

STAFF REPORT

Planning Commission Meeting: June 10, 2024

Application	FP24-0007: Sunnybrook 119, 1st Plat
Location	Northwest of W. 119 th St. and S. Lone Elm Rd.
Owner	McKinzie Asset Management Company, LLC
Applicant/Engineer	Todd Allenbrand, Payne & Brockway
Staff Contact	Taylor Vande Velde, Planner II

Site Area:	<u>15.22 ± acres</u>	Proposed Use:	<u>Retail Sales, Generally</u>
Lots:	<u>2</u>	Existing Zoning:	<u>C-2 (Community Center)</u>
Tracts:	<u>1</u>	Plat:	<u>Sunnybrook / Unplatted</u>

1. Introduction

The following application is a request for a final plat of Sunnybrook 119, 1st Plat located in the northwest corner of W. 119th St. and S. Lone Elm Rd. This replat will establish new lot lines for two (2) lots and one (1) tract, dedicate public easements and right-of-way, and vacate an existing 10-foot Utility Easement (U/E).

The subject property was part of the larger Sunnybrook plat established in 1999 but was later rezoned to the C-2 District in January 2021 (Ord. 21-02) with the Sunnybrook Commercial development. A portion of the Sunnybrook Commercial property was platted with FP21-0014 to provide stormwater detention for the senior housing to the west, establishing one of the future commercial lots along W. 119th Street. This proposal will plat the remaining commercial lots and is consistent with the proposed revised preliminary site development plan.

2. Plat Review

- a. **Lots/Tracts** – The plat will reestablish lot lines for two (2) lots and one (1) tract for the development of future commercial buildings. A 15-foot building setback is platted along S. Lone Elm Rd. and a portion of W. 119th St., and a 50-foot building setback is platted on the northern portion of the property line adjacent to an existing gas line easement.
- A. **Public Utilities** – The project is within WaterOne and City of Olathe sanitary sewer service areas and will connect to the existing water and sewer lines. Several existing utilities platted with the Sunnybrook lot include water, sewer, and drainage easements. New utility easements (U/E) are also being dedicated with this plat.

A portion of a 10-foot Utility Easement (Exhibit A) was previously dedicated with the original Sunnybrook plat in 1999, but it is no longer needed and must be vacated to

accommodate development at the corner of W. 119th St. and S. Lone Elm Rd. City Engineering staff reviewed this request and provided consent to vacate the existing utility easement.

- b. **Streets/Right-of-Way** – Existing access to the site is located from Millridge Street to the west, a private drive. Tract A is a continuation of this private Access Easement (A/E) which will be 28 feet wide, and widen to 46 feet wide at the new access point along S. Lone Elm Rd. An existing Business Association Agreement between the property owners for the shared access to private streets will be amended and recorded with this final plat, as stipulated by staff. Additional right-of-way along the eastern side of the plat is being dedicated for S. Lone Elm Rd.
- c. **Stormwater/Detention** – This property is served by an off-site regional wet bottom detention basin in Tract D of the adjacent Crestone Plat. The Business Association Agreement must include shared stormwater detention and maintenance for Tract D, as stipulated by staff, which will be shared with the property owners to the west, Olathe Senior Community, LLC.



Aerial view of the subject property in yellow.

3. Public Notification:

Unified Development Ordinance (UDO) 18.40.190 requires the vacation of a public reservation in association with a final plat be approved by the Planning Commission following mailed notification and a public hearing. The applicant mailed the required public notifications by certified mail to property owners within 200 feet of the project site. No correspondence from surrounding property owners has been received by the applicant or Staff.

4. Staff Recommendation

Staff recommends approval of the final plat, FP24-0007, as stipulated:

1. The Business Association Agreement must be amended and recorded with this plat to include the Access Easement (A/E) in Tract A and the detention basin in Tract D.

