



STAFF REPORT

Planning Commission Meeting: July 28, 2025

Application:	FP25-0021: Final Plat of Premier Business Park and the Vacation of Public Dedications
Location:	Southwest of S. Kansas Avenue and E. Southgate Street
Owner:	Bryon VanLerberg; Martindale Enterprises, LLC
Applicant/Engineer:	Tim Tucker; Phelps Engineering Inc
Staff Contact:	Andrea Mogan, AICP; Planner II

Site Area:	<u>1.38 ± acres</u>	Proposed Use:	<u>Building Contractor without Outdoor Storage</u>
Lots:	<u>1</u>	Existing Zoning:	<u>M-2 (General Industrial)</u>
Tracts:	<u>0</u>	Existing Plat:	<u>Williams' Addition</u>

1. Introduction

The following application is a request for a final plat of Premier Business Park located southwest of S. Kansas Avenue and E. Southgate Street. This replat will establish lot lines, dedicate public easements for one (1) lot, and vacate an existing utility easement (U/E).

The subject property was zoned to the M-2 (General Industrial) District in 1970 with Ordinance 346-C. In 1999, a preliminary site development plan (PR-19-99) was approved for the exterior remodel of the existing southern building. The southern portion of the site was platted in 2000 (P-15-00). The northern portion of the site is currently unplatted. A preliminary site development plan (PR25-0010) was approved by the Planning Commission on June 9, 2025 for the development of two contractor storage buildings totaling 17,120 square feet.

2. Plat Review

- a. **Lots/Tracts** – The plat will establish lot lines for one (1) lot and no tracts.
- b. **Streets/Right-of-Way** – The site has three (3) existing access points from S. Kansas Avenue that will be removed, and one (1) access drive off of S. Kansas Avenue will be created at the north end of the property. No additional right-of-way is required.
- c. **Public Utilities** – The project is within the City of Olathe water and sanitary sewer service areas. A 10-foot utility easement (U/E) central to the site is being vacated with this plat. A 10-foot public utility easement (PUB/E) is being dedicated along S. Kansas Avenue.

- d. **Stormwater** – The proposed development does not increase the existing impervious area. Therefore, no additional detention or stormwater quality measures are required.

3. Public Notification

Unified Development Ordinance (UDO) 18.40.190 requires the vacation of a public reservation to 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.

The applicant provided letters of consent from several private utility companies and City of Olathe Engineering staff also consents as no City utility lines are located or planned within the easement.

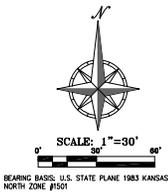
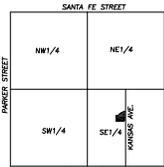


Aerial view of subject property outlined in yellow.

4. Staff Recommendation

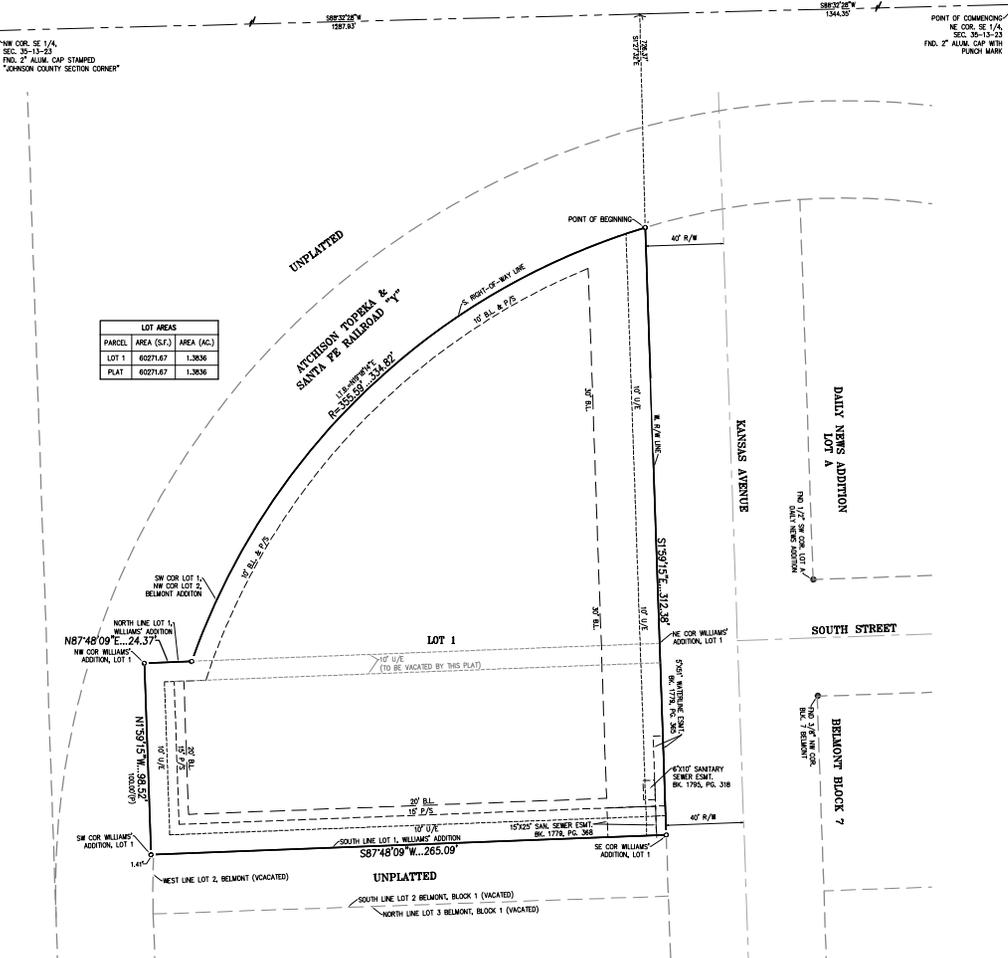
- A. Staff recommends approval of FP25-0021, the final plat of Premier Business Park with the following stipulation:
 - 1. Prior to plat recording, approval from all applicable private utility companies consenting to the requested vacation must be provided to the City.

