



STAFF REPORT

Planning Commission Meeting: July 22, 2024

Application:	FP24-0018: Final Plat of Boulder Creek C-Store
Location:	Southwest of W. 167 th Street and S. Mur-Len Road
Owner:	Travis Shram, Boulder Creek Development Company, LLC
Engineer/Applicant:	Mark Breuer; Schlagel & Associates
Staff Contact:	Andrea Fair, AICP; Planner II

Site Area: 1.94 ± acres **Proposed Use:** Convenience Store, with Gas Sales

Lots: 1 **Existing Zoning:** C-2 (Community Center)

Tracts: 0 **Plat:** Unplatted

1. Introduction

The following application is a request for a final plat of Boulder Creek C-Store which will establish lot lines, dedicate public easements and right-of-way for one (1) lot located southwest of W. 167th Street and S. Mur-Len Road.

The subject property was part of a larger annexation (ANX05-0012) and rezoning from County Rural Residential (CTY-RUR) to the CP-2 District (Ord. 05-86) in 2005 (RZ05-0029). On November 20, 2018, 17.98 acres were rezoned to the C-2 District (RZ18-0011) under Ordinance 18-53 with a preliminary site development plan including 12 buildings for Boulder Creek Commercial. This plat establishes one commercial lot within this development and is consistent with the approved preliminary plan.

2. Plat Review

- Lots/Tracts** – The final plat will establish lot lines for one (1) commercial lot for the development of an approximately 5,482 square foot Convenience Store, with Gas Sales.
- Streets/Right-of-Way** – Primary access to the development will be provided from W. 167th Street and S. Heatherwood Street. Additional right-of-way will be dedicated with this plat including 50-62 feet of right-of-way along the west property line for S. Heatherwood Street.
- Public Utilities** – The subject property is located in the WaterOne service area and Johnson County Wastewater service area. Public Utility, Utility and Sanitary Sewer easements (PUB/E, U/E, & S/E) are being dedicated with this plat.
- Stormwater** – The subject property is served by regional detention. All stormwater runoff will be conveyed to a regional detention area south of the development.



Aerial view of subject property outlined in yellow.

3. Staff Recommendation

Staff recommends approval of the final plat (FP24-0018) with no stipulations.

FINAL PLAT OF
BOULDER CREEK C-STORE
PART OF THE NE 1/4 OF SEC. 19-14-24
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 Northeast corner of said Northeast One-Quarter, thence along the North line of the said Northeast One-Quarter, South 87 degrees 24 minutes 18 seconds West a distance of 488.39 feet to the Point of Beginning; thence South 02 degrees 35 minutes 42 seconds East a distance of 158.41 feet; thence South 39 degrees 44 minutes 28 seconds East a distance of 26.52 feet; thence South 02 degrees 22 minutes 37 seconds East a distance of 27.00 feet; thence South 56 degrees 25 minutes 48 seconds East a distance of 42.37 feet; thence North 05 degrees 55 minutes 22 seconds East a distance of 15.55 feet; thence South 24 degrees 04 minutes 38 seconds East a distance of 60.00 feet; thence South 65 degrees 55 minutes 22 seconds West a distance of 16.27 feet; thence South 02 degrees 35 minutes 42 seconds East a distance of 52.37 feet; thence South 07 degrees 24 minutes 18 seconds West a distance of 284.37 feet; thence North 02 degrees 22 minutes 37 seconds West a distance of 165.46 feet; thence North 04 degrees 32 minutes 54 seconds West a distance of 165.57 feet; thence North 02 degrees 22 minutes 37 seconds West a distance of 89.17 feet to a point on the said North line of the Northeast One-Quarter; thence along said North line North 87 degrees 24 minutes 18 seconds East a distance of 215.44 feet to the point of Beginning and containing 1.9414 acres more or less.

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 hereafter be known as "BOULDER CREEK C-STORE".

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 and S Heatherwood 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 lines, storm sewer pipes, sanitary sewer pipes and related facilities and structures, upon, over and under the areas outlined and designated on this plat as "PUBLIC" or "Public Utility Easement", is hereby granted to the City of Olathe, Johnson County, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

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 Johnson County Wastewater of Johnson County, Kansas or their assigns." 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 thereto without compensation thereof.

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.

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 relative to storm water drainage and sidewalks upon, over, or under the areas outlined and designated on this plat as "Drainage Easement" or "DE".

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 running to any person, utility or corporation have been absorbed except that same person, utility or corporation shall retain whatever easement rights they should 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 and the Developer, or their authorized representatives thereof.

The undersigned proprietor of the 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 ways 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 assessment on such land dedicated shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public ways or thoroughfares.

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 Registrar 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.

Easement locations are subject to change prior to plat recording.

All above ground electrical and/or telephone cabinets must 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 16.30.130

APPROVALS:

APPROVED by the Planning Commission of the City of Olathe, Johnson County, Kansas, this ____ day of _____, 20__.

Chairman, WAYNE JANNER

APPROVED by the Governing Body of the City of Olathe, Johnson County, Kansas, this ____ day of _____, 20__.

Mayor, JOHN BACON

City Clerk, BRENDA SWEARINGIN

AREA TABLE		
LOT	SQFT	ACRES
LOT 1	55,645.52 SQFT	1.2774 ACRES
R/W	15,986.41 SQFT	0.3670 ACRES
EXISTING R/W	12,933.48 SQFT	0.2969 ACRES

EXECUTION:

IN TESTIMONY WHEREOF, TRAVIS SCHRAM, Manager of GRATA, L.L.C., which is the Manager of BOULDER CREEK DEVELOPMENT COMPANY LLC, a Missouri limited liability company, has caused this instrument to be executed, this ____ day of _____, 20__.

BOULDER CREEK DEVELOPMENT COMPANY LLC

By: TRAVIS SCHRAM, Manager

ACKNOWLEDGMENT:

STATE OF _____)
COUNTY OF _____) ss.

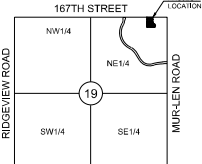
BE IT REMEMBERED that on this ____ day of _____, 20__, before me, the undersigned, a Notary Public in and for said County and State, came TRAVIS SCHRAM, Manager of GRATA, L.L.C., which is the Manager of BOULDER CREEK DEVELOPMENT COMPANY LLC, a Missouri Limited Liability Company, who is personally known 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 said company.

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

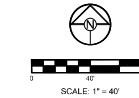
Notary Public

My Commission Expires: _____

Print Name



167TH STREET
SECTION 19-14-24
LOCATION MAP
SCALE 1" = 2000'



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

- LEGEND:
- FOUND MONUMENT AS NOTED
 - FOUND 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED
 - SET 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED
 - EXISTING PLAT AND ROW LINES
 - EXISTING LOT AND PROPERTY LINES
 - ACC - ACCESS
 - BL - BUILDING LINE
 - LNA - LIMITS OF NO ACCESS
 - D/E - DRAINAGE EASEMENT
 - S/E - SANITARY SEWER EASEMENT

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY PERFORMED IN APRIL 2024. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Aaron T. Reuter - Land Surveyor
KSR LS-1429

FLOOD NOTE:

This property lies within flood Zone X (Areas determined to be outside of the 0.2% annual chance floodplain) as on the Flood Insurance Rate Map 20091C01090D Dated August 3, 2005.



DATE	5-01-2024	FINAL PLAT OF
DRAWN BY	SCH	BOULDER CREEK C-STORE
CHECKED BY	AR	
PROJ. NO.	23-214	SHEET NO. 1

REV 1: 6-17-2024