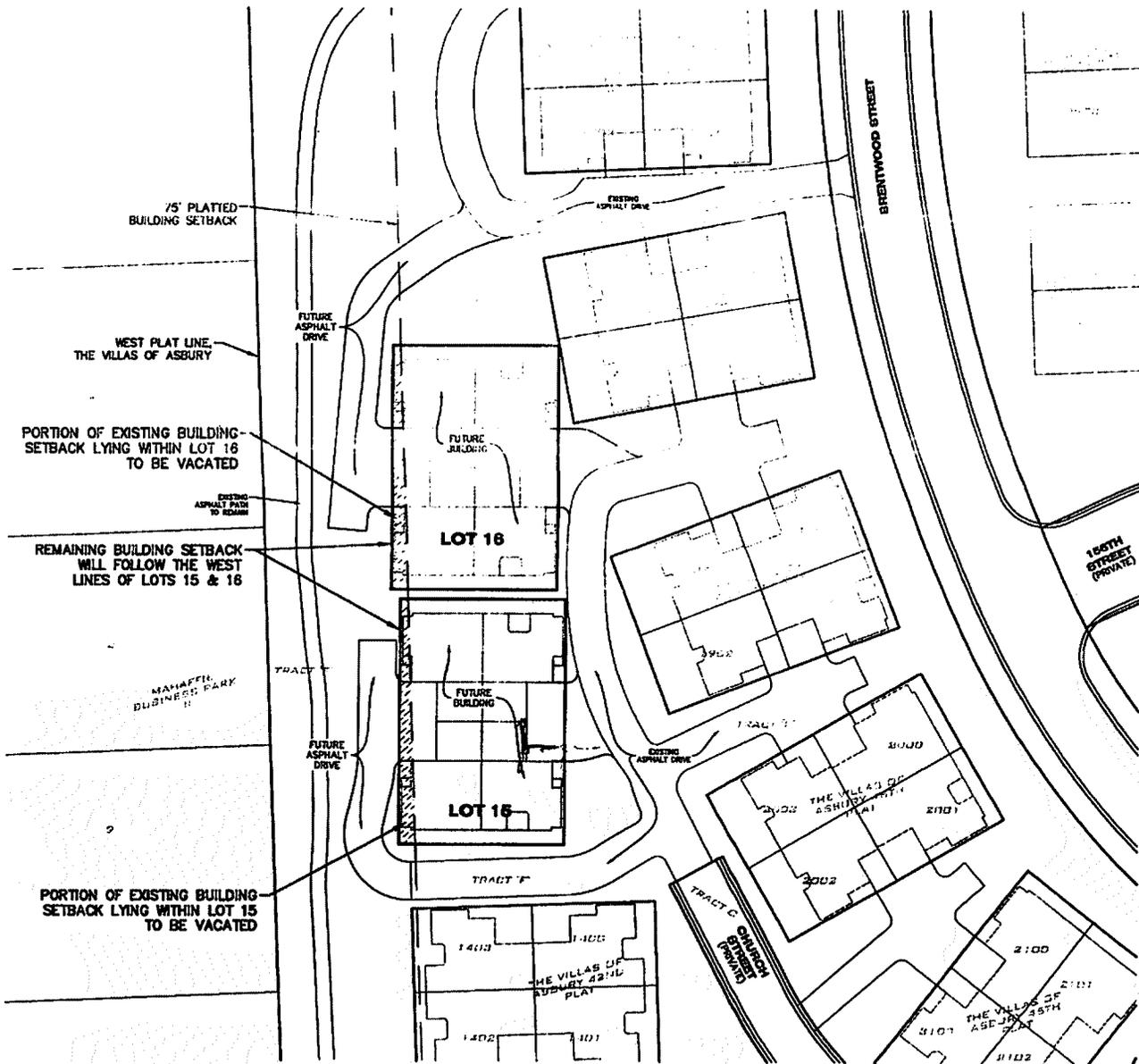


D:\WORK\2003\ASBURY\ASBURY Plans.dwg - Lots 15 & 16 The Villas of Asbury Zoning Amendment (Building Setback) Draw February 27, 2003 - 11:20am By SMC

# SITE PLAN FOR ZONING AMENDMENT LOTS 15 & 16 THE VILLAS OF ASBURY

CITY OF OLATHE,  
JOHNSON COUNTY, KANSAS

**NOTE:**  
The purpose of this zoning amendment request is to vacate and/or rezone the portion of the plat building setback line that falls within the west portion of Lots 15 and 16 so that entirety of each lot can be utilized for future building construction.



**OWNER / DEVELOPER:**  
**PINNACLE CONSTRUCTION CO., INC.**  
CONTACT: SUE ENGBROTEN  
1227 E 110TH STREET  
GRANDVIEW, MO 64030  
PHONE: (816) 271-6223



**CIVIL ENGINEERS  
LAND SURVEYORS - LAND PLANNERS**  
122 N. WATER STREET  
OLATHE, KANSAS 66061  
PHONE: (913) 764-1076 FAX: (913) 764-8635

T:\Projects\2000\24327 Pinnacle Center - Ashby Amendment\Platmaps - Lots 15 & 16 The Villas of Ashby Zoning Amendment Calculating Setbacks\Drawn February 05, 2006 - 2:11pm By hnt

# Meeting Sign-In

RZ-00092

Asbury Villa Clubhouse

Date: March 4, 2019

Time: 7 PM

Print Name	Address
1. Rhonda McGraw	1301
2. Carolyn Orr Stanley	1203
3. Susanna Wolinon	1900
4. Denise Spotts	1900
5. Irish Metz	2200
6. Carol Sheffner	2303
7. Dilyn Kleinbrook	2202
8. Rubacee Davis	2400
9. Jo Ann Meyer	2301
10. Cathy Camp	803
11. Betty Elson	4303
12. Mary Lou Jamieson	0401
13. Rick Jamieson	0401
14. Phyllis Muckens	0601
15. Muri Hindry	3103
16. Brent Foye	2902
17. WALTER GEIGS	2103
18. George Doh	3203

# Meeting Sign-In

RZ-00092

Asbury Villa Clubhouse

Date: March 4, 2019

Time: 7 PM

	Print Name	Email	ADDRESS
1.	BOB HAMM		3302
2.	SUSAN WILEY		1555A S. HILLSIDE
3.	MIKE WILEY	"	"
4.	ROYCE COOK		15645 S. CHURCH ST #2102
5.	IRON NOWAK		15620 S. Church #1400
6.	Bobb Beckett		15754 S. Brentwood St Unit 3701
7.	Paula Peggie Miller		15552 S. Brentwood #1702
8.	Doug Hohulin		15576 S. Brentwood #1801
9.	DAVE & JULIE KATKE		15621 S. CHURCH ST. #3000
10.	GREG & DEANN MITCHELL		15778 S. BRENTWOOD #2802
11.	HARRINGTON		18630 W 158th Place #4800
12.	John James		15576 Brentwood #1800
13.	Ron Vorkatzer		15557 So Hillside St. #4002
14.	RALPH APPEL		18565 W 158th Ter #20
15.	Barbara Yates		18565 W. 158th Ter. unit 200
16.	Rozelle Goodman		18525 W. 158th Ter. Unit 100
17.	MARION DUNLAP		15644 S CHURCH ST. #1201
18.	Bill Seiler		15554 S. Hillside, Unit 3903

# Meeting Sign-In

RZ-00092

Asbury Villa Clubhouse

Date: March 4, 2019

Time: 7 PM

	Print Name	Address
1.	Paye K. Hazen	15554 S. Hillside unit 3902
2.	Mae Smith	18666 W. 157th Terr # 900
3.	Mary A. Mustain	15698 S. Hillside #1000
4.	Nancy Walker	<del>15875 W. 158th Pl #401</del>
5.	Shenie Benson	18536 W. 158th Pl. 4601
6.	Ann Asj	15576 S. Brentwood 1802
7.	Jan Christenson	15597 S. Church 1903
8.	Gam Borchers	15576 S. Brentwood 1803
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

**From:** [Planning Contact](#)  
**To:** [Dan Fernandez](#)  
**Subject:** FW: Case No. RZ 19-0002  
**Date:** Thursday, March 07, 2019 3:23:06 PM

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**From:** Dave Wallace <wallacejd1@gmail.com>  
**Sent:** Thursday, March 07, 2019 02:36 PM  
**To:** Planning Contact <PlanningContact@OLATHEKS.ORG>  
**Subject:** Case No. RZ 19-0002

In the above reference matter concerning a rezoning request for Lots 15 & 16 of the Villas of Asbury, a subdivision of land in the City of Olathe, with the request brought forward by Asbury Holdings, LLC - Pinnacle Construction, I wish to object.

My name is James Wallace, a trustee of the Wallace Family Trust, which owns a unit on Lot 14 of the subject property (street address 15620 S. Church St. Unit 1403), directly adjacent to the subject properties. We have owned our property for nearly four years, during which time Pinnacle has constructed several units near us, and we have been very disappointed with the way Pinnacle has done business and the way they have treated their customers and our homeowners association (HOA). Our HOA had to absorb a number of costs to fix things that were legitimately Pinnacle's responsibility, particularly in the area of drainage.

We do not believe the Pinnacle has earned the right for rezoning since the problems they are facing are due largely to previous construction errors. We have little faith that Pinnacle would live up to their obligations any better in the future than they have in the past, especially since the rezoning will impact drainage due to reduced setbacks. In this matter, Pinnacle is even trying to reduce their landscaping obligations, which would further aggravate the drainage issue.

Your consideration of denying this rezoning request is greatly appreciated.

Thank you.

Sincerely,

James Wallace  
15620 S. Church St. Unit 1403  
Olathe, KS 66062

# THE VILLAS OF ASBURY

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March 19, 2019

RE: Comments on RZ 19-0002

Zoning Amendment, Lots 15-16, Villas of Asbury

This letter submits comments on the above rezoning matter scheduled for hearing with the Olathe City Planning Commission on Monday, March 25, 2019.

The Villas of Asbury Homeowners Association Board (HOA) supports the proposed rezoning allowing an extension west of the originally platted building setback line that falls within the west portion of Lots 15 and 16. This extension west will allow the construction of the last two buildings under the plat originally approved in 2001 and consistent with other buildings in the community

As it relates to any preliminary approval of a development site plan, we would request the following conditions:

1. Gaps in the present historic preservation tree line to the west of these two lots should be filled with suitably sized evergreens to allow year round buffering from the industrial area to the west.
2. The asphalt walking trail on the west side of lots 15 and 16 shall be preserved and any damage to the trail due to construction shall be repaired by the developer/property owner.
3. The prior plats approved have included the following provision:  
"All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials."
4. Asphalt driveways installed to allow access to the units would meet the requirements of the fire department for access.

The HOA has expressed concern about appropriate drainage for the new buildings given issues with prior buildings at lots 18, 19, 20, 21 and the general flatness of the terrain in the area. However, in the open session at the Neighborhood Meeting on March 4, 2019, the property owner/developer agreed to cooperate in drainage plans for the new buildings, to include financial participation with the HOA. Therefore, the HOA feels that issue can be resolved through written agreement between the property owner/developer and the HOA.

