



## STAFF REPORT

Planning Commission Meeting: March 24, 2025

<b>Application:</b>	<b>FP25-0005: Final Plat of Lyonz Den Townhomes</b>
<b>Location:</b>	Southwest of E. Spruce and E. Kanas City Road
<b>Owner:</b>	Andree Saad; Lyonz, LLC
<b>Applicant:</b>	Tania Goncalves; Avalon Properties, LLC
<b>Engineer/Architect:</b>	Gerald Conn; Payne & Brockway P.A.
<b>Staff Contact:</b>	Emily Carrillo; Senior Planner

<b>Site Area:</b>	<u>0.89 ± acres</u>	<b>Proposed Use:</b>	<u>Townhomes</u>
<b>Lots:</b>	<u>1</u>	<b>Existing Zoning:</b>	<u>RP-3 (Planned Low Density Multifamily)</u>
<b>Tracts:</b>	<u>0</u>	<b>Existing Plat:</b>	<u>Cornwall &amp; Barton's Addition</u>

### 1. Introduction

The following application is a request for a final plat of Lyonz Den Townhomes. This plat will establish lot lines, dedicate public easements for one (1) residential lot, and vacate a portion of existing sanitary sewer easement (SS/E) within the Lyonz Den Townhome multifamily development.

The subject property was rezoned to the RP-3 District in 2006, with amendments in 2008. The replat aligns with the revised preliminary site development plan.

In 2008, a revised site development plan for McBride Townhomes (PR-08-030) was approved, allowing the construction of four (4) two-unit townhome buildings. A final plat (P-11-001) was approved in 2011 but was never recorded and has since expired, requiring a new final plat application. A final site development plan application (PAR25-0001) is currently under staff review, which includes the remaining two townhome buildings.

### 2. Plat Review

- a. **Lots/Tracts** – The final plat includes one (1) multifamily residential lot. This residential lot is intended for the construction of two (2) remaining townhome buildings.

- b. **Streets/Right-of-Way** – This lot currently takes access from E. Spruce Street that will be retained.
- c. **Public Utilities** – The project is within the City of Olathe water and sanitary sewer service areas and will connect to existing utilities currently servicing the two (2) existing townhome structures located on the subject property. A portion of the existing 10-foot sanitary sewer easement (SS/E) is being vacated with this plat. A new SS/E has been relocated and is being dedicated with this plat.
- d. **Stormwater** – The preliminary development plan for the subject property was approved prior to Title 17 requirements for the City of Olathe, so no stormwater quality or quantity improvements 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.



*Aerial view of subject property outlined in yellow.*

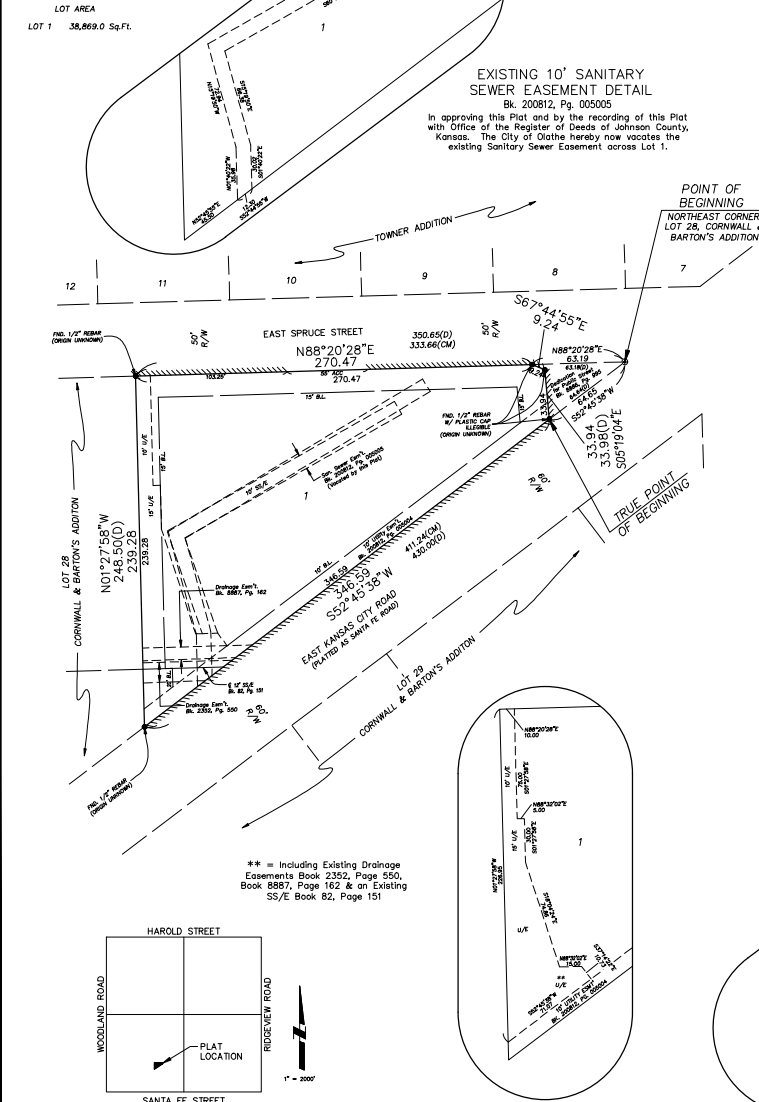
### 4. Staff Recommendation

- A. Staff recommends approval of F25-0005, the final plat of Lyonz Den Townhomes, with no stipulations.

