



**STAFF REPORT**

**Planning Commission Meeting: October 28, 2024**

<b>Application:</b>	<b>FP24-0025: Final Plat of Heather Ridge South, 6<sup>th</sup> Plat</b>
<b>Location:</b>	Northwest of W. 170 <sup>th</sup> Terrace and S. Ridgeview Road.
<b>Owner/Applicant:</b>	Philip Martens, Martens Family Enterprises, Inc.
<b>Engineer:</b>	Todd Allenbrand, Payne & Brockway, P.A.
<b>Staff Contact:</b>	Emily Carrillo, Senior Planner

<b>Site Area:</b>	<u>9.56± acres</u>	<b>Existing &amp; Proposed Uses:</b>	<u>Single-Family Residences</u>
<b>Lots:</b>	<u>29</u>	<b>Existing Zoning:</b>	<u>R-1 (Single-Family) District</u>
<b>Tracts:</b>	<u>2</u>	<b>Existing Plat:</b>	<u>Unplatted</u>

**1. Introduction**

The following application is a final plat for Heather Ridge South, 6th Plat. This plat will establish lot lines, dedicate public easements and right-of-way for 29 lots and two (2) tracts, and vacate a portion of existing right-of-way within the Heather Ridge South residential development.

The subject property was rezoned from County CTY-RUR to R-1 with a preliminary plat for 78.99 acres in June 2006 (RZ-06-012). Due to expiration of the approved preliminary plat, a new preliminary plat application was submitted and approved in December 2015 (P-15-050). This final plat is the sixth and final phase of the Heather Ridge South development and is consistent with the approved preliminary plat.

**2. Plat Review**

- a. **Lots/Tracts** – The final plat includes 29 single-family residential lots and two (2) common tracts. Common tracts are intended to be used for landscaping, monuments, private open space, stormwater drainage and detention amenities such as trail connections. All tracts are intended to be owned and maintained by the Heather Ridge South/Estates Homes Association.

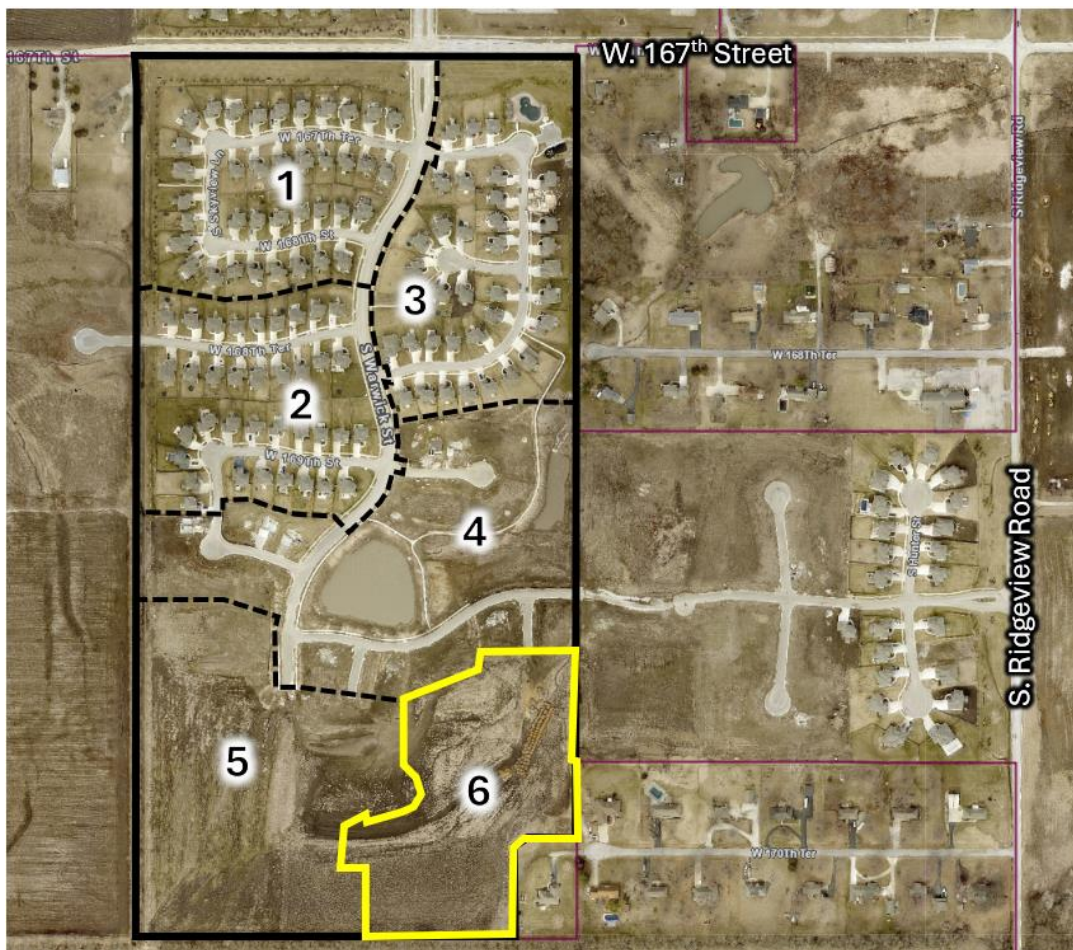
All lots in the proposed subdivision meet or exceed the R-1 standards for minimum lot size and minimum lot widths. Lot sizes in this plat range from 7,220 square feet to 18,893 square feet with an average lot size of 11,053 square feet.