2Y-0017-DIT-404

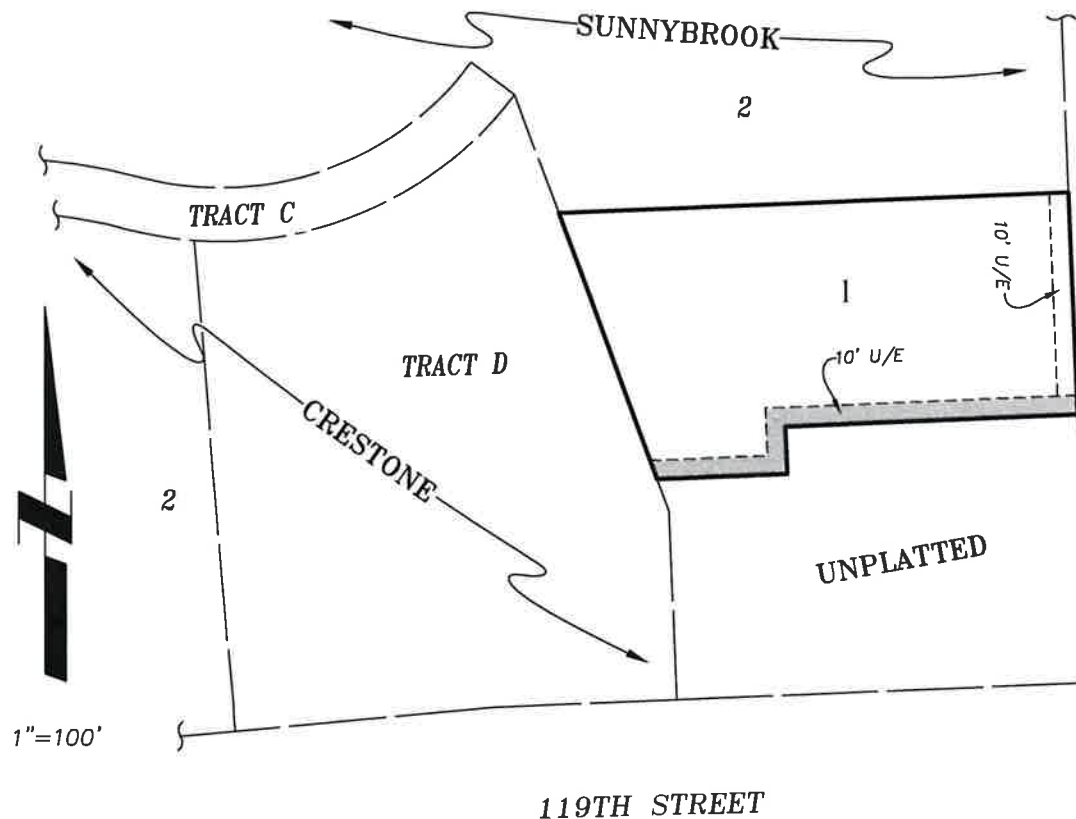
EXHIBIT "A"

UTILITY EASEMENT VACATION



I hereby certify that this exhibit has been prepared by me or under my direct supervision. The information and distances shown herein are correct to the best of my knowledge. If the surveyor's signature is not an original in blue ink this document is a copy. The professional certification contained on this document shall not apply to copies or unauthorized alterations.

This Exhibit is for City of Olathe Utility Easement Vacation purposes only and does not constitute a boundary survey. All information shown is from Payne & Brockway records and field work.



Denotes Utility Easement Vacation

23-0011 UE Voc Lot 1 Sunnybrook.dwg

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EXHIBIT "A"
PT. SE 1/4, SEC. 15, T13S, R23E



Payne & Brockway P.A.
CIVIL ENGINEERS & LAND SURVEYORS
426 SOUTH KANSAS AVE. OLATHE, KANSAS 66061
PH: 913.782.4800 FAX: 913.782.0907
WWW.PAYNE-BROCKWAY.COM

DATE 4/25/24 CTA



STAFF REPORT

Planning Commission Meeting: June 10, 2024

Application	FP24-0016: Final Plat for Olathe Industrial Tracts, Third Plat		
Location	1225 W. Pittman Street		
Owner	David Collis, Collis Craneworks		
Applicant/Engineer	Dan Finn, Phelps Engineering, Inc.		
Staff Contact	Emily Carrillo, Senior Planner		

Site Area:	<u>7.73± acres</u>	Proposed Use:	<u>Production/Assembly Plant – Fabricated Metal or Machinery</u>
Lots:	<u>2</u>	Existing Zoning:	<u>M-2 (General Industrial)</u>
	<u>1</u>	Existing Plat:	<u>Olathe Industrial Tract, 2nd Plat, Lot 4</u>

1. Introduction

The following application is a request for a final plat of Olathe Industrial Tracts, Third Plat. This replat will establish lot lines, dedicate public easements for two (2) lots and one (1) and vacate a portion of an existing 15-foot waterline easement (WL/E).