FINAL PLAT OF
PREMIER BUSINESS PARK
 RESURVEY AND REPLAT OF WILLIAMS' ADDITION, A PLATTED SUBDIVISION
 OF LAND TOGETHER WITH ALL THAT PART OF THE SOUTHEAST QUARTER
 OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 23 EAST, IN THE CITY OF
 OLAATHE, JOHNSON COUNTY, KANSAS



- LEGEND**
- DENOTES SET 1/2" OR 3/4" REBAR W/NEEDS CORP. (LS-42 PLASTIC CAP)
 - DENOTES FOUND 1/2" REBAR W/NEEDS CORP. (LS-42 PLASTIC CAP UNLESS OTHERWISE NOTED ORIGIN UNKNOWN UNLESS DESCRIBED)
 - U/E DENOTES UTILITY EASEMENT
 - B.L. DENOTES BUILDING LINE
 - P/S DENOTES PARKING SETBACK
 - DENOTES PLATTED
 - R/W DENOTES RIGHT-OF-WAY LINE

LOT	AREA (SQ. FT.)	AREA (AC.)
LOT 1	60271.67	1.3836
PLAT	60271.67	1.3836



DESCRIPTION
 This description was prepared by Phelps Engineering, Inc., KS GLS-82 on May 29, 2025, for Project No. 240436. Resurvey and replat of WILLIAMS' ADDITION, a platted subdivision of land together with all that part of the Southeast Quarter of Section 35, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 35; thence S 88°32'28" W, along the North line of the Southeast Quarter of said Section 35, a distance of 1344.35 feet; thence S 1°27'32" E, a distance of 726.37 feet to the intersection of the West right-of-way line of Kansas Avenue, as now established and the Southern right-of-way line of the Atchison Topoka & Santa Fe Railroad, as now established, said point also being the Point of Beginning; thence S 1°09'10" E, along the West right-of-way line of said Kansas Avenue and the East plot line of said WILLIAMS' ADDITION, a distance of 332.38 feet to the Southeast plot corner of said WILLIAMS' ADDITION; thence S 87°48'09" W, along the South plot line of said WILLIAMS' ADDITION, a distance of 265.09 feet to the Southwest plot corner of said WILLIAMS' ADDITION; thence N 1°59'15" W, along the West line of said WILLIAMS' ADDITION, a distance of 852.52 feet to the Northwest plot corner of said WILLIAMS' ADDITION; thence N 87°48'09" E, along the North plot line of said WILLIAMS' ADDITION, a distance of 24.37 feet to a point on the Southern right-of-way line of said Atchison Topoka & Santa Fe Railroad; thence Northeasterly along the Southern right-of-way line of said Atchison Topoka & Santa Fe Railroad and on a curve to the right, said curve having an initial tangent bearing of N 19°18'14" E and a radius of 266.59 feet, an arc distance of 334.82 feet to the Point of Beginning, containing 1.3836 acres, more or less, of which 0.8596 acres, more or less of replatted land and 0.0768 acres, more or less of unplatted land.

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 "PREMIER BUSINESS PARK".
 In accordance with KSA 12-512B, all rights, obligations, reservations, easements, or interest not shown on this plat shall be vacated as to the land and as to title, upon filing and recording of this plat. The proprietors, successors, and assigns, of property shown on this plat hereby approve and agree, jointly and severally, to indemnify the City of Olathe, Kansas, of any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this 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, porches, avenues and ways 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 poles, lines, pipes and wires, conduits, ducts or cables heretofore installed thereon and therein are required to be relocated, in accordance with proposed improvements on now set forth, the undersigned proprietors hereby observe 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 or license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances necessary 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, is hereby dedicated to the City of Olathe, and other governmental entities 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 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".

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 ways 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 ways or thoroughfares.

EXECUTION
 IN TESTIMONY WHEREOF, undersigned proprietors have caused this instrument to be executed on this _____ day of _____, 20____.

Mortidine Enterprises, LLC, a Kansas limited liability company
 By: _____
 Byron Vorlberg, Managing Member

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, Byron Vorlberg, Managing Member of Mortidine Enterprises, LLC, a Kansas limited liability company, and his personally known to me to be such person who executed, as such officer, the within instrument on behalf of said company, 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 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: Wayne Janzer

Approved by the Governing Body of the City of Olathe, Kansas, this _____ day of _____, 20____.

Attest: _____
 City Clerk: Brenda Swearingin

Mayer: John W. Bacon

FLOOD NOTE:
 THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON THE FLOODED INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF OLAATHE, COMMUNITY NO. 20073, JOHNSON COUNTY, KANSAS, PIANO, NO. 2009FC00049, AND DATED AUGUST 3, 2009.

I, Scott G. Orshman, hereby certify that in June 2025, I or someone under my responsible charge have made a survey of the above described tract of land and the results of said survey are correctly represented on this plat.



By: SCOTT G. ORSHMAN, KS LS-1306

PEI ENGINEERING
 ENGINEERING
 CONSULTANTS
 1200 N. Winchmore
 Olathe, Kansas 66466
 (913) 781-1100
 Fax: (913) 781-1146