- b. **Public Utilities** – The property is in the City of Olathe sewer and WaterOne service areas. Public Utility Easements (U/E), Sanitary Sewer Easements (SS/E), Drainage Easements (D/E), and Waterline Easements (WL/E) are being dedicated with this final plat.

- c. **Streets/Right-of-Way** – Roadways within the subdivision are being dedicated with this plat. The lots will have street access from S Warwick Street, south from W. 167th Street. This plat also vacates a portion of the right-of-way located at the terminus of 170th Terrace, where the approved cul-de-sac configuration overlaps with this plat boundary. See Exhibit A included in the packet.

### 3. Public Notification

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



*Aerial view of overall Heather Ridge South development, and subject property in yellow.*

### 4. Staff Recommendation

Staff recommends approval of FP24-0025, final plat of Heather Ridge South, 6th Plat, with no stipulations.

NO.	DATE	DESCRIPTION	BY
1	8/25/24	post & sign checked	RLC
2	8/21/24	completed	CTA
3	8/26/24	city comments	CTA

# FINAL PLAT OF HEATHER RIDGE SOUTH, 6TH PLAT

Part of the NE 1/4, SEC. 24, T14S, R23E

This is a survey and plat of part of the NE 1/4 of Section 24, T14S, R23E of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas, prepared by Gerald L. Corn, P.S., No. 1128, August 19, 2024, more particularly described as follows:

Beginning at the Northeast corner of the NE 1/4 of Section 24, T14S, R23E of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas; thence S 02°07'30" E along the West line of said NE 1/4, a distance of 2841.05 feet to the Southeast corner of said NE 1/4; thence N 88°01'16" E along the South line of said NE 1/4, a distance of 673.51 feet to the Southeast corner of Lot 178, HEATHER RIDGE SOUTH, 6TH PLAT, a subdivision in the City of Olathe, Johnson County, Kansas, said corner also being the TRUE POINT OF BEGINNING; thence N 02°05'00" W along the East line of said Lot 178 and its extension thereof, a distance of 207.81 feet to the Northeast corner of right-of-way of 170th Place, as plat; thence N 84°05'00" W along the North right-of-way line of said 170th Place, a distance of 341.7 feet; thence Westery continuing along the North right-of-way line of said 170th Place, on a curve to the left, having a radius of 320.00 feet, for a distance of 283.00 feet to the Southeast corner of Lot 179, HEATHER RIDGE SOUTH, 6TH PLAT; thence N 02°39'00" W along the East line of said Lot 179, a distance of 119.73 feet to a corner on the Southerly line of Lot 180, HEATHER RIDGE SOUTH, 6TH PLAT; thence N 02°39'00" E along the Southerly line of said Lot 180, a distance of 71.73 feet to a point on the Westery right-of-way line of Mainville Street, as plat; thence South along the Westery right-of-way line of said Mainville Street on a curve to the right, having an initial tangent bearing of S 24°09'00" E and a radius of 175.00 feet, for a distance of 15.14 feet; thence N 70°49'11" E along the Southerly line of Lot 190, HEATHER RIDGE SOUTH, 6TH PLAT and its extension thereof, a distance of 126.57 feet to a corner on the Southerly line of said Lot 190; thence N 08°27'47" E along the Southerly line of said Lot 190, a distance of 38.66 feet to the Southeast corner of said Lot 190; thence N 00°43'54" W along the Easterly line of said Lot 190, a distance of 74.45 feet to the Southeast corner of Lot 189, HEATHER RIDGE SOUTH, 6TH PLAT; thence N 00°43'54" W along the Easterly line of said Lot 189, a distance of 74.45 feet to the Southeast corner of Lot 188, HEATHER RIDGE SOUTH, 6TH PLAT; thence N 00°46'00" W along the East line of said Lot 188 and Lot 187, HEATHER RIDGE SOUTH, 6TH PLAT, a distance of 120.66 feet to the Southeast corner of Lot 187, HEATHER RIDGE SOUTH, 6TH PLAT; thence N 03°01'50" E along the East line of said Lot 186, a distance of 56.49 feet to the Southeast corner of Lot 136, HEATHER RIDGE SOUTH, 4TH PLAT, a subdivision in the City of Olathe, Johnson County, Kansas; thence N 04°27'00" W along the East line of said Lot 136, a distance of 7.23 feet to the Southeast corner of Lot 134, HEATHER RIDGE SOUTH, 4TH PLAT; thence N 87°20'00" E along the Southerly line of said Lot 134 and Lot 133 and Lot 132, HEATHER RIDGE SOUTH, 4TH PLAT, a distance of 240.58 feet to the Southeast corner of said Lot 132; thence N 02°51'00" W along the East line of said Lot 132, a distance of 60.01 feet to the Southeast corner of Lot 130, HEATHER RIDGE SOUTH, 4TH PLAT; thence N 87°20'00" E along the South line of said Lot 130 and its extension thereof, a distance of 171.14 feet to the Southeast corner of right-of-way of Durango Street, as plat; thence N 02°05'00" W along the East right-of-way line of said Durango Street, a distance of 10.64 feet to the Southwest corner of Lot 129, HEATHER RIDGE SOUTH, 4TH PLAT; thence N 87°20'00" E along the South line of said Lot 129, a distance of 124.99 feet to the Southeast corner of said Lot 129, said corner also being on the East line of the West 1/2 of said NE 1/4; thence S 02°05'22" E along the East line of the West 1/2 of said NE 1/4, a distance of 152.42 feet; thence S 09°03'09" W along the East line of Lot 7, as plat; thence N 88°01'16" E a distance of 23.30 feet to a point on the East line of the West 1/2 of said NE 1/4, said point also being the Northeast corner of Lot 7, H&R ESTATES, a subdivision in Johnson County, Kansas; thence S 02°05'22" E along the West line of said Lot 7, a distance of 234.00 feet to the Southeast corner of said Lot 7, said corner also being on the North right-of-way line of 170th Terrace, as plat and now established; thence S 88°01'16" E along the North right-of-way line of said Lot 7, a distance of 170.00 Terrace and its extension thereof, a distance of 155.12 feet; thence S 47°33'24" W a distance of 44.43 feet to a point on the Westery right-of-way line of said 170th Terrace; thence South along the Westery right-of-way line of said 170th Terrace on a curve to the left, having an initial tangent bearing of S 07°58'37" E and a radius of 50.00 feet, for a distance of 1.17 feet; thence S 88°01'16" E a distance of 1.35 feet to the Northeast corner of Lot 210, HEATHER RIDGE SOUTH, 6TH PLAT; thence S 88°01'16" W along the South line of said NE 1/4, a distance of 458.91 feet to the TRUE POINT OF BEGINNING, containing 9.56049 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 hereinafter be known as "HEATHER RIDGE SOUTH, 6TH PLAT".

The undersigned proprietor of said property shown on this plat does 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, drives, lanes, avenues, and alleys not heretofore dedicated.

Where prior easement rights have been granted to any person, utility or corporation on heretofore dedicated land so dedicated, any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereon and which are required to be relocated, in accordance with proposed improvements as shown on this plat, the undersigned proprietor hereby absolves and agrees to indemnify the City of Olathe, Kansas, from any expense incident to the relocation of any such existing utility installations within said public easement.

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, and sidewalks upon, 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 these areas outlined and designated on this plat as "Drainage Easement" or "D/E".

An easement or license is hereby dedicated to the Water District No. 1 of Johnson County 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 these areas outlined and designated on this plat as "Water Line Easement" or "W/E".

