

## STAFF REPORT

Planning Commission Meeting: April 28, 2025

<b>Application:</b>	<b>VAC25-0001 Request to vacate public alley right-of-way</b>	
<b>Location:</b>	Located between 125 and 135 S. Kansas Avenue	
<b>Owner/Applicant:</b>	City of Olathe	
<b>Engineer/Architect:</b>	Judd Claussen; Phelps Engineering, Inc.	
<b>Staff Contact:</b>	Emily Carrillo; Senior Planner	

<b>Site Area:</b>	<u>0.04 acres</u>	<b>Proposed Use:</b> <u>Accessory Outdoor Dining</u>
<b>Existing Zoning:</b>	<u>C-2 (Community Center) and D (Downtown)</u>	<b>Plat:</b> <u>Olathe</u>

### 1. Introduction

This is a request to vacate a 0.04-acre portion of public alley right-of-way, between two (2) existing commercial buildings located at 125 and 135 S. Kansas Avenue in downtown. This vacation will accommodate an outdoor dining area accessory to the Third Street Social restaurant use proposed at 135 S. Kansas (PAR25-0006).



*Aerial view of subject property to be vacated outlined in red.*

## **2. Public Notice**

Unified Development Ordinance (UDO) 18.40.190 requires the vacation of a public right-of-way approved by the Planning Commission and City Council following mailed notification and a public hearing. Public notification letters were mailed to surrounding properties within 200-feet per UDO requirements. Staff have not received any inquiries from the public regarding this vacation.

The adjacent property owner to the north, has been actively involved and supportive throughout the vacation process, working collaboratively with City staff and the future tenant Third Street Social.

## **3. Utilities/Right-of-Way**

The site is located within the City of Olathe water and sewer service areas and this vacation has no impact on public utilities. The proposed vacation will not impact any existing public utilities. City Engineering staff has reviewed the request to vacate the public utility easement and supports approval.

The alley right-of-way in question is a remnant of Olathe's original city grid and the historic H-alley network. While it previously accommodated vehicular traffic, the alley more recently functions solely as a pedestrian connection between the public surface parking lot to the west with Kansas Avenue and the greater downtown district.

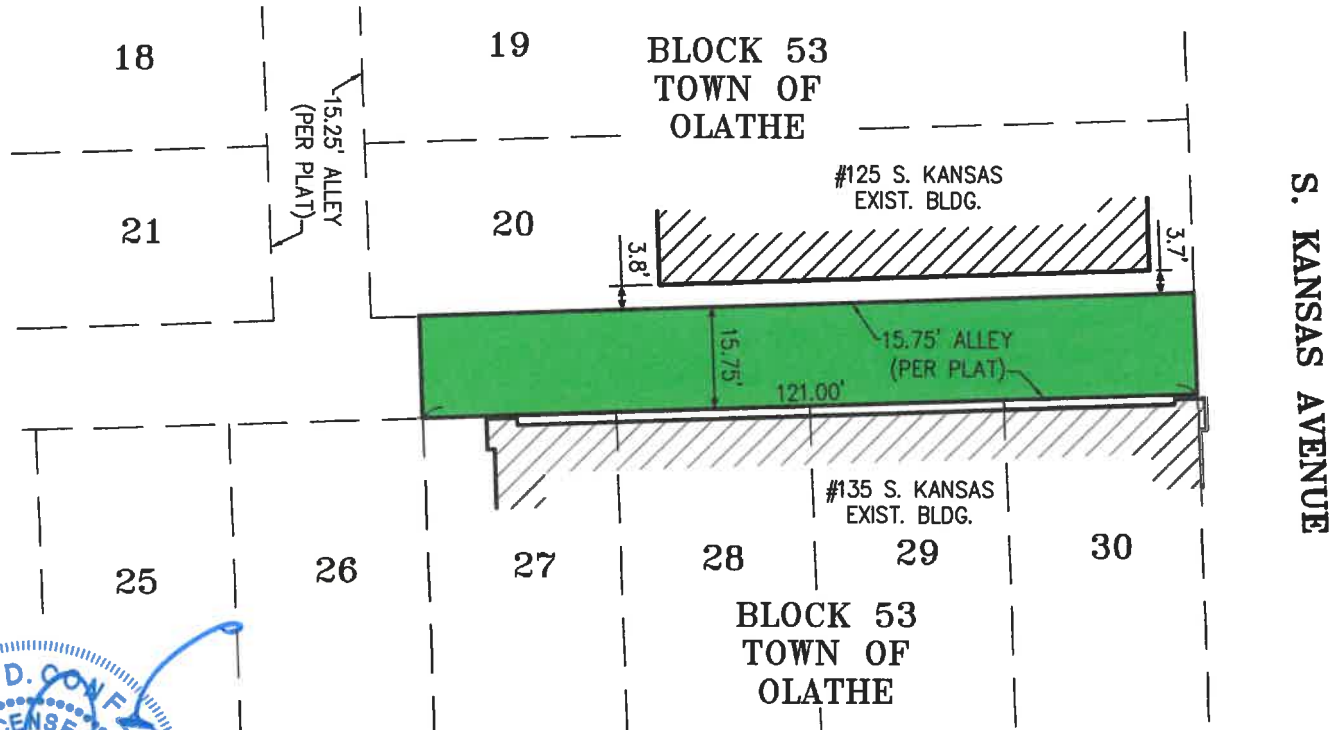
## **4. Staff Recommendation**

- A. Staff recommends approval of this request to vacate public alley right-of-way (VAC25-0001) as described in the attached exhibit with no stipulations.

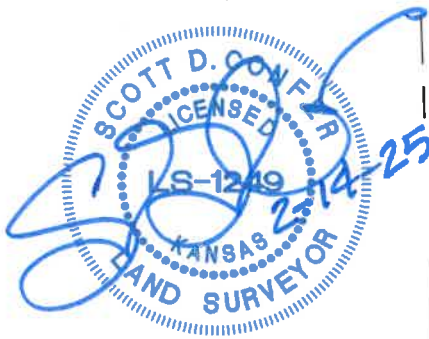
# EXHIBIT "A"

## ALLEY VACATION DESCRIPTION:

ALL THAT PART OF THE ALLEY LYING NORTH OF AND ADJACENT TO THE NORTH LINE OF LOTS 27, 28, 29 AND 30, BLOCK 53, TOWN OF OLATHE, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, ACCORDING TO THE PLAT RECORDED IN BOOK 1 AT PAGE 1, IN THE OFFICE OF THE REGISTER OF DEEDS, JOHNSON COUNTY, KANSAS.



SCALE: 1"=30'



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PLANNING  
ENGINEERING  
IMPLEMENTATION

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

PROJECT NO. 240998  
DATE: 2-14-25  
BY: adc