Respectfully submitted:

William H. Seiler, Jr., President  
15554 South Hillside St., Unit 3903  
Olathe, KS 66062

**STAFF REPORT**

**Planning Commission Meeting: March 25, 2019**

<b>Application:</b>	<b><u>RZ19-0003 &amp; PP19-0002: Rezoning from CTY RN-1 to R-1 District and Preliminary Plat for Cottages of Mahaffie</u></b>
<b>Location:</b>	Vicinity of W. 122 <sup>nd</sup> Street and Timberlane Boulevard
<b>Owner:</b>	Barbara & Freddie Vaughan
<b>Applicant:</b>	Todd Allenbrand, Payne and Brockway, P.A.
<b>Engineer:</b>	Mark S. Huggins, Payne and Brockway, P.A.
<b>Staff Contact:</b>	Kim Hollingsworth, AICP, Senior Planner

<b>Site Area:</b>	<u>1.39± acres</u>	<b>Proposed Use:</b>	<u>Residential (Single-Family)</u>
<b>Existing Zoning:</b>	<u>CYT RN-1</u>	<b>Proposed Zoning:</b>	<u>R-1 (Residential Single-Family)</u>
<b>Lots:</b>	<u>5</u>	<b>Plat:</b>	<u>Timberlane Acres</u>

	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Current Zoning</b>	<b>Site Design Category</b>	<b>Building Design Category</b>
<b>Site</b>	<b>Conventional Neighborhood</b>	<b>Vacant</b>	<b>CTY RN-1</b>	<b>1</b>	<b>N/A</b>
<b>North</b>	Conventional Neighborhood	Residential, Single-Family	CTY RN-1	-	-
<b>South</b>	Conventional Neighborhood	Residential, Single-Family	R-1	-	-
<b>East</b>	Conventional Neighborhood	Residential, Single-Family	RP-1	-	-
<b>West</b>	Conventional Neighborhood	Residential, Single-Family	CTY RN-1	-	-

**1. Introduction**

The following is a request for a rezoning from CTY RN-1 (County Residential Neighborhood One District) to R-1 (Residential, Single-Family District) for approximately 1.39± acres. The subject property is located west of Nelson Road and north of 122<sup>nd</sup> Street. The rezoning of the subject property is being requested in conjunction with the

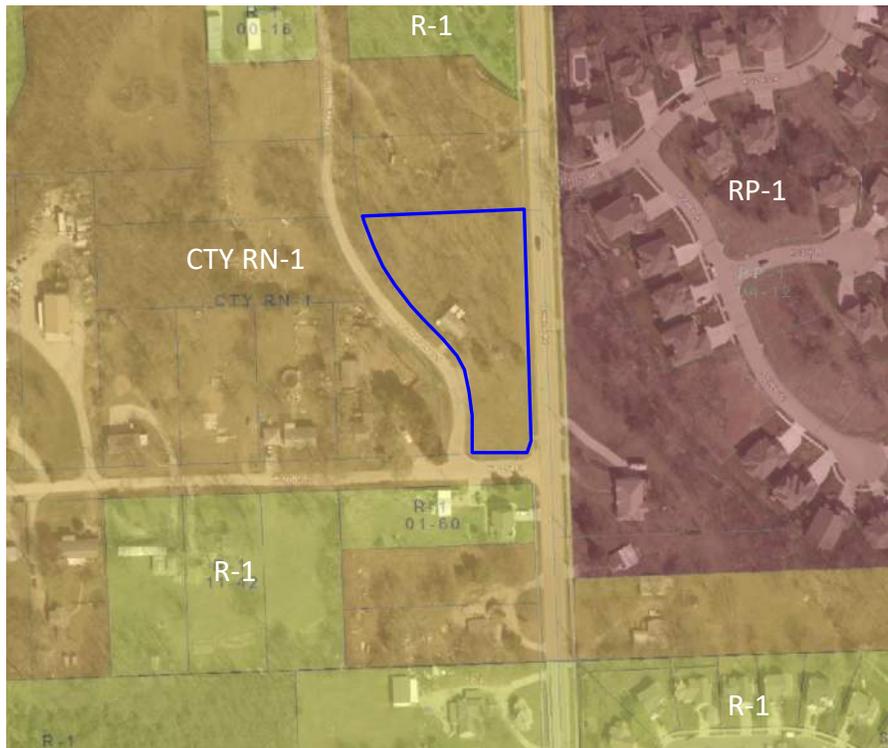
associated preliminary plat (PP19-0002). The proposed residential development consists of 5 lots for single-family homes within 1.39 acres. The estimated price of the homes ranges from \$259,000 to \$289,000. The property retains a County zoning district that must be rezoned to establish City development standards.

## 2. History

The 1.39-acre subject property under review was platted in 1954 within the Timberlane Acres subdivision. The property was annexed as part of 54 acres within Woodland Acres and Timberlane Acres in 1995 (Ord. No. 95-09). Approximately six residential parcels within the Timberlane Acres subdivision have been rezoned to the R-1 Residential Single-Family District since 2000.

## 3. Existing Conditions

A single-family home near the center portion of the property was demolished in late 2017 and the site has remained vacant since the demolition. The property contains several mature trees, primarily within the northern portion of the property. Surrounding properties are developed with residential single-family homes.



*Aerial and Existing Zoning Districts*



*View of site looking northeast from W. 122<sup>nd</sup> Street*

#### 4. Zoning Requirements

- a. **Uses** – The proposed use for single-family residential homes is consistent with the uses permitted in the R-1 District. Uses typically found within the R-1 District are appropriate for the subject property given the existing conditions and relationship to surrounding properties.
- b. **Setbacks** – The proposed buildings meet the required setbacks for the R-1 District. Required setbacks are as follows: Front yard – 30-foot minimum, Side yard – 7-foot minimum, Corner Side yard – 20-foot minimum and Rear yard – 25-foot minimum.
- c. **Building Height** – The maximum building height permitted for residential structures within the R-1 District is 2 ½ stories not to exceed 35 feet. The structures will be constructed as reverse 1 ½ story homes.

#### 5. Development & Site Design Standards

- a. **Access/Streets** – All driveways will have access from Timberlane Boulevard with no direct access to Nelson Road. Timberlane Boulevard and W. 122<sup>nd</sup> Street are part of the 2019 Olathe Street Reconstruction Program. The streets are planned to be entirely replaced within the existing right-of-way instead of an overlay or repaving project.
- b. **Pedestrian Connectivity** – There is an existing sidewalk to the rear of the property along South Nelson Road. There are no sidewalks along W. 122<sup>nd</sup> Street or Timberlane Boulevard as the streets are not currently constructed to the standards necessary to accommodate sidewalks.
- c. **Landscaping** – There are existing trees throughout the property and the applicant intends to save trees to the greatest extent possible outside of areas designated for building footprints and utility easements. A fifteen-foot landscape tract within the rear of the properties along Nelson Road will fulfill the master landscaping and screening plan requirement along collector roads per UDO 18.30.130.H.

Maintenance of the landscape tract will be the responsibility of the individual property owners, as the applicant does not intent to establish a Home Owner's Association due to the small number of proposed lots.

## 6. Preliminary Plat Review

- a. **Lots/Tracts** – The proposed subdivision contains five lots and one tract within 1.39 acres. The proposed lot sizes exceed the minimum lot area for the R-1 District and range from 8,800 to 14,700 square feet. The lots also exceed the 60-foot minimum lot width required within the R-1 District. The tract will accommodate required landscape screening along Nelson Road.
- b. **Stormwater/Detention** – A preliminary stormwater management report has been submitted for the development outlining compliance with City standards. There will not be a significant enough increase in impervious area; therefore, the project is exempt from stormwater detention and water quality requirements.
- c. **Public Utilities** – The subject property is located within the City of Olathe water and Johnson County Wastewater service areas. The water line serving properties along Timberlane Boulevard was replaced recently. A sanitary sewer extension and relocation of the existing storm sewer are proposed to accommodate the planned development. The sanitary sewer would connect across Nelson Road from the east and terminate within the west portion of the subject property. Additional properties within the Timberlane Acres subdivision could be served by the sewer extension in the future.
- d. **Excise Taxes** – The final plat will be exempt from street and signal excise taxes due to the limited scope of the project.

## 7. Communities for All Ages

The City is actively developing a Communities for All Ages plan to encourage age-friendly development and design. The program will evaluate the City's current resources and opportunities for policies and guidelines to promote a safe, healthy and accessible environment for older adults. Goals of the program include evaluating new development for its responsiveness to the needs of older adults and encouraging spaces for all generations to interact and benefit from the greater community.

The proposed development will embrace Communities for All Ages principles by providing a universal, age in place design. This concept is intended to create an attractive space that can be accessed by everyone regardless of age, size or ability. The design is intended to allow someone with a future need of mobility assistance (including a wheelchair, walker or scooter) to stay in the primary living space with minimal modifications. Design elements for the proposed homes may include zero-step entrances, single-floor primary living spaces, 36-inch doors for primary living spaces, zero-entry showers, multi-level kitchen counters and levered handles for doors and faucets.

## 8. Neighborhood Meeting/Public Notice

The applicant sent meeting notices to surrounding properties and held a neighborhood meeting for the proposed development on February 19, 2019 at the Olathe Community Center (see attached minutes). There were approximately eight property owners in attendance. The applicant provided an overview of the project and answered questions

regarding the proposed residential development. Staff did not receive any additional correspondence regarding the application. Primary discussion topics during the neighborhood meeting included the location of the sanitary sewer line, preservation of trees, type of homes and paving of Timberlane Boulevard.

Additionally, the applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per UDO requirements.

## 9. Comprehensive Plan Analysis

The future land use map of the *Comprehensive Plan* identifies the subject property as "Conventional Neighborhood". The proposed R-1 zoning and single-family residential development is appropriate for this area.

The following are criteria for considering rezoning applications as listed in *Unified Development Ordinance (UDO) Section 18.40.090 G*.

### **A. *The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.***

The proposed R-1 District aligns with the *PlanOlathe* future land use designation for a Conventional Neighborhood. Conventional neighborhoods providing a variety of housing types, prices, and styles to enable a range of economic levels, age groups, and lifestyles are encouraged. Additionally, the proposed improvements to the 1.39-acre parcel comply with other goals of the *Comprehensive Plan* and principles of other planning policies.

### **B. *The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).***

The surrounding neighborhood area consists of single-family homes and undeveloped properties. Additionally, a religious facility is located approximately 300 feet northwest of the subject property in the Timberlane Acres subdivision. The majority of lots directly surrounding the property range from 0.7 to 0.8 acres in size. A significant number of lots within the neighborhood have detached garages and other accessory structures.

### **C. *The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.***

The surrounding properties contain CTY RN-1, R-1 and RP-1 zoning districts which are all low-intensity, single-family districts. The proposed R-1 District and single-family residential use are in conformity and harmonious with existing adjacent developments. Single-family homes are the most appropriate use for the subject property due to the long-standing presence of low-density residential neighborhoods within the surrounding vicinity.

### **D. *The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.***

The current CTY RN-1 District does not allow for the construction of new single-family development or for the platting process to occur. The initiation of new development

triggers a rezoning to a City zoning designation as the property has been located within City limits since 1995.

***E. The length of time the property has been vacant as zoned.***

The subject property has been vacant for slightly more than a year. Previously, the property contained a single-family residential structure prior to annexation into the City.

***F. The extent to which approval of the application would detrimentally affect nearby properties.***

The proposed rezoning should have no detrimental effect on nearby residential properties. The R-1 District promotes uses and activities that are already occurring on surrounding properties within the neighborhood.

***G. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.***

The proposed single-family residential use is not anticipated to increase the capacity on the existing road network in a manner that would adversely affect surrounding properties. The homes are anticipated to contain garages for parking that did not exist on the site for the previously built single-family home.

***H. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.***

The rezoning of the subject property for the proposed use is not anticipated to generate any environmental harm or concerns. The development will follow all regulations and codes pertaining to stormwater, air quality, noise and other impacts on the environment.

***I. The economic impact of the proposed use on the community.***

The residential use will generate property taxes and provide opportunities for construction-related jobs while the homes are built.

***J. The gain, if any, to the public health, safety and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.***

The proposed rezoning does not negatively impact public health, safety, or welfare as presented. If the rezoning were denied, the applicant would not be able to develop the property or proceed with the platting process as City standards would not be in place.