NOTICE: The site includes Stormwater Treatment Facilities, as defined and regulated in the Olathe Municipal Code, Section 17.16.080 C. Restrictions on the use or operation 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.

An easement is hereby granted and reserved by the undersigned proprietor of the above described land unto itself and the Heather Ridge South/Estates Homes Association to enter upon, plant, replace, repair, mow, clip, trim, spray, scientifically treat, repair, and otherwise maintain, and to authorize any such maintenance, of any and all grass, trees, shrubs, plants and other landscaping and all fences and monuments installed by the undersigned proprietor and the Heather Ridge South/Estates Homes Association upon, over, or under these areas outlined and designated on this plat as "Landscape Easement" or "L/E".

Tracts 1 and U shall be owned and maintained by the Heather Ridge South/Estates Homes Association. The tracts are intended to be used for landscaping, maintenance, fencing, utility open space, and/or Home Association amenities.

The lots in this subdivision shall not be subdivided except pursuant to Chapter 18.04.180, Lot Splits, of Unified Development Ordinance or by plat. The use of all lots in this subdivision shall hereinafter be subject to the restrictions which are effected as a separate instrument of writing and will be recorded in the Office of the Register of Deeds of Johnson County, Kansas, said restrictions will thereby 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 uses and thoroughfares or parts thereof, for the use, from here and said effect, of any special assessments and that the amount of the unpaid special assessments on such land dedicated and become and remain a lien on the remainder of this land fronting or abutting on said dedicated public way or thoroughfare.

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

STATE OF KANSAS )  
COUNTY OF JOHNSON )  
BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me a Notary Public in and for said State and County, **PHILIP W. MARTENS, President of MARTENS FAMILY ENTERPRISES, INC.**, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Corporation, and she duly acknowledged the execution of the same to be 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 above.

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_  
APPROVED by the Planning Commission of the City of Olathe, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

By: **WAYNE JANNER, Chairman**  
ATTEST: **GRENDIA D. SWANINGAN, City Clerk**

APPROVED by the Governing Body of the City of Olathe, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

By: **JOHN W. BACON, Mayor**  
I hereby certify that on 8/27/24, 2024, I or someone under my direct supervision completed a field survey of the above described tract of land and this is an accurate and true plat of said survey, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

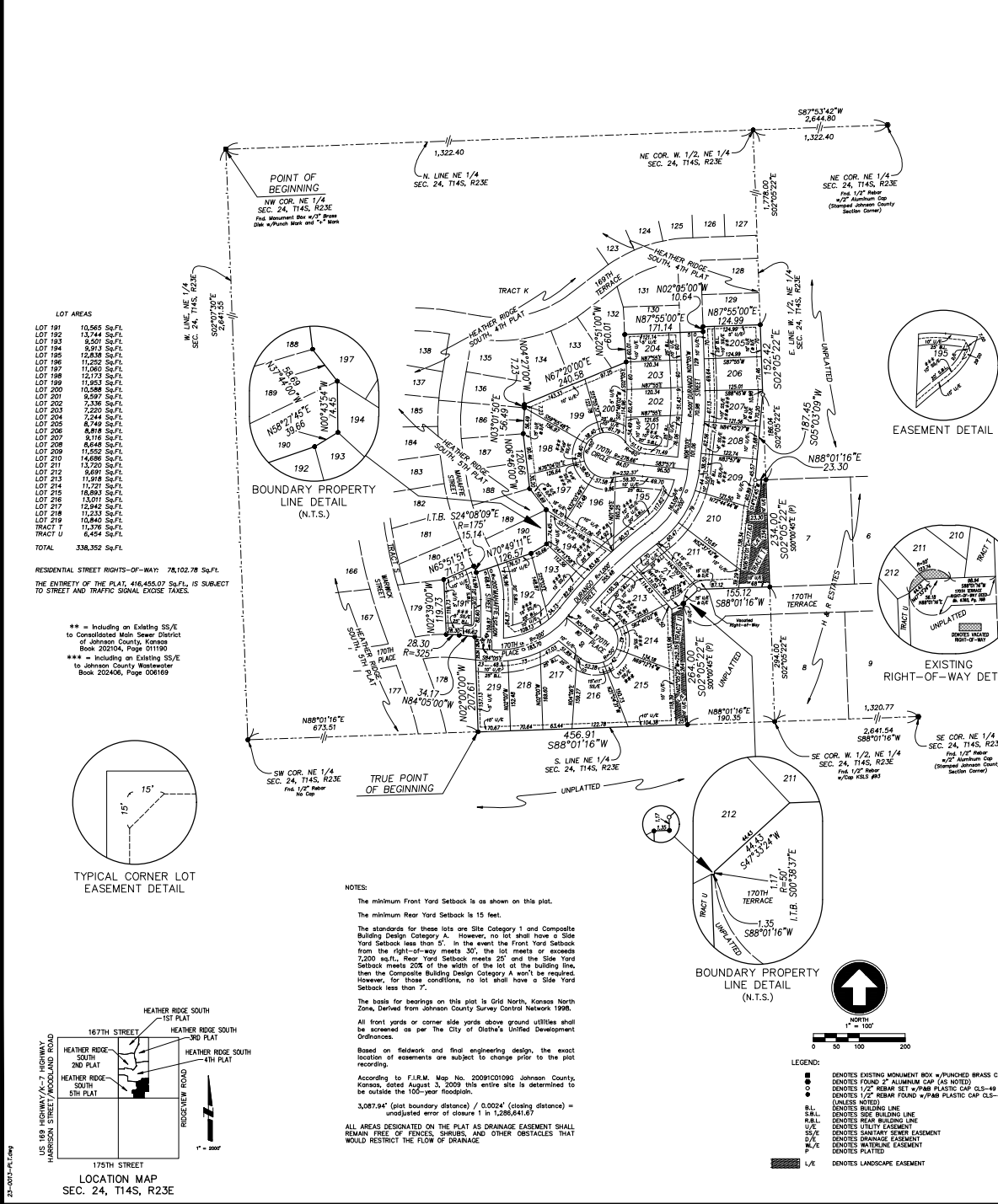
Gerald L. Corn  
Kansas P.S. No. 1128  
Date Prepared: 8/19/24, 2024