These lots are proposed for the construction of two (2) new industrial buildings for Collis Craneworks that are approximately 33,000 sq. ft. each to expand their existing crane production/assembly business located to the southeast of this site.

This use is classified under the 'Production/Assembly Plant – Fabricated Metal or Machinery' use, which is permitted by right in the M-2 District. The subject property was zoned to the M-2 District in June 1970 (Ord. 346-C) and is consistent with the proposed revised preliminary site development plan associated with this plat and currently on this agenda for consideration.

2. Plat Review

- Lots/Tracts** – The plat will reestablish lot lines for two (2) lots and one (1) tract for the development of two (2) industrial buildings.
- Public Utilities** – The project is within the City of Olathe water and sanitary sewer service areas and will connect to the existing sewer lines located adjacent to the property. A portion of the existing water easement was previously vacated (VAC22-0005), and a continuation of that same water line is being vacated with this plat. A new waterline is

being relocated, and new utility, sanitary sewer and drainage, easements are being dedicated on this plat.

- c. **Streets/Right-of-Way** – A new access point will be constructed from W. Pittman Street. Three (3) access points will be added from the existing private drive (Tract C) located on the southern portion of the site.
- d. **Stormwater/Detention** – This property is part of the original Olathe Industrial Tract regional detention system. No additional stormwater or detention analysis is required with this development.



Aerial view of subject property in yellow.

3. Public Notification:

Unified Development Ordinance (UDO) 18.40.190 requires the vacation of a public reservation in association with a final plat be approved by the Planning Commission following mailed notification and a public hearing. The applicant mailed the required public notifications

by certified mail to property owners within 200 feet of the project site. No correspondence from surrounding property owners has been received by the applicant or Staff.

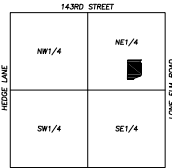
4. Staff Recommendation

Staff recommends approval of final plat (FP24-0016) as stipulated:

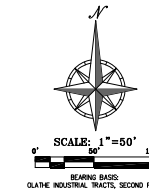
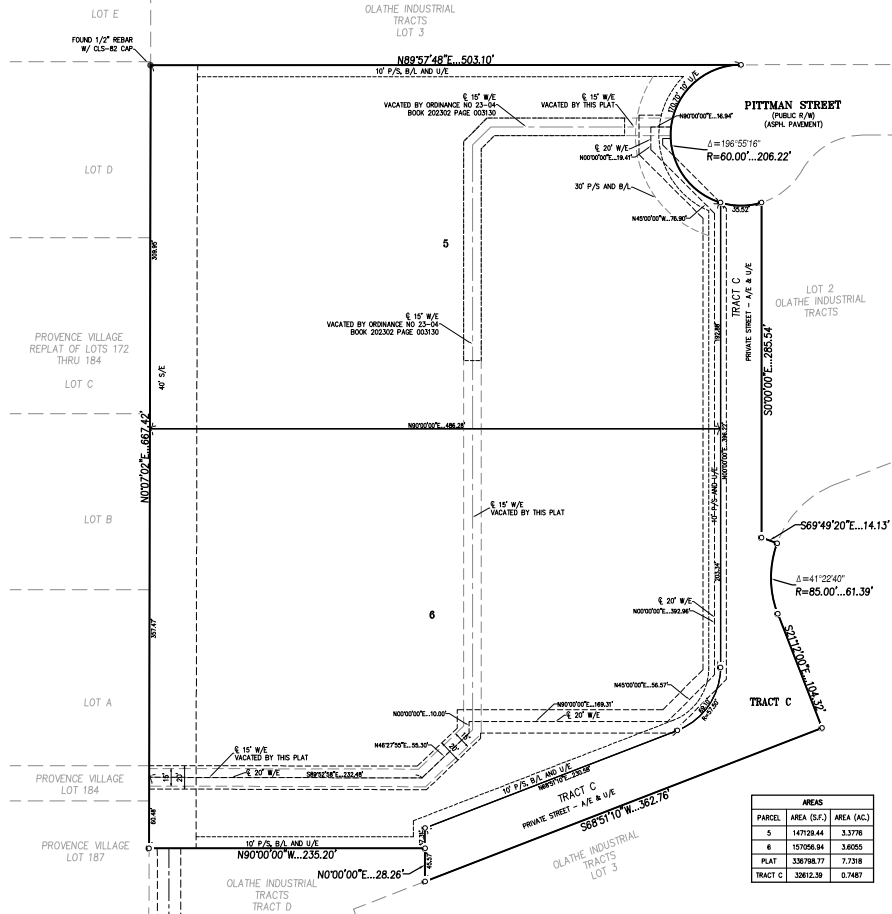
1. Prior to issuance of a land disturbance permit or building permit, standard orange barricade fencing must be installed around all tree preservation areas in accordance with UDO 18.30.240.
2. An agreement between adjacent properties for use of the existing off-site BMP is required prior to recording.
3. Prior to recording, an agreement with the City should be in place for the relocation of the water line. The water line shall be relocated within one (1) year of the plat recording or the property owner will re-dedicate the easement over the existing waterline by separate instrument.