**10. Staff Recommendation**

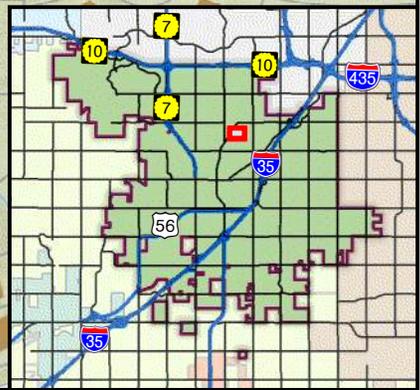
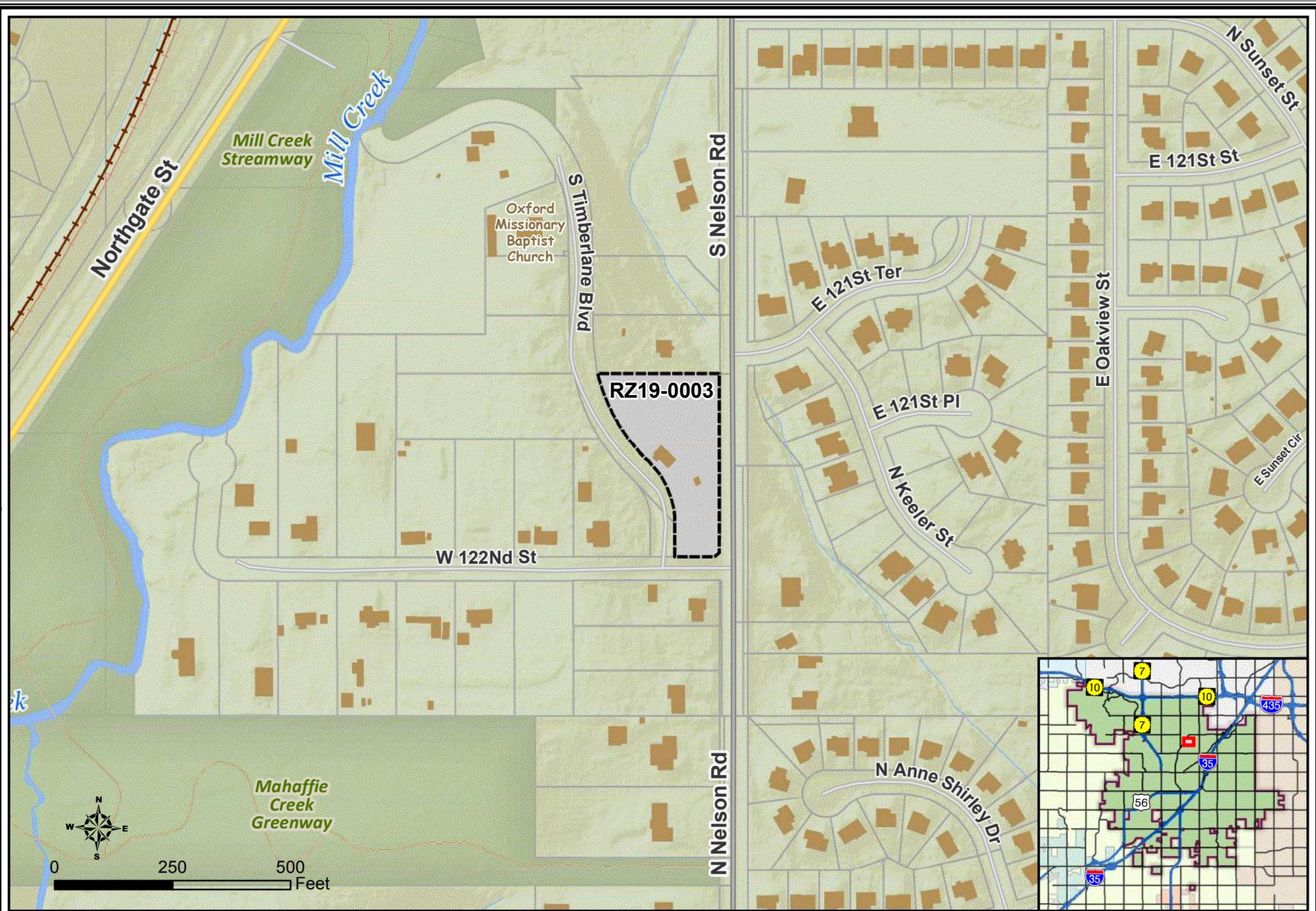
A. Staff recommends approval of RZ19-0003 for the following reasons:

- (1) The proposed development complies with the policies and goals of the *Comprehensive Plan*.

**Principle LUC-6: Discourage Sprawl.** “Discourage “leap-frog” or sprawling land use patterns by encouraging growth in serviceable areas. Promote the infill of vacant parcels and reinvestment in buildable areas.”

**Principle LUC-8.1: Mixture of Complementary Land Uses.** Encourage and enable a mixture of complementary land uses in major new developments. In existing neighborhoods, a mixture of land use types, housing sizes and lot sizes may be possible if properly planned and respectful of neighborhood character. Whenever land uses are mixed, careful design will be required in order to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.

- (2) The requested rezoning to the R-1 District meets the *Unified Development Ordinance* criteria for considering zoning applications.
- B. Staff recommends approval of the preliminary plat (PP19-0002) with the following stipulations:
- a) A final plat shall be approved and recorded prior to issuance of building permits.
  - b) The master landscape screening plan shall be submitted with the final plat in accordance with UDO requirements.
  - c) The final plat shall include language for the dedication and maintenance of the landscape tract.



**COTTAGES OF MAHAFFIE**  
**RZ19-0003**

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	3/04/19	CITY COMMENTS	CTA

**LEGAL DESCRIPTION:**

**PRELIMINARY PLAT & REZONING PLAN:**

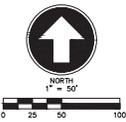
Part of Tracts 17, 18, 19 and vacated Timberlane Boulevard, TIMBERLANE ACRES, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of Tract 19, TIMBERLANE ACRES, a subdivision in the City of Olathe, Johnson County, Kansas; thence N 88°05'06" E, along the North line of said Tract 19, a distance of 257.09 feet to a point on the West right-of-way line of Nelson Road, as now established; thence S 02°02'19" E, along said West right-of-way line, a distance of 376.22 feet to a point on the Northwesterly right-of-way line of Nelson Road, as now established; thence S 01°49'10" W, along the said Northwesterly right-of-way line, a distance of 14.24 feet to a point on the North right-of-way line of 122nd Street, as now established; thence S 87°54'36" W, along said North right-of-way and also along the South line of Tract 17, TIMBERLANE ACRES, and its extension thereof, a distance of 83.53 feet to a point on the East right-of-way line of Timberlane Boulevard, as now established; thence N 02°05'24" W, along said East right-of-way line, a distance of 75.72 feet; thence Northwesterly, along the Northeastery right-of-way line of said Timberlane Boulevard, on a curve to the left having a radius of 175 feet, for a distance of 130.83 feet to a point of the Southwesterly line of Tract 18, TIMBERLANE ACRES; thence N 44°55'31" W, continuing along the Northeastery right-of-way line of said Timberlane Boulevard and also along the Southwesterly line of said Tract 18, a distance of 52.58 feet; thence Northwesterly, continuing along the Northeastery right-of-way line of said Timberlane Boulevard and also along the Southwesterly line of Tract 18 and 19, TIMBERLANE ACRES, on a curve to the right having a radius of 325 feet, for a distance of 173.62 to the POINT OF BEGINNING, containing 1.393 acres, more or less.

**PROJECT SUMMARY:**

EXISTING ZONING	CTY RN-1
PROPOSED ZONING	R-1
AREA	1.393 ACRES
LOTS	5
DENSITY	3.59 LOTS PER ACRE
LOT SIZES (AVG.)	70'x152'
LOT AREAS (AVG.)	12,132 SQ.FT.
FRONT & SIDE BUILDING SETBACKS	AS SHOWN ON PLAT
SIDEYARD SETBACKS	7' MINIMUM
REARYARD SETBACKS	25'

LOT 1	12,763.9 Sq.Ft.
LOT 2	14,761.4 Sq.Ft.
LOT 3	13,973.4 Sq.Ft.
LOT 4	8,829.7 Sq.Ft.
LOT 5	10,332.9 Sq.Ft.



- R/W DENOTES RIGHT-OF-WAY
- ST DENOTES SIGN POST
- FI DENOTES FIRE HYDRANT
- WV DENOTES WATER VALVE
- WM DENOTES WATER METER
- PP DENOTES POWER POLE
- LP DENOTES LIGHT POLE
- AC DENOTES AIR CONDITIONING UNIT ON CONCRETE PAD
- RD DENOTES FINISHED FLOOR ELEVATION
- FD DENOTES FLOOR DRAIN
- LA DENOTES LANDSCAPE AREA
- SC DENOTES SPRINKLER CONTROL VALVE
- SM DENOTES SIGN MOUNT
- S DENOTES SIGN
- MAN DENOTES MANHOLE
- MP DENOTES MANDIP PARKING SPACE
- WATER DENOTES WATER LINE
- SAN DENOTES SANITARY SEWER LINE
- UNDER DENOTES UNDERGROUND POWER LINE
- OVERHEAD DENOTES OVERHEAD POWER LINE
- TEL DENOTES UNDERGROUND TELEPHONE LINE
- GAS DENOTES UNDERGROUND GAS LINE
- STREET DENOTES UNDERGROUND STREET LIGHT LINE
- CONTOUR DENOTES EXISTING CONTOUR
- BUILDING DENOTES EXISTING BUILDING LINE
- OVERHANG DENOTES OVERHANG

- [ ] — DENOTES PROPOSED STORM
- [ ] — DENOTES PROPOSED SANITARY
- [ ] — DENOTES EXISTING CURB
- [ ] — DENOTES EXISTING SIDEWALK
- [ ] — DENOTES EXISTING STORM
- [ ] — DENOTES EXISTING SANITARY
- [ ] — DENOTES EXISTING WATERLINE



**PROJECT NOTES:**

THIS PLAN IS BEING SUBMITTED TO OBTAIN APPROVAL TO CONSTRUCT A SINGLE-FAMILY DETACHED DEVELOPMENT ON THE SUBJECT PROPERTY.

THE TOPOGRAPHY WAS SUPPLIED BY PAYNE AND BROCKWAY FIELD DATA/RECORDS AND JOHNSON COUNTY AIMS (AUTOMATED INFORMATION MAPPING SYSTEM) BASED ON KANSAS STATE PLANE NORTH/ASSG DATUM ANDS AND NAVD83.

ALL APPROPRIATE PUBLIC UTILITIES SHALL BE PROVIDED TO EACH LOT WITHIN THE SUBJECT PROPERTY, IN ACCORDANCE WITH CITY OF OLATHE AND JOHNSON COUNTY WASTEWATER REQUIREMENTS AND STANDARDS.

ACCORDING TO F.I.R.M. MAP NO. 20091020640 JOHNSON COUNTY, KANSAS, DATED AUGUST 3, 2009, THE SITE IS DETERMINED TO BE OUTSIDE THE 100-YEAR FLOODPLAIN.



LOCATION MAP  
SEC. 24, T13S, R23E



Prepared by: Payne & Brockway Engineers, P.A.  
P.O. Box 128  
Olathe, Kansas 66051  
913-782-4800

Developed by: Tim Girard  
10775 S. Carbonate Street  
Olathe, Kansas 66061  
913-209-4525

Date Prepared: February 1, 2019

**PRELIMINARY PLAT & REZONING PLAN**

COTTAGES OF MAHAFFIE  
12195 S. TIMBERLANE BLVD.