Payne & Brockway Engineers, P.A.  
P.O. Box 128  
Olathe, Kansas 66051  
913-782-8800

Developed By: Martens Family Enterprises, Inc.  
c/o Philip W. Martens  
16000 W. 158th Street, Suite C  
Olathe, Kansas 66062  
913-752-2278

FILE INFORMATION FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY  
COMMENT: 17-3894  
DATED: NOVEMBER 16, 2015

**Payne & Brockway P.A.**  
Civil Engineers & Land Surveyors  
40 North Kansas Ave., Olathe, Kansas 66062  
913-782-8800 FAX: 913-782-8999  
www.PayneBrockway.com

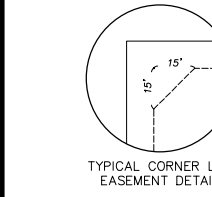


LOT AREAS

LOT 191	10,565 Sq.Ft.
LOT 192	7,744 Sq.Ft.
LOT 193	9,501 Sq.Ft.
LOT 194	8,813 Sq.Ft.
LOT 195	12,838 Sq.Ft.
LOT 196	11,252 Sq.Ft.
LOT 197	11,960 Sq.Ft.
LOT 198	12,373 Sq.Ft.
LOT 199	11,953 Sq.Ft.
LOT 200	8,988 Sq.Ft.
LOT 201	8,597 Sq.Ft.
LOT 202	7,356 Sq.Ft.
LOT 203	7,220 Sq.Ft.
LOT 204	7,544 Sq.Ft.
LOT 205	8,749 Sq.Ft.
LOT 206	8,418 Sq.Ft.
LOT 207	9,116 Sq.Ft.
LOT 208	8,814 Sq.Ft.
LOT 209	11,552 Sq.Ft.
LOT 210	14,626 Sq.Ft.
LOT 211	16,093 Sq.Ft.
LOT 212	9,699 Sq.Ft.
LOT 213	11,818 Sq.Ft.
LOT 214	11,721 Sq.Ft.
LOT 215	12,842 Sq.Ft.
LOT 216	13,011 Sq.Ft.
LOT 217	12,942 Sq.Ft.
LOT 218	17,233 Sq.Ft.
LOT 219	10,840 Sq.Ft.
LOT 220	8,654 Sq.Ft.
TRACT U	6,454 Sq.Ft.
TOTAL	338,352 Sq.Ft.