FINAL PLAT OF OLATHE INDUSTRIAL TRACTS, THIRD PLAT

REPLAT AND RESURVEY OF LOT 4 and TRACT C, OLATHE INDUSTRIAL TRACTS,
SECOND PLAT, A SUBDIVISION OF LAND IN THE NORTHEAST QUARTER SECTION 3,
TOWNSHIP 14 SOUTH, RANGE 23 EAST, IN THE CITY OF OLATHE, JOHNSON COUNTY,
KANSAS



SCALE:
1"=2000'
VICINITY MAP
SEC. 3-14-23



LEGEND

- DENOTES SET 1/2"X4" REBAR W/PHILIPS CORP. CLS-40 PLASTIC CAP
- DENOTES FOUND 1/2" REBAR W/PHILIPS CORP. CLS-40 PLASTIC CAP, UNLESS OTHERWISE NOTED
- S/E DENOTES SANITARY SINKER EASEMENT
- U/E DENOTES UTILITY EASEMENT
- BL DENOTES BUILDING LINE
- A/E ACCESS EASEMENT
- P/S PARKING SETBACK
- W/E WATER LINE EASEMENT

AREAS		
PARCEL	AREA (S.F.)	AREA (AC)
5	14729.44	3.3778
6	15758.54	3.6025
PLAT	326758.77	7.7218
TRACT C	32672.39	0.7487

NOTE:

- EXTERIOR GROUND-MOUNTED OR BUILDING MOUNTED EQUIPMENT INCLUDING, BUT NOT LIMITED TO, MECHANICAL EQUIPMENT, UTILITIES METER BINS AND COOLERS MUST BE SCREENED FROM PUBLIC VIEW WITH 3-FOOT LANDSCAPING OR WITH AN ARCHITECTURAL TREATMENT COMPATIBLE WITH THE BUILDING ARCHITECTURE.
- ALL NEW WIRING AND CABLES MUST BE PLACED UNDERGROUND.
- ALL ABOVE GROUND ELECTRICAL AND/OR TELEPHONE CABLES MUST BE PLACED WITHIN THE INTERIOR SIDE OR REAR BUILDING SETBACK YARDS. HOWEVER, SUCH UTILITY CABLES MAY BE PERMITTED WITHIN FRONT OR CORNER SIDE YARDS ADJACENT TO STREET RIGHT-OF-WAY IF CABLES ARE SCREENED WITH LANDSCAPE MATERIALS.
- BASED ON FIELDWORK AND FINAL ENGINEERING DESIGN, THE EXACT LOCATION OF EASEMENTS ARE SUBJECT TO CHANGE PRIOR TO THE PLAT RECORDING.
- IN ACCORDANCE WITH KSA 12-5128, ALL RIGHTS, OBLIGATIONS, RESERVATIONS, EASEMENTS, OR INTEREST NOT SHOWN ON THIS PLAT SHALL BE VACATED AS TO USE AND AS TO TITLE, UPON FILING AND RECORDING OF THIS PLAT. THE PROPRIETORS, SUCCESSORS, AND ASSIGNS, OF PROPERTY SHOWN ON THIS PLAT HEREBY ABOVE AND AGREE, JOINTLY AND SEVERALLY, TO INDEMNIFY THE CITY OF OLATHE (NAME), KANSAS, OF ANY EXPENSE INCIDENT TO THE RELOCATION OF ANY EXISTING UTILITY IMPROVEMENTS HEREON, INCLUDING BUT NOT LIMITED TO, THE COST OF RELOCATION, AND TO RELOCATE IN ACCORDANCE WITH PROPOSED IMPROVEMENTS DESCRIBED IN THIS PLAT.