**Payne & Brockway P.A.**  
CIVIL ENGINEERS & LAND SURVEYORS  
405 SOUTH KANSAS AVE. OLAHE, KANSAS 66044  
PH: 913.782.4800 FAX: 913.782.9977  
WWW.PAYNEBROCKWAY.COM

DATE	SCALE	SHEET	OF
02/01/19	50	1	1



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

**CIVIL ENGINEERS & LAND SURVEYORS**

MARK HUGGINS, P.E.  
MIKE HOWELL, R.L.S.  
GERALD CONN, L.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)  
JOHNNY RAY, R.L.S. (RETIRED)

## STATEMENT OF PURPOSE

We are requesting an approval from CTY RN-1, Residential Neighborhood 1 District, to R-1, Residential Single-Family for a proposed development containing 5 lots on approximately 1.393 acres. The proposed zoning district is compatible Comprehensive Plan as well as the surrounding neighborhoods.

The property was platted in 1954 and had a house on a portion of the property. The house was torn down late 2017 earlier 2018 and has remained vacant since that point.

The east side is bound by an existing road, Nelson Road as well as a platted Single-Family Residential subdivision, zoned RP-1. The north side is bound by a platted Single-Family Residential subdivision, zoned CTY RN-1. The south side is bound by an existing road, 122<sup>nd</sup> Street as well as a platted Single-Family Residential subdivision, zoned CTY RN-1. The west side is bound by an existing road, Timberlane Boulevard as well as a platted Single-Family Residential subdivision, zoned CTY RN-1.

Public infrastructures are in place for this development, except sanitary sewers. A Sanitary sewer extension and relocation of existing storm sewer will be proposed for this development.



# Payne & Brockway, P.A.

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MIKE HOWELL, R.L.S. (RETIRED)  
JOHNNY RAY, R.L.S. (RETIRED)

February 20, 2019

Kim Hollingsworth  
Planning Department  
City of Olathe  
P.O. Box 768  
Olathe, KS 66051-0768

RE: Cottages of Mahaffie  
Case No: RZ19-0003

Dear Ms. Hollingsworth:

On Tuesday, February 19, 2019 at 6:00 pm a neighborhood meeting for Cottages of Mahaffie was held at the Olathe Community Center, Room A. Notices were mailed on February 8, 2019.

Tim Girard and Todd Allenbrand represented the Developer.

The following property owners signed the attendance sheet:

Joel Hofrichter 1655 N Keeler Street Olathe, KS 66061 <a href="mailto:61511@fedex.com">61511@fedex.com</a> 913-669-7371	Barbara A. Elliott 12110 S Timberland Blvd Olathe, KS 66061 <a href="mailto:Belliot12110@gmail.com">Belliot12110@gmail.com</a>	Mark Verhulst 91190 S Timberland Blvd Olathe, KS 66061 913-201-4538
Billy B Crump 12175 Timberland Blvd Olathe, KS 66061 913-201-8126	Edward Wagner 127 E Washington Street Gardner, KS 816-200-4538	Nancy Wagner 127 E Washington Street Gardner, KS 913-938-4353
Lynda Cason 12265 S Nelson Road Olathe, KS 6061 <a href="mailto:lyndacason@yahoo.com">lyndacason@yahoo.com</a> 913-907-6778	Mike MacKey 12105 S Nelson Road Olathe, KS 66061 816-695-5868	

Todd Allenbrand opened the meeting by showing the drawing of the Preliminary Plat that has been submitted to the City of Olathe. He explained that the current zoning is CTY RN-1 (County 1 Acre Residential) and that he developer is requested it be changed to R-1 (Residential Single Family). Todd also let those in attendance know that the hearing with the City of Olathe for the rezoning is scheduled to be held on March 25, 2019.

Kim Hollingsworth  
Planning Department  
RE: Cottages of Mahaffie  
Case No:  
February 20, 2019  
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Todd explained that the developer is proposing that there will be 5 single family detached homes, the size of the lots will exceed the City Standard of 60' Lots. Sanitary sewer will come from the East side of Nelson to the nearest right-of-way line to set manhole for future developments. Houses will be reverse 1½ story. There are no utility easements on the rear side along Nelson. The developer will try to save as many trees as possible. There will be a Landscape area that will show filling in any trees along Nelson. Lot sizes will be 8,800 s.f. to 14,000 s.f. There will not be any driveways out to Nelson they will come out on Timberlane. Storm sewer for Nelson runs on South and West side of lots.

Lynda Carson: How much will it cost?

Edward Wagner: Property is next to lots with \$200,000 to \$300,000 homes. What is the City's forecast for 3years, 5 years, 10 years, etc. Will we be able to keep what we have?

Todd: Developer wants to be competitive with developer across the street. The house that he hopes to build will probably in the \$300,000 range. Could be a contributing factor in the raise of property taxes.

Joel Hofrichtner: I live where the sewer is going to be. It is in the tree line.

Todd: There will be clearing out of a few trees for the sewer to be installed.

Joel: Hoping that they will be careful and not take out a lot of trees. Will there be a fence?

Todd: That will be up to the owners. There is a 26-foot easement for Johnson County Wastewater, which gives them the ability to remove trees, if needed. They typically don't like trees within the easements.

Lynda: The creek goes right through there.

Todd: We will not be crossing the creek. Manhole will be on west side of the creek.

Lynda: How big are the lots?

Todd: Lots will range between 8,800 sf to 14,000 sf.

Mike Mackey: I am the developer across the street, and I have not granted any easements. People bought their house to see the trees. I have not signed any easement and is very concerned about us getting into the creek.

Todd: Johnson County Wastewater currently has a 26-foot easement and they may need a similar easement.

Kim Hollingsworth  
Planning Department  
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Mike: I am sensitive about the neighbors.

Todd: Landscape will fill in where they will take the trees out. We will preserve as many trees as they can, 15' landscape buffer will meet the requirements.

Mark Verhulst: My dad did not receive a letter; did you talk to him about the sewer.

Todd: Yes, has been extended to serve future development. It could serve your lot, parents' lot and maybe a couple more.

Mark: Who is going to fix the street? How will the gas and waterline be put in? Storm sewer doesn't work.

Todd: Waterline is on the east, and gas is on the west side. You will need to check with the city if the storm sewer is not draining.

Mark: How did you get a house on the right-of-way?

Todd: On the west side of the property the City vacated the easement. Current property owners purchased vacated right-of-way, I'm not sure when.

Mark: I don't want house on the corner. How will this effect the way the storm sewer runs.

Todd: There will be some new storm sewer and junction boxes that will be beneficial to the development of the proposed lot.

Mike: There will be 15 to 20 new cars going through and there is no place to turn around.

Lynda: Are you going to pave Timberlane?

Tim Girard arrived.

Tim: There are no plans at this time to pave Timberlane.

Mark: How come so many houses on the property?

Tim: Cost for putting in Sanitary Sewer is approximately \$80,000 and to extend from existing sanitary it would cost more to go through the creek.

Mark: Across the street has septic.

Tim: Tried to let me put in septic.

Kim Hollingsworth  
Planning Department  
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Todd: You could all change to sewer, but the proposed manhole will not be deep enough to take care of all the houses. You could try to do it through a Benefit District but that will still have you paying for the sewer. Johnson County Wastewater will not put it in without someone paying for it.

Mike: Why is the sewer being put where you have it labeled?

Tim: We have to do it this way because of the box culvert.

Edward: We are on sewer on both properties.

Todd: They went under the creek or under the box culvert? We would have to do a new main line extension and it would be more costly, then what we have proposed.

Mike: Service line off the main?

Edward: No, just a 4" line.

Mike: Why did they put sewer in?

Tim: Probably hooked into the line. I would have to use existing manhole that was installed in 1984 and they would attach to the newer manhole.

Mark: What is across the street - Hopeful sewer will go down Timberlane.

Tim: Tried very hard to do that but the County would not allow it.

Mike: If it was on the other side it would benefit more people.

Todd: The cost would be much higher. The trunk line was there long before Nelson.

Todd: This is least intrusive for your property.

Edward: What kind of homes?

Tim: Reverse 1½ story, value would be \$250,000 to \$275,000, 1,500 sf with 2-3 bedrooms on main floor and 1-2 bedrooms lower floor.

Edward: Somebody needs to fix the streets.

Tim: The city has talked about the issues with the roads.

Mike: If it gets developed the roads need to be fixed.

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Edward: What is your 5 to 10-year forecast? Are you going to have plans to do more developments?

Tim: This is it for right now.

Edward: If the city approves, how long till finished.

Tim: Goal is to have them completed in 2 years.

Todd: Final Plat and plans will be approved by mid-summer.

Mike: How many trees?

Tim: We will take as few as possible.

Mike: We don't want to look at the backs of houses. What are the prices of the lots?

Tim: Ball park \$70,000 for the lots.

Mike: Not at this time.

Mike: will the existing waterline be good enough when the new homes are built?

Todd: No one mentioned, with the City, that there might a problem.

Joel: Who puts in the sewer?

Todd: Payne & Brockway will design them, and the developer will hire a contractor to put them in.

Joel: Will you try to make it look like it does now?

Tim: We will absolutely do no more than we need to.

Todd: The deeper the sewer the larger the equipment.

Tim: I intend to keep it as good as I can.

Mike: Electric will it be underground. Will you relocate the storm sewer or streetlights?

**At this time several people began asking question all at once and were talking amongst themselves.**

Todd: Yes and no.

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Planning Department  
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Todd: They now requires sidewalks on both sides.

Mike: Houses across the street still no sidewalk.

Todd: Probably not required.

Mike: I think for everyone it would be better if the sewer gets put in on the other side & they shouldn't put the price on Tim. What would the option be to do that?

Todd: You would have to go through the process to create a Benefit District and then everyone would pay to have the sewer put in.

Mike: Everyone?

Edward: Sell the property west of Nelson and let all the developers put sewers in.

Todd: Developers want to buy land not houses.

Mike: What is on Nelson? You should think about doing a standard fence by having a HOA.

Lynda: The biggest concern is the streets they are in very bad shape.

Todd: We will put your concerns in the minutes and the City will see them. We are proposing all utilities in the front, so they don't destroy the trees.

Tim: I talked to Westar today and they said that they are planning to put existing power underground. Westar want all power underground.

At this time the meeting was adjourned.

Submitted by:  
Payne & Brockway, P.A.



C. Todd Allenbrand



City of Olathe  
City Planning Division

**STAFF REPORT**

**Planning Commission Meeting: March 25, 2019**

<b>Application:</b>	<b><u>PR19-0006</u></b>	<b>Revised preliminary site development plan for Garmin wayfinding signs</b>
<b>Location:</b>	1200 E. 151 <sup>st</sup> Street	
<b>Owner:</b>	Garmin Realty, LLC, Patrick Desbois	
<b>Applicant:</b>	Gould Evans, Dan Zeller	
<b>Engineer:</b>	Phelps Engineering, Judd Claussen	
<b>Staff Contact:</b>	Sean Pendley, Senior Planner	

<b>Site Area:</b>	<u>96.1± acres</u>	<b>Proposed Use:</b>	<u>Business Park - Wayfinding Signage</u>
<b>Zoning:</b>	<u>BP/ C-2</u> (Business Park/ Commercial District)	<b>Plat:</b>	<u>Garmin Properties, Phase 1</u>

	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Current Zoning</b>	<b>Site Design Category</b>	<b>Building Design Category</b>
<b>Site</b>	<b>Employment Area</b>	<b>Offices</b>	<b>BP/ C-2</b>	<b>5</b>	<b>E</b>
<b>North</b>	Conventional Neighborhood	Single Family Residential	R-1	-	-
<b>South</b>	Community Commercial	Parking lot	C-2	-	-
<b>East</b>	Conventional Neighborhood	School/ Single Family Residential	R-1	-	-
<b>West</b>	Employment Area	Commercial	C-2/ CP-2	-	-

**1. Comments:**

The following is a revised preliminary site development plan to allow new wayfinding signage for the Garmin campus. The directional signs will be located along public streets and within the campus along private drives. The applicant has submitted a project

summary and design plans for the proposed wayfinding signs as part of a Campus Wayfinding Sign Package(attached).