RESIDENTIAL STREET RIGHTS-OF-WAY: 78,102.78 Sq.Ft.  
THE ENTIRETY OF THE PLAT, 416,455.07 Sq.Ft., IS SUBJECT TO STREET AND TRAFFIC SIGNAL CROSSING TAXES.

\*\* = Including an Existing 55' E to Consolidated Main Sewer District of Johnson County, Kansas Book 202104, Page 01190  
\*\*\* = Including an Existing 55' E to Johnson County Wastewater Book 202406, Page 008169

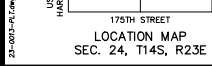


NOTES:  
The minimum Front Yard Setback is as shown on this plat.  
The minimum Rear Yard Setback is 15 feet.  
The standards for these lots are Site Category 1 and Composite Building Design Category A. However, no lot shall have a Side Yard Setback less than 5'. In the event the Front Yard Setback from the right-of-way meets 30', the lot meets or exceeds 7,200 sq.ft., Rear Yard Setback meets 20' and the Side Yard Setback meets 20% of the width of the lot of the building line, then the Composite Building Design Category A won't be required. However, for those conditions, no lot shall have a Side Yard Setback less than 7'.

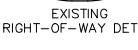
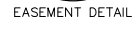
The basis for bearings on this plat is Grid North, Kansas North Zone, Derived from Johnson County Survey Control Network 1998.  
All front yards or corner side yards above ground utilities shall be screened as per the City of Olathe's Unified Development Ordinance.

Based on fieldwork and field engineering design, the exact location of easements are subject to change prior to the plat recording.  
According to F.I.R.M. Map No. 2009F01090 Johnson County, Kansas, dated August 3, 2009 this entire site is determined to be outside the 100-year floodplain.

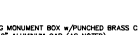
3.08794' (plat boundary distance) / 0.0004' (existing distance) = unnotated error of closure 1 in 12,864,91.07  
ALL AREAS DESIGNATED ON THE PLAT AS DRAINAGE EASEMENT SHALL REMAIN FREE OF FENCES, SHRUBS, AND OTHER OBSTACLES THAT WOULD RESTRICT THE FLOW OF DRAINAGE.



US 168 HIGHWAY (I-74) HIGHWAY  
HEATHER RIDGE SOUTH, 6TH PLAT  
175th STREET  
SEC. 24, T14S, R23E



- LEGEND:
- DENOTES EXISTING MONUMENT BOX w/ PUNCHED BRASS CAP
  - DENOTES FOUND 2" ALUMINUM CAP (AS NOTED)
  - DENOTES 1/2" REBAR SET w/RAB PLASTIC CAP CLS-44
  - DENOTES 1/2" REBAR FOUND w/RAB PLASTIC CAP CLS-44 (UNLESS NOTED)
  - DENOTES BUILDING LINE
  - DENOTES SIDE BUILDING LINE
  - DENOTES REAR BUILDING LINE
  - DENOTES UNPLATTED EASEMENT
  - DENOTES DRAINAGE EASEMENT
  - DENOTES WASTEWATER EASEMENT
  - DENOTES PLATTED
  - DENOTES LANDSCAPE EASEMENT



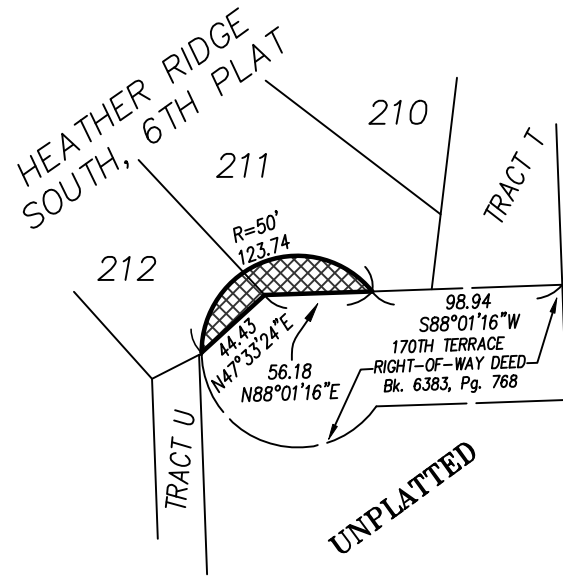
# EXHIBIT "A"

## RIGHT-OF-WAY VACATION



1"=100'