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	2/14/25	CITY PLANNING DIVISION COMMENTS	SSJ

# FINAL PLAT OF LYONZ DEN TOWNHOMES

## Replat of Part of Lot 28, CORNWALL & BARTON'S ADDITION



**NOTES:**

The basis for bearings on this plat is NAD83, Kansas North Zone.

Lot 1 shall have No Direct Vehicular Access to East Kansas City Road and East Spruce Street, except as shown on this plat.

In approving this plat by the City of Olathe and recording this plat with the Office of the Register of Deeds, restrictions and covenants building lines, and lot lines that lie within those parts of Lot 28, CORNWALL & BARTON'S ADDITION being replatted, are hereby now vacated, except as shown on this plat.

Based on fieldwork and final engineering design, the exact location of easements are subject to change prior to the plat recording.

All above ground electrical and/or telephone cabinets shall 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 such cabinets are screened with landscape materials.

This property is currently zoned RP-3 (Planned Low-Density Multifamily)

According to F.I.R.M. Map No. 2009ICD079G, Johnson County, Kansas, dated August 3, 2009 this entire site is determined to be outside the 100-year floodplain.

899.52' (plat boundary distance) / .0010' (closing distance) = unadjusted error of closure 1 in 128502.86

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.

Prepared By: Payne & Brockway Engineers, P.A.  
P. O. Box 128  
Olathe, Kansas 66051  
913-782-4800

Prepared For: Lyonz LLC  
c/o Andre Saad, Member  
9434 E. Grass Creek Court  
Wichita, Kansas 67206

Developed By: Avalon Properties, LLC  
c/o Tania Goncalves  
15833 S. Sycamore Street  
Olathe, Kansas 66062  
913-449-1943

Date Prepared: January 24, 2025

This is a resurvey and replat of part of Lot 28, CORNWALL & BARTON'S ADDITION, a subdivision in the City of Olathe, Johnson County, Kansas, prepared by Gerald L. Conn, P.S., No. 1128, January 14, 2025, more particularly described as follows:

Beginning at the Northeast corner of Lot 28, CORNWALL & BARTON'S ADDITION, a subdivision in the City of Olathe, Johnson County, Kansas; thence S52°45'38" W along the Southeastery line of said Lot 28, a distance of 64.85 feet to a point on the Northwestery right-of-way line of East Kansas City Road, as platted (Santa Fe Road), said point also being the True Point of Beginning; thence continuing S52°45'38" W along the Southeastery line of said Lot 28 and the Northwestery Right-of-Way line of said East Kansas City Road, a distance of 346.59 feet; thence N 01°27'58" W a distance of 239.28 feet to a point on the North line of said Lot 28, said point also being on the South Right-of-Way line of Spruce Street, as platted; thence N 88°20'28" E along the North line of said Lot 28 and along the South Right-of-Way line of said Spruce Street, a distance of 270.47 feet to a point on the Westery line of the Dedication for a Public Street, conveyed to the City of Olathe in Book 8886, Page 992; thence S 67°42'53" E along said Westery line, a distance of 9.24 feet; thence S 05°19'04" E continuing along said Westery line, a distance of 33.94 feet to the True Point of Beginning, containing 0.89231 acres more or less.

The undersigned proprietors of the above-described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "LYONZ DEN TOWNHOMES".

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 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 said parts of the land so dedicated, any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietors hereby observe and agree to indemnify the City of Olathe, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, sewer pipes, manholes, etc., upon, over, and across those areas outlined and designated on this plat as "Sanitary Sewer Easement" or "SS/E".

Lot 1 shall be owned by LYONZ LLC, or their heirs, assigns, etc. and maintained by a said LLC.

The lot in this subdivision shall not be subdivided except pursuant to CHAPTER 18.40.180 Spills, of Unified Development Ordinance or by replat.

The use of the lot in this subdivision shall hereafter be subject to the restrictions which will be executed 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 hereby be made a part of the dedication of this plat as though fully set forth herein.

The undersigned proprietors of the above described tract of land hereby consent and agree 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 assessments on such land dedicated shall 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 proprietors have caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

LYONZ, LLC

Andre Saad, Member

STATE OF \_\_\_\_\_ (KANSAS) SS  
COUNTY OF \_\_\_\_\_ (JOHNSON)

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me a Notary Public in and for said County and State, came Andre Saad, Member of LYONZ, LLC, 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.

My Appointment Expires: \_\_\_\_\_

Notary Public

APPROVED by the Planning Commission of the City of Olathe, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

By: WAYNE JANNER, Chairman

APPROVED by the Governing Body of the City of Olathe, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

By: JOHN W. BACON, Mayor  
BRENDA D. SWEARINGAN, City Clerk

I hereby certify, that on 1/27/21, 2025, 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 \_\_\_\_\_, 2025.

Gerald L. Conn  
Kansas P.S. No. 1128

TITLE INFORMATION FURNISHED BY  
SECURITY 1ST TITLE INSURANCE COMPANY  
REPORT No. 31066713  
DATED DECEMBER 02, 2024

LYONZ DEN TOWNHOMES  
SEC. 25, T13S, R23E  
JOHNSON COUNTY, KANSAS

**Payne & Brockway P.A.**  
CIVIL ENGINEERS & LAND SURVEYORS  
405 SOUTH KANSAS AVE. OLAHE, KANSAS 66064  
PH: 913-782-4800 FAX: 913-782-4807  
WWW.PAYNE-BROCKWAY.COM

24-0021-PL-01