Some of the proposed signs do not meet *Unified Development Ordinance (UDO)* requirements for community information signs, including height or sign area for directional signs. However the UDO does allow for sign exceptions to be considered on a case by case basis. The applicant is requesting an exception for these sign requirements, in accordance with the UDO, which may be considered as part of a revised preliminary development plan to be approved by the Planning Commission and City Council. There are no changes proposed for buildings or parking areas or any other areas of the preliminary development plan.

A zoning amendment and revised preliminary development plan (RZ-15-007) was approved for the Garmin campus in 2015. The revised plan included the new warehouse building on Mahaffie Circle. In addition, a revised development plan (PR-15-008) was approved in 2015 for the parking garage on Garmin Way.



*Aerial photo of Garmin campus*

2. **Sign Requirements:** Below is a summary of the City's requirements for signage and description of the signs being requested as part of the Campus Wayfinding Sign Package (Sign Package).

- a. **Community Information Signs** – These types of signs are used to provide direction, traffic control and identification of buildings and are considered different than monument signs or complex signs. Community information signs for planned developments shall be approved as part of an overall sign plan. According to UDO requirements, the maximum height for community information signs is six (6) feet and each sign face shall not exceed 20 square feet. The minimum setback requirement is one (1) foot from property lines. The applicant is requesting increases in height up to nine (9) feet and sign face area up to 36.3 feet as noted below in the requested sign exceptions.
- b. **Proposed Wayfinding Signs** – The applicant is proposing 20 different directional signs to be located throughout the campus to provide direction and identify different buildings. In addition, there are traffic control signs proposed along the interior drives to provide direction for truck deliveries. The Sign Package shows the locations and dimensions for proposed signs. Most of the directional signs meet UDO requirements for height and sign area.

The applicant has also provided photo simulations for the signs to show the size and scale of the signs in relation to the existing buildings and streets.



*View from Ridgeview Road looking west*

- c. **Requested Sign Exceptions** – The applicant is requesting exceptions for nine signs that exceed the height or sign area for community information signs. The three signs located along public streets are nine (9) feet tall and 36.3 square feet. These signs are identified as the “yellow dots” on the sign plans and are located at the entrances on Ridgeview Road, 151<sup>st</sup> Street and Mahaffie Circle.

The UDO requirements for information signs are six (6) feet in height and 20 square feet so these signs exceed the height requirement by 3 feet and 16.3 square feet in sign area.

The other exceptions are for the interior parking entrance signs which are identified as “green dots” on the plans. These signs are six feet tall but have a sign area of 22.5 square feet so they exceed the UDO requirement by 2.5 square feet.



*View from 151<sup>st</sup> Street and Mahaffie looking east*

### **3. Analysis for Sign Exceptions:**

According to UDO 18.50.190.W, deviations or exceptions to sign requirements may be approved by the Planning Commission and City Council upon a finding that the following conditions are met:

- a. That the deviation requested arises from such condition which is unique to the property in question, is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.*

The Garmin campus is very large, 96 acres, and there is over 2 million square feet of total building area. The size and area of this campus is unique for the City of Olathe. In addition, there are access drives along three different public streets and there have been several traffic improvements recently constructed to serve the development. These public improvements have improved access, however there is a need to provide better direction and identification to new buildings on the subject property.

- b. That granting the deviation will not adversely affect the rights of adjacent property owners or residents.*

The proposed wayfinding signs are located along public streets and internal private drives. The signs that are closest to adjacent residential properties are five (5) in height and meet UDO requirements for size and setbacks. The signs are not

illuminated and will not be visible from adjacent residential properties. The requested exceptions for height and sign area will not adversely affect surrounding properties.

- c. *That the strict application of the provisions of this ordinance would constitute unnecessary hardship upon the property owner represented in the application.*

Garmin has noted on-going issues with visitors trying to find the appropriate entrances and locations for buildings and trucks not following the delivery routes. The applicant has indicated that it will be very difficult for motorists to see the wayfinding signs if they are only six feet in height and 20 square feet. Garmin previously installed mock-up signs at 6 feet tall and they did not provide adequate visibility from the streets or within the campus.

- d. *That the deviation desired will not adversely affect the public health, safety, moral order, convenience, prosperity, or general welfare.*

The proposed sign exceptions do not pose a threat to the public health, safety or general welfare of the community. The signs meet requirements for setbacks and intersection sight distance.

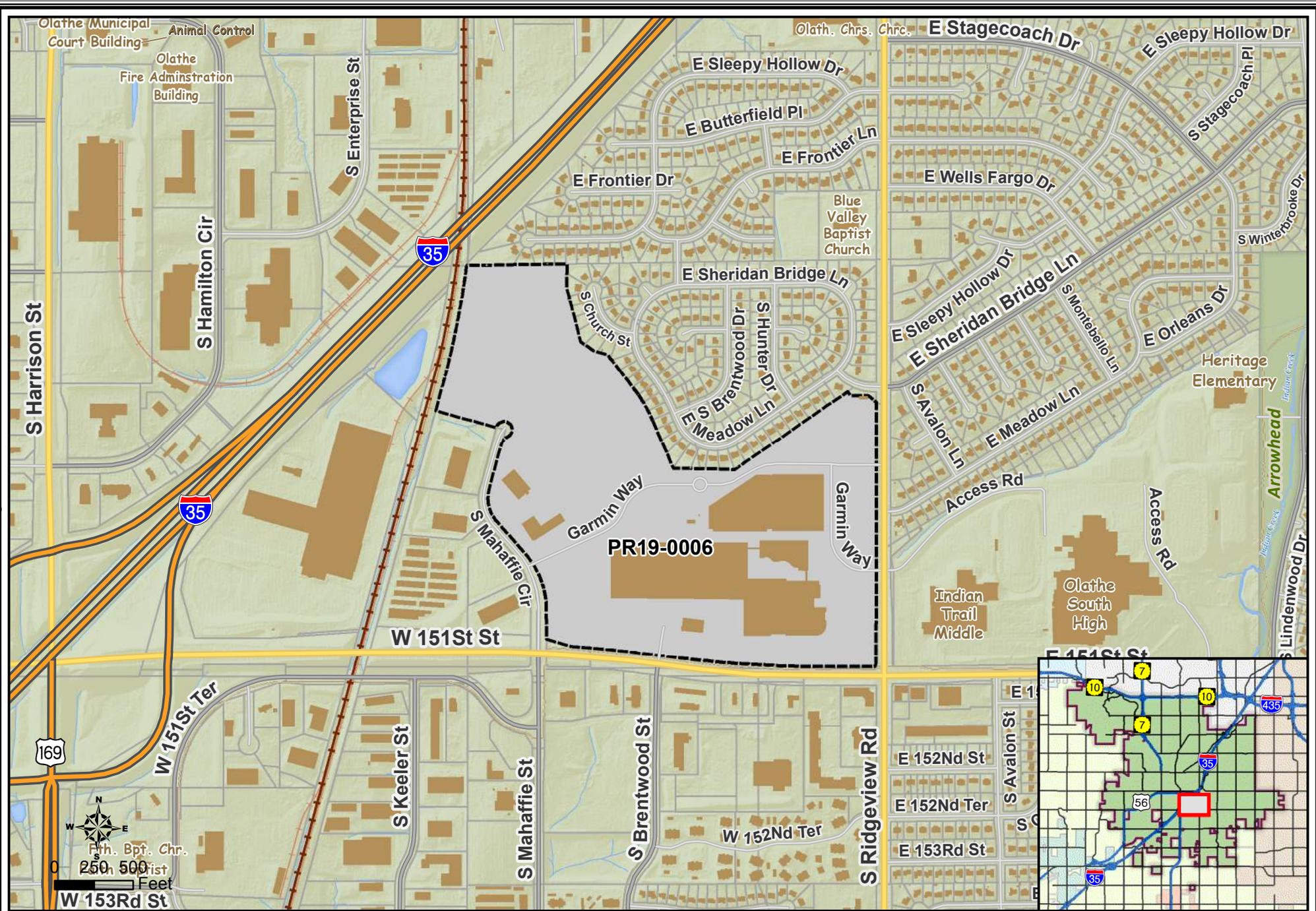
- e. *That granting the deviation will not be opposed to the general spirit and intent of this ordinance.*

The proposed exceptions for wayfinding signs do not conflict with the general intent of the UDO requirements for information signs. The proposed signs will provide better direction and identification for the buildings and should limit truck traffic through the interior of the campus which causes conflicts for internal traffic and pedestrian access. Due to the large size and scale of the campus and setbacks from streets, staff supports the proposed exceptions for UDO sign requirements.

#### **4. Recommendation:**

Staff recommends approval of the revised preliminary site development plan (PR19-0006) subject to the following stipulations:

- a. Exceptions shall be granted for the maximum height of information signs up to nine (9) feet as identified in the Campus Wayfinding Sign Package dated March 4, 2019.
- b. Exceptions shall be granted for the maximum area of information signs up to 36.3 square feet as identified in the Campus Wayfinding Sign Package dated March 4, 2019.
- c. Sign permits shall be approved for information signs as proposed and with exceptions granted by the Governing Body. All other signs shall comply with UDO requirements.



PR19-0006

**GARMIN SIGN PACKAGE**  
PR19-0006



User: JaredMD  
Date: 03/19/2019



March 18, 2019

Mr. Sean Pendley  
Sr. Planner / Public Works  
City of Olathe, Kansas

Re: Garmin Site Signage & Wayfinding Project Narrative

Dear Mr. Sean Pendley,

The project narrative for the Garmin Site Signage and Wayfinding is to provide this package to assist with visitors, vendors and deliveries to the Garmin Campus. With over 2M square feet of buildings on the campus site wayfinding is important and the message needed on the signs requires some of the signs to be larger than allowed by the current UDO. We are requesting an exception for a few of the signs to be larger than allowed by the current UDO.

The signs not meeting the current UDO are: Entrance Sign E1/02; E2/02; S1/01; SW/04 (4 locations) is 6' tall however the width of the sign takes is slightly outside the allowed 20 square feet per face. These signs are deeper within the Garmin campus and not adjacent to public streets. Entrance Signs E2/01; SW/01; SW/03 with the base is 9' tall. The area of the sign is larger than the 20 square feet allowed as well. There are three of these signs and they are located along the public streets (Mahafie Circle, 151<sup>st</sup> Street and Ridgeview Road. Due to the sign message needed and the visibility required along the streets they are located we can't make the signs any smaller and be effective.