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



Denotes Right-of-Way Vacation

**EXHIBIT "A"**  
PT. NE 1/4, SEC. 24, T14S, R23E



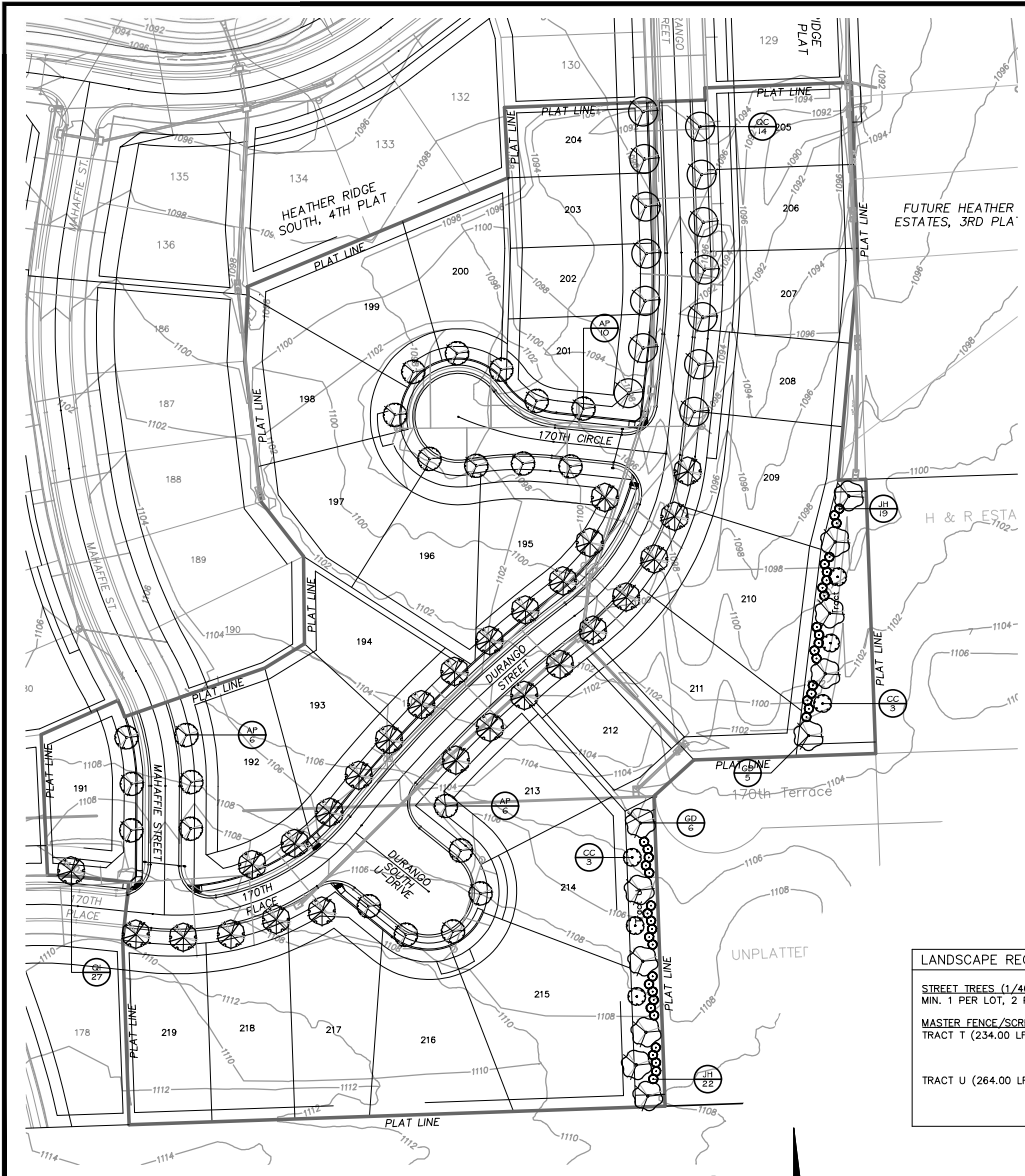
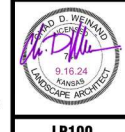
**Payne & Brockway P.A.**