FLOOD NOTE:

THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 100-YEAR FLOOD FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF OLATHE, COMMITTEE NO. 200715, JOHNSON COUNTY, KANSAS, MAP NO. 2006FC00050, AND DATED AUGUST 3, 2008.

DESCRIPTION

REPLAT AND RESURVEY OF LOT 4 and TRACT C, OLATHE INDUSTRIAL TRACTS, SECOND PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

DEDICATION

The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "OLATHE INDUSTRIAL TRACTS, THIRD PLAT".

The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on this plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any plans, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements on now set forth, the undersigned proprietors hereby agree and agree to indemnify the City of Olathe, Johnson County, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easements.

An easement 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 "S/S" 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 to be hereby dedicated to Johnson County Board of Health of Johnson County, Kansas or their designee. Alteration of land contours will be permitted only with the express written approval of JCW. Any placing of improvements or planting of trees on said permanent right-of-way will be done at the risk of subsequent damage thereby without compensation therefor.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, pipes, poles, wires, surface drainage facilities, ducts cables, etc., upon, over and under those areas outlined hereon and designated on this plat as "U/E" or "Utility Easement".

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, pipes, etc., upon, over and under those areas outlined hereon and designated on this plat as "W/E" or "Water Line Easement".

TRACT C, access easements or "A/E" as shown on this plat are reserved by the undersigned proprietor, its heirs and assigns, for the ingress and egress of the owners and occupants and their guests of the adjacent lots as shown adjacent drives.

VACATION

The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on this plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any plans, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements on now set forth, the undersigned proprietors hereby agree and agree to indemnify the City of Olathe, Johnson County, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easements.

CONSENT TO LEVY

The undersigned proprietors of the above described 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 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 assessment, 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 such dedicated public way or thoroughfare.

EXECUTION

IN TESTIMONY WHEREOF, the undersigned proprietor, has caused this instrument to be executed on this _____ day of _____, 20____.

Owner of Lot 4

JCDC LLC, a Kansas limited liability company

By: _____
Owner, Title

STATE OF KANSAS)
COUNTY OF JOHNSON) 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 Owner, Title of JCDC LLC, a Kansas limited liability company, a Kansas limited partnership, who is personally known to me to be such person who executed, on such officer, the within instrument on behalf of said partnership, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN TESTIMONY WHEREOF, the undersigned proprietor, has caused this instrument to be executed on this _____ day of _____, 20____.

Owner of Tract C

KDAC LLC, a Kansas limited liability company

By: _____
Owner, Title

STATE OF KANSAS)
COUNTY OF JOHNSON) 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 Owner, Title of KDAC LLC, a Kansas limited liability company, who is personally known to me to be such person who executed, on such officer, the within instrument on behalf of said partnership, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and 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 _____, 2024.

Chairman: _____, Mayor, HEREBY CERTIFY THAT IN JANUARY 2024, I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED PROPERTY AND THE SAME IS CORRECTLY REPRESENTED ON THIS PLAT.

Mayor: John W. _____

Attest: City Clerk: Brenda D. Seawright

CERTIFICATE OF AUTHORIZATION
LAND SURVEYING - LS-82
EXPIRATION - 1-31-25
CERTIFICATE OF AUTHORIZATION
LAND SURVEYING - LS-1008
EXPIRATION - 1-31-25

PHILIP ENGINEERING, INC.
2020 N. VICTORIAN
OLATHE, KANSAS 66461
(913) 795-1188
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