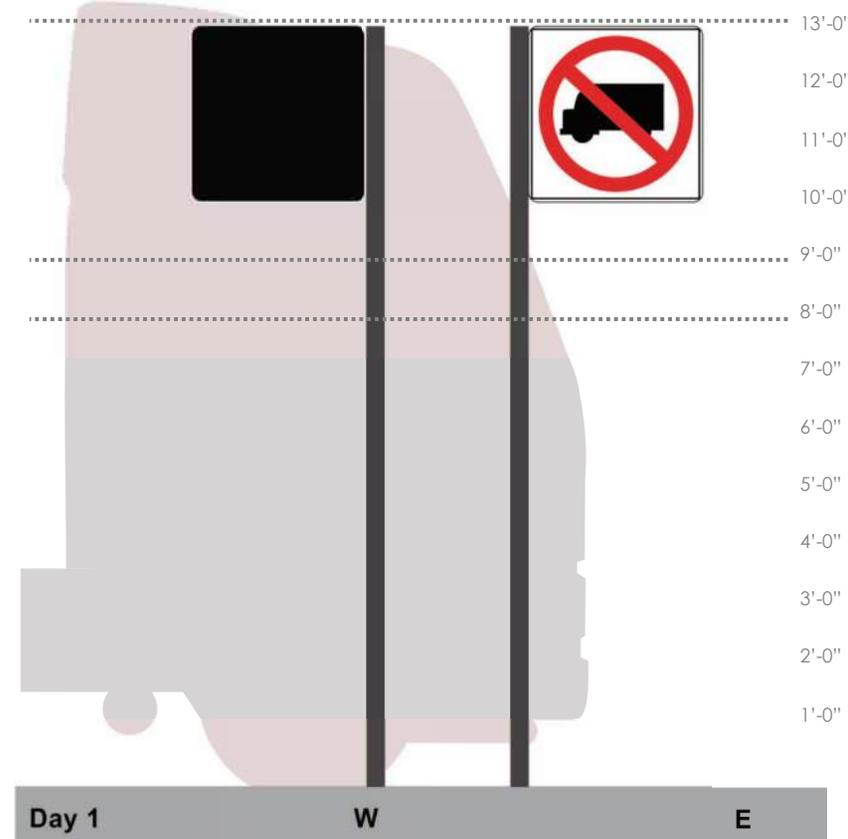
Sincerely,



Dan Zeller, AIA  
Principal

# CAMPUS WAYFINDING

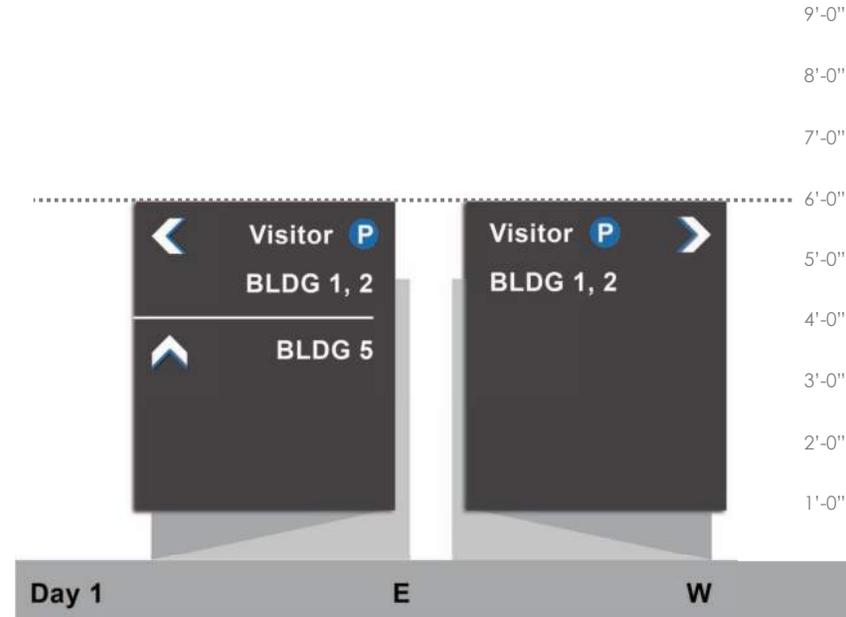
MESSAGE SCHEDULE + CONTEXT (REVISED)  
03.04.2019



Day 1 W E

3.75" Prime Letter Height (Cap Letters)  
24" Icon

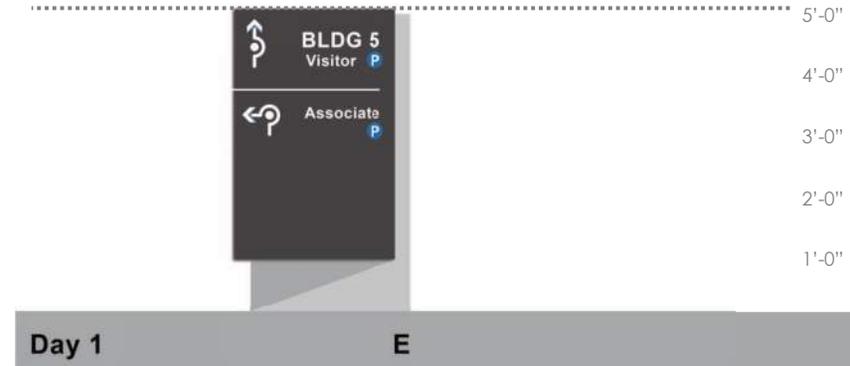
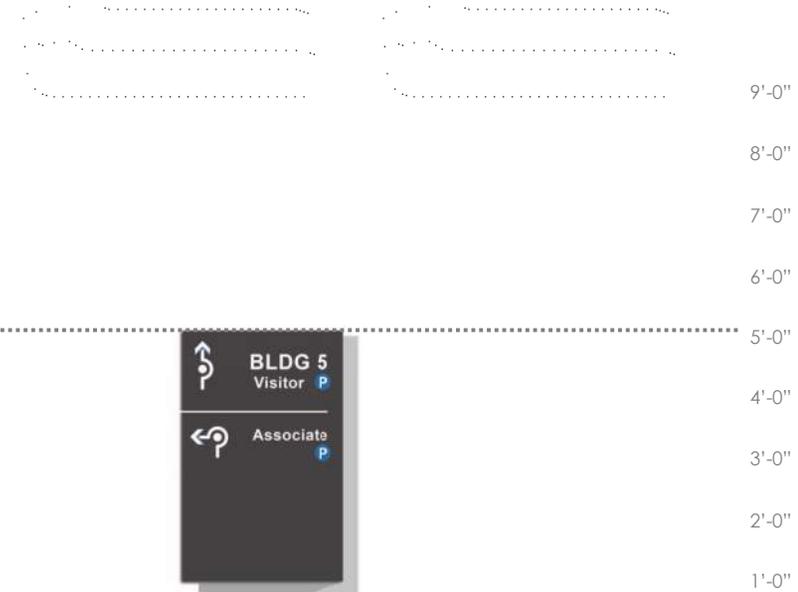
**Sign Face:** 36"x36"  
**Area:** 9 square feet



3.75" Prime Letter Height (Cap Letters)  
 3" Secondary Letter Height (Cap Letters)  
 approx. 55.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 22.5 square feet

**REQUIRES VARIANCE**



3" Prime Letter Height (Cap Letters)  
 2.25" Secondary Letter Height (Cap Letters)  
 approx. 34.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 11 square feet



E2 81

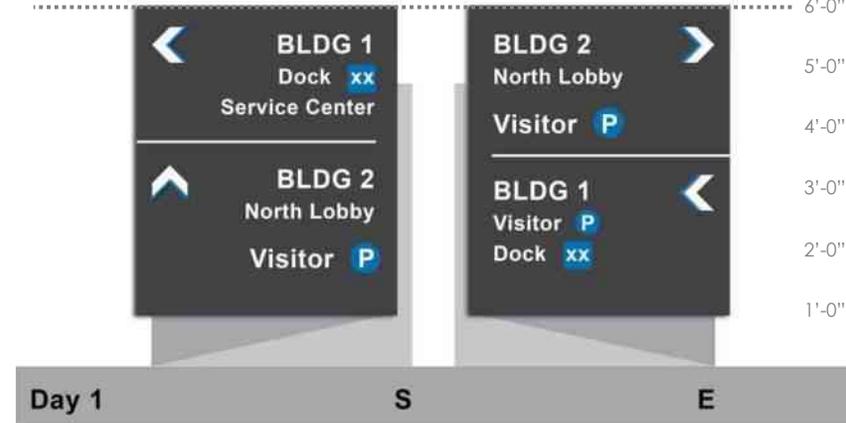
4" Prime Letter Height (Cap Letters)  
 3.25" Secondary Letter Height (Cap Letters)  
 approx. 68.5" Overall Width

**Sign Face:** 64 1/2"x81"  
**Area:** 36.25 square feet  
**REQUIRES VARIANCE**

WAYFINDING > vehicular wayfinding – E2 entrance



9'-0"  
8'-0"  
7'-0"  
6'-0"  
5'-0"  
4'-0"  
3'-0"  
2'-0"  
1'-0"

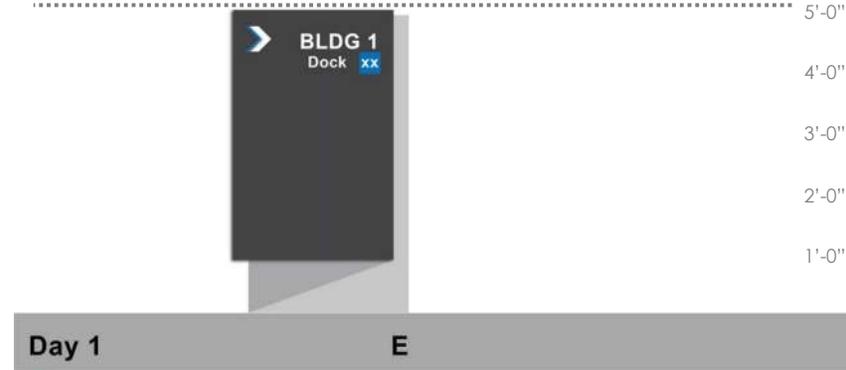


3.75" Prime Letter Height (Cap Letters)  
3" Secondary Letter Height (Cap Letters)  
approx. 55.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 22.5 square feet  
**REQUIRES VARIANCE**

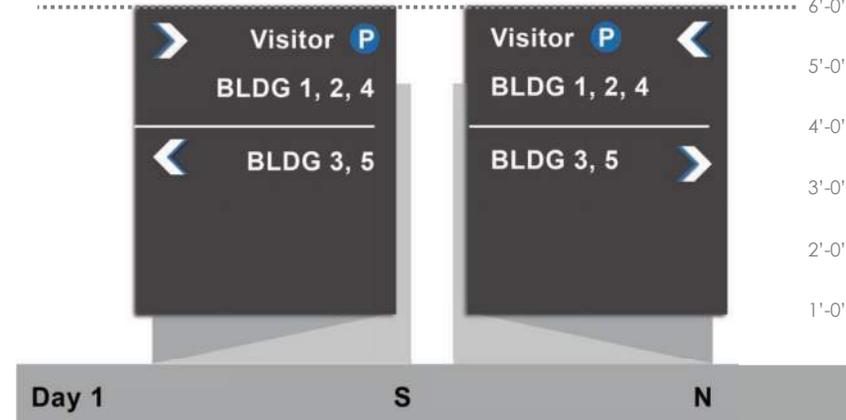


9'-0"  
8'-0"  
7'-0"  
6'-0"  
5'-0"  
4'-0"  
3'-0"  
2'-0"  
1'-0"



3" Prime Letter Height (Cap Letters)  
2.25" Secondary Letter Height (Cap Letters)  
approx. 34.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 11 square feet



3.75" Prime Letter Height (Cap Letters)  
 3" Secondary Letter Height (Cap Letters)  
 approx. 55.75" Overall Width

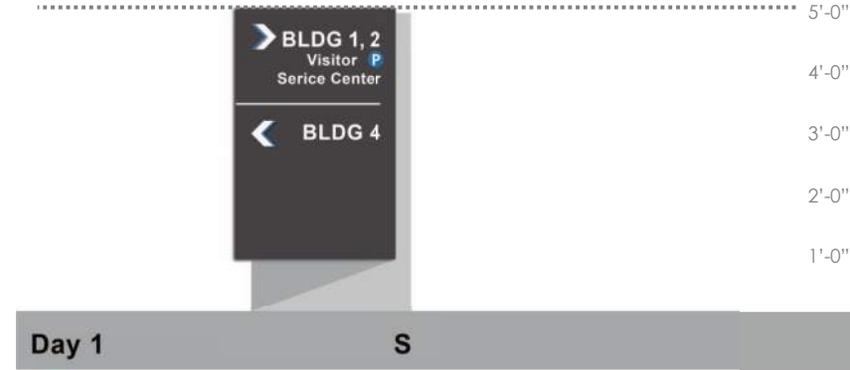
**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 22.5 square feet