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

DATE 9/30/24

CTA

NO.	DATE	REVISIONS



**PLANT SCHEDULE**

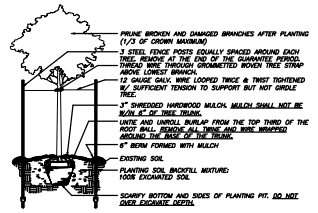
SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
<b>EVERGREEN TREE</b>						
	JH	Juniperus virginiana 'Hillspire'	Hillspire Juniper	6' HL	B&B / Cont.	41
<b>ORNAMENTAL TREE</b>						
	CC	Cercis canadensis	Eastern Redbud	1.5' Cal	B&B / Cont.	6
<b>SHADE TREE</b>						
	GD	Gymnocladus dioica 'Espresso'	Espresso Coffeetree	2.5' Cal.	B&B / Cont.	11
<b>STREET TREES</b>						
	AP	Acer truncatum x platanoides 'Vireanense'	Pacific Sunsett® Maple	2' Cal.	B&B / Cont.	22
	QC	Quercus coccinea	Scarlet Oak	2' Cal.	B&B / Cont.	14
	CI	Quercus imbricaria	Shingle Oak	2' Cal.	B&B / Cont.	27

**LANDSCAPE NOTES:**

- ALL LANDSCAPE MATERIALS SHALL MEET THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1 CURRENT VERSION), PUBLISHED BY THE AMERICAN NURSERMEN'S ASSOCIATION, AND BE SELECTED FOR ITS NATIVE CHARACTERISTICS OR SURVIVAL IN THE CLIMATE FOR THE KANSAS CITY REGION, AND BE PLANTED AND MAINTAINED TO ANS SPECIFICATIONS.
- ALL AREAS DISTURBED DURING CONSTRUCTION NOT DESIGNATED AS ANOTHER MATERIAL SHALL BE SODED WITH TURF TYPE TALL FESCUE BLEND 300 CONSISTING OF 90% TURF TYPE TALL FESCUE (3 VARIETIES MINIMUM) AND 10% BLUEGRASS.
- NO PLANTINGS SHALL BE PLACED CLOSER THAN 4" FROM THE BACK OF CURB TO ALLOW FOR VEHICLE BUMPER OVERHANG AND DOOR SWING.
- ALL TREES SHALL HAVE A MULCH RING. 3" MINIMUM DEPTH SHREDED HARDWOOD MULCH SHALL BE PLACED IN A 5' DIAMETER CIRCLE AROUND THE BASE OF THE TREE AND MULCH SHALL NOT TOUCH THE BARK OF THE TREE TRUNK. MULCH SHALL BE FORMED INTO A SAUCER TO RETAIN MOISTURE.
- IRRIGATION SHALL BE INSTALLED ON THE PROJECT TO WATER ALL LANDSCAPE BUFFERS, WITH TURF AND TREES ON SEPARATE ZONES. IRRIGATION SYSTEM DESIGN SHALL BE PROVIDED BY THE GENERAL CONTRACTOR AND DESIGN SHALL BE APPROVED BY OWNER'S REP PRIOR TO COMMENCING INSTALLATION OR ORDERING OF ANY IRRIGATION MATERIALS. ALL PIPE USED FOR IRRIGATION SYSTEM SHALL BE SCHEDULE 40.

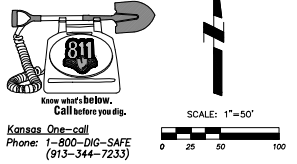
**LANDSCAPE REQUIREMENTS — OLATHE, KANSAS**

STREET TREES (1/40 LF) MIN. 1 PER LOT, 2 PER CORNER LOT	REQUIRED YES	PROPOSED YES
MASTER FENCE/SCREENING (REAR RES LOTS — 8 EV + 2 SHADE + 1 ORN / 100 LF) TRACT T (234.00 LF)	19 Evergreen 5 Shade 3 Ornamental	19 Evergreen 5 Shade 3 Ornamental
TRACT U (264.00 LF)	22 Evergreen 6 Shade 3 Ornamental	22 Evergreen 6 Shade 3 Ornamental



3 TYP. TREE PLANTING DETAIL  
NTS

1 STREET TREE & MASTER FENCE/SCREENING PLAN  
1" = 50'



Know what's Below.  
Call before you dig.  
Kansas One-call  
Phone: 1-800-DIG-SAFE  
(913-344-7233)

**Chad D. Weinand, P.L.A., A.S.L.A.**  
Landscape Architecture  
15173 W. 157th Terrace, Olathe, Kansas 66062  
913.684.3738 • cweinand74@gmail.com  
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