**REQUIRES VARIANCE**





9'-0"  
8'-0"  
7'-0"  
6'-0"  
5'-0"  
4'-0"  
3'-0"  
2'-0"  
1'-0"

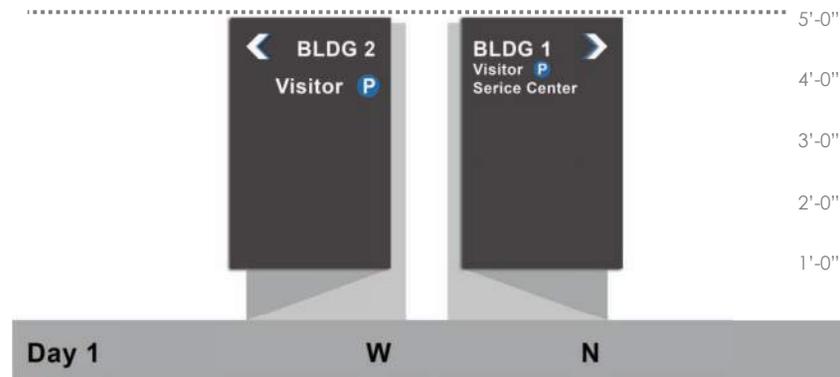


3" Prime Letter Height (Cap Letters)  
2.25" Secondary Letter Height (Cap Letters)  
approx. 34.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 11 square feet

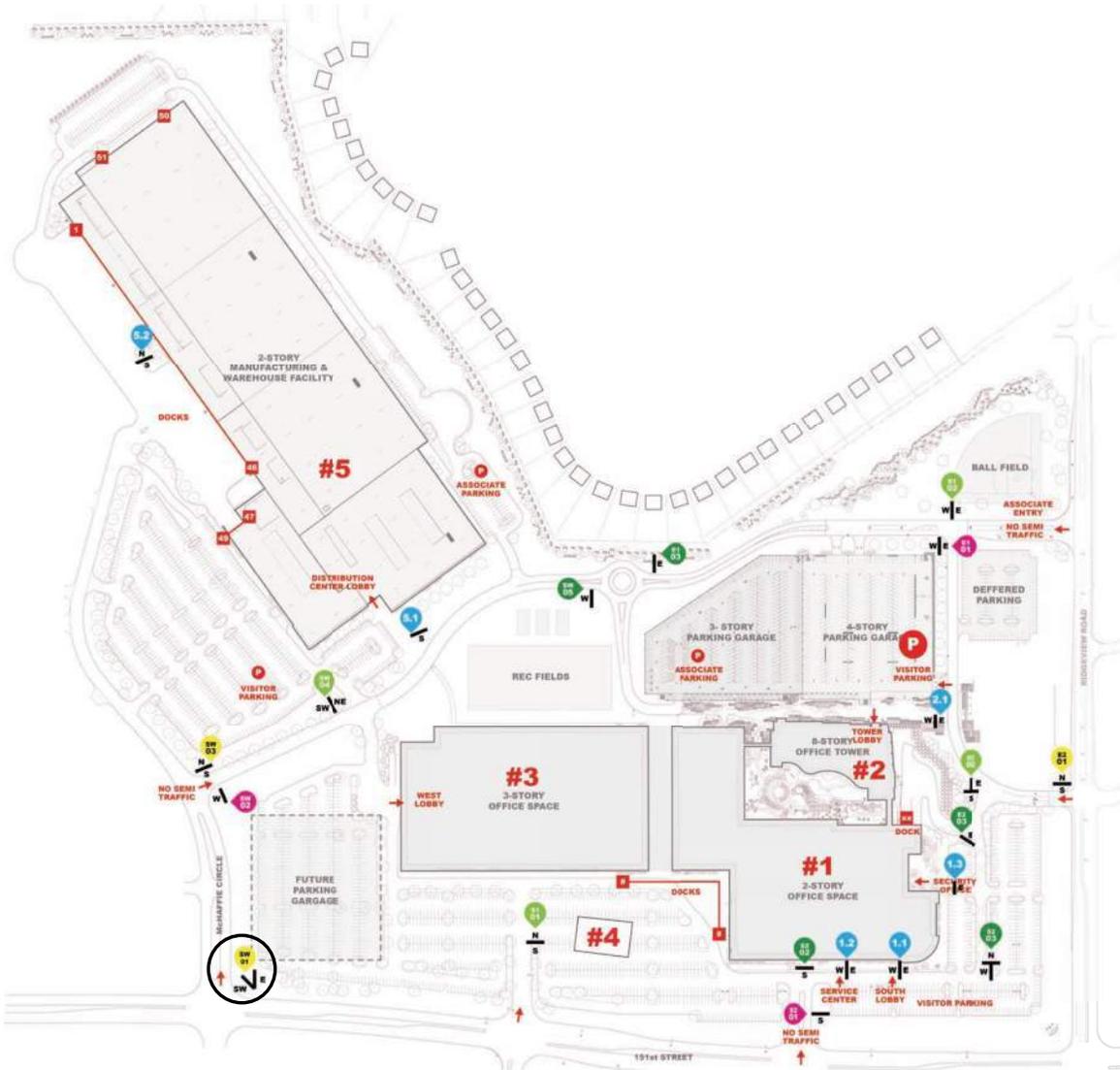


9'-0"  
8'-0"  
7'-0"  
6'-0"  
5'-0"  
4'-0"  
3'-0"  
2'-0"  
1'-0"



3" Prime Letter Height (Cap Letters)  
2.25" Secondary Letter Height (Cap Letters)  
approx. 34.75" Overall Width

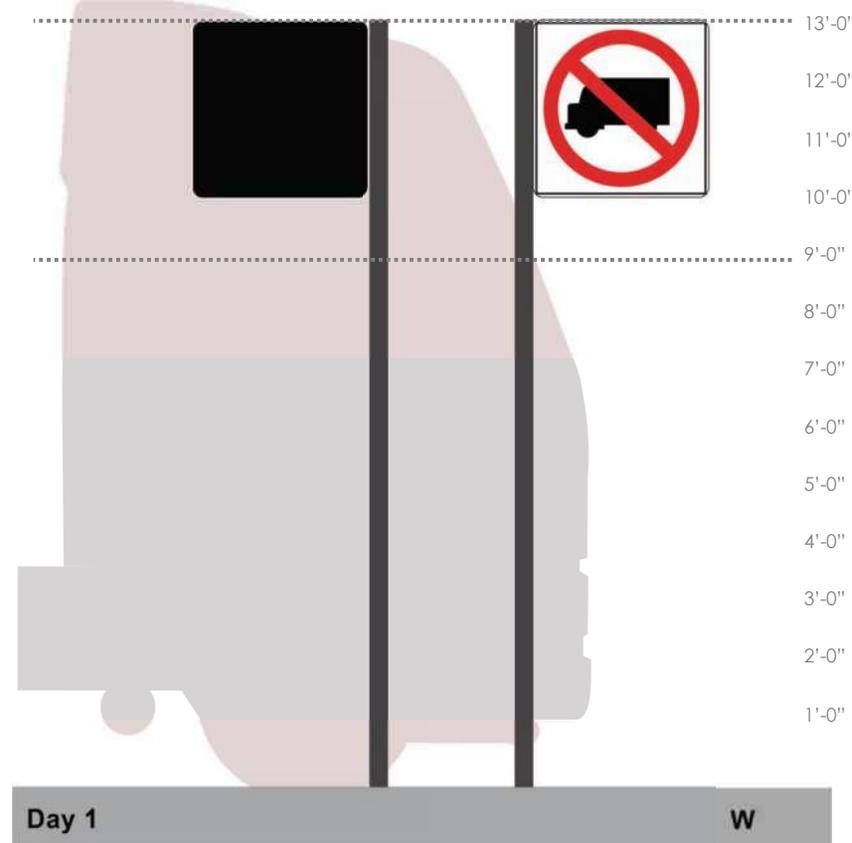
**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 11 square feet



4" Prime Letter Height (Cap Letters)  
 3.25" Secondary Letter Height (Cap Letters)  
 approx. 68.5" Overall Width

**Sign Face:** 64 1/2"x81"  
**Area:** 36.25 square feet

**REQUIRES VARIANCE**



Day 1 W

3.75" Prime Letter Height (Cap Letters)  
24" Icon

**Sign Face:** 36"x36"  
**Area:** 9 square feet



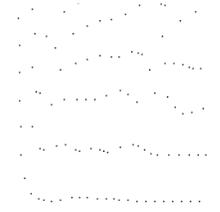
9'-0"  
8'-0"  
7'-0"  
6'-0"  
5'-0"  
4'-0"  
3'-0"  
2'-0"  
1'-0"

4" Prime Letter Height (Cap Letters)  
3.25" Secondary Letter Height (Cap Letters)  
approx. 68.5" Overall Width

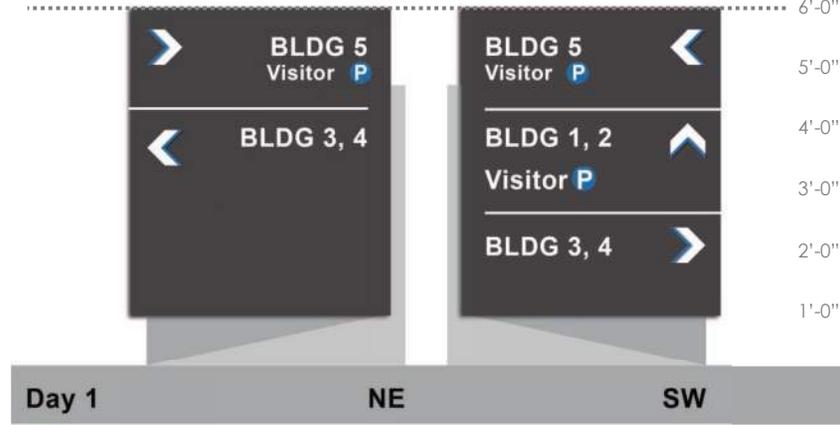
**Sign Face:** 64 1/2"x81"  
**Area:** 36.25 square feet

**REQUIRES VARIANCE**

WAYFINDING > vehicular wayfinding – SW entrance



9'-0"  
8'-0"  
7'-0"  
6'-0"  
5'-0"  
4'-0"  
3'-0"  
2'-0"  
1'-0"



3.75" Prime Letter Height (Cap Letters)  
3" Secondary Letter Height (Cap Letters)  
approx. 55.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 22.5 square feet  
**REQUIRES VARIANCE**

WAYFINDING > vehicular wayfinding – SW entrance



9'-0"  
8'-0"  
7'-0"  
6'-0"  
5'-0"  
4'-0"  
3'-0"  
2'-0"  
1'-0"



Day 1 W



3" Prime Letter Height (Cap Letters)  
2.25" Secondary Letter Height (Cap Letters)  
approx. 34.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 11 square feet



Day 1



3.75" Prime Letter Height (Cap Letters)  
 7.5" Number Height  
 3" Secondary Letter Height (Title Cap)  
 approx. 34.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 14 square feet

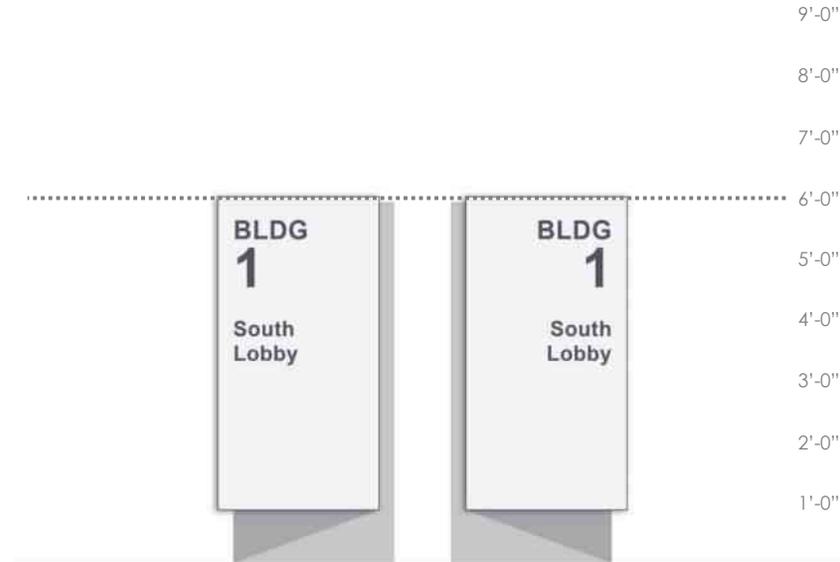


Day 1

1.3

3.75" Prime Letter Height (Cap Letters)  
 7.5" Number Height  
 3" Secondary Letter Height (Title Cap)  
 approx. 34.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 14 square feet

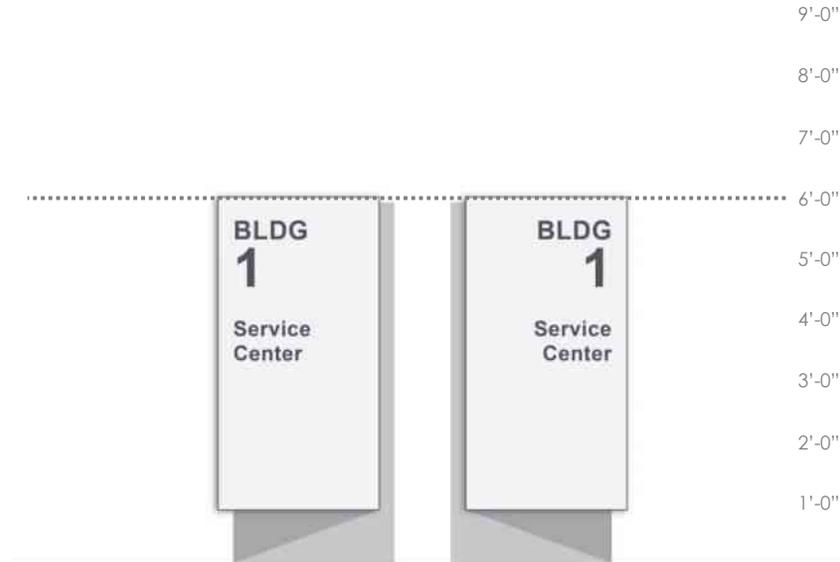
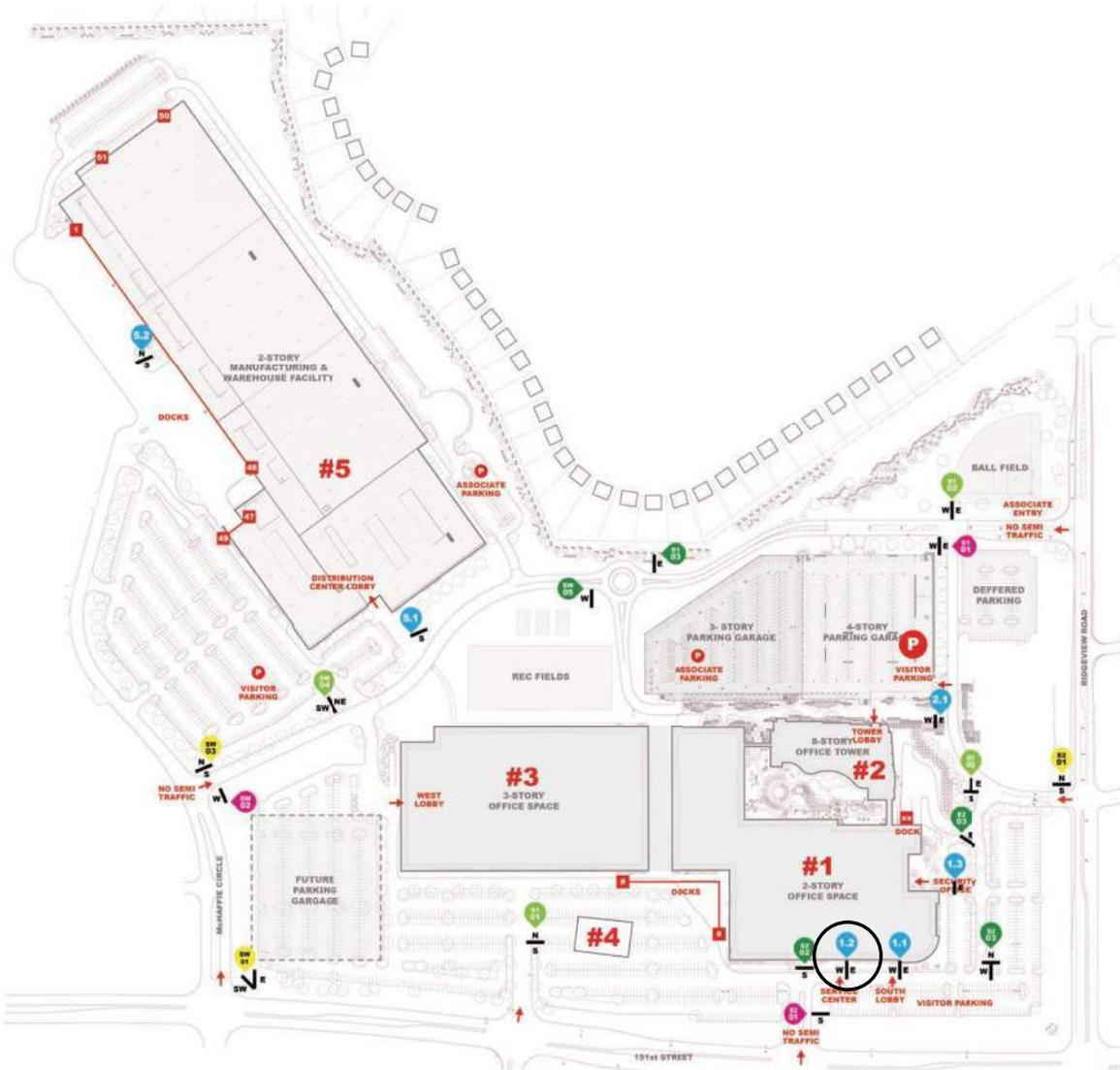


Day 1



3.75" Prime Letter Height (Cap Letters)  
 7.5" Number Height  
 3" Secondary Letter Height (Title Cap)  
 approx. 34.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 14 square feet



Day 1



3.75" Prime Letter Height (Cap Letters)  
 7.5" Number Height  
 3" Secondary Letter Height (Title Cap)  
 approx. 34.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 14 square feet

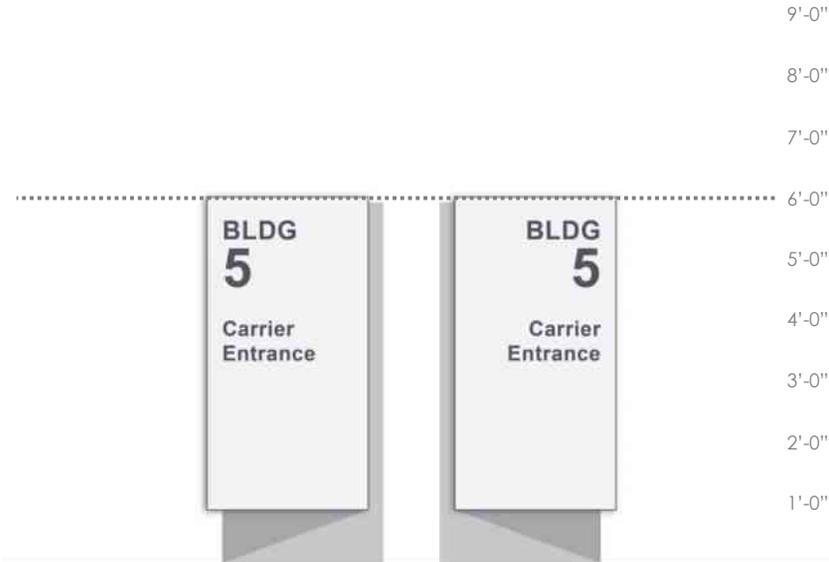


Day 1



3.75" Prime Letter Height (Cap Letters)  
 7.5" Number Height  
 3" Secondary Letter Height (Title Cap)  
 approx. 34.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 14 square feet



Day 1



3.75" Prime Letter Height (Cap Letters)  
 7.5" Number Height  
 3" Secondary Letter Height (Title Cap)  
 approx. 34.75" Overall Width

**Sign Face:** 52 1/2"x61 1/2"  
**Area:** 14 square feet











BLDG 5  
Visitor P ←  
BLDG 1, 2  
Visitor P ↑  
BLDG 3, 4 →





**Garmin: Campus Sign Locations**

1200 E. 151st Street  
 Olathe, Kansas 66062

DATE: 04/11/2018  
 DRAWN BY: J. HARRIS  
 CHECKED BY: J. HARRIS  
 PROJECT: GARMIN CAMPUS  
 SHEET: 15 OF 23  
 SCALE: AS SHOWN

PROJECT: GARMIN CAMPUS  
 SHEET: 15 OF 23  
 SCALE: AS SHOWN

**NOT FOR CONSTRUCTION**

DATE: 04/11/2018

Project No: 19000  
 Set Issue Date: 04 March 2018

**GARMIN LEGAL DESCRIPTION:**

LOT 1, GARMIN PROPERTIES PHASE 3, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.  
 AND  
 ALL OF LOT 1 AND THE WEST 1/2 OF VACATED MANHOLE PLATE ADJACENT TO THE EAST AS SET OUT IN VACATION ORDINANCE RECORDED IN BOOK 200504, PAGE 00900 AND THE SOUTH 1/2 OF VACATED MANHOLE CIRCLE ADJACENT TO THE NORTH AS SET OUT IN VACATION ORDINANCE RECORDED IN BOOK 200904, PAGE 00201, GARMIN PROPERTIES PHASE 1, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.  
 AND  
 ALL OF LOT 1 AND THE NORTH 1/2 OF VACATED MANHOLE CIRCLE ON THE SOUTH AS SET OUT IN VACATION ORDINANCE RECORDED IN BOOK 200904, PAGE 00201, GARMIN PROPERTIES PHASE 2, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.  
 AND  
 ALL OF LOTS 5 AND 4 AND THE NORTH 1/2 OF VACATED MANHOLE CIRCLE ADJACENT TO LOT 6 ON THE SOUTH, AS SET OUT IN VACATION ORDINANCE RECORDED IN BOOK 201004, PAGE 00201, GATEWAY BUSINESS PARK FIRST PLAT, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.  
 AND  
 LOT 1 AND THE EAST 1/2 OF VACATED MANHOLE PLATE ADJACENT TO THE WEST AS SET OUT IN VACATION ORDINANCE RECORDED IN BOOK 200404, PAGE 00201, OLATHE MEDICAL CLINIC, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.  
 AND  
 TRACT A, GARMIN PROPERTIES PHASE 2, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

**LEGEND:**  
 ——— PROPOSED CURB & GUTTER  
 - - - - - EXISTING PROPERTY LINE  
 - - - - - PROPOSED PROPERTY LINE



**LOCATION MAP SECTION 1-